

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 6 March 2024 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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**

The minutes relate to the meeting of the Planning Committee on 7 February 2024.

3 **Urgent Items**

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

4 **Declarations of Interests (Pages 1 - 2)**

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

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

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

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 8 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **WH/23/01855/FULEIA - Rolls Royce Motor Cars, The Drive, Westhampnett, Chichester, West Sussex, PO18 0SH** (Pages 3 - 71)
Hybrid Planning Application, Phase 1 (Full application) - erection of new 5 no. buildings for manufacturing and ancillary uses, extension and reconfiguration of existing facility including demolition works and removal of temporary structures, creation of new vehicular access from Roman Road, car and HGV parking and other associated works and infrastructure, including earthworks, drainage, utilities, landscaping and diversion of footpath. Phase 2 (Outline Planning application) - extension to new main building to deliver decked car parking, and new building(s) on existing Stane Street Car Park, for assembly and ancillary uses and other associated works, demolition/site clearance and infrastructure, including earthworks, drainage, utilities and landscaping. (All Matters Reserved except access).
- 6 **SB/23/00024/OUT - Land To The North Of Penny Lane Penny Lane Hermitage PO10 8HE** (Pages 73 - 112)
Erection of up to 84 dwellings with associated parking, public open space, drainage and alterations to access (all matters reserved except for access).
- 7 **SB/22/01903/OUT - Four Acre Nursery, Cooks Lane, Southbourne** (Pages 113 - 160)
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.

The Committee is asked to consider the attached report and make the proposed recommendation as follows;

2.1 **The Committee is asked to note the contents of this report and endorse the resolution of the 6 December 2023 Planning Committee to defer the application for S106 and then permit subject to:**

- i. **conditions as set out in Appendix 1.**
- ii. **Replacement hedgerow condition**

No development shall commence on site, unless and until details of new hedgerow planting and hedgerow strengthening, to mitigate the loss of hedgerow at the site access, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping, including watering and maintenance arrangements. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

Any plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of conserving and enhancing biodiversity.

iii. Expansion of the Green Ring condition

In conjunction with the first Reserved Matters application, details and plans demonstrating an increase to the open space area adjacent to the northern and western boundaries within the application site to strengthen the provision of the 'Green Ring' (over and above that indicated on the sketch site layout drawing number 3132/C/10005/SK rev 5) and including how the Green Ring will relate to the adjacent approved housing scheme to the north and west, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason: in the interests of ecological connectivity, outdoor recreation and encouraging sustainable movement through the Parish.

iv. Biodiversity Net Gain Assessment condition

In conjunction with the first Reserved Matters application, a Biodiversity Net Gain Assessment Report, setting out how the development will result in a minimum Biodiversity Net Gain of 10%, measured against the Statutory Biodiversity Metric, together with a timetable for delivery and verification measures, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development results in an appropriate biodiversity enhancement.

8

NM/22/02191/OUT - Charmans Field, Marsh Lane, Runcton (Pages 161 - 225)
Outline planning application (with all matters reserved except access) for the development of up to 94 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works including new footway and cycleway links.

The Committee is asked to consider the attached report and make the proposed recommendation;

The Committee is asked to note the contents of this report and endorse the resolution of the 8 November Planning Committee to defer the application for S106 and then permit subject to conditions.

- 9 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 227 - 246)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 247 - 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.
- 11 **Government Consultation on 'Strengthening Planning Policy for Brownfield Development - REPORT TO FOLLOW**
The Planning Committee are asked to consider the report and make the proposed recommendation.
- 12 **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
- 13 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]

5. Subject to Covid-19 Risk Assessments members of the public are advised of the following;
 - a. Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages
 - b. Where a member of the public has registered a question they will be invited to attend the meeting and allocated a seat in the public gallery
 - c. You are advised not to attend any face-to-face meeting if you have symptoms of Covid-19.

6. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

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

Committee report changes appear in bold text. Application Status

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

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Chichester District Council

Planning Committee

Wednesday 6 March 2024

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: Westhampnett	Ward: Goodwood
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WH/23/01855/FULEIA

Proposal	Hybrid Planning Application, Phase 1 (Full application) - erection of new 5 no. buildings for manufacturing and ancillary uses, extension and reconfiguration of existing facility including demolition works and removal of temporary structures, creation of new vehicular access from Roman Road, car and HGV parking and other associated works and infrastructure, including earthworks, drainage, utilities, landscaping and diversion of footpath. Phase 2 (Outline Planning application) - extension to new main building to deliver decked car parking, and new building(s) on existing Stane Street Car Park, for assembly and ancillary uses and other associated works, demolition/site clearance and infrastructure, including earthworks, drainage, utilities and landscaping. (All Matters Reserved except access).		
Site	Rolls Royce Motor Cars, The Drive, Westhampnett, Chichester, West Sussex PO18 0SH		
Map Ref	(E) 488512 (N) 106717		
Applicant	Rolls-Royce Motor Cars	Agent	Mr Will Riley, David Lock Associates

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



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

- 1.1 Departure from the provisions of the Chichester Local Plan: Key Policies 2014-2029.
- 1.2 Contentious application on which officers consider a decision should be made by the Planning Committee.

2.0 The Site and Surroundings

- 2.1 The red lined site area the subject of this hybrid application comprises approximately 23.90 hectares (ha). In addition to the existing Rolls Royce manufacturing plant which obtained planning permission in 2001, the site includes an area of approximately 10 ha of undeveloped arable land immediately to the east. The site is approximately 22-25 m above Ordnance Datum (AOD) which rises to approximately 29 m AOD on the mounded area at the eastern side of the existing manufacturing facility. The existing manufacturing plant comprises around 50,000 sqm of modern industrial buildings (five main buildings) set in a partially sunken complex and was designed by architect Sir Nicholas Grimshaw and Partners. It is set in a parkland setting with ponds and extensive tree and shrub planting both formal and informal together with strategically positioned landscaped bunds to enhance the screening effect. The roof of the main building on the site is barrel-vaulted to reflect the undulation of the adjacent downland setting and is planted with a green sedum rich medium, a surface treatment repeated on the other buildings within the complex. The overall result, 20 years on, is a site with a visually enclosed and naturalistic feel which integrates well with its wider setting.
- 2.2 The 10ha land parcel which is broadly triangular in shape comprises an agricultural field, open grassland, intermittent wooded areas and a grassy, tree and shrub planted artificial soil mound. The mound which is directly east of the manufacturing plant was formed during the construction of the existing facility to provide a landscaped bund and screening from the wider environment. The 10ha component of the site is bounded to the south east by Stane Street and to the north east by Sidengreen Lane which is also a bridleway (no. 3583) leading to Sidengreen Farm. A small industrial estate, The Mill, is located adjacent to Sidengreen Lane at the south-east corner of the site with a separate access onto Stane Street. The site is bisected north to south by the line of public footpath no. 417 which links Stane Street to the south with Westerton to the north. The Rolls Royce site has 2 points of vehicular access - one from The Drive which is a dedicated arm off the Madgwick roundabout and is the primary access for executives and visitors, and the other from Stane Street which is the access for shift staff, HGV's, contractors and deliveries. The site is served by three existing car parks – one adjacent to the site entrance off Stane Street (620 spaces), the 'Building 10' car park accessed off The Drive (170 spaces), and the landscaped staff car park off Claypit Lane (492 spaces), opposite The March CoE Primary School. Collectively these provide a total of 1,282 parking spaces.
- 2.3 The site is not located within any Site of Special Scientific Interest (SSSI), it is not within the South Downs National Park or Chichester Harbour National Landscape, a designated Area of Outstanding Natural Beauty (AONB), or any World Heritage Site (WHS) or Scheduled Monument and is not subject to any statutory or non-statutory designations for nature conservation or heritage.
- 2.4 The site is situated approximately 750 m south of the boundary of the South Downs National Park (SDNP) and is within the 12 Km buffer zone for the Singleton and Cocking

Tunnels Special Area of Conservation (SAC) (approximately 660 metres outside the 6.5km conservation buffer zone), designated for their populations of Bechsteins and Barbastelle bat species.

- 2.5 The whole Rolls Royce site is located within Environment Agency Flood Zone 1 i.e. within the lowest risk of flooding. The Council's records indicate the site is not in proximity to any Source Protection Zone. Preliminary indications suggest that the agricultural land classification for that part of the 10ha land parcel which is currently farmed (approximately 7.9 ha) is mostly grade 3a with a smaller proportion of grade 2 at the northern end.
- 2.6 There are several Grade II listed buildings and heritage assets within the vicinity of the site including: The Old Post House, The former Coach and Horses public house and Maudlin Cottage. In addition, the southern site boundary is immediately adjacent to and partly within an Archaeology Priority Area (the Roman road at Stane Street). Further Archaeological Priority Areas are located approximately 285 metres away at Goodwood Airfield to the NW and a Roman/Iron Age settlement site approximately 90 m to the west. The closest conservation area is Chichester which lies approximately 1.4km from the nearest site boundary. The grade I listed Historic Park and Gardens at Goodwood House are just beyond a 1km radius taken from the nearest part of the red lined site.
- 2.7 The closest residential properties at Maudlin are opposite the 10 ha site on the south side of Stane Street and off Old Arundel Road, to the north of Stane Street east of the Everyman Garage, and at Wealden Drive beyond the west site boundary.

3.0 The Proposal

- 3.1 The development proposals by Rolls-Royce Motor Cars (R-RMC) are submitted as a hybrid planning application to be delivered in two distinct phases. The application is accompanied by a detailed Environmental Statement (ES). The first phase seeks full planning permission and would deliver the majority of the proposed extension to the manufacturing facility including much of the site-wide infrastructure, extensive landscape bunds, tree planting, diverted public right of way and new vehicular access off Stane Street. Phase 2 seeks agreement via outline planning permission with all matters reserved save for 'access', for the principle of a second stage of development of the site. This includes an extension to the new Phase 1 main building to deliver a decked car park and a further new building on part of the existing Stane Street car park for assembly, analysis and distribution. The key components of both phases are set out below:

PHASE 1 - detailed proposals

- Main building of 41,650 sqm gross external area (GEA) (40,941 sqm GIA) over ground and first floors comprising: Logistics, Interior Trim Centre, Exterior Surface Centre, Analysis, Assembly and Distribution. Flat, bioSolar roof planted with meadow-style planting, photovoltaic panels and skylights. Upper facade of building on north and east elevations comprise vertically aligned timber louvres. Timber cladding on upper part of south elevation to match that on the existing building. Maximum building height 38.62 m AOD (includes top edge of photovoltaics) (13.47 m from FFL to roof level). Approximate overall ground plan dimensions: 283m (E), 61m (N), 132m (S), 275m (W)

- Proposed hours of operation: 06:00 – 00:00 Monday to Saturday for use classes B2, B8 and E(g). Exterior Surface Centre: continuous operation from 06:00 – 00:00 Monday to Saturday. (These hours are the same as permitted for the existing facility under WH/06/02851/FUL)
- Revised work shift patterns with end of morning shift and start of afternoon shift being at 14:30
- New glazed pedestrian bridge connecting new main building with existing building at first floor level.
- Removal of large chimney structure from the Exterior Surface Centre in the existing manufacturing facility.
- Removal of existing administration and post room portacabins and two existing temporary buildings.
- Repurpose, refurbish and reorganise 21,300 sqm of the existing buildings.
- Additional ancillary buildings/facilities 745 sqm (GEA): new waste facilities to the north, an auxiliary building hosting mechanical and electrical plant, a fire station and electrical plant rooms for the local energy network SSEN, a new gatehouse, an infill building for the Assembly Hall.
- A new vehicular site entrance from Stane Street on the eastern side of the site leading to a redesigned internal access strategy.
- A new surface level car park providing a total of 550 additional spaces for staff plus lorry parking bays for 10 HGV's. (Car parking capacity increases from 1,282 to 1,832)
- 153 additional cycle spaces and 61 motorcycle spaces
- Extensive new landscaping on the site aligning with the existing facility incorporating substantial contoured earth bunds to the north, east and south. Bunds no steeper than 1 in 3 on the outward facing slope. Top of bund to south boundary would be approx. 55m north of Stane Street and would be 4.7m higher than the existing road level. Bund to east approx. 7.5m higher than the proposed FFL of the site. Bunds to be planted with native and evergreen trees, hedging and scrub to blend the site into the surrounding landscape. SuDS ponds/swales to south and east as part of surface water drainage strategy.
- Permanent diversion of public footpath FP417. New alignment temporary diverted onto bridleway 3583 while earthworks take place.

PHASE 2 - outline proposals/key development parameters

(The application is accompanied by a 'Development Parameters Plan' which sets out the maximum ground plan dimensions and heights of the phase 2 components. This would

need to be adhered to as part of a subsequent reserved matters application. A condition in that regard is attached to the Recommendation).

- New 48,000 sqm (GIA) multi-storey car park over 4 floors to the south of the Phase 1 main building providing an indicative maximum parking capacity of 1,700 spaces and replacing Phase 1 surface level car park. Multi-storey car park to be at same height as Phase 1 main building, 38.62 m AOD.
- New 7,500 sqm (GIA) building over 2 floors constructed over part of existing Stane Street car park for Analysis, Assembly and Distribution. At 35.80 m AOD this will be lower than the Phase 1 building. South-West corner of building to be curved to match the curve on the south-east corner of the multi-storey car park and the curved corner on the north-east of the Phase 1 building.
- A further 61 cycle spaces and 24 motorcycles spaces

3.2 In terms of the delivery of the development, R-RMC envisage that subject to obtaining planning permission this year, the detailed Phase 1 components would commence in 2024 and would be first operational in 2027. Elements of internal reconfiguration and reorganisation included as part of Phase 1 are anticipated to carry through to 2029. In terms of Phase 2, the operational business requirements of R-RMC in that regard are not yet fixed but the ES has assessed a delay of 7-10 years in the Phase 2 submission and implementation of Reserved Matters from the date of Phase 1 implementation (2024) which results in a gap between construction of Phase 1 and Phase 2 of 2-5 years. However, the ES also considers alternative scenarios where Phase 2 is delayed, for example, to give R-RMC the flexibility to assess and respond to market conditions for its Bespoke and Coachbuild operations. The ES also considers the scenario where Phase 2 is not taken forward. The recommendation to permit the outline component of the application is proposing 6 years in which to submit details of the reserved matters and a further 2 years in which to implement the development.

4.0 History

00/03103/FUL	PER106	Construction of manufacturing plant and head office (to include uses within classes B1, B2 and B8), together with construction of new accesses, landscape and other associated works.
02/03376/FUL	PER	Erection of various marquees to support sales and marketing events and temporary vehicle storage over a 3 year period from date of application.
03/02106/FUL	PER	Construction and erection of a dedicated sheltered motorcycle/scooter parking area adjacent to existing car park.
05/04779/FUL	PER	Erection of marquees for various sales and marketing events, and for temporary vehicle

storage.

06/02851/FUL	PER106	Variation of planning conditions 5, 9 and 37 of planning consent ref: WH/00/03103/FUL including extension of approved area of development to implement reconfiguration and extension of parking facilities.
06/05848/FUL	PER	Temporary office accommodation at two locations. 2 Storey 4 'unit' block located in paint shop car park. 6 Single units located over the swale between assembly building B50 and Services Building B90.
07/03072/FUL	PER	Mezzanine floor and fire escape door to ground floor.
07/03166/FUL	PER	Mezzanine floor. 2 no. external escape staircases.
07/06102/FUL	PER	Erect two cyclone filter units within the perimeter of the grounds. Filters will be situated between building 90 and building 50.
09/01911/FUL	PER	1 no. temporary storage tent for the storage of motor cars prior to model launch.
09/02870/FUL	PER	Temporary storage tent for cars due to the launch of a new model.
11/01151/FUL	PER	Temporary storage tent for vehicles due to the launch of new models (permission required until end of 2020). Amendment of condition 1 of planning permission WH/09/02870/FUL.
11/03884/FUL	PER	Extension to existing paint shop.
11/03905/FUL	PER	Variation of condition 1 of planning permission WH/09/01911/FUL. 1 no. temporary storage tent for the storage of motor cars prior to model launch.
12/00054/FUL	PER	Erection of two temporary buildings.
12/00705/FUL	PER	Erection of internal mezzanine floors within Buildings 51 and 90 and erection of canopy to Building 51.
13/01842/FUL	PER	Installation of new external staircase with

		modification to existing sun screen and glazed elevation. Additional external ventilation cowl above roof level.
13/03342/FUL	PER	Erection of a temporary storage building/tent for the support of production operations to contain finished and semi finished vehicles. This facility is to be removed before 28th Feb 2014.
13/03344/FUL	PER	Erection of temporary storage building/tent to store finished and semi finished vehicles to support production requirements. The approval is requested until 31st December 2020.
14/01437/CMA	NOBJ	WSCC Ref: WSCC/025/14/WH Location: Rolls Royce Motor Cars Ltd, The Drive, Westhampnett, Chichester, West Sussex PO18 0SH Proposal: Relocation of waste management facility.
14/02164/FUL	PER	Provision of two parking bays with associated charging equipment to recharge electric vehicles.
15/00787/FUL	PER	Variation of Condition 2 of planning permission WH/11/03884/FUL - by submission of a set revised drawings for Phase 2 reflecting the increase in height of the first floor extension, matching that of the adjacent penthouse area on the main building.
15/01862/FUL	PER	Erection of one temporary building 10m x 12m.
16/01072/FUL	PER	Installation of 1 no. extract vent (louvre) and 2 no. exhaust stacks.
16/02085/FUL	PER	Installation of cycle and motor cycle shelters, creation of 53 parking spaces. Enabling works for e-cycles and improved efficiency of car park flow by redirecting traffic flow.
17/01700/FUL	PER	Erection of temporary storage building/tent to store finished and semi-finished vehicles and to undertake rework activities on the vehicles to support production requirements. The approval is requested until 31st December 2020. Alternative proposal to 13/03344/FUL.
17/02798/FUL	PER	Install new internal mezzanine floor infill and

		staircase, with roller shutter door infill to front elevation.
17/02897/FUL	PER	Retrospective relocation of 5 no. storage units and associated works including the installation of shower facilities.
18/01108/FUL	PER	Retrospective application for the erection of 3 no. external flues.
19/01378/FUL	PER	Ground floor extension to house electrical switch gear.
19/01406/FUL	PER	Infill extension to provide additional floorspace and associated works.
20/00445/FUL	PER	Installation of plant and associated works.
20/02120/FUL	PER	Extension to use and structure of temporary storage building/tent for finessing (finishing activities) (approved under 17/01700/FUL). The approval is requested until 31st December 2025.
20/03276/FUL	PER	Retention of 1 no. structure for storage of motorcars, retaining use originally approved under 09/01911/FUL.
21/00931/ADV	PER	Installation of 1 no. reception sign (illuminated), 1 no. school sign (non-illuminated) and 1 no. limestone inlay (non-illuminated).
21/01351/FUL	PER	3 no. single storey extensions on building 40 (Surface Finish Centre).
21/01458/FUL	PER	Erection of a first floor mezzanine, removal of existing plant, minor facade alterations and associated works.
21/03566/FUL	PER	Erection of 1 no. new external building to provide additional storage and associated works, including external alterations.
22/00090/FUL	PER	Erection of a temporary events structure for the period of two years and associated works.
22/00777/FUL	PER	Extension to first floor mezzanine, minor facade alterations and associated works.
22/01663/FUL	PER	External alterations to service area comprising the installation of 1 no. new roller shutter door at Building 50.

22/01693/FUL	PER	Erection of a new external switchgear room and associated works, including external alterations.
22/01995/FUL	PER	Replacement of 2 no. existing car parking spaces (with electric vehicle charging) with 6 no. electric vehicle charging points and visitor car parking spaces, the erection of a canopy and associated works including landscaping.
22/02249/DOC	PER	Discharge of Condition 10 (noise levels and hours of use) of planning permission WH/22/00090/FUL.

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 Westhampnett Parish Council

The Parish Council has engaged further support from Pro Vision and Motion to assist with its review of the amended/additional information submitted end of 2023.

The 'Conclusion' section from the Pro Vision report and the 'Summary' section from the Motion report are both reproduced verbatim below. The full reports can be read on the Council's website.

Review of application by Pro vision (planning)

4.1 The matters raised within this report can be summarised as:

- The proposal represents a departure from the Development Plan.
- The proposal represents a substantial increase in the scale and intensity of the business, in a countryside location outside of any settlement boundary, and in relation to the scale of the Parish. This potential scale of growth is a concern locally, especially in regard to traffic impacts.
- Transport impact as set out in the Motion Technical Note 31.01.24.
- The Noise Assessment is based on superseded predicted trip rates, further information is required before a full assessment can be made on the noise impact.
- The PRow diversion will result in the loss of a historic PRow, increase in the route length, and will reduce the rural views/character currently experienced by users of the PRow.

- The Lighting Strategy does not provide sufficient information to fully assess the impact of lighting, further information should be provided pre-decision.
- Further information is required to fully assess the impact on biodiversity.
- An updated Arboricultural Impact Assessment is required.
- Loss of high quality Oak trees will have a negative impact on the character of this part of Stane Street.
- Further information is required before detailed consideration of the flood risk and drainage impact can be made.
- Further assessment is required on Nutrient Neutrality.
- Issues raised by Goodwood Aerodrome Safeguarding should be fully addressed; some of these issues require resolution pre-determination.
- The construction period of 9 years is an exceptional period of development activity for a rural community, including additional traffic on the local highway network and general disruption to local amenity.

4.2 The proposal represents a departure from the Development Plan. It is therefore necessary to make a judgement on whether any material considerations outweigh the policy conflict and any other identified harm. It is considered that there are no material considerations that outweigh the policy conflict and harm/insufficient information as set out in paragraph 4.1.'

Review of application by Motion (transport)

'6.1 In view of the above, further information is required to enable the determination of the development impacts on the local highway network. The main issues flagged in this Note are as follows:

- Suitability of the proposed Phase 1 parking accommodating demands on site;
- Sustainability of the proposed 1,700 car parking spaces, increasing the availability of parking for shift staff;
- Impact of RRMC policies such as remote working for non manufacturing staff on car parking demand;
- Impact to onsite parking provision during construction phase;
- Car Park Management Plan Condition to ensure car park operation can be controlled and necessary steps taken in the event of future congestion around the site shift change over periods and to prevent overspill parking in the surrounding area;
- Issues remain with the trip generation assessment in terms of overall net impact of the development and the timing of trips on the network with the updated shift patterns;
- Consideration should be provided to servicing the site in a clockwise manner, i.e. with servicing vehicles arriving from the south and departing north along Roman Road. This would reduce the potential delay and queuing associated with HGV movements turning into the site alongside reducing the collision risk whilst manoeuvring;
- The proposed modal split of travel provides limited benefit for day staff to access the site by sustainable modes;
- It is unclear whether the proposed access visibility splays are provided in accordance with DMRB guidance;
- The assessment of Roman Road carriageway width is not considered suitable to identify whether widening is required to accommodate HGVs accessing the site. In

the absence of this information, it is likely that some package of widening works is required based on the OS mapping data; and

- The Parish would welcome the creation of a forum to allow them to be notified in advance of construction works and any pertinent details associated with this. This forum could continue following construction to allow two-way conversations between local residents and RRMC to minimise disruption to local residents.'

6.2 Environment Agency

No objection to the proposed development subject to the imposition of a condition relating to the remediation of potential land contamination.

6.3 Southern Water

The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains. Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for part of the development to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline).

6.4 Natural England

Consultation response on Council's Appropriate Assessment in relation to SAC bats is awaited. The Committee will be updated.

6.5 National Highways

Comments received 16.02.2024

Our review of the Transport Assessment Addendum (Arup, December 2023) was submitted on 22 January 2024 and highlighted that there was a need for mitigation to be provided at junctions along the A27.

The applicant has subsequently revised the proposed afternoon shift change time, moving this from 15:00 to 14:30, hence development flows occur when SRN background flows are lower. In addition, mode share that was previously assumed at Phase 2 has now been brought forward to Phase 1 by providing appropriate measures.

The updated impact assessment that we have considered is based only on Phase 1 (comprising 3,000 staff, an increase of 500 staff from the current level of 2,500 staff) and

has the revised mode share reflected. The provided traffic information demonstrates that the traffic impact on the A27 is within acceptable limits.

Through constructive, on-going engagement with the applicant the outstanding matters have now been fully resolved. We are now in a position to replace our holding recommendation with a conditional response. We are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (A27) provided that the following conditions are imposed, reflecting DfT Circular 01/22 and DLUHC NPPF December 2023 (Para 114-117 tests). Those conditions are set out in the recommendation below and require the following:

- Phase 1 Travel Plan
- Phase 1 Operational Management Plan
- Phase 1 Construction Traffic Management Plan
- Phase 2 Transport Assessment
- Phase 2 Travel Plan Update
- Phase 2 Operational Management Plan
- Phase 2 Construction Management Plan

Comments received 22.01.2024

There is a need to consider in the Transport Assessment Addendum (TAA) whether the proposed development would exacerbate existing safety issues or be likely to give rise to any additional safety concerns.

Whyke roundabout - the development peak hour assessments show significant impact associated with the development for example with queues at 2027 on A27(E) increasing from 233 to 385 passenger cars with the additional traffic. It is concluded that there is a need for mitigation at this location.

Bognor Road roundabout - the development peak hour assessments show significant impact associated with the development, for example at 2027 the queue on A27 (north) is seen to increase from 143 to 388 following the addition of the development traffic. It is concluded that there is a need for mitigation at this location.

Portfield roundabout – the mitigation scheme has been reviewed and it is concluded that the provided mitigation is acceptable in capacity terms.

Boxgrove roundabout - the development peak hour assessments show impact associated with the development, for example at 2027 the ratio of flow to capacity on The Street is seen to increase from 1.79 to 2.12 passenger cars following the addition of the development traffic which could increase driver safety/frustration related events. It is concluded that there is a need for mitigation at this location.

We are mindful of the complexities along this area of the A27, with development schemes coming forward and potential mitigation proposals/strategies for the SRN. Therefore, we recommend that there is further discussion within National Highways.

Comments received 18.12.2023

Recommend that planning permission is not granted for a period of 3 months from the date of this response to allow the applicant sufficient time to address the outstanding comments raised in our 25 September 2023 response.

Comments received 25.09.2023

We require further information from the applicant in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. Specific action points are identified:

- Policy Context - There is a need for reference to and adherence to Department for Transport (DfT) Circular 01/2022. This requirement was highlighted in our previous response. We expect development promoters to enable a reduction in the need to travel by private car and prioritise sustainable transport opportunities, ahead of capacity enhancements and new connections on the SRN.

- Existing Travel Demand - It appears that the multi-modal survey was undertaken on Thursday 26 January 2023, between 05:00 and 24:00, however this should be explicitly stated within the TA. We require to understand how this aligns with the existing mode split in Table 5 which shows 72% as car driver or taxi user and 12% as passenger in car. We have queries related to trip generation which require to be addressed before we confirm if we are satisfied with the locations.

- Collision analysis - At such time development impacts and associated traffic modelling is agreed, it will be necessary to consider whether the proposed development would exacerbate existing safety issues or be likely to give rise to any additional safety concerns.

- Trip Generation - We note this and await further details of the 'vision statement'. We also observe that this % reduction is low; aligned with the spirit of Circular 01/2022 and supporting vision/measures, we would welcome a more ambitious shift to sustainable modes. The key impact is during the period 15:00 to 16:00 when there is a net impact of 294 additional two-way person trips. However, the numbers in the table are required to be clarified, as the 'total two-way trips' in a number of the rows do not add up to the sum of the presented arrival and departure data. For example, at 15:00 to 16:00, the data says there were 13 arrivals and 195 departures and a total of 644 two-way vehicle trips. There is a need to provide details of the HGV trips (new trips and rerouted trips) which occur within each of the assessment hours. Confirmation is also needed that these trips are included within the assessment, however we do not see details of the trip numbers at each junction during each assessment hour.

- Trip Distribution/Assignment - There is a need to provide a table which demonstrates the route which each origin/destination has been assigned to, which is then summarised in Table 30 of the TA. Clarify trip generation statement in TA as the trip generation table shows a total impact of 332 vehicles with phases 1 and 2, with 76% travelling to/from the west.

- Committed Development and Background Traffic Growth - There is a need to provide correspondence from both CDC and Arun District Council (ADC) which confirms the committed development assumptions are appropriate. There is a need to provide correspondence from CDC which confirms the committed infrastructure assumptions are appropriate. There is a need to provide evidence from the two LPA's noted above that all appropriate Local Plan and committed development sites have been included.

Junction Assessment - We require details to be provided of the calibration and validation process which has been undertaken. Tables should be provided for each SRN junction and each assessment time period which show the model queue prior to calibration compared against the observed queue.

- Travel Plan - The proposed measures are noted to be focused on 'marketing' and 'promotion', with no physical measures. The proposed measures are not deemed to be sufficient, additional measures should be developed, associated with physical

infrastructure/services. For a development of this scale we would consider that the 5% reduction in single occupancy car journeys is not ambitious enough. The forecast reduction should be reviewed in the context of DfT Circular 01/2022, the vision for the development and with additional measures proposed to achieve the aims of the vision. There is a need for firm financial commitments to support the objectives of the TP. This needs to be provided within the TP document.

6.6 Historic England

We suggest that you seek the views of your specialist conservation and archaeological advisors.

6.7 Active Travel England

Comments received 31.01.2024

The response provided by the Applicant has been considered, and I can confirm ATE is content with the response provided for each area of concern identified in the consultation response dated 22 September 2023. As such, ATE withdraws its objection to the application. It is particularly pleasing to see that the Applicant is willing to discuss a contribution towards Route N in the LCWIP, and it is recommended that the Council determines what is considered proportionate and progress discussions on this matter with the Applicant.

Comments received 11.01.2024

Recommend deferral. ATE not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue.

Following the review of the updated documents, ATE remains unable to support this application given the concerns regarding the crossing at the Stane Street bus stop (westbound), the non-signalised crossing and the lack of shared use footway/cycleway safety along the frontage of site, as noted below.

In addition, the opportunity to deliver the walking and cycling Route N, as established in the Chichester County Council Local Cycling and Walking Infrastructure Plan (LCWIP, 2020), is considered to be of significant benefit to this development and the neighbouring area. Therefore, a financial contribution towards delivering this is considered to be essential and in line with current policy to prioritise and promote active and sustainable forms of travel. It is considered that all other concerns raised in the response dated 22 September 2023 have been addressed.

Comments received 22.09.2023

Approximately 2,500 people are employed at RRM. The existing site accesses via Stane Street and The Drive are proposed to be retained. In addition, a new vehicular access is proposed from Roman Road, south of the extension land. ATE notes that the design of the proposed major/minor priority controlled site access has been discussed with WSCC and is considered to be in-keeping with the character of the road. An uncontrolled dropped kerb crossing with refuge is proposed for pedestrian and cycle access into the site. ATE does not consider this to comply with LTN 1/20. In addition, RRM provides sheltered cycle parking for 160 bikes near the plant buildings and offers shower and locker facilities for employees. However, ATE would welcome further information details on these facilities and the location of the cycle parking.

6.8 WSCC - Highways

Comments received 11.01.2024

No Objection.

Reference is made within the Transport Assessment Addendum (TAA) to access being formed onto 'Roman Road'. It's acknowledged that 'Roman Road' is not the formal road name. The road in question is 'Stane Street', which runs from the Resort Hotel Roundabout through to the A285 junction. For the purposes of this response, references continue to be made to 'Roman Road' to remain consistent with the TAA. Any conditions and planning obligations refer to the road by the correct name.

Access - A number of issues were raised by WSCC and the Stage One Road Safety Audit concerning the proposed vehicular access onto Roman Road. These issues primarily related to the acceptability of the visibility splays at the proposed access onto Roman Road. The main issue was the drawing of the visibility splay to the east of the access to the centreline of the road. The Applicant has amended the access design. The visibility splays are now drawn to the nearside kerb edge in both directions. Whilst this unfortunately results in the requirement to remove one Oak tree as well as some other roadside planting to the west, a standard compliant design is now demonstrated. The Applicant is proposing to fund the potential reduction of the existing 60mph speed limit in the vicinity of the access to 40mph. The potential reduction is shown indicatively on the submitted access drawing. The principle of the speed limit reduction has been agreed with WSCC Highways as complying with the current WSCC Speed Limit Policy. The amending of the speed limit will still be the subject of a statutory consultation process that is separate to the current planning application. A s106 obligation would be required requiring the Applicant to fund the necessary process and thereafter implement a scheme of works to cover the required signing and lining changes. **Notwithstanding the additional process surrounding the speed limit change, the proposed access design is in all respects considered acceptable.**

Active Travel - WSCC Highways has previously commented on and raised no issues with matters of access to the site by walking, cycling, or bus. WSCC acknowledged that access by these means may not be feasible for many employees given the start and finish times of shifts, and also individual employee home locations making the use of these modes of transport unfeasible. Nevertheless, the Applicant has identified some improvements to existing bus stop infrastructure which can be secured through the s106 agreement. The TAA also indicates increased cycle parking provision within the site. Details of this, which may be phased in terms of provision, should be secured by condition. In addition to the bus infrastructure improvements, a travel plan will also be implemented. The site has an existing operational travel plan in place which is being updated to suit the current proposals. The travel plan and auditing fee should be secured as an obligation within the s106 agreement.

Car Parking - The general principle of the additional parking has been accepted by WSCC Highways. As requested, additional information has been provided by the Applicant showing parking provision as a ratio to staff. From this, it's apparent that the ratio through phase 1 and 2 broadly remains as per the existing arrangement. Whilst there will be a significant increase in parking, it's apparent that these spaces are required for operational reasons. The way in which the car parking will be allocated and used is set out in the

Operational Management Plan - The OMP will need to be secured as a suitably worded planning condition. For the purposes of Phase 2 (for which outline approval is being sought), the Applicant's intention is to consolidate car parking and provide a decked car park. The decked car park is indicated to provide up to 1,700 spaces. For the purposes of the Phase 2 application, a further car parking assessment will be required to demonstrate the adequacies of parking as actually intended.

Servicing Arrangements - Comments were previously made by WSCC concerning the ability of the local highway network to support the proposed HGV servicing arrangements. The proposed arrangements would result in all inbound HGV movements arriving from the east via the proposed Roman Road access. All outbound movements would then depart to the west via the existing Stane Street access. The concern raised by WSCC related to the adequacies of the width of Roman Road between the proposed access and the A285 junction to enable two opposing large vehicles to pass. Additional information is provided that appears to demonstrate that Roman Road is wide enough to enable two large vehicles to pass. As such, the proposed servicing arrangement is workable. There will still be a need to undertake widening on the bend outside 'Temple House' as demonstrated within the originally submitted TA. The intended routing for servicing vehicles (as well as the intended use of the car parks) is formalised within an 'Operational Management Plan'. The OMP includes other commitments to communicate the routing arrangements. There is also mention of a signage strategy. The provision of signage is not considered necessary to make this application acceptable given the strategy can be communicated in other ways. It's recommended that the Applicant takes forward the signage strategy separately as the acceptability would need to be reviewed against any local and national guidance. **It's recommended that the OMP is secured as a planning condition.**

Other Matters - A Full Construction Management Plan (CMP) will be required following the appointment of a principal contractor. It's recommended that matters relating to construction are therefore dealt with as part of a future CMP that is secured via condition.

Conclusion - In reviewing the additional information presented, it's considered that the matters previously identified by WSCC Highways have been addressed. Subject to the recommended conditions and planning obligations being implemented, **WSCC Highways do not consider that this proposal would result in any unacceptable safety or otherwise severe highway impacts.**

Comments received 21.09.2023

More information required.

Access - A Stage One Road Safety Audit has been provided. The scheme designer will need to provide and agree solutions to the various problems identified by WSCC Highways (i.e., due to applicant's desire to retain as much mature planting on Stane Street as possible required visibility splays may not be achievable without extension of existing 30mph limit east of new access but this is subject to a separate statutory consultation outside of from the planning application). It's recommended that the applicant continues discussions with WSCC to resolve the problems within the RSA. The outcome of these discussions can then be reported as part of this planning application.

Trip Generation and Highway Impact - Trip generation is based on 3,000 members of staff (phase 1) increasing to 3,500 in phase 2. The existing site employs 2,500 staff. Proposed shift patterns of 06:00-15:00, 15:00-00:00, and 23:00-06:00 have been used. Future years

of 2027, 2032, and 2039 have been modelled, which reflect the opening years of phase 1 and phase 2 respectively. Trip distribution is based on the anticipation that future employees will be drawn from the local area in the same proportions as existing employees. For the purposes of the assessment, the above are taken as agreed. Overall, whilst acknowledged that this proposal will generate additional vehicle movements, the peak increases are away from current network peak times. The proposals will also reduce the number of HGVs visiting the existing site thanks to the relocation of certain logistical elements from the Bognor Regis site.

Active Travel (including bus) - The site can be reached on foot or cycle with there being existing walking and cycling routes in place along Stane Street and Old Arundel Road that lead both to Chichester to the west and to Tangmere to the east. The Stagecoach 55 bus service (operating between Chichester city and Tangmere) as well as specific Rolls Royce shuttle to Bognor Regis provide regular passenger transport opportunities to the site. In reviewing access to the site by non-car modes, it's accepted that there is existing infrastructure (including bus services) in place to meet potential future demands (that are expected to proportionately increase based on existing employees home locations) arising from the expanded site. Increases in cycle parking are also intended as part of the expansion proposals. It is fully acknowledged that the home location of employees may be such that travel by certain sustainable modes is not a practical option for various reasons. Likewise, the shift start times may also present difficulties and limit opportunities although it is still apparent that the shuttle bus service has reasonable levels of use at all shift start/end times. The targets within the Travel Plan reflect the limited ability of the applicant to influence how employees may choose to travel to the site. The targets consequently include modest increases to existing walking, cycling, and bus mode share with greater reductions aimed at private car use. These targets are somewhat lower than WSCC would ordinarily recommend. The TP is very much a 'live' document that will be reviewed and updated as time goes on to reflect actual staff travel locations. In these respects, a travel plan has been in place and actively reviewed for the existing site for a number of years.

Car Parking - The proposals include a significant increase in the total number of car parking spaces; increased from 1,282 at present, to 1,832 in phase 1, and then up to 2,362 in phase 2. The increase in parking spaces is a consequence of the proposed change to back-to-back shifts as well as the increase in staff allowing the later shift to arrive and park without first having to wait for the preceding shift to vacate the car park. This will result in those parking spaces associated with the 1st or 2nd shift being left empty for a large element of the day. Whilst the number of staff on the earlier and late shifts will increase (albeit the TA doesn't appear to quote staff numbers), it's not immediately clear if the number of parking spaces per member of staff on the shifts will increase. WSCC wouldn't wish to see the ratio of parking to staff increase significantly given the consequences this may then have for the travel plan. The phase 2 proposals include a decked car park of up to 1,700 spaces over the proposed new Stane Street car park included in phase 1. This will consolidate both shift workers car parks as well as including an additional number of spaces to reflect the increase of employees. The overall approach to car parking is noted and provides the flexibility as required by the applicant to operate the proposed shift patterns. Whilst on paper a significant number of parking spaces are proposed and notwithstanding the retention of measures to limit parking permits to those outside of the wider area, confirmation would still be sought in terms of the ratio of parking spaces to staff for the existing and proposed arrangements.

Other Matters - One notable element of the proposals is the one-way routing arrangement for HGVs delivering to and servicing the site (i.e. that vehicles arrive from the east via the new entrance on Stane Street and depart to the west via the existing access on Stane Street). Taking account of the conclusions in the TA regarding two-way HGV movements being unfeasible on Stane Street, there is then no further assessment of the suitability of Stane Street to accommodate the increase in movements associated with the development alongside those non-development vehicles. This would need to be suitably assessed. Related to the above, some minor works are proposed at the far eastern end of Roman Road, adjacent to 'Temple House'. These works involve carriageway widening to allow for two-way HGV movements. The works are entirely within the public highway and are shown on the drawing titled 'A285 Stane Street/Roman Road Proposed Mitigation General Arrangement' within appendix S of the TA. It's recommended that the road widening works are secured by condition. It is also recommended that if the one-way option is accepted, that it is formalised by way of a routing plan within a legal agreement or planning condition. The applicant should confirm the intentions to ensure the routing is reasonably adhered to by HGVs arriving and departing the site. It is noted from the draft Construction Management Plan that construction traffic is to follow the one-way routing as indicated for servicing and delivery vehicles for the operating site. As indicated above, an assessment would be needed to demonstrate the appropriateness of Stane Street from new access up to A285 Temple Bar junction to accommodate these movements. The suggested one-way routing for construction traffic would require the widening works on Stane Street to be provided at a very early stage, particularly as significant numbers of HGVs are expected through the very early phases of construction. The exact timing of these works should be confirmed by the applicant.

Conclusion - there are a number of elements of the proposal that would require further supporting information.

6.9 WSCC - Rights of Way

No Objection subject to conditions.

Development affecting the currently recorded legal line of the Public (Footpath 417) must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure.

Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.

The existence of a Public Right of Way (PROW) is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an

offence of obstruction under the Highways Act 1980.

6.10 WSCC - Flood Risk Management

Comments received 01.02.2024

Following a review of the FRA, Flood Risk Addendum and Drainage Strategy details are in accordance with the NPPF and Local Plan policy 42. No objection therefore subject to conditions being attached to any consent. Conditions require: 1) construction drawings of the surface water (sw) drainage network and associated sustainable drainage components; 2) details of the maintenance/management of the SuDS drainage scheme for both phases; 3) for both phases survey and verification report prior to first use of the development demonstrating that the sw drainage system has been constructed in accordance with approved details; 4) for phase 2 prior to, or with each reserved matters application, details of a scheme for the disposal of sw by means of a SuDS system. Without imposition of conditions development would be contrary to NPPF and policy 42 and there would be an objection.

Comments received 18.01.2024

We maintain our objection to this planning application in the absence of an acceptable Drainage Strategy and additional supporting information relating to:

- The application is not in accordance with the NPPF or Policy 42 in Chichester Local Plan
- Use of superseded parameters

Comments received 26.09.2023

We object to this planning application in the absence of an acceptable Drainage Strategy relating to:

- The application is not in accordance with the NPPF paragraph 167 and 169, PPG Flood risk and coastal change and Policy 42 in Chichester Local Plan
- Use of superseded parameters
- Queries about location of SuDS features in relation to existing surface water flood risk

6.11 WSCC - Fire and Rescue

Comments received 08.11.2023

Further to the additional information provided [sprinkler and hydrant system overview and Fire service access route] for - the supply of water for firefighting and Fire Service access, I am satisfied that suitable provisions have been put in place and providing the information shown on the plans is in place and ready for use prior to any occupation, the B5 requirements will be met and no further concerns regarding Fire Service access and the supply of water for firefighting.

Comments received 23.10.2023

Information is required for the supply of water for firefighting, currently the nearest fire hydrant to this site is 300m away, 210m further than the required 90m for a commercial premises. A new build development with a compartment size greater than 280m² and more than 90m from the nearest fire hydrant will require additional fire hydrants, within 90m from any entrance to the building and no more than 90m apart, in accordance with Approved Document B (ADB) Volume 2 B5 section 15. Also, evidence is required to show suitable access to the new buildings, anything with a floorspace of over 24,000m² will require access to 100% of the perimeter, in accordance with ADB Volume 2 B5 section 15.

Also evidence to show there is suitable turning facility for a fire appliance to turn and make their exit, a fire appliance should not need to reverse more than 20m to either make their exit or reach a turning point.

6.12 WSCC - Minerals and Waste Planning

The application site is located within a Mineral Safeguarding Area for Sharp Sand and Gravel (SS&G), as identified within the Joint Minerals Local Plan (2018). Accordingly, Policy M9 would apply in this case. Following laboratory analysis of the ground investigations, the Mineral Resource Assessment (MRA) concludes that, while there may be some areas within the southern and western parts of the site that host the safeguarded resource; the volume and quality of this SS&G, when combined with the site as a whole, would not yield any significant amounts of the safeguarded resource that would justify it to be of any economic importance. Therefore, on the basis of the information provided, the MWPA is willing to accept that there is limited/no commercially recoverable resource remaining at the site. That said, should the LPA issue a positive decision in favour of the application, the MWPA would suggest an informative outlining that any viable resource encountered should be used for its safeguard purpose (e.g. as a construction material) and recorded appropriately. In conclusion, the MWPA is satisfied that the applicant has sufficiently demonstrated that the proposed development would not result in the sterilisation of any significant amount of the safeguarded resources.

Therefore, as per policy M9 of the Joint Minerals Local Plan (2018), the MWPA would offer No Objection to the proposed development, subject to the LPA being satisfied that the overriding need for the non-mineral development outweighs the safeguarding of the resource.

6.13 CDC - Conservation and Design

Detailed design - The main issues considered in design terms are landscape visual impacts, both in short and longer views. Impacts on nearby heritage assets are also considered. The proposed extension is taller than the main built form of the existing facility and has moved away from the current barrel-vaulted form. Both of these aspects of the design are a result of modern manufacturing requirement. Whilst taller than the existing building the proposed structures sit well below the height of the existing large chimney being 1.63m shorter. Curvature like the existing building or undulations to the roof form or edges have not been possible to achieve without impacting on the functionality of the interior spaces of the building. Instead, a waved effect is proposed within the cladding achieved through varying the orientation of lengths of cladding. This should break up the visual regularity that would otherwise develop within the landscape facing facades. Whilst the approach does not go as far as softening the roof form it is considered the wave affect will assist the building in blending into the landscape as a largely hidden backdrop to the main visual mitigation measures of the landscaped bunds.

Whilst the proposed landscaping will do much to reduce the overall visibility of the main elevations of the new extension, the proposed building materials are considered to be an important element in the overall success of the proposals. Excluding the aforementioned issues with the success of the existing green roof, it is considered that the existing materials palette is successful. It has weathered well maintaining a high-quality appearance and also allowed what is a very substantial building to blend exceptionally well into the surrounding landscape. The repetition of this palette using vertical timber

louvres to the upper part of the elevations with an altered approach learning from the existing green roof is therefore very welcomed. It is noted that the planting proposals are for meadow grassland and it is recommended that the proposed green roof makes use of native and locally characteristic species in that regard.

The use of solar PV at roof level is welcomed in principle. During the pre-application process concerns were raised regarding the PV panels in light of their potential visibility in longer views (particularly raised views from the landscape to the North) due to their height, angle and potential reflectivity. Further information has subsequently been provided to more fully understand this aspect which has largely alleviated the initial concerns. Given the nature of their use panels will be angled facing south and therefore away from the more sensitive landscape to the North. There are a substantial number of panels proposed and therefore it is considered of up most importance that a non-reflective finish is specified. The top edge of the panels whilst taller than surrounding green roof will be interspersed with the roof planting breaking up the panels and aiding their integration into the wider landscape views. Rooflights are proposed and would be orientated to the south-west to limit light spill visible from the more sensitive landscape to the North. The upstand of each roof light should be camouflaged by the proposed non reflective materiality (exact product yet to be confirmed) and adjacent green roof. Whilst angling the rooflight away from the North will help mitigate the visibility of direct light spill concern remains regarding non direct light spill resulting in a glow. It is considered there are solutions to resolve this such as timed automated blinds and that this element of the proposals should be secured by condition.

Concerns regarding the potential for light spill from the outline proposals for the phase 2 decked car park were raised during the course of the application and pre-application. Given the car park element of the proposals is at outline stage only limited information is provided currently regarding the design of this building. However, the provided section detail provides reassurance that there are solutions to manage and mitigate light spill and direct light from vehicle headlights. It is considered at this stage sufficient information is provided to support the car park in principle. However, with any future reserved matters application additional detail regarding the management and mitigation of proposed car park access lighting and car head lights should be required. A safety balustrade to the perimeter of the roof is proposed on the revised drawings. Limited information regarding this aspect is provided at this time. It is considered additional information should be secured for review by condition as the balustrade has the potential to be very visually apparent depending on its design and location in terms of proximity to the roof edge.

Views and Setting - The site is visible in both longer distance views and close views particularly from Stane Street. The longer distance views will be largely screened and mitigated by the proposed landscaping works. In closer views particularly to the south the proposal will be highly visible in places (particularly following phase 2) given the developments taller height the existing building and closer proximity to the site boundaries.

The views towards the development from Stane Street will be largely screened by a landscaped bund. This bund will be closer and steeper than the others proposed given the proximity of the site boundary. This will undoubtedly alter the experience of being on / travelling along Stane Street towards the site from the Temple Bar junction and the sense of openness. Phase 1 in this area is well set back from the highway and is likely to have more limited impact and visibility given the proposed bund. Phase 2 will be substantially closer to the road and bund, however, given the bund is proposed to be implemented as

part of phase 1, the planting would have time to mature in advance of phase 2 coming forward. The greatest impact on the views and setting here is considered to be the bund. Whilst its presence will alter the setting and views from Stane Street it is not considered this change would be detrimental in the longer term once the landscaping has become established. The visualisations are very useful in understanding this aspect of the proposals.

The views towards the site from Stane Street are likely to provide by far the greatest visibility of the proposed built form particularly following the construction of phase 2. As existing, the Rolls Royce factory building is visible from the Stane Street entrance with there being a break in the planting and wide access into the site. Phase 1 would have little impact here however Phase 2 would see the development in this area built substantially closer to the south site boundary and entrance into the site this will greatly increase the prominence of the building in the street scene. An additional bund is proposed here and an increase in planting which will provide some additional level of screening over and above the current situation. Whilst the areas built form is largely defined by two storey residential dwellings it does have a varied character including areas of openness and the existing Rolls Royce building and garage workshop building to the East of the Stane Street entrance. This results in the existing street scene not having a consistent character and therefore being less vulnerable to change. Despite this it is acknowledged that the development would change the appearance of the street scene substantially in this location and therefore must be designed with this in mind. Whilst illustrative at this stage the proposals indicate the delivery of a well-designed building in this location, picking up on and continuing the use of vertical timber louvres with a rounding of the corner repeating the proposed treatment of the north-east corner of the phase 1 extension and the southeast corner of the decked car park. As phase 2 designs are developed great care must continue to be given to the detailed appearance and quality of the material palette of the proposal visible in this location in order that the final design contributes positively to the street scene.

Heritage - The site has a number of listed buildings nearby, some of which are adjacent to and form part of the Goodwood Estate but also to the immediate south-east of the existing site at the junction of Stane Street and Old Arundel Road. The listed buildings that are most likely to experience any discernible change in setting are those at Westerton Farm to the north-east of the proposal site and the former Coach and Horses pub. At present these have a largely verdant and rural setting that extends towards the existing site boundary beyond Sidengreen Lane. Whilst the construction of the extension would infill a portion of this setting, the listed buildings would still retain a significant open buffer on all sides. The closer proximity of larger modern structures to nearby listed buildings should be set against the existing situation, which is not dissimilar. The mitigation and landscaping works to the current scheme are superior to those currently in existence, again reducing the impact on heritage assets. Given the distance between the development and the more detached listed buildings successful mitigation measures to protect landscape views are likely to reduce / mitigate the impact. The contributing factors of distance and landscape mitigation are important factors in ensuring the scheme has no impact on Goodwood House itself or the designated parts of Goodwood Park.

The new car park structure would be visible from the setting of the former Coach and Horses public house. It would however be seen in the existing context of other modern structures, highways infrastructure and modern housing in close proximity. The proposals do not therefore cause any additional harm to the setting of this listed building. Taking into

account the above assessment there are not likely to be any harmful cumulative impacts on the settings of nearby listed buildings. This is primarily due to the intervening distance from the proposals, the extensive and high quality mitigation proposed and the baseline impacts of the current facility and other nearby modern development.

6.14 CDC - Environmental Protection

Comments received 09.02.2024

Our department does not object to the development, in principle, however it is evident that various conditions shall be necessary to safeguard amenity. Our department has been liaising with the applicant's agent and appointed consultants and have worked on drafting some conditions that we consider to be suitable. Broadly speaking conditions fall into two categories, those considered necessary for the construction stage and those for the operational stage. Condition topics are as follow:

Construction Stage: The requirement for a Construction Environmental Management Plan (CEMP), to be submitted and approved. This shall include controls relating to noise, vibration, lighting, dust, times of working etc.

Operational Stage: Conditions to control noise levels from mechanical plant and commercial activities on site. The requirement for an Operational Management Plan to be submitted and approved, in order to capture a host of activities associated with the car-parks etc. Conditions also to address lighting, solar glare, land contamination, air quality, and specification of extraction equipment to include flue height.

Comments received 14.12.2023

Air quality - Impacts on air quality from traffic emissions and from the Exterior Surface Centre emissions have been assessed and appropriate pollutants have been considered. An assessment of odour has also been undertaken. Detailed dispersion modelling has been undertaken to predict the air quality impact at relevant receptor locations. A number of queries were raised with the consultants regarding the assessment – the queries have been adequately answered and the overall conclusions of the report are agreed with by the EP team. The conclusions of the report indicate that conditions are necessary to control air quality impacts from the development. Conditions are cited relevant to the construction and operational phase. Condition recommended regarding emissions from the electric regenerative thermal oxidiser (RTO) [the new chimney to the new phase 1 Exterior Surface Centre building] to abate VOC emissions from the spray booths and ovens.

Active travel - The recommendations made by Active Travel England are supported by the EP team and are considered to further provide mitigation of air quality impacts resulting from the development ie promotion of active travel may reduce vehicle use by employees which will help to reduce the impacts of the development on nearby residential receptors. Support towards LCWIP route N as noted by ATE is also welcomed.

Comments received 27.10.2023

Land contamination – We agree with the applicant's preliminary risk assessment July 2023 that a precautionary approach in case unexpected land contamination is encountered during development works. It would be expected that all future fuel and chemical storage areas are constructed with impermeable bases and with bunding to prevent impacts to ground or water resources.

Air quality - The existing site air quality concentrations are below the National Air Quality Objective limits (i.e. are compliant with the Objectives) and the nearest Air Quality Management Area is 2.5km away. An air quality assessment has been undertaken for both the construction phase and the operational phase (i.e. with phases 1 and 2 complete). Impacts on air quality from traffic emissions and from the Exterior Surface Centre emissions have been assessed and appropriate pollutants have been considered. There are a few queries as which need clarification in order for final comments to be made on the conclusions given. With respect to the air quality assessment from traffic – further comments will be made when the queries relating to the trip generation rate have been finalised.

6.15 CDC - Archaeology Officer

Comments received 18.01.2024

I consider that the proposed methodology [*as set out in the Written Scheme of Investigation for a second stage, open area excavation*] should result in suitable preservation of the significance of the archaeological interest that the site has been shown to contain. In order for this to be properly secured, as part of the planning process, planning permission should have a condition attached requiring that the archaeological investigation, recording, analysis and dissemination of the results should be undertaken as detailed in the WSI.

Comments received 12.09.2023

I agree that the effects of construction on the archaeological interest that the site has been shown to contain would be likely to be significant. I also agree that these should be mitigated through a programme of further investigation, recording and publication of the results and, where appropriate, measures to facilitate preservation in situ of any particularly sensitive deposits. This process should be secured via the imposition of a suitably worded standard planning condition.

6.16 CDC - Landscape Officer

Comments received 18.01.2024

Addendum provided to landscape comments previously issued [29.09.2023] and based on the updated documents submitted in Dec 2023.

Outstanding points were: updated tree graphics were required, clarification of visual impact from longer distance highly sensitive receptors, importance of the green roof being 'green' from the very onset of day 1, previously agreed new viewpoints added to LVIA. Revised and updated photomontages contain a more realistic graphic depicting the deciduous tree varieties. This provides a better assessment of the perceived visual effects and seems acceptable. 3 scenarios have been identified in respect of Phase 2:

Phase 2 Operational Development Scenario - It is agreed with the author's assessment that for VP11 [*the view from Stane Street looking into existing R-RMC site entrance*] the visual effects would remain significantly adverse as the mitigation planting would not be successful in screening the view of the new Phase 2 building. It is also acknowledged that the removal of visual clutter identified in the baseline for example tented facilities etc would bring visual relief and realise a beneficial effect.

Phase 2 Delayed Scenario - this scenario offers a pragmatic solution with regards to ensuring a greater degree of landscape mitigation and integration, especially so for the close-up receptors. It is agreed that a delay of 7-10 years would result in better integration

of the proposed structure due to significant growth of vegetation and matured bund planting. As Phase 1 building would have already been introduced into the visual amenity and perception of the nearby receptors for a relatively longer period, it is presumed that the introduction of Phase 2 building would not result in a greater magnitude of change for the nearby receptors.

Phase 2 Not Implemented Scenario - it is agreed that from a landscape perspective non-implementation of Phase 2 would result in improvement in the assessment for the close by receptors, due to reduced footprint and building setback from Stane Street.

Detailed matters of landscape design can be secured by condition *[the consultation response sets these measures out]*.

A large portion of the previously cited landscape related visual impact and design related concerns have been addressed by the provision of the recently updated documents. It is considered that if the right variety of mitigation strategies along with the design alterations as suggested in the consultation response are implemented, the development would not result in undue harm to the visual amenity of the immediate and wider landscape.

Comments received 29.09.2023

The general approach to the assessment [in the LVIA] is clear and detailed, however, there are certain sections in the assessment that require revisiting from the author. It is considered that as it stands the LVIA requires more work and a wider selection of representative viewpoints surrounding the application site to enable robust judgements on the likely visual effects of the proposed development. The photomontages require accuracy, as in their current form the graphics appear to be misleading. It is also considered that there is insufficient information available to understand the visual impact of Phase 2 structures over the wider and immediate landscape.

6.17 CDC - Environmental Strategy Officer

Habitats and Wildlife Corridor

- Following submission of the Biodiversity Management Plan (Dec 2023) we are satisfied that this is suitable and a condition should be used to ensure this takes place. Following submission of the Outline Construction Environmental Management Plan (Dec 2023) we are satisfied precautions are in-place to ensure the retained habitat is protected during the construction phase and post construction. We require that a full CEMP is submitted as part of a future reserved matters application.

SAC Bats - Following extensive survey methods as detailed within the ecological survey work and the Environmental Statement (July 2023) the site was found to be used by low numbers of barbastelle, however this species were not found to be foraging onsite and it was determined that the recordings were likely from one individual infrequently, and briefly, passing through the site to other foraging areas.

Due to this and with the inclusion of new habitats onsite, an enhanced planting scheme, a sensitive lighting scheme as detailed below and a CEMP there will be no likely significant effect on SAC bat qualifying species from the proposal.

Bats - Following submission of the Bat Mitigation Strategy (Dec 2023) we are satisfied that this would be suitable, and a condition should be used to ensure this takes place. We note that lighting has been discussed within the strategy but we require that as part of the reserved matters application a full lighting plan is provided.

Dormice - Following submission of the Dormouse Mitigation Strategy (Dec 2023) we are satisfied that this would be suitable and a condition should be used to ensure this takes place.

Reptiles

Following submission of the Reptiles Mitigation Strategy (July 2023) and ES (July 2023) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Great Crested Newts - Following extensive survey work and eDNA testing as detailed within the ES (July 2023) and Preliminary Ecological Appraisal (March 2022) and 2022 Ecology Surveys Report (Jan 2023) it has been determined that Great Crested Newts are not present onsite, and no further survey work is required for this species.

Enhancements - Following submission of the Biodiversity Management Plan (Dec 2023) we are satisfied that this is suitable and a condition should be used to ensure this takes place. A comprehensive plan will need to be provided as part of a future reserved matters application.

Biodiversity Net Gain - Following submission of the Landscape & Ecological Management Plan (Dec 2023) and Outline Construction Environmental Management Plan (Dec 2023) we are satisfied that the habitats and enhancements onsite will be suitably managed during and post construction. A condition should be used to ensure this takes place.

Policy 40 – Following the submission of the Sustainable Design and Construction Statement (July 2023) we are satisfied that this meets the requirements of policy 40 including the installation of PV and Air Source Heat pumps within the scheme.

6.18 CDC - Economic Development

The Economic Development Service supports this application.

Rolls-Royce Motor Cars is one of the largest employers in the district. When the original site was applied for it was projected to deliver 1,000 cars a year and employ under 1,000 staff. This has now risen to over 6,000 cars in 2022 and 2,500 employees. While they included room to grow in their original application, this has clearly exceeded their own projections, which is why they need additional space.

The Rolls-Royce site is now well established at Goodwood and to seek space further afield could be detrimental to the future of the current site. This is an opportunity not only for Rolls-Royce to expand their operation within the district, but also to review their travel plans to create a more considered approach to staff travel which will in turn ensure that the local residents experience as little impact as possible.

6.19 South Downs National Park Authority

We note that the proposal will deliver significant economic benefit to the District and that this is an important factor in the planning balance, alongside other important factors such as impact on the setting of the National Park, impact on neighbours etc. Overall, the SDNPA has no objection to this proposal but would ask that the following be taken into account and addressed before a decision is made:

1. This large addition to the Rolls Royce factory and associated car parking lies in the setting of the South Downs National Park. It is a site that is exposed in some views from

within the National Park and thus has the potential to affect the setting of the National Park. The proposal's landscape bund and extensive planting is supported in this case as it significantly ameliorates the proposal's impact, as does the proposed green roof which it will be important to deliver and which will mitigate the proposal's impact in long range views from the National Park (e.g. from Halnaker Windmill). It is recommended that the green roof use native and locally characteristic species. The tapered footprint of the building (with the widest part of the new buildings positioned within the site furthest away from the National Park) is supported, albeit it is acknowledged that to some degree this is a product of the site's geometry.

2. The South Downs National Park is a designated International Dark Skies Reserve. Relatively dark areas such as around the application site help preserve the dark sky quality of the National Park. Therefore, we would ask that all new lighting comply with the requirements of our 2021 Dark Skies Technical Advice Note. Following this document's requirements will significantly mitigate any impact on Dark Night Skies but I would also make the following, additional comments:

a. The roof lights shown to the new proposal should have automatic timed blinds (controlled by condition) to prevent the escape of light after dark.

b. The multi storey car park is sizeable and there is limited detail about how lighting from this will be controlled (it is noted that this is within the 'outline' part of this hybrid application).

3. Regarding the landscape bund it is not clear exactly what vegetation could be grown on this given its relatively steep gradient. It is important to provide a detailed planting plan for the bund and any boundary planting, perhaps as a condition on any planning approval.

4. Important to ensure that the proposal delivers Biodiversity Net Gain, contributing positively to green infrastructure and nature recovery ambitions offers some mitigation for remaining impacts of the scheme (for example on footpath 417, a popular route with clear views to the National Park).

5. Given the climate emergency the use of solar panels to the roof is supported but we would ask that they are finished (e.g., matt finish) to reduce glare in views.

6.20 Goodwood Aerodrome

Safeguarding issues raised relating to potential bird strikes/disturbance during earthworks, the use of cranes/high reach devices close to the aerodrome. Construction methodology in terms of the type of building finishes - the amount of glazing, solar PV, cladding etc on the face of the building which is towards the Aerodrome and towards the final approach track is critical in terms of glint and glare as a potential distraction to aircraft departing and/or arriving. The type of lighting mounted on the structure of any building and even in car parks, will require assessment to ensure that these are not creating any visual distraction to aircraft arriving or departing the Aerodrome. Landscaping - The developer should look to introduce landscaping which is not an attractive environment for bird activity. This would include not planting any berry bearing shrubs or bushes and not introducing any water features.

6.21 31 Third Party Objections

- Green belt land should not be developed
- Adjacent to National Park
- Contrary to Local Plan policy 45
- Should be on an industrial estate
- Vandalism of the environment

- Loss of field for food production
- Harmful to wildlife using the field
- Will have zero benefits for the local community
- Loss of footpath will be a huge inconvenience
- PROW diversion not acceptable. Will make journey 350m longer and cut off Westerton in winter when paths are wet
- New access onto Stane St will increase traffic around the area and result in an unacceptable level of traffic growth
- Increase of traffic on unsuitable narrow A285 is a safety hazard
- How will HGV internal routing through the site be enforced?
- Traffic noise. Rolls Royce need to change the culture of their employees. Shift changes are awful for residents and have got worse especially in the mornings. At present vehicle movements noted from 04:15 am right around the clock to 00:15 following day, therefore only 4 hours of peace in the middle of the night. 3pm traffic jam has big impact on peoples lives with massive traffic queues at shift changeover. Staff use Stane Street like a race track - over revving old cars, loud exhausts, screeching of wheels with no thought for residential amenity.
- Multi-storey car park will be an eyesore, not in keeping with village environment and concerns regarding noise, fumes and lights.

6.22 1 Third Party Support

- Diversion and upgrade of the footpath is accessible and user friendly
- New state of the art production facility for electric vehicles to embrace and enhance the natural environment
- Development area is de minimis compared with the size of Madgwick Park
- Value, prestige and contribution Rolls Royce delivers to the City and wider hinterland is priceless

6.23 Agents Supporting Information

The application is accompanied by an Environmental Statement and a substantial and comprehensive suite of supporting documents, all of which can be accessed via the public file on the Council's website. The applicant has additionally provided the following summary statement:

Since 2003, when production began at its global headquarters situated at Goodwood, Chichester, Rolls-Royce Motor Cars (RRMC) has developed into a prestigious, internationally renowned manufacturer of luxury motor cars with a distinct and strong brand identity. The Home of Rolls-Royce remains the only place in the world where Rolls-Royce motor cars are hand-built. When the Home of Rolls-Royce first opened in 2003, it employed 350 people, and produced just one motor car a day. Now over 2,500 people work at the Goodwood site, including 180 jobs created by the company in 2023 alone. Last year, RRMC recorded the highest annual global sales in its history, exceeding 6,000 motor cars sold for the second consecutive year, all of them including elements of Bespoke personalisation.

There are significant financial benefits from the scheme. However, RRMC acknowledges it needs to be delivered in full recognition of the fact that the facility is located in close proximity to residential dwellings, that it results in the diversion of a public right of way and is set within the context of the fringe of the South Downs National Park. RRMC have worked collaboratively with CDC and residents to deliver a scheme which:

1. Improves traffic / congestion and highways safety through new traffic routing, revised logistics systems and the provision of new car parking strategies;
2. Delivers improvements to the surfacing of FP417 to enable ease of use;
3. Minimises visual impact to local and wider views of the site, including from the South Downs through the introduction of green roofs and extensive new landscaping;
4. Respects the ecology of the site and delivers in excess of 10% Biodiversity Net Gain through on and off site measures; and
5. Reduces the impact upon the local area through the introduction of expansive new bunding alongside the introduction of a replacement state of the art paint shop.

In summary, RRMC is committed to delivering a sustainable scheme that fully mitigates its impact and responds positively to the local context, all while generating substantial economic and environmental benefits. Furthermore, RRMC appreciates its role in the local community and the importance in providing a high-quality scheme that compliments the existing environment. The updates to the original application have enabled the positive evolution of the proposals, which have been well received by consultees. RRMC appreciates the support received from Chichester District Council throughout the determination process and the recommendation for approval to Planning Committee.

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 Westhampnett at this time.
- 7.2 The principal planning policies from the adopted 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 3: The Economy and Employment Provision
 Policy 8: Transport and Accessibility
 Policy 9: Development and Infrastructure Provision
 Policy 13: Chichester City Transport Strategy
 Policy 26: Existing Employment Sites
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 42: Flood Risk
 Policy 45: Development in the Countryside
 Policy 47: Heritage
 Policy 48: Natural Environment
 Policy 49: Biodiversity
 Policy 52: Green Infrastructure

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

7.3 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now 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.

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

S1: Spatial Development Strategy

NE2: Natural Landscape

NE4: Strategic Wildlife Corridors

NE5: Biodiversity and Biodiversity Net Gain

NE6: Chichesters Internationally and Nationally Designated Habitats

NE8: Trees, Hedgerows and Woodlands

NE10: Development in the Countryside

NE15: Flood Risk and Water Management

NE16: Water Management and Water Quality

NE20: Pollution

NE21: Lighting

NE22: Air Quality

NE23: Noise

NE24: Contaminated Land

P1: Design Principles

P2: Local Character and Distinctiveness

P9: The Historic Environment

P13: Registered Parks and Gardens

E2: Employment Provision

T1: Transport Infrastructure

T2: Transport and Development

T3: Active Travel - Walking and Cycling Provision

T4: Parking Provisions

I1: Infrastructure Provision

A21: Land East of Rolls Royce

7.5 Draft policy A21 provides the most direct and targeted focus for emerging policy considerations relating to this application. The draft policy wording proposes that:

'Approximately 10 hectares of land is safeguarded for Rolls Royce related employment development on the eastern side of the existing Rolls Royce Motor Cars manufacturing plant at Westhampnett.

This safeguarding will create long-term strategic expansion land to support the potential growth of manufacturing by Rolls Royce Motor Cars. The range of uses could include:

- *Low volume, high value manufacturing;*
- *Just-in-time sequencing of production parts;*
- *Supporting logistics space;*
- *Ancillary offices for the manufacturing activity; and*
- *Ancillary and replacement car parking.*
- *Any planning application for employment development will need to demonstrate that:*
 1. *It will support low volume, high value manufacturing;*
 2. *It has a direct connection to Rolls Royce Motor Cars;*
 3. *Increased traffic generation is minimised and mitigated by the use of sustainable transport measures;*
 4. *The highest design and environmental standards are used to complement the existing building;*
 5. *Any adverse impacts on the landscape and setting of the South Downs National Park are first avoided, then mitigated; and*
 6. *Access into the South Downs National Park is maintained through diversion and protection of the existing footpath.*

The site should be designed and masterplanned in accordance with the National Design Code and any design code or guidance adopted or approved which is relevant to the site.'

National Policy and Guidance

- 7.6 Government planning policy comprises the National Planning Policy Framework (NPPF - 20 December 2023) and related policy guidance in the NPPG.
- 7.7 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.*
- 7.8 The following key sections of the revised NPPF are relevant to this application: 2 (Achieving Sustainable Development), 4 (Decision Making), 6 (Building a Strong, Competitive Economy), 9 (Promoting Sustainable Transport), 12 (Achieving Well-Designed and Beautiful Places) and 15 (Conserving and Enhancing the Natural Environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.9 The National Design Guide 2021 and the National Model Design Code and Guidance Notes for Design Codes should be read in conjunction with section 12 of the NPPF and provides practical guidance on how well-designed places can be achieved.

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)
- National Character Areas (2014): Area Profile 126. South Coast Plain
- West Sussex Landscape Character Assessment (2003): SC9 – Chichester to Yapton Coastal Plain
- WSCC Transport Plan (2011-2026)
- A27 Chichester Bypass Mitigation SPD August 2023 (Draft)
- Chichester City Local Cycling & Walking Infrastructure Plan (LCWIP) (2020)

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

- Maintain low levels of unemployment in the district.
- Prepare people of all ages and abilities for the workplace 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.
- 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 and the policy position
- ii. The economic case
- iii. Design and landscape impact
- iv. Highway matters
- v. Footpath diversion
- vi. Construction management
- vii. Ecology and BNG
- viii. Other matters: drainage, residential amenity, sustainability of construction, archaeology and heritage issues, loss of agricultural land

Background

8.2 Before moving to consideration of the above issues raised by the application it is relevant to set out some existing context. The current Rolls-Royce Manufacturing facility comprises approximately 50,000 sqm of built space spread over 3 main buildings: a pavilion for managerial and customer relations, a manufacturing plant, and a Surface Technology Centre paint shop. It was given planning permission in its current countryside location on 8 August 2001 and the first car rolled off the production line in 2003. The design of the

existing building by world renowned architects Grimshaw and partners won several awards including the 2004 RIBA Regional Award and the 2004 Royal Fine Art Commission Building of the Year Award. The success of the current complex in terms of the built form is considered to be the way in which the design integrates itself unobtrusively into its wider rural setting. Jonathan Glancey writing in The Guardian at the time noted the significance of the building, “Grimshaw’s factory is a turning point, not just in British car manufacturing, but in the way we experience the countryside – which, it says, can be productive and enjoyable, industrious and romantic, at one and the same time.”

- 8.3 The current proposals were part of a detailed pre-application enquiry by R-RMC which has helped to shape the submitted scheme. The Council issued a Scoping Opinion on 6 February 2023 in respect of the applicant’s proposed submission of an Environment Statement which now accompanies this planning application. Grimshaw’s are once again the appointed architects on the current application and that same ethos of assimilating a large modern factory building into a rural landscape is the driving force behind the design approach. Over the past 20 years Goodwood (Westhampnett) has cemented itself as the home of Rolls-Royce Motor Cars – the cars are produced nowhere else – but the current factory has reached capacity in terms of production and the business needs to modernise and grow. The existing site does not provide that capacity to grow for the future.

i. Principle of development and the policy position

- 8.4 The existing R-RMC site at Westhampnett is outside of any settlement policy boundary and is located in the rural area or ‘Rest of Plan Area’ as designated in the adopted Local Plan. That current policy designation is no different now than it was back in 2001 when the existing manufacturing plant was granted planning permission. The initial policy principle of establishing a large manufacturing facility in the countryside has therefore in a sense already been addressed. Local Plan policy 45 ‘Development in the Countryside’ is nevertheless still relevant in part to consideration of this application. The first part of the policy is relevant:

‘Within the countryside, outside Settlement Boundaries, development will be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements’ [emphasis added].

The business expansion requirements of R-RMC in terms of continuity of production, increased capacity and utilisation of existing infrastructure, resources and facilities relies on that expansion being part of the existing development site and/or being immediately adjacent to it. Whilst the current proposals do not therefore meet the, ‘essential, small scale, and local need’ tests of policy 45, it is considered that the alternative of providing a new manufacturing facility on a completely different site, physically separate from the established home of the company is not a realistic prospect and would be unsustainable for a host of pragmatic and environmental reasons. Given the unique circumstances of the Rolls-Royce site - a large, well-established manufacturing location in the rural area - the policy requirement for ‘a countryside location’ in respect of the further expansion plans is considered to be justified in principle, subject to consideration of the detail.

- 8.5 A further limb of policy 45 relevant to consideration of the application is criterion 3 which reads:

'3. Proposals requiring a countryside setting, for example agricultural buildings, ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area'.

For the reasons set out in the later sections of this report, it is considered that the proposals respond successfully to these requirements principally through the design and form of the building and the significant landscape mitigation so that overall Local Plan policy 45 is not offended by the development.

- 8.6 In addition to overarching policy 45, Local Plan policies 3 and 26 are particularly relevant. Policy 3 supports employment provision and the sustainable growth of the local economy. It refers in particular to: *'Protecting and enhancing existing employment sites and premises to meet the needs of modern business'* [emphasis added]. The applicant's proposals are considered to be in-step with this objective.
- 8.7 Policy 26 refers to existing employment sites and states that, *'Planning permission will be granted for development of employment floorspace, refurbishment, upgrading or modernisation of existing premises...'* subject to demonstrating no materially harmful impact on residential amenity in terms of noise, odour, lighting, machinery usage or other activity as well impacts from levels of traffic movements, the scale of development and appearance of the site in the landscape. Policy 26 supports in principle the applicant's proposals for both Phase 1 in respect of those components on the existing site – construction of the new Assembly Hall, refurbishment and re-organisation of the existing building, and the outline components of Phase 2 on the existing site i.e., the proposals for the Analysis, Assembly and Distribution building over the existing Stane Street car park.
- 8.8 Emerging policy A21 of the LPPS cited above at paragraph 7.5 recognises the significant contribution that Rolls Royce has made and is continuing to make to the local economy and employment. Whilst still a policy in draft, it provides a very clear indication of the importance the Council attaches to fostering the continued development of this blue-chip company. It safeguards land for the future expansion of R-RMC only, rather than specifically allocating it for general employment use, which reflects the unique circumstances of this company and its positioning in the local economy. The draft policy represents the Council's preferred direction of travel. It has not yet been subject to examination at the Local Plan Inquiry and is not adopted policy which can be given full weight. That said, the LPPS consultation process on the proposed policy has resulted in only 8 representations received, 5 of which are in support and 3 against, and of the 3 against none were substantive objections to the policy but more seeking additional policy wording for example in respect of landscaping, protecting species habitats, biodiversity net gain, travel plan, promoting walking and cycling routes and the expansion of the staff bus scheme. These matters are all within the ambit of the submitted application and can be addressed by condition/s.106 agreement. Paragraph 48 of the recently issued NPPF confirms that the more advanced the preparation of an emerging plan is, the greater the weight that may be given to policies in it. The Council is about to submit the LPPS and considers that there are no 'significant' unresolved objections to draft policy A21. At the time of writing, and now that the Rolls Royce proposals through this application are formally known, the Council is satisfied that subject to some minor modifications and updating to the wording, the draft policy is sound and therefore attracts greater weight. Officers consider that as part of the consideration of this application, A21 policy objections are capable of being addressed through conditions attached to the recommendation to permit or via the accompanying S.106 legal agreement.

- 8.9 Notwithstanding the evolving LPPS policy position, government policy in the NPPF unequivocally underscores, with qualification, the importance of supporting business growth in the economy. Section 6, paragraph 85 states: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.’* [emphasis added].
- 8.10 Under ‘Supporting a prosperous rural economy’, NPPF paragraph 88 makes it clear that: *‘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, beautiful new buildings’.
- 8.11 Paragraph 89 acknowledges that not all business expansion plans can be accommodated within settlement boundaries: *‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.’*
- 8.12 Taken together as a policy ‘package’ the foregoing identify that there are strong drivers both in terms of government policy and adopted and emerging development plan policy to support the principle of the expansion of R-RMC current operations at Westhampnett. In the context of positively and proactively encouraging strong and sustainable economic growth, it is next necessary to examine the specific economic case for Rolls Royce.

ii. The economic case

- 8.13 Since the headquarters of R-RMC first became operational over 20 years ago occupying a 12.2 ha site at Westhampnett, the company has seen strong sales growth worldwide. Employee numbers and the scale of vehicle production on the site have grown. Originally employing under 1,000 staff this has now risen to 2,500 and is forecast under this application to increase to 3,000 in phase 1 and then to 3,450 following phase 2. Around 75% of the employees live within 15 miles of the plant. A further 7,500 jobs are estimated to be supported in the wider supply chain.
- 8.14 The number of vehicles produced has increased from an initial output of less than 1,000 to more than 6,000 in 2022 with the existing facility manufacturing approximately 28 cars per day. As a consequence of phase 1, R-RMC estimate production may increase to around 34 cars per day and potentially up to a maximum of 44 per day on completion of phase 2. More than 90% of the vehicles currently produced are exported.

- 8.15 R-RMC is one of the largest employers in the district and as with all companies there is a continual need to adapt and grow to remain relevant for the future. For example, R-RMC is looking to increase capacity for its Bespoke and Coachbuild operations in response to market demand, as well as preparing for its new generation of electric vehicles. All Rolls-Royce models are planned to be electric by the end of 2030. Whilst R-RMC's existing original site provided the company with some limited room to expand, this has been on an ad hoc basis as witnessed by some of the temporary 'marquee' structures that have been required. What is clear is that the company's economic success has exceeded original expectations and that 20 years on the further expansion in production of luxury motor cars will be constrained without the availability and certainty of a long-term strategic expansion capability.
- 8.16 The Council's Economic Development Service is fully supportive of the proposals. It points out that because the operation is now so well established at Westhampnett to seek space further afield could be detrimental to the future of the current site. R-RMC have strong links to several businesses within the district. These businesses include the suppliers of parts, servicing and maintenance, and luxury historic car repair and maintenance. Additionally, R-RMC has an established apprenticeship scheme that has run every year since 2006 and is one of the most respected and prestigious of its kind in the UK. In 2022 it had an intake of 37 apprenticeships with an apprenticeship lasting up to four years (R-RMC support 80 apprenticeships and graduate trainee positions). The apprenticeship programme delivers employees with transferable skills that several of the larger sectors in the District can also benefit from, e.g. engineering skills are highly sought after in the Horticultural industry which is a key player in the local economy. R-RMC also provide around 100 paid internships for university students some of whom return to the business as employees following their graduation.
- 8.17 That there is a robust economic case presented by R-RMC for its continued growth and expansion there can be little doubt. In 2022 the London School of Economics (LSE) benchmarked the company's progress to date. It found that since production began at the site in 2003, R-RMC has contributed more than £4 billion to the UK economy, 'UK Plc'. R-RMC is therefore not only an increasingly big player nationally and internationally, but it is a very important local business. However, notwithstanding the strong economic case for expansion, that expansion can only be appropriate and acceptable provided that its immediate and residual impacts are not materially harmful to the context of its location. The following sections of the report considers those impacts.

iii. Design and landscape impact

- 8.18 A full appraisal of the detailed design of the main phase 1 building (and the likely form and impacts of the phase 2 decked car park and the Analysis, Assembly and Distribution building) is provided at paragraph 6.13 of this report by the Council's Conservation and Design service. Planning officers agree with those consultation comments and the following remarks therefore supplement and augment them.
- 8.19 In taking the manufacturing facility into a new era of motor car production, the same architects have re-visited the R-RMC site 20 years on and looked closely at what has worked well and what could be improved whilst still providing the functionality that modern car assembly processes now require. The existing building has a curved or barrel-vaulted roof which whilst a strong design feature does compromise the internal floorspace and the

needs and flexibility of the facility for modern motor car production. The proposed phase 1 building therefore adopts a more uniform box like profile to maximise the height and functionality of the internal space. Whilst on the face of it this might be considered a backward design step in terms of the new buildings' relationship to and integration with its surroundings, that relationship is considered to be successfully addressed through the main visual mitigation measures of the landscaped bunds. A secondary technique employed by the architect to assimilate the building is to disrupt the uniform profile of the 283m long east elevation and the shorter (61m long) north elevation through the use of vertically aligned timber louvres on the upper part of the building. These louvres are orientated to produce a subtle wave effect echoing the downland setting. Designing the phase 1 building to be freestanding with a connection to the existing building at first floor via a bridge ensures that the design of the existing building isn't compromised by the new. It removes the need for an awkward roof junction between the existing building and the phase 1 building which is approximately 2.35 metres higher. It also allows for the penetration of natural light further into the building reducing a reliance on artificial lighting.

- 8.20 The main lesson from the existing facility is that it is possible to satisfactorily camouflage indeed virtually hide, a substantial manufacturing building in the countryside so that over time it becomes thoroughly assimilated with its surroundings. The previous formula of using planted landscaped mounds to the north and east with extensive planting is therefore repeated for this application.
- 8.21 A less successful outcome on the existing building which draws unintended attention particularly in views from Stane Street is the large rectangular chimney (9m x 4m) which projects 7.5m above the main roofline of the Exterior Surface Centre and above the treeline on the eastern mound. This chimney will be removed as part of the proposals. Even though the new phase 1 building is approximately 2.35m higher than the existing building, the new phase 1 roofline will still be approximately 1.63 m lower than the top of the existing chimney. In learning from the existing external roof impacts the level of roof protuberances on the phase 1 building have been kept to a more uniform height (e.g. PV panels and balustrade railings). There will still need to be a chimney to the new Exterior Surface Centre but with advances in modern extraction technologies this will be very significantly smaller and markedly less conspicuous. The submitted plans show a short cylindrical chimney flue measuring 2m in diameter and projecting approximately 2.1 m above roof level (1.5 m above the top of the PV panels).
- 8.22 A further unanticipated outcome of the existing building in design terms is the appearance of the sedum roof. Whilst the concept of a 'green' roof is fully supported in terms of attenuating surface water run-off, enhancing bio-diversity and helping to bed the development into a rural setting, particularly in more distant views, the sedum roof has adopted a reddish-brown colour which does not blend as effectively into its setting as it could. The proposals for the new phase 1 building (and the phase 2 buildings) take this lesson on board. The new roof is to be planted up with a meadow grassland mix to provide a more naturalistic result in terms of its downland setting.
- 8.23 The approach of sinking the buildings into a re-profiled landform in terms of how the site will be read both in distant views from highpoints on the Downs to the north (e.g. from the Trundle and Halnaker Windmill) and from closer views along Stane Street has been considered in detail by the Council's Landscape officer. Through a series of requested amendments to the applicants Landscape Visual Impact Assessment (LVIA) and the production of verified photorealistic montages it has been possible to accurately portray

how the development will appear at the outset of the completion of phase 1 and again at year 15 once the planting established with phase 1 has established and matured.

- 8.24 From the Trundle and Halnaker Windmill, the existing manufacturing facility is barely discernible, being absorbed into the patchwork backcloth of countryside. Officers are satisfied that the longer distance views of the proposed development will be successfully managed by the mitigation of the planted bunds and the design of the building. In confirming no objection to the application, the consultation response from the National Park Authority (paragraph 6.19) whilst acknowledging that the re-developed site has the potential to affect the setting of the National Park, accepts that the proposal's landscape bund and extensive planting, combined with the proposed green roof will significantly ameliorate the proposal's impact in long range views, and it cites Halnaker Windmill in that regard. It points out that the tapered footprint of the building (with the widest part of the new buildings positioned within the site furthest away from the National Park) also helps to lessen the impact in distant views.
- 8.25 Given the proximity of the site to the National Park there is also a potential concern regarding artificial light spill from the rooflights in the phase 1 building which in distant views has the potential to result in visible pinpricks of light or skyglow. The National Park Authority in referencing its Dark Skies policy has asked for automatic timed blinds (controlled by condition) to prevent the escape of light after dark. Officers consider measures to prevent light spill to be a necessary requirement and a condition to control light spillage both in respect of the phase 1 building and the decked car park on phase 2 is attached to the recommendation.
- 8.26 In terms of the visual impact from close quarter views - principally along Stane Street - there will be a clear appreciation of a changed landscape as a consequence of the development, particularly during the construction phase and the early years whilst the tree planting and vegetation establishes. Principally this change will be associated with the new landscaped bund for phase 1 which on approaching the site along Stane Street from its junction with A285 is moved closer to the east site boundary and into the field of view. However, that field of view is not entirely 'rural' at present with the Exterior Surface Centre chimney visible on the skyline and the grey metal clad industrial buildings at The Mill industrial estate. Whilst phase 1 will alter the setting and views from Stane Street it is not considered this change would be detrimental in the longer term once the landscaping has become established. Much of the new planting at day 1 to the north, east and south will already be well established nursery stock with a mix of native and evergreen trees being planted at heights ranging from 3.5m to 7m high, a woodland edge and understorey mix at 1.2m high and the top of the eastern bund planted along its entire length with an 'instant' 1.8m high mixed species hedge.
- 8.27 The degree of visual change associated with the phase 2 decked car park and the Analysis, Assembly and Distribution building is less certain given that these components are submitted in outline as part of this hybrid application. Through the application process the applicant has submitted information to provide a degree of assurance as to the likely impacts. The development parameter plan which will be conditioned confirms the maximum dimensions and positioning of the buildings on the site and that the decked car park will be attached to and at the same height as the phase 1 building. The Analysis, Assembly and Distribution building will be 7,500 sqm GIA over 2 floors and the car park 48,000 sqm over 4 floors. The car park will have a rounded corner to the south-east, be clad externally in vertical timber louvres orientated to continue the same 'wave' effect

pattern as on the east and north elevations of phase 1, and photovoltaic panels set amongst the meadow grassland on the roof. Whilst the final design details will need to form part of a subsequent reserved matters application, from a visual perspective, officers are satisfied that the decked car park will be satisfactorily screened but not hidden by the landscaped bund on the south boundary and the section drawings submitted with the application bear this out.

- 8.28 While acknowledging that the final detail of the decked car park is for a later application, officers have nevertheless tasked the architects with demonstrating how the building will deal with issues such as light spill from the sweep of car headlights and ambient light at height from internal light fittings. The initial lighting design strategy set out in the Design and Access Statement Addendum explores likely solutions. These include the introduction of opaque upstands internally to reduce the direct impact of headlight sweep at all 4 levels of the car park whilst the addition of an external timber screen capable of being fully closed is being looked at on the top 2 more visible levels of the car park façade to prevent ambient light spill. On the basis of the information provided to support this outline component of the application, officers are assured that subject to the lighting and noise conditions on the recommendation and the control over this issue which can be further exercised by the Council at the reserved matters stage, then this matter is capable of being satisfactorily addressed.
- 8.29 The phase 2 Analysis, Assembly and Distribution building will be very visible from the existing Stane Street entrance to the site. From this aspect the current buildings on the site are set back and only partially visible. The Council's Conservation and Design service identify that there will be a substantial visual change to the street scene looking in through the existing open access as a consequence of building over the major part of the existing Stane Street car park and that the new building will need to be designed with this in mind. The built form in the area adjacent to the site entrance along this stretch of Stane Street is largely defined by two storey residential dwellings but it does have a varied character including areas of openness, the existing Rolls Royce development and the Everyman garage workshop building to the East of the Stane Street entrance. This results in the existing street scene not having a consistent character and therefore being less vulnerable to change. Notwithstanding that existing street character, the need will be for a high-quality designed building. As a part of addressing the visual impact the existing landscaped bund at the site entrance is to be increased in height with additional planting to mitigate new visual impacts and in terms of the illustrative material submitted with the application, the indications are that the building will be of a high-quality modern design with a rounded corner to the south-west and façade details picking up on the existing building.
- 8.30 Overall on design and landscape impact, officers acknowledge that the proposals will introduce a very significant change to the local environment. However, that degree of change is shown to be managed in a way which promises to mitigate the impact very effectively. The proposals represent a continuity of design from the existing facility and are for a high-quality architect designed building set in a landscaped setting, which is equally well thought through. Subject to the imposition of conditions attached to this recommendation and balancing those impacts against other benefits principally economic but also environmental, officers consider the issue of design and landscape impact is satisfactorily addressed in respect of the phase 1 proposals and can similarly be controlled through the reserved matters proposals for phase 2.

iv Highway matters

Access strategy and trip generation

8.31 Management of the traffic impacts arising from the proposed expansion plans has been a key focus for the applicant from the outset. The applicant acknowledges that queuing of staff vehicles on local roads near to the site entrances during existing shift changeovers and resulting in congestion is a key issue for local residents. The application has prompted a complete rethink as to how that situation can be improved in terms of an access and parking strategy which would offer most benefit for the existing residents whilst still delivering upon commercial requirements. The applicant's therefore commissioned a 'Site Access Optioneering Study' as part of the Transport Assessment (Appendix H of the TA) which looked at and tested 7 different access/egress scenarios for the proposed development. The 4 key objectives of that study were to develop a strategy which would result in:

- no increase in traffic through Maudlin
- no increase in HGV's through Maudlin
- a reduction in existing HGV movements on Stane Street through Westhampnett
- no queuing on Stane Street and Roman Road

In addition to the project objectives, each option was assessed against a set of parameters, including traffic, feasibility, air quality and ecology.

8.32 Of the 7 access/egress options considered, the current proposal – dual access with a one way servicing and deliveries route from the east and all servicing and deliveries leaving the site by the existing access to the west - was identified as the preferred strategy in that it did not fail against any of the assessment parameters. The access arrangements have been subject to a safety audit and WSCC has raised no objection on highway safety grounds.

8.33 In terms of the predicted vehicular trip generation, phase 1 of the proposed development is forecast to generate 363 additional two-way vehicle trips a weekday for employees and servicing (i.e. all trips) across the period 05:00 to 00:00. The beginning and end of shift times at the RRMC facility are outside of the highway network peak periods. As a result it is anticipated that the proposed development will have a minimal impact on traffic during the AM and PM peak periods. In the network peak hours (07:00–08:00 and 16:00–17:00), the Transport Assessment Addendum indicates the phase 1 development is forecast to generate 12 and 13 additional vehicle trips (all trips) respectively. With the Travel Plan targets subsequently agreed with National Highways and secured via a planning condition, a net reduction in traffic is anticipated in the network peak hours from that previously anticipated for the Phase 1 development and an overall net reduction compared to trips generated by R-RMC today. In Phase 2, the proposed net increase is an additional 357 employee and servicing two-way vehicle trips a day. Overall, once the total development for which planning permission is sought is fully built out there would be 722 additional two-way trips on the network.

8.34 To manage the future traffic impacts of the proposed development, works are proposed to the A285/Stane Street junction adjacent to Temple House. Whilst the junction is forecast to operate with spare capacity in all future year scenarios, minor widening is proposed to improve access towards the site for large vehicles including articulated lorries. These physical mitigation measures will be secured through condition/S.278 agreement.

8.35 The new vehicular access off Stane Street will function in conjunction with the existing site entrance on Stane Street. The intention is to reduce queuing on Stane Street by introducing a second surface car park for 550 cars in Phase 1, followed by a decked car park on the same area as part of Phase 2. As per the results of the Access Optioneering Study, the proposal is for all servicing and delivery vehicles including HGV's to arrive on the local highway network from east of the site (via the A285) with potentially directional signage on the A27 and access the site via the new Stane Street junction. Vehicles will then either park in the HGV parking area or continue north along the eastern perimeter of the phase 1 building where several lay-bys are proposed. Once unloaded, these vehicles will then turn around in the vicinity of the waste compound and be directed within the site to egress the site via the existing Stane Street access and travel westbound on the local highway network towards the Chichester Bypass. This access strategy will not change for Phase 2 of the scheme.

Shift changes and car parking

8.36 A key part of the revised access strategy is the proposal to vary two of the existing three shift work patterns as follows:

Existing staff and shift pattern

2,483 staff (709 day shift – normal office hours)
06:00 to 14:30 (882 morning shift workers)
15:20 to 23:50 (882 evening shift workers)
23:00 to 06:00 (10 night shift workers overnight in paint shop)

At the end of Phase 1 proposed staff and shift pattern

3,000 staff (approx..) (up to 751 day shift – normal office hours)
06:00 to 14:30 (1,096 morning shift 1 workers)
14:30 to 00:00 (1,096 evening shift 2 workers)
23:00 to 06:00 (up to 50 night shift workers overnight in paint shop)

At the end of Phase 2 proposed staff and shift pattern

3,450 staff (approx..) (784 day shift workers – normal office hours)
06:00 to 14:30 (1,260 morning shift 1 workers)
14:30 to 00:00 (1,260 evening shift 2 workers)
23:00 to 06:00 (up to 140 workers overnight in paint shop)

In addition to the above there are also circa 150 students/apprentices that work at the site, with this figure expected to remain constant across Phase 1 and Phase 2 of the development proposals.

8.37 By varying the shift times the strategy seeks to relieve the current queuing issue by 'decoupling' early and late shift parking. At present, the morning shift (shift 1) finishes before the afternoon shift (shift 2) commences. With the completed development (phases 1 and 2) in place, the requirement will be for shifts to be back-to-back and therefore the afternoon shift workers (shift 2) will arrive before the morning shift workers (shift 1) depart. This shift pattern will result in staggered entry and exit movements, which will further reduce the peak experienced on the local road network. Currently, afternoon shift 2 workers must wait for the early shift 1 workers to leave the Stane Street car park before they can find a space, resulting in congestion at the entry barriers and queueing through

the village which a number of third party objectors have referred to. This situation would be resolved by the proposed new parking arrangement under phase 1 which effectively splits the car parking areas for shifts 1 and 2 to enable direct access to empty spaces without the need to wait for shift 1 to vacate. Morning shift 1 parking and the overnight shift would be in the existing Stane Street car park with the afternoon shift 2 parking in the proposed new surface car park. The Operational Management Plan which is the subject of a condition on the recommendation will identify entry and egress routes to ensure that the improvements are realised.

8.38 By splitting the allocated areas of car parking into 2 physically separate parts of the site for the phase 1 morning and afternoon shifts, the development effectively over provides in terms of parking capacity. WSCC point out that as a result, for large parts of the day either one of the car parks will be largely empty.

8.39 In phase 2, the existing Stane Street and phase 1 Stane Street surface car parks would be consolidated into a decked car park for 1700 cars and the applicant envisages that each floor would be allocated to a specific shift user with the entry/exit barriers, access locations and ramp designs developed to avoid the potential for any queuing within the site that could block back onto the highway. Precise operational details of the car park would be secured at reserved matters stage.

8.40 By re-setting the shift patterns as proposed and providing dedicated parking areas for the different shifts under phase 1, through the Operational Management Plan (OMP), it is anticipated that many of the congestion issues identified are capable of being addressed. WSCC as the local highway authority acknowledge that whilst as a result of this application there will be a significant increase in parking, these spaces are required for operational reasons. The way in which the car parking will be allocated and used is set out in the OMP which it is proposed to be secured through the planning condition attached to the recommendation.

8.41 In terms of the cumulative impact of additional travel movements generated by the development on the wider A27 SRN the applicant has engaged in detailed discussions with National Highways. The outcome of these discussions is that subject to the conditions attached to this recommendation which include the requirement for an Operational Management Plan and Travel Plan for both phases of development plus a further Transport Assessment before building work on Phase 2 commences, National Highways conclude that the traffic information provided demonstrates that the traffic impact on the A27 is within acceptable limits and that it's previous outstanding matters have now been fully resolved.

8.42 The Committee will note that the recommendation to permit Phase 2 of the development includes a longer time limit in which to submit the 'reserved matters'. Condition 2 requires the reserved matters to be submitted within 6 years of the date of the permission and to then commence the development within 2 years of the approval of the last of the reserved matters (condition 3), so potentially construction works starting in 2032, 8 years after any permission. The 'standard' time limit for an outline permission is 3 years in which to submit the reserved matters with a further 2 in which to implement, so 5 years overall. In recognition of the complexity of the construction project it is recommended that a longer than standard timeframe is appropriate in which to bring about Phase 2 should R-RMC intend to progress that phase. For commercial reasons in terms of the forward planning of the business, R-RMC has asked for an even longer period – 8 years in which to submit the

reserved matters and then a further 2 years to implement, but officers do not consider this to be appropriate. With R-RMC's requested timeframe, construction on Phase 2 would not potentially start until 10 years after permission i.e. in 2034. This is considered unreasonable in 2 respects. Firstly, the longer the time limit, would introduce a degree of uncertainty regarding the scope and cost of mitigation measures that might be required to the A27, given that over time it will be subject to increasing pressures from new development which may require more significant and costly interventions than are currently known or can be anticipated at this time. Whilst R-RMC has confirmed that it would meet the costs of potentially delivering improvements to all 4 junctions of the A27 between Boxgrove roundabout and Whyke roundabout in order to deliver Phase 2 under condition 8 on the recommendation, it cannot be concluded with confidence that R-RMC's position would be the same in 10 years time. A proportionate contribution to A27 works might then be prohibitive making Phase 2 an unviable or undeliverable proposition.

8.43 The second reason why an overly long extended time period for the Phase 2 component is not acceptable is that the longer the delay in bringing it forward, the longer the overall period of disruption to residential amenity from construction related activities from what is already a long build period - Phase 1 is scheduled to start in 2024 and finish in 2029. It is also relevant that the Phase 2 components – the decked car park and the additional building on the existing Stane Street car park are those parts of the development closest to the nearest residential properties at Maudlin and Westhampnett which by association more likely to experience disruption during this time.

8.44 In considering the commercial demands of the applicant, the long-term implications on the A27 from an overly extended delay for Phase 2, and protection of the residential amenity of local residents, the proposed extension of the standard time limit for the outline component of this hybrid application to 6 years plus 2 to implement is considered balanced, appropriate and reasonable.

Sustainable transport measures

8.45 The R-RMC site has an existing operational travel plan in place which promotes access to the site by non-car modes and which is being updated to suit the current proposals. Local Plan policy 8 encourages the use of sustainable travel modes as an alternative to the private car and policy 39, criterion 4 requires development to demonstrate that it: *'...encourages development that can be accessed by sustainable modes of transport in part, through the creation of links between new development and existing pedestrian, cycle and public transport networks.'* Looking forward in terms of the draft LPPS policy A21 (see paragraph 7.5), proposals on the safeguarded Rolls Royce land are required to demonstrate that: *'Increased traffic generation is minimised and mitigated by the use of sustainable transport measures'*.

8.46 When considering development proposals, the NPPF provides a clear policy approach on sustainable transport. Paragraph 114 states: *'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;
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.'

- 8.47 In terms of its existing access sustainability, the site can be reached on foot or cycle with existing walking and cycling routes in place along Stane Street and Old Arundel Road that lead both to Chichester to the west and to Tangmere to the east. The Stagecoach 55 bus service with bus stops adjacent to the existing site entrance at Stane Street and operating between Chichester city and Tangmere, as well as the specific Rolls Royce shuttle bus to Bognor Regis provide regular passenger transport opportunities to the site.
- 8.48 It is, however, recognised that given the disparate nature of the employees and their home locations and the early or late finishing shift patterns, travel by certain sustainable modes is not a practical option for some and may limit opportunities for various reasons. Nevertheless, to facilitate more sustainable use of the site, phases 1 and 2 combined propose 214 new cycle spaces with associated lockers and changing rooms for staff who cycle, and 85 motorcycle spaces. Measures and initiatives in the travel plan include personalised staff travel planning, promotion of the site-dedicated shuttle bus from Bognor Regis, travel information boards within the reception areas displaying a map of key bus routes, stops, journey durations and frequency of services to increase awareness of convenient public transport options, promotion of car sharing, the Cycle2Work scheme and restrictions on site parking permits for certain postcodes. For those that have no other practical option than the private car, the planned expansion will see 20% of all car parking spaces provided with electric vehicle charging points with these charging points distributed equally across all on-site car parks.
- 8.49 In terms of the how the application addresses the issue of 'active travel' the applicant's Transport Assessment Addendum identifies a number of measures/improvements which are relevant to the development and can be secured through the S.106 agreement that will accompany any permission to permit the development. These measures are:
- Provision of hardstanding waiting area and new footway to tie in with existing, at existing eastbound bus stop on Stane Street, west of Stane Street/Old Arundel Road mini-roundabout.
 - Provision of real-time information flag, at existing westbound bus stop, west of Stane Street/Old Arundel Road mini-roundabout.
 - New westbound bus stop on Stane Street, 120 metres west of proposed site access, to be provided in accordance with details to be agreed providing the bus operator confirms that this will be used.
 - To implement Travel Plan dated December 2023, prior to first use of phase 1 commencing.
- Active Travel England whilst initially objecting to the application now raises no objection but has welcomed the applicant's proposal to make a proportionate contribution to the development of Route N in the Chichester City Local Cycling & Walking Infrastructure Plan (LCWIP) (2020) a mixed traffic-free and on-road route along the southern boundary of the site. At the time of writing this matter was subject to further discussion with WSCC as local highways authority and the Committee will be updated.
- 8.50 In summary on highway matters it is considered that whilst there would be a considerable increase in traffic movements associated with the proposed development as a consequence of increasing total staff numbers by 1050, that impact has been carefully considered by R-RMC. Operationally, by providing more parking spaces on site than are required in order facilitate a back-to-back shift pattern change, the existing issues of congestion on Stane Street which impact negatively on residents amenity are addressed.

Combined with an enhanced on-going Travel Plan to promote sustainable transport options other than the private car and by ensuring that traffic to and from the site is outside of the sensitive am and pm peak hour period both on the local and strategic road network, the development to an extent consumes its own smoke. The view of both WSCC as the local highway authority and National Highways is that subject to conditions imposed to mitigate for the traffic effects, the development is compliant with NPPF paragraph 115 in that it would not have an unacceptable impact on highway safety and would not result in a severe residual cumulative impact. Officers agree that there are no demonstrable grounds to prevent or refuse the development on highway grounds.

v. Footpath diversion

- 8.51 A potential bar to the expansion plans of R-RMC is the fact that existing public footpath no. 417 passes in a north-south alignment to the east of the existing manufacturing building on land where it is proposed to erect the phase 1 building. Unusually given its rural setting the existing up to 1 metre wide footpath is hard surfaced with a tarmac wearing course which may be an indication of the frequency with which it is used. Third party objectors to the application point to the fact that the footpath is valued because it provides a direct connection between Westerton to the north and Stane Street to the south. To progress the planning application would require 406m of the existing footpath to be permanently stopped up. The footpath would be diverted further to the east around the edge of the field to enable construction of the phase 1 building and the accompanying landscaped bund. The realignment of the path would result in a more circuitous route adding approximately 340 m to the journey on a 2 m wide tarmac path.
- 8.52 Procedurally R-RMC has made an application direct to the Secretary of State (Department of Transport) to discontinue 406 m of the existing footpath 417 and provide the 740 m diversion. The publicity period for representations to that application ran from 1 – 29 February 2024. Following consideration of any representations received the Secretary of State (SoS) may authorise the diversion under section 247 of the Town and Country Planning Act 1990. At the time of writing the timing of the SoS's anticipated decision on the application is not known. If the diversion 'Order' is granted the SoS will specify a date when it comes into force. The stopping up of the existing path cannot take place until the diversion route has been provided to the reasonable satisfaction of WSCC as the local rights of way authority.
- 8.53 Whilst it is acknowledged that the re-aligned footpath provides a longer route than existing, which some third-party objections find unacceptable, a footpath connection is nevertheless still being maintained. The new route with a wider, even graded surface would be suitable to hikers, dog walkers and runners. Evidence on the ground indicates that a route around the field edge is in fact already in use by local people looking to enjoy a longer walk or run. The landscape proposals to be delivered under phase 1 of the development would result in a changed route and experience which some might regard as an inconvenience, but others may welcome from a recreational/environmental perspective. The re-routed footpath will meander through an area of significant new planting, green infrastructure, landscaping and ponds delivered as part of the SuDS drainage proposals.
- 8.54 Draft LPPS policy A21 criterion 6 requires development to demonstrate that it maintains access into the National Park through diversion and protection of the existing footpath, which is what the proposals would deliver. It is considered that the re-routed section of

FP417 would offer a similar type of user experience to the existing route while delivering improved width and surface quality which allows for pedestrians to walk side by side and greater potential for wheelchair use. Again, in looking at the development overall, it is considered that the inconvenience factor of re-routing part of FP417 - which the applicant estimates would add an additional 3 to 5 minutes to the current walking time - is not substantial and is significantly outweighed by the benefits the development would deliver when carrying out the planning balance.

vi. Construction management

- 8.55 Delivery of the proposed development will clearly be a complex major construction project. Due to the complexity of the process of extending and re-aligning the site and the operation to its new footprint, R-RMC envisage a five year construction process for phase 1 and a five year construction period for phase 2. For the detailed phase 1 aspect the applicant anticipates that subject to planning approval and discharge of relevant conditions, the intension would be to commence development in 2024 starting with site preparation and earthworks including the landscaping and most of the planting.
- 8.56 The submitted Earthworks Strategy envisages a significant cut and fill operation. The cut material includes removal of the existing earth mound to the east of the existing manufacturing building to establish the new phase 1 building footprint and hard standing surfaces. Material from the existing bund will be reused in the proposed landscaping and construction of the new earth bunds. The objective is to minimise surplus material to be removed from the site. Any future excavations needed for the Phase 2 development would need to be removed from site to avoid impact on Phase 1 landscaping and ecology.
- 8.57 During the earthworks phase which would be preceded by the stopping up and diversion of FP417, it is anticipated for health and safety reasons there would need to be a temporary 6-8 month diversion of the route of the new footpath onto bridleway 3583. Following the earthworks and landscaping, construction of the new phase 1 buildings would commence, then refurbishment, selected demolition of existing buildings and removal of temporary structures. Parts of phase 1 are anticipated to be first operational in 2027 but construction would continue through to 2029 for internal reconfiguration and reorganisation. The timeline for implementing phase 2 is less certain and will depend on market conditions and business demand. The Environmental Statement envisages the earliest start date for the decked car park to be 2027 with a 3-year construction timeframe.
- 8.58 The Construction compound for the development will be located over the site of the proposed phase 1 surface car park. This will provide storage and welfare facilities and it is anticipated it will also provide parking for the 300 construction workers on site daily. The applicant has assumed that 65% of construction workers will travel by car based on local travel characteristics and the assumptions presented in the Chichester Transport Study (2023). This results in a 'worst case' of 195 additional vehicle movements per day. Construction traffic including all HGV's will enter the site via the new access to be created off Stane Street and leave the site via the existing site access on Stane Street. The logistics of the construction phasing strategy are set out in detail in the Environmental Statement ('Framework Construction Traffic Management Plan', [FCTMP], Technical Appendix 7.3). In terms of vehicle movements, the FCTMP anticipates that the initial phase - earthworks - is planned to last for three months which in terms of daily movements, accessing and egressing the site equals 234 total construction vehicle

movements (including workers) with 31 of those movements being by HGV's. The peak period of daily movements is anticipated to be in month 11 of the phase 1 build when activities relating to Substructure, Envelope and Internal fit out all coincide. During this period the figures are 241 total daily construction vehicle movements (including workers) with 46 of those movements being by HGV's.

- 8.59 In terms of minimising traffic impacts on the wider network, it is important that construction site traffic does not coincide with shift changeover times at the existing factory. In order to minimise impact on the surrounding road network, and operational HGV deliveries, movements to and from the construction site are proposed to be coordinated and scheduled outside of peak operational hours, where possible. Construction works on site will be restricted to 07:30-18:00hrs, Monday – Friday and 08:00-13:00 on Saturdays with no work on Sundays or Bank Holidays. There will be no planned deliveries or construction worker arrivals/departures between the shift changeover times of 14:30-15:30, although some unforeseen circumstances may lead to deliveries coinciding with turnover. To avoid the shift turnover times, deliveries will be scheduled to arrive and depart between the hours of 09:15 and 14:00. Any construction movements during the shift changeover period (14:30 – 15:30) will be strictly prohibited.
- 8.60 A further factor potentially impacting on the construction of the development is the proximity of Goodwood Aerodrome some 285 m to the northwest of the site. The Committee will note the consultation comments received at paragraph 6.19. The height of construction cranes and the potential for bird disturbance and aircraft strike from the earth moving operations are both raised as a potential issue for fixed wing aircraft approaching the airfield. It is considered that this matter can be satisfactorily addressed by condition attached to the recommendation.
- 8.61 In undertaking a major construction project such as this, it is inevitable that there is going to be a level of disturbance compared with the existing baseline position. Working with the Council's Environmental Protection service and colleagues at WSCC highways it is considered that the degree of impact in terms of construction lighting, noise, air quality, vehicle movements and hours of work can be successfully managed within acceptable parameters in order to protect residential amenity and other interests through the imposition of a detailed construction management condition.

ix. Ecology and BNG

- 8.62 The existing 10 ha site provides a mix of different ecological conditions including open grassland, an agricultural field, wooded areas and a planted artificial soil mound directly to the east of the existing RRMC facility. As a result of thorough ecological surveys the site is recorded to support a range of habitats of value at the local and site level. Local value habitats include other woodland, broadleaved woodland, hedgerows and mature trees. The identified species count includes bats, breeding birds, reptiles including grass snake, slow worm and common lizard and a single hazel dormouse nest in the SE corner of the site.
- 8.63 In terms of the species of bats recorded on site the surveys did identify the occasional presence of the rare barbastelle bat for which the Singleton and Cocking Tunnels Special Area of Conservation (SAC) is so designated. However, of 187 bat detections with the transect surveys on the site there were only 4 readings of barbastelles. Only one of the

two static survey loggers recorded barbastelles – there were only 9 recordings throughout the period May to October 2022 (5 nights each month). The conclusions of the survey are that the readings are from 1 individual passing quickly through the site to access other foraging areas. The evidence suggests that the site is not used routinely as a foraging area for this species or indeed as a prime commuting route. The presence of the proposed north-south Strategic Wildlife Corridor in the Regulation 19 LPPS to the west of the R-RMC site together with favourable habitats within the wider landscape such as on the Goodwood estate suggest by comparison that the application site provides a lesser extent of suitable commuting or foraging habitat. The applicant's ecologist concludes that the site is therefore not of functional importance to the barbastelle bat population for which the SAC is so designated.

- 8.64 The Council's Environment Officer has considered the bat information submitted with the application and agrees with the conclusion that there will be no likely significant effect on the SAC bat qualifying species. It is observed that the proposals retain sheltered edge boundary features already used by the local bat assemblage which will maintain habitat connectivity at the local and landscape scale. Furthermore, it noted that the application proposes significant landscaping in the form of trees, hedgerows, mixed scrub and water bodies which over time will provide a significant enhancement to the ecology and biodiversity of the eastern part of the 10 ha site. The green roof of the development will also provide a future foraging habitat.
- 8.65 In carrying out an Appropriate Assessment (AA) under the Habitat Regulations it is concluded that no likely significant effect is considered to arise from the development proposals irrespective of any proposed mitigation, and whilst mitigation is not required to avoid negative impacts on the SAC, conditions are attached to the recommendation relating to lighting details, habitat protection and enhancements which will benefit the overall bat assemblage using the site. Natural England has been consulted on the AA and at the time of writing its consultation response is still awaited. The Committee will be updated.
- 8.66 Prior to and during the operational stage of the development the mitigation measures to protect the habitats of other survey species found on the site will be secured in accordance with the submitted strategies. These have been assessed and agreed by the Council's Environment Officer and conditions are attached to the recommendation in that regard.
- 8.67 Following the Environment Act 2021 a requirement for major new developments to demonstrate a minimum 10% net gain in bio-diversity (BNG) came into force from 12 February 2024 onwards. The submission and registration of the current application pre-dates the BNG requirement but R-RMC has nevertheless commissioned an assessment based on the required methodology. The development has sought to retain, enhance and create additional habitats within the development site. After implementation of these measures, it is possible to achieve a net gain of 10% for both phases of the proposed development. The applicant's current calculated change for Phase 1 is 12.25% net gain for area-based habitats, 105.91% net gain for hedgerows and no net change for watercourses. The current calculated change with Phase 2 also implemented is 23.45% net gain for area-based habitats, 89.13% net gain for hedgerows and no net change for watercourses.

8.68 The applicant's proposals will result in a fundamental change to the landscape and ecology of the predominantly arable 10 ha field adjoining the existing facility. Through the protection of existing habitats and tree planting at the field margins, the introduction of woodland, hedgerow and scrub planting on the new earth bunds, meadow grassland areas and the creation of marginal habitat around the SuDS attenuation ponds the proposals both safeguard and enhance the bio-diversity of the site and in this context are supported by policy 49 and 52 of the Local Plan.

viii. Other matters

Drainage

8.69 *Surface Water* – The existing surface water drainage strategy arrangement for the development relies on infiltration as the primary method for stormwater disposal. It relies on discharge of surface water to the main pond to the west of the existing manufacturing facility which when full is then pumped to an east and a west swale in order to manage overflows. Further rainfall is managed through discharge into the field to the north from the east swale via a separate infiltration bed. The existing surface water network remains largely unchanged with the main alteration being that the existing on site infiltration swale on the eastern side of the main building is proposed to be largely culverted below the proposed building/hardstanding. The east swale infiltration soakaway will be re-provided via the southern swale with a like for like volume requirement.

8.70 The proposed surface water drainage strategy is centred around the principle of SuDS. The following components are integral to the design. Attenuation will be provided through a combination of permeable paving to the phase 1 surface car park, swales, possible raingardens, green roof systems including rain harvesting for grey water re-use and a main attenuation basin located adjacent to the east site boundary. The main attenuation basin will be lined to maintain its storage capacity in light of higher groundwater levels in that part of the site and is designed to discharge via a flow chamber to the existing field ditch on the north-east boundary at no more than existing greenfield rates.

8.71 The Lead Local Flood Authority at WSCC following the receipt of further information and clarification in the FRA, Flood Risk Addendum and Drainage Strategy has confirmed that it has no objection to the surface water drainage strategy subject to the imposition of conditions which are as detailed in the recommendation below. The details are considered to be in accordance with the NPPF (section 14) and Local Plan policy 42.

8.72 *Foul Water* – The foul drainage proposals are via a separate sewer system running north-south to the east of the phase 1 building and connecting into the existing off site Southern Water public sewer via a new manhole to be located to the southeast of the site adjacent to the proposed new vehicular access to Stane Street. Southern Water's initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network and that network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water endeavour to provide reinforcement if it is required within 24 months of planning consent being granted. Given these comments officers consider that it is necessary to impose a precautionary condition on the recommendation to ensure that the required foul drainage infrastructure is in place when it is required to service the proposed use.

8.73 *Nitrates* – The foul flows from the development will be directed to the Easthampnett Wastewater Treatment Works (WwTW) at Tangmere. The WwTW does not discharge to the protected waters of the Solent Maritime SAC or Chichester Harbour SPA where there are currently issues with regard to eutrophication caused by the deposition of nitrate nutrients. The site is also outside of the Chichester Fluvial Catchment Area. Notwithstanding that the development has an existing round-the-clock operation there is no requirement for a commercial development to offset its nitrates impact or to demonstrate nitrate neutrality.

Residential amenity

8.74 The impacts of the development on existing residential properties at Maudlin and Westhampnett are potentially significant without effective management. The impacts can be divided into those associated with the construction phase and those impacts operationally thereafter.

8.75 In terms of the *construction phase*, the key issues for residents are considered to be in terms of the number, nature, access and egress arrangements for construction vehicles necessary to deliver the development, the associated noise from demolition and construction activities, dust and fumes (air quality), hours of work and construction lighting. Within the bounds of delivering a major project like this it is expected there will be some negative impacts. However, following consultation with the Council's Environment Protection service and WSCC as the local highways authority, officers are satisfied that through the Construction Environmental Management Plan condition added to the recommendation, all of these issues can be successfully mitigated to an acceptable degree.

8.76 In terms of the *operational phase*, the key existing issue for local residents highlighted in this report relates to the traffic congestion issues experienced at the morning/afternoon shift changeover. This issue has featured front and large in terms of R-RMC's planning for the new development. The proposed altered shift times remove the congestion element by decoupling the morning from the afternoon shift and providing dedicated parking areas for both shifts as explained earlier in this report. An updated Operational Management Plan (OMP) conditioned as part of this recommendation would deliver car park management measures to ensure the dedicated parking provision and associated directional signage works. The OMP would also include practicable noise control measures to mitigate noise impacts emanating from the car park at neighbouring receptors e.g., noise from car doors banging, over-revving of cars and speeding within the site. It will also include lighting controls, staff training, and a complaints and discipline procedure. Conditions relating to environmental protection are also imposed regarding the operation of plant related to the commercial activities on the site to control noise and odour – the latter in respect of emissions from the new flue to the Exterior Surfaces Centre. The extent and form of external lighting is also controlled by a lighting condition related to the appropriate thresholds of the Institute of Lighting Professionals whilst also acknowledging the South Downs National Park as a designated International Dark Skies Reserve.

Sustainability of construction

8.77 The efficiency of the building in environmental terms has been a strong focus for R-RMC in bringing forward the development. R-RMC is committed to reducing its carbon dioxide emissions by 40% by 2030. As a move towards this goal, and consistent Local Plan policy

40, the proposed development will be designed to achieve a minimum 20% reduction in carbon emissions compared to the Building Regulations 2013 baseline target. The following elements are proposed in order to achieve that aim: solar PV panels on the flat roofs of the new buildings as part of the green roof; air source heat pumps to provide heating and cooling to the new building; air handling units serving the Paintshop, assembly, analysis, leather-shop and welfare areas; air-cooled screw chillers to provide chilled water to the Paintshop process systems; and a compressed air plant room for the Paintshop.

8.78 The submitted Sustainable Design and Construction Statement details the measures above that the development will include to deliver carbon emissions reductions. These also include an enhanced insulated thermal envelope for the building, optimized glazing to provide natural daylight and reduce reliance on artificial lighting, mechanical ventilation with heat recovery. In terms of the fittings within welfare areas these will ensure that water consumption does not exceed a maximum consumption of 110 litres per person per day. A total of 20% of parking spaces (110 spaces for phase 1) will be provided with electric vehicle charging. The Council's Environment Officer has confirmed that the proposed measures as a package are acceptable in response to the requirements of policy 40 and a compliance condition is attached to the recommendation in that regard.

Archaeology and heritage issues

8.79 The application site is currently subject to a second stage open area archaeological excavation. Whilst the works have produced evidence of neolithic and Anglo Saxon settlement there is nothing to suggest that the archaeological interest need to be preserved in situ. The Council's archaeologist has confirmed that an acceptable approach is to follow the methodology set out in the submitted Written Scheme of Investigation (WSI) and this should be secured via a condition attached to the recommendation requiring that the archaeological investigation, recording, analysis and dissemination of the results as detailed in the WSI.

8.80 In terms of heritage issues the site is not in or adjacent to any designated conservation area but is in proximity to a small number of Grade II listed buildings - The Old Post House, The former Coach and Horses public house and Maudlin Cottage close to the junction of Stane Street and Old Arundel Road and the buildings at Westerton Farm to the north-west. Issues relating to the impact on the setting of these buildings together with the wider setting of Goodwood House and its listed parkland are explored more fully by the Council's Principal Conservation and Design Officer at paragraph 6.13 above (under sub-heading 'Heritage'). The Committee will note that Historic England deferred to the Council to provide specialist conservation advice in this regard. The conclusion reached in all instances by the Council's officer is that there are not likely to be any harmful cumulative impacts on the settings of nearby listed buildings. This is primarily due to the intervening distance from the proposals, the extensive and high-quality mitigation proposed and the baseline impacts of the current facility and other nearby modern development. The application proposals are not therefore considered to offend the objectives of Local Plan policy 47 and the 'less than substantial harm' test in the NPPF is not even engaged.

Loss of agricultural land

8.81 The 10ha site to the east of the existing facility comprises approximately 7.9ha of arable farmland. In terms of the agricultural land classification this arable land is mostly grade 3a

with a smaller proportion of grade 2 at the northern end (based on a ALC 1993 survey). In terms of the NPPF (paragraph 180 b) the development proposals would result in the loss of 7.9ha of best and most versatile (BMV) land to a non-agricultural use. However, this is a relatively small parcel of well enclosed BMV land the loss of which the applicant identifies will have a negligible impact on the total area of farmed land within the Goodwood Estate. For context in terms of its wider significance, the 6.9ha is well below the threshold set by Natural England of the loss of 20ha or more of BMV agricultural land where it is required to be consulted. Therefore, whilst the loss of some BMV land does count against the proposals it is considered that the issue carries limited weight in the overall planning balance in terms of the significant weight to be attached to the economic benefits the application would deliver in terms of new jobs and investment in the economy together with the net increase in biodiversity on the land as a result of the extensive new planting proposals.

Significant Conditions

8.82 The key conditions that are recommended to make the development acceptable stem from the main issues identified in the report above and reflect the fact that this is a hybrid application with both full and outline components. Recommended conditions include details of the construction management plan, specifying shift patterns, an operational management plan delivering car park management requirements for both phase 1 and 2 of the development, travel plan, phase 2 reserved matters to comply with the details specified on the Parameters Plan, landscape planting details, ecological enhancements, habitat protection, lighting controls and surface water drainage.

Section 106 Agreement

8.83 Whilst the development is noted as being liable for CIL, the Charging Schedule (January 2016) sets out that the charge for commercial development (Standard Charge) is £0 / m². Accordingly, the CIL charge for the proposed development is £0. At the time of preparing this report work was progressing on preparing a Section 106 agreement to secure those infrastructure benefits identified as necessary to make the development acceptable in planning terms. The applicant has confirmed they will enter into an agreement and the anticipated final heads of terms are:

- Payment of a financial contribution £TBA towards providing sustainable transport 'Route N' as identified in the Chichester City Local Cycling & Walking Infrastructure Plan (LCWIP) (2020) before development is first brought into use.
- Submit to WSCC for approval a scheme of highway works comprising:
 - Existing eastbound bus stop on Stane Street, west of Stane Street/Old Arundel Road mini-roundabout – Provision of hardstanding waiting area and new footway to tie in with existing.
 - Existing westbound bus stop, west of Stane Street/Old Arundel Road mini-roundabout – Provision of real-time information flag and pole
 - Provide new westbound bus stop on Stane Street, 120 metres west of proposed site access in accordance with details to be agreed but subject to the bus operator confirming that this will be used.

- Works to deliver A285/Stane Street junction widening for HGV's
- Before Phase 1 is first brought into use to fund and apply for the reduction of the existing 60mph speed limit to 40mph the extents of which are as shown on drawing titled 'Proposed Site Access with Roman Road General Arrangement' and reference ID BAU-VOR-5000-0042-XXXXX-BAUP-10120101 revision C06. In the event, the 40mph is approved, the Applicant shall thereafter fund and implement a scheme of signing and lining for the 40mph speed limit.
- Before Phase 1 is first brought into use, implement the Travel Plan, dated December 2023 and make payment of Travel Plan auditing fee - £3,500.
- Off Site Reptile Relocation – to be delivered on land within the Goodwood Estate before commencement of the development.
- Section 106 monitoring fee - £1,100.

Conclusion and Planning Balance

- 8.84 This major planning application for a significant extension of the R-RMC existing manufacturing facility at Westhampnett is contrary in part to countryside policy 45 of the adopted Local Plan in that it is clearly not 'small scale' but it also finds support in the policy in terms of the requirement for 'a countryside location'. The development is an expansion of the existing facility already operating successfully in the countryside. To expand the business on a completely different site is neither realistic or pragmatic from a commercial, economic or environmental perspective and developing elsewhere would potentially prejudice the long-term viability of the existing operation. The NPPF and Local Plan policies 3 and 26 provide clear support for helping existing businesses to modernise, develop and grow in the local economy and R-RMC are one of the largest direct and indirect employers in the District with a reputation nationally and internationally. The emerging Local Plan acknowledges that importance by proposing to safeguard future land for the company under draft policy A21.
- 8.85 Of course the support being given to this application is not support given irrespective of the impacts. It is recognised that there will be some very significant impacts in terms of landscape change and activity in and around the site from the expanded operation once fully up and running as well as the implications of the construction phase. Addressing environmental concerns is however deeply embedded in the proposals. Assessment of the proposals has concluded that the harm to the environment will be limited and successfully mitigated by the design of the building which will be complementary to the existing development and subsumed into the landscape. The existing award-winning R-RMC development became quickly absorbed into its rural surroundings and 20 years on sits comfortably in the landscape. With the same architects and attention to detail on the current application there is no reason to suggest that these proposals will not deliver a similarly successful outcome.
- 8.86 It is clear that the applicant has listened to local concern which is chiefly in respect of the disruption to residential amenity caused by the shift changeovers. By amending the shift times to make the afternoon shift start time and the morning shift finish times

the same, the existing staff arrival and departure times are decoupled and with separate shift parking areas being provided officers are confident that the existing congestion issues will dissipate. With the conditions imposed on the recommendation it is considered that the environmental issues can be successfully addressed and that the applicant will be a good neighbour.

8.87 In terms of the final planning balance it is considered that whilst there will be an inevitable change to the local environment which some might perceive as harmful it has been satisfactorily demonstrated that that degree of change/harm can be successfully managed and is not so material as to outweigh the considerable wide-ranging benefits to the economy which the proposals will bring.

Human Rights

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

RECOMMENDATION

DEFER FOR S106 THEN PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted in respect of Phase 1 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) (i) Approval of the details of the layout of the site, scale of the building(s), appearance of the building(s) or place and the landscaping of the site for Phase 2 of the development as identified on 'Phase 2 - Development Parameters Plan' drawing no. BAU_ EIN_ 5000_ ZZZZ_ DACHA_BAUP 01620004 REV C01 and hereinafter called "reserved matters" shall be obtained from the Local Planning Authority before any development in respect of Phase 2 is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, scale of the building(s), appearance of the building(s) 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 for Phase 2 shall be made to the Local Planning Authority before the expiration of 6 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.

3) The Phase 2 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.

4) The development hereby permitted shall be carried out in accordance with the plans listed below:

Site wide plans:

BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620051 C03; BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620052 C02;

Phase 1 (Detailed Plans)

BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620001 C02; BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620003 C02; BAU_EIN_5000_ZZZZ_G0000_BAUP_01630001 C02; BAU_EIN_5000_ZZZZ_G0010_BAUP_01630002 C02; BAU_EIN_5000_ZZZZ_DACHA_BAUP_01630004 C02; BAU_EIN_5000_ZZZZ_ANSIC_BAUP_01680004 C02; BAU_EIN_5000_ZZZZ_ANSIC_BAUP_01660001 C02; BAU_EIN_5000_ZZZZ_ANSIC_BAUP_01660002 C02; BAU_EIN_5000_ZZZZ_ANSIC_BAUP_01660003 C02; BAU_EIN_5000_ZZZZ_SCHNT_BAUP_01670001 C02; BAU_EIN_5000_ZZZZ_SCHNT_BAUP_01670002 C02; BAU-VOR-5010-0042-LAGEP-BAUP-30102000 C02; BAU-VOR-5010-0042-LAGEP-BAUP-30102001 C02; BAU-VOR-5010-0042-LAGEP-BAUP-30102030 C02; BAU-VOR-5010-0042-SCHNT-BAUP-30102041 C02; BAU-VOR-5010-0042-SCHNT-BAUP-30102042 C02; BAU-VOR-5010-0042-SCHNT-BAUP-30102043 C02; BAU-VOR-5010-0042-SCHNT-BAUP-30102044 C02; BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620002 C02; Existing and Proposed Chimney Flue to Exterior Finishes Centre (no drawing number);

Phase 2 (Outline) Plans

BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620004 C02; BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620005 C03; BAU-VOR-5010-0042-LAGEP-BAUP-30202000 C02;

Cut and Fill

BAU-VOR-5000-0041-LAGEP-BAUP-04124100 C02; BAU-VOR-5000-0041-LAGEP-BAUP-04274101 C02; BAU-VOR-5000-0041-LAGEP-BAUP-04274102 C02;

Access Drawings

BAU-VOR-5000-0042-XXXXX-BAUP-10120101 C06

Drainage Plans

BAU_ENT_5000_ZZZZ_LAGEP_BAUP_04122001 P03.01;
BAU_ENT_5000_ZZZZ_LAGEP_BAUP_04122101 P01.01; BAU-VOR-5000-0041-DETAI-BAUP-00513501 C01; BAU-VOR-5000-0041-DETAI-BAUP-00513502 C01; BAU-VOR-5000-0041-DETAI-BAUP-00513503 C01; BAU-VOR-5000-0041-DETAI-BAUP-00513504 C01; BAU-VOR-5000-0041-DETAI-BAUP-00513505 C01; BAU-VOR-5000-0041-LAGEP-BAUP-00512510 C01;

Other Plans

BAU-VOR-5010-0042-SCHNT-BAUP-30102050 C01; BAU-VOR-5010-0042-SCHNT-BAUP-30102051 C01; BAU-VOR-5010-0042-SCHNT-BAUP-30102052 C01; BAU_ENT_5000_ZZZZ_LAGEP_BAUP_04122105 P01; BAU_ENT_5000_ZZZZ_LAGEP_BAUP_04122104 P02

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

5) The development of Phase 2 hereby permitted shall conform with the 'Phase 2 - Development Parameters Plan' (drawing no. BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620004) save for minor variations where such variations do not deviate from this permission nor have any additional or materially different likely significant environmental effects to those assessed in the Environmental Statement accompanying the application.

Reason: To accord with the terms of the application and provide certainty regarding the outline component of the application.

6) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase including those measures set out in the submitted Outline CEMP by Ramboll (ref: RUK2022N00149-RAM-RP-00069, dated 11/12/2023) 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 demolition and construction periods for each Phase unless any alternative is formally agreed in writing by the Local Planning Authority. Details to be covered include time periods for demolition/construction, measures to control emissions of noise/vibration, public engagement, and external lighting used during demolition/construction. The CEMP shall include and provide details of the following:

- (a) the phased programme of demolition and construction works;
- (b) proposed hours of work - demolition and construction,
- (c) a Construction Traffic Management Plan to include the anticipated number, frequency and types of vehicles used during construction; the location and specification for vehicular access during construction; the provision made for the parking of vehicles by contractors, site operatives and visitors and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including a Signage Strategy and the provision of temporary Traffic Regulation Orders),
- (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 and wheel washing facilities,
- (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/vibration 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 prohibiting burning,
 - (p) provision of temporary domestic waste and recycling bin collection point(s) during construction,
 - (q) the height, location and radius of swing of any cranes or high reaching construction equipment, and
 - (r) a bird disturbance mitigation strategy.

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.

7) No works in respect of Phase 1 shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Traffic Management Plan (CTMP) have been submitted to and been approved in writing by the Local Planning Authority, in consultation with West Sussex County Council and National Highways. The CTMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but shall not be limited to:

- site hours of operation;
 - numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use of vehicle booking systems etc);
 - measures to ensure that HGV loads are adequately secured;
 - travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries;
 - sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and the means to remove if it occurs).
- Thereafter the construction of the development shall proceed in strict accordance with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority, in consultation with West Sussex County Council and National Highways.

Reason: To ensure that the A27 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

8) No building in Phase 2 of the development hereby approved shall be commenced unless and until a Transport Assessment has been submitted to and been approved in writing by the Local Planning Authority, in consultation with West Sussex County Council and National Highways that demonstrates either:

- The Phase 1 Vehicle Trip Cap parameters as identified in Condition 23 will not be exceeded; or
- Analysis is presented and agreed by National Highways that indicates acceptable effects on the A27; or
- A proportionate and deliverable scheme for enhancements to the A27 between Whyke Roundabout and Boxgrove Roundabout has been agreed with National Highways, along with a programme for its delivery. Enhancements may include, but shall not be limited to, physical works and/or traffic signalisation to provide safety and junction capacity improvements at one or more junctions.

If the approved Phase 2 Transport Assessment identifies that a scheme of enhancements is necessary, no building in Phase 2 of the development hereby approved shall be occupied unless and until the approved enhancements have been implemented and are open to traffic.

Reason: In order to ensure the traffic associated with Phase 2 is suitably considered and mitigated where necessary.

9) Before the development hereby commences a timetable shall be submitted to and be agreed in writing by the Local Planning Authority in respect of delivering the biodiversity measures set out in the following suite of reports in order to enhance the biodiversity of the site with regard to landscape management, monitoring and maintenance, and species specific habitat protection, creation and enhancement:

Landscape and Ecological Management Plan (December 2023 Update, Ramboll)
 Biodiversity Management Plan (December 2023, Ramboll)
 Dormouse Mitigation Strategy (December 2023, Ramboll)
 Reptile Mitigation Strategy (July 2023, Ramboll)
 Bat Mitigation Strategy (December 2023, Ramboll)

The development and biodiversity measures shall thereafter be carried out in accordance with the approved timetable unless any variation is agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application

10) Notwithstanding any details submitted no construction of any building above slab level shall commence until a full schedule of all exterior materials and finishes and where requested samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

11) Before installation of the solar panels hereby permitted a scheme of design for

the photovoltaic (PV) panels to include an assessment conducted in accordance with Pager Power's "Solar Photovoltaic Development - Glint and Glare Guidance" (January 2017) shall be submitted to and be approved in writing by the Local Planning Authority. Any approved (PV) scheme shall be implemented as part of the installation in accordance with the approved details and maintained thereafter.

Reason: In the interests of visual amenity and the proximity of Goodwood Aerodrome.

12) No development in respect of the surface water drainage works for Phase 1 of the development shall commence until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the agreed drawings, method statement, Flood Risk Assessment/Drainage Strategy (Ramboll, 07/02/2023, version 1.0) and Proposed Drainage Layout Sheet 1 and 2 (Arup, 19th January 2024, C01) and shall remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy 42 in the Chichester Local Plan.

13) Before or as part of the submission of each Phase 2 Reserved Matters application for the development hereby permitted, details of a scheme for the disposal of surface water by means of a sustainable drainage system shall be submitted to and be approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment/Drainage Strategy, by Ramboll dated 07/02/2023, version 1.0. The scheme shall be implemented in full in accordance with the approved details prior to first use of Phase 2 of the development. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
- Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan.

14) Following completion of each surface water drainage system for both Phase 1

and Phase 2 of the development, including any SuDS features, and before Phase 1 and Phase 2 are each first brought into use; a survey and verification report from an independent surveyor shall be submitted to and be approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 12 for Phase 1 and condition 13 for Phase 2. The verification report shall also include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users Remain safe for the lifetime of the development in accordance with NPPF and Policy 42 in the Chichester Local Plan.

15) Both Phase 1 and Phase 2 of the development hereby approved shall not be first brought into use 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 each phase of the development hereby approved being brought into use 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 to ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan.

16) Before the development hereby permitted is first brought into use details shall be submitted to and be approved in writing by the Local Planning Authority in consultation with Southern Water which shall demonstrate that the foul drainage infrastructure necessary to dispose of foul water from the development is in place and functioning.

Reason: To ensure adequate provision for drainage in the interests of amenity and the environment.

17) No part of the development hereby permitted shall be first brought into use, until

details of any external lighting of the site have been submitted to, and been approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire, type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds from the Institution of Lighting Professional's for Environmental Zone E2 (rural), 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall 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. The lighting scheme shall further demonstrate how it complies with the South Downs National Park Authority 2021 Dark Skies Technical Advice Note. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interests of residential amenity, the rural amenity of the sites wider surroundings and impacts on the South Downs National Park as a designated International Dark Skies Reserve.

18) Before the development hereby permitted is first brought into use details shall be submitted to and be approved in writing by the Local Planning Authority showing how the escape of interior light through the proposed rooflights during the hours of darkness will be satisfactorily mitigated. The development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent light pollution of the wider rural environment which is adjacent to the International Dark Skies Reserve of the South Downs National Park.

19) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a specific boundary treatment plan, a planting plan and schedule of plants noting species including details of any marginal/aquatic planting with sections through the planting zone, plant sizes and proposed numbers/densities and management and maintenance measures to include a programme of watering to aid establishment. In addition all existing trees and hedgerows on the land shall be indicated including details of those to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The approved scheme shall be carried out in the first planting season after practical completion or before the built development at Phase 1 is first brought into use, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice and any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application in the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact

of the proposed development on existing trees.

20) The development hereby permitted shall not be first brought into use until a scheme detailing hard landscape works has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include plans showing details and samples of the hard surfacing materials - car parking areas, steps and ramps - retaining walls, green walls, fences, gates, bollards, railings, litter bins and a programme for the provision of the hard 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.

21) No part of the Phase 1 works shall be first occupied or brought into use until the proposed vehicular access, including the provision of visibility splays, as shown on the drawing titled 'Proposed Site Access with Roman Road General Arrangement', reference ID BAU-VOR-5000-0042-XXXXX-BAUP-10120101 revision C06 has been constructed.

Reason - In the interest of road safety and to enable suitable access to the site.

22) Prior to the first occupation of any building in Phase 1, an update to the Operational Management Plan (OMP) dated 21 December 2023 shall be submitted to and be approved in writing by the Local Planning Authority, in consultation with West Sussex County Council and National Highways. The OMP shall align with the Phase 1 Travel Plan as approved under condition 23, including amendments to the shift pattern to 06:00-14:30 and 14:30-00:00, and once approved shall thereafter be implemented as specified within the approved document. The approved measures shall be monitored, reviewed, and reported on as required within the OMP and a further update shall be provided for the written approval of the Local Planning Authority at or before submission of the reserved matters in respect of Phase 2 of the development.

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to secure the car parking and servicing strategy for the site.

23) The Phase 1 development hereby permitted shall not be occupied unless and until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A27 trunk Road and the local highways authority). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include, as a minimum, details of the measures to be implemented to ensure that that the mode share for cars for all trips to and from the development during the period 13:00 to 16:00 does not exceed 62.5% at an overall employment level of 3,000 staff (existing development plus Phase 1 of the development hereby permitted). The maximum permitted arrival and departure vehicle trip generation rates for staff shall be as identified in Table 3-3 of the A27 Management Measures report (dated February 2024, C02) prepared by Arup.

The measures shall include:

- an accessibility strategy to specifically address the needs of employees with limited mobility requirements;
- the timetable/ phasing of the implementation of the Travel Plan measures alongside the occupation (staff numbers) of the development and its operation thereafter;
- the mechanisms for monitoring and review;
- the mechanisms for reporting with the period for reporting being no greater than annual;
- the remedial measures, controls and contingencies to be applied in the event that targets are not met including a contingency highway scheme(s) on the A27; and
- the mechanisms to secure variations to the Travel Plan following monitoring and review.

A contingency highway scheme(s) shall be identified within the travel plan to mitigate road safety impacts on the A27 if the agreed mode shift is not achieved. The scheme shall be developed to preliminary design standard in accordance with the Design Manual for Roads and Bridges and shall be supported by a Stage One Road Safety Audit.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority for the A27 trunk road and the local highways authority

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

24) No part of the Phase 1 works shall be first occupied or brought into use until the car parking has been provided in accordance with the details as shown on drawing titled 'Phase 1 - Proposed Site Plan' and referenced BAU_EIN_5000_ZZZZ_DACHA_BAUP_01620002 Revision C02.

Reason: To ensure adequate parking provision is provided to allow the safe and efficient operation of the site.

25) No part of the Phase 1 works shall be first occupied or brought into use until provision for Electric Vehicle Charging has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. For clarity, 20% of the car parking spaces within the proposed Phase 1 surface car park shall be provided with active charging provision with 30% provided with passive provision as set out within the approved Transport Assessment.

Reason: To provide EV charging for the employees and visitors to the proposed Development.

26) No part of the Phase 1 works shall be first occupied or brought into use until the proposed additional cycle parking has been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be carried out in accordance with the approved details.

Reason: To encourage alternate modes of access to the site other than by private car.

27) As part of the reserved matters submission for any building in Phase 2, a review of the approved Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council and National Highways. The review shall update the Operational Management Plan as appropriate to align with the Travel Plan updated and approved in accordance with Condition 28. The Operational Management Plan once approved shall thereafter be implemented and regularly updated as specified within the approved document.

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

28) As part of the reserved matters submission for any building in Phase 2, a review of the approved Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council and National Highways. The review shall update the Travel Plan to cover the whole site as appropriate to deal with any issues identified from the implementation of Phase 1 and shall include any additional measures as identified within the Transport Assessment submitted and approved in accordance with Condition 8. The Travel Plan once approved shall thereafter be implemented and regularly updated as specified within the approved document.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

29) No part of the Phase 2 works shall be first occupied or brought into use until the car parking has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate parking provision is provided to allow the safe and efficient operation of the site.

30) No part of the Phase 2 works shall be first occupied or brought into use until provision for Electric Vehicle Charging has been provided in accordance with plans and details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide EV charging for the employees and visitors to the proposed development.

31) No part of the Phase 1 works shall be first occupied or brought into use until a scheme of carriageway widening has been undertaken on Stane Street in the vicinity of 'Temple House' in accordance with the details indicatively shown on the drawing titled 'A285 Stane Street/Roman Road Proposed Mitigation General Arrangement' within Appendix S of the Transport Assessment.

Reason: In the interests of road safety and to comply with the terms of the application.

32) The existing public right of way number FP417 across the site shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any legally permitted diversion of public right of way number FP417 shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.

Reason: To safeguard the rights of the public.

33) In the event that land contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first brought into use until;

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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.

34) The development hereby permitted shall be carried out in accordance with the 'Written Scheme of Investigation', by Oxford archaeology, September 2023, Issue No:2, NGR: SU 88783 06738 in respect of the investigation, recording, analysis and dissemination of the results.

Reason: To ensure the suitable preservation of the significance of the archaeological interest that the site has been shown to contain.

35) Notwithstanding any information submitted to the contrary with the application, the development hereby permitted shall implement the following work shift changes unless any variation is specifically agreed in writing by the Local Planning Authority following the submission of an application in that regard:

Morning shift: 06:00 to 14:30 on Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays.

Afternoon shift 14:30 to 00:00 on Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays.

Overnight shift in Exterior Surface Centre (paint shop) only: 23:00 to 06:00 Monday to Saturday and at no time on Sundays, Bank or Public Holidays.

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

36) Within 3 months of the commencement of operations for both Phase 1 and again for Phase 2, a sound validation test shall be submitted to and be approved in writing by the Local Planning Authority. The sound validation test shall demonstrate that noise from commercial activities from the approved site during operation gives rise to a free field rating level, as calculated at the most sensitive receptors that is no more than the established background sound level. The sound validation test results shall demonstrate that the Rating Level has been attained and where necessary appropriate mitigation has been adopted. All specified measures to mitigate noise shall be implemented and thereafter maintained. Any deviation from the rating level requirement, shall be formally agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity.

37) 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 Phase 1 and Phase 2 development hereby permitted as so specified in the application shall be used for purposes within Use Classes B2, B8 and E(g) and for no other purpose.

Reason: To ensure the use of the development does not have a harmful environmental effect in the interests of amenity and protecting residential amenity.

38) The electric regenerative thermal oxidiser (RTO) and its flue on the roof of Exterior Surface Centre shall be constructed as shown on the submitted 'Proposed Chimney' drawing and as specified in section 8.9.26, chapter 8 of the Environmental Statement (by Ramboll). The flue shall be set at a height no higher than 2.15m above roof level and 1.5m above the top part of the solar panels in order to ensure there is negligible impact from VOC's produced by the Exterior Surface Centre at sensitive receptor locations. The RTO must thereafter be maintained in accordance with manufacturer's specifications.

Reason: To accord with the terms of the application and to safeguard the environment from atmospheric pollution.

39) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be

maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

40) The development hereby permitted shall be carried out in accordance with the measures set out in the 'Sustainable Construction and Design Statement' and specifically Appendix 1 – Operational Energy, Carbon and Water Strategy, within that document by Arup dated 14 July 2023 unless any variation is subsequently approved in writing by the Local Planning Authority.

Reason: To comply with the terms of the application and policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

41) The Phase 2 Construction Traffic Management Plan to be submitted with the first reserved matters application shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It shall include but not be limited to:

- site hours of operation;
 - numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use of vehicle booking systems etc);
 - measures to ensure that HGV loads are adequately secured;
 - travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries;
 - sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and the means to remove if it occurs).
- Thereafter the construction of the development shall proceed in strict accordance with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority, in consultation with West Sussex County Council and National Highways.

Reason: To ensure that the A27 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

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) 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. It is advised to discuss proposals for any works at an early stage of proposals.

Please note if the Local Planning Authority decide to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

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

4) The Phase 1 Travel Plan shall include clear targets and firm commitments to implement a package of sustainable travel measures along with arrangements for monitoring, review, amendment, and effective enforcement. In addition, the Travel Plan shall identify shift change times. The occupier of the development shall be responsible for the monitoring, review, amendment, and effective enforcement of the approved Travel Plan.

5) The Phase 1 Operational Management Plan shall include, but not necessarily limited to, details of staff and HGV routing and access to the site, measures to manage down demand for staff and HGV movements during the network peak hour periods, measures for consolidation of servicing trips and details of site operation (i.e., how the site is to function on a day-to-day basis), including a parking accumulation analysis to confirm the adequacy of staff and HGV parking provision.

6) The Phase 1 Construction Traffic Management Plan shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use of vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

7) The Phase 2 A27 enhancement works where so required shall be separate from RIS or other large scale National Highways schemes and will be proportionate to the scale of the development.

8) The Phase 2 Travel Plan Update shall include clear targets and firm commitments to implement a package of sustainable travel measures along with arrangements for monitoring, review, amendment, and effective enforcement. In addition, the Travel Plan shall identify shift change times. The occupier of the development shall be responsible for the monitoring, review, amendment, and effective enforcement of the approved Travel Plan.

9) The Phase 2 Operational Management Plan shall include, but not necessarily limited to, details of staff and HGV routing and access to the site, measures to manage down demand for staff and HGV movements during the network peak hour periods, measures for consolidation of servicing trips and details of site operation (i.e., how the site is to function on a day-to-day basis), including a parking accumulation analysis to confirm the adequacy of staff and HGV parking provision.

10) Commercial activities to include any external mechanical plant and/or externally venting plant (including extraction, ventilation, refrigeration, air condition, air handling units, generators) and any delivery vehicle movements, forklift movements on private land and delivery noise. The rating level shall be determined in accordance with BS4142:2014+A1:2019 "Methods for Rating and Assessing Industrial and Commercial Sound. Background sound levels shall be established for daytime (07:00 to 19:00); evening (19:00 to 23:00) and night-time (23:00 to 07:00). Assessment reference periods shall be 1hr (07:00 to 23:00) and 15mins (23:00 to 07:00).

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ005XER0ZU00>

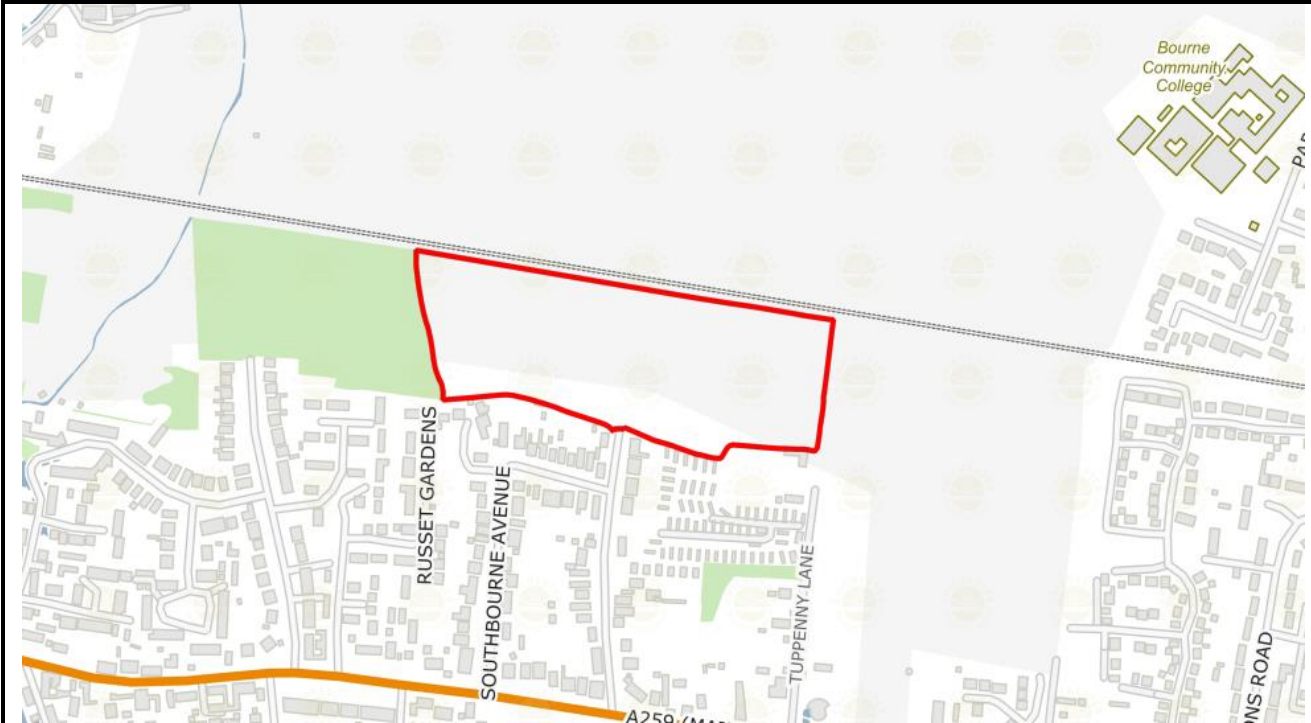
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Parish: Southbourne	Ward: Southbourne
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SB/23/00024/OUT

Proposal	Erection of up to 84 dwellings with associated parking, public open space, drainage and alterations to access (all matters reserved except for access).		
Site	Land To The North Of Penny Lane Penny Lane Hermitage PO10 8HE		
Map Ref	(E) 476000 (N) 106000		
Applicant	Seaward Strategic Land Ltd	Agent	Mrs Katie Lasham

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

- 1.1 Parish Objection – Officer recommends Permit

2.0 The site and surroundings

- 2.1 The application site constitutes a level rectangular agricultural field located to the immediate north of residential development in Hermitage. Accessed from Penny Lane, which in turn leads to the A259, the site is bounded to the north by a hedgerow and the main railway line, to the west by woodland and to the east, beyond a mature hedgerow, by an agricultural field.
- 2.2 Whilst of an open character, with long ranging views northwards to the South Downs, the site is also characterised by the residential form to the south which includes a variety of architectural styles on Penny Lane and Southbourne Avenue. To the south-eastern boundary is the Morcumb Park Homes site and a dwelling with an equestrian sand-school, beyond.
- 2.3 The site is outside of any settlement boundary, as defined by Policy SD2 of the Chichester Local Plan: Key Policies 2014-2029 (the 'Local Plan') and Policy SB1 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 (the 'Neighbourhood Plan').
- 2.4 Chichester Harbour National Landscape, a designated Area of Outstanding Natural Beauty (AONB), is located to the south, immediately beyond the A259 whilst the South Downs National Park is located approximately 2km from the site including the closest boundary of the International Dark Skies Reserve approximately 4km away with its buffer zone and transition zones extending much closer.
- 2.5 The CDC Local Plan review Landscape Gap Assessment 2019 identifies a potential Landscape Gap to the immediate east of the application site whilst the woodland to the immediate west of the application site is the subject of a group Tree Preservation Order (TPO). Furthermore, an oak tree, the subject of a TPO, is located at the entrance to the site from Penny Lane.
- 2.6 The site is also located to the immediate east of the Lumley Wildlife Corridor, as defined by Policy SB13 of the Neighbourhood Plan, with a Public Right of Way (PRoW) running from the entrance to Penny Lane through the site, along its southern boundary, and across the Penny Lane railway crossing that is located in the north-western corner of the site and is currently accessed via a wooden stile. A second PRoW runs outside of, but parallel to, the eastern boundary connecting the A259 to a railway crossing located to the north-east of the site which is accessed via two gates.
- 2.7 Located in Environment Agency (EA) Flood Zone 1 with a low probability of flooding the site also has a drainage channel running along its southern boundary immediately adjacent to the existing dwellings with part of it culverted. In terms of foul drainage the site is located within the area served by the Thornham Waste Water Treatment Works (WWTW).

3.0 The Proposal

3.1 The application seeks outline planning permission for up to 84 dwellings with all matters reserved except for access. Therefore, detailed plans are proposed for the access points to the site and there are a series of principles, set out within the submitted parameter plan and the Heads of Terms for a s106 legal agreement, that a future reserved matters application would have to comply with.

3.2 The detailed access includes:

- An area of carriageway introduced at the end of Penny Lane to connect into the site; and
- Cutting back of the existing verge to provide 2m wide footways on both sides of Penny Lane (retaining approx. 0.3m of verge on either side).

3.3 The parameter plan includes:

- Dwellings located within a central area of the site;
- Dwellings predominantly up to 2-storey but with a central area, extending towards to entrance, that could be up to 2.5-storey and the eastern dwellings to be no more than 1.5 storey;
- Sustainable Urban Drainage (SUDS) basins located along the southern boundary of the site;
- A wildlife corridor buffer at the western end of the site (to only include SUDS, pathways and development ancillary to the open space);
- A landscape buffer at the eastern end of the site including an Equipped Play Area;
- A buffer to the woodland to the west of the site that is subject to a group Tree Preservation Order (no SUDS within the buffer);
- Location for a noise mitigation feature, if required, along the northern boundary;
- A pedestrian and cycle route within the site from Penny Lane to the Penny Lane railway crossing in the north-west corner;
- A pedestrian and cycle route within the site from Penny Lane to the eastern PRoW;
- Internal pedestrian and cycle routes within the site between the proposed residential area and all other pathways;
- A replacement mature tree to the north of the Penny Lane access if required to compensate for the potential loss of the oak tree at the entrance to the site; and
- An area of land in the north-west corner of the site that would be safeguarded for improvements to the Penny Lane level crossing, if required.

3.4 The s106 legal agreement Heads of Terms includes:

- 30% affordable housing (rounded down to the nearest whole dwelling with any shortfall resulting in a financial contribution);
- A minimum of 25% of affordable housing will be First Homes;
- Of the remaining affordable housing the S106 Agreement requires the development to be in accordance with 35% Social Rented, 23% Affordable Rent and 17% Shared Ownership;
- The size of the affordable units would be agreed at the reserved matters stage;
- Open market units would be broadly in accordance with a minimum of 2% 1-bed, % 2-bed and 45% 3-bed;

- Tactile paving and dropped kerbs at the existing uncontrolled crossing at the respective junctions of Southbourne Avenue and Penny Lane and Main Road and Penny Lane;
- The installation of Real Time Information (RTI) displays at 4 x existing bus stops on Main Road; and
- Additional safety measures at the Penny Lane & Church railway crossings, to be agreed prior to commencement and likely compromising Miniature Stop Lights and upgraded gate.

4.0 **History**

22/02061/EIA EIANR Request for an EIA Screening Opinion in relation to proposed residential development of 85 no. dwelling units and associated hard and soft landscape scheme.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Chidham and Hambrook Parish**

Object for the following reasons:

- The site is outside of the settlement boundary as defined by the Neighbourhood Plan;
- The access from Penny Lane is not suitable with cars and vans regularly parked on the verges and the caravan site also using the access;
- Southbourne Avenue will become a cut through which it is not suitable for;
- There is limited visibility turning right onto the A259;
- The impact upon the A27 cannot be mitigated through financial contributions;
- The site is within a wildlife corridor and there will be an impact upon the respective nearby AONB and National Park;
- The site only has one access point;
- The submitted bat survey is inadequate; and
- Thornham WWTW has insufficient capacity with only 170 connections available.

6.2 Southbourne Parish Council

Object for the following reasons:

- The proposed site is outside of the Settlement Boundary as defined by the Neighbourhood Plan and is not suitable for development;
- It is not in conformity with the Housing Needs Survey undertaken by the Neighbourhood Plan;
- The housing mix has too many 3 and 4 bedroom dwellings when the need is for 1 and 2 bed dwellings;
- The 2.5 storey dwellings are inappropriate and harmful to the setting of the National Park;
- The development will harm the TPO'd oak tree at the entrance to the site;
- Penny Lane does not have capacity to accommodate the additional traffic proposed;
- The submitted transport assessment is inaccurate given the existing traffic and parking concerns;
- The proposal to widen pavements on Penny Lane would exacerbate the parking issues;
- The proposal would exacerbate existing flooding and the submitted drainage report does not reflect the severity of the existing situation;
- The proposal would result in further wastewater discharge; and
- The Council has a four-year housing land supply so the tilted balance does not apply.

6.3 Chichester Harbour Conservancy

The proposal would not have a significant impact upon the setting of the wider AONB landscape, subject to dwellings being two-storey, and would maintain the landscape gap between Hermitage and Southbourne by restricting the built form on the eastern part of the site.

Therefore, no objection subject to the following suggested conditions:

- Dwellings are limited to two-storey;
- Financial contribution to Solent Bird Aware;
- Bat surveys being undertaken as required by the Councils Ecologist; and
- Suitable conditions to enhance the wildlife corridor, protecting trees and hedgerows and safeguarding bat and reptile populations.

6.4 Environment Agency

No objection on the basis the proposal is to connect to mains foul drainage.

6.5 National Highways

Commented as follows:

- The proposal would not have an unacceptable impact upon the safety, reliability and operational efficiency of the strategic road network within the vicinity of the site;
- It would form part of a cumulative impact upon one or more junctions of the A27 Chichester bypass; and
- A proportionate financial contribution should be sought towards highway works on the A27.

6.6 Natural England

No objection subject to s106 agreement to secure on-site land use change from arable to open space to mitigate nutrient impact and financial contribution to Solent Bird Aware to mitigate recreational disturbance impact.

6.7 Network Rail

Network Rail have considered the implications of the proposed development and its proximity to two level crossings (Penny in the north-west corner of the site and Church to the north-east). Following discussions, a financial contribution has been indicated to fund improvements to both or either level crossings. This is set out in the draft s106 Heads of Terms and Network Rail support the ringfencing of this contribution, provided this can be utilised for Penny and/or Church level crossings. Further, Network Rail supports the amended parameter plan (PAR-01 REV P3) which indicates land to be reserved for improvements to Penny level crossing and would request this to be secured as part of a legal agreement, should the development receive planning consent.

Additionally, subject to planning consent being granted, Network Rail would request that the financial contribution (prior to commencement) and railway crossing temporary works and permanent works (prior to occupation of first dwelling) are included as conditions on the decision notice. Within the wording for the financial contribution and the permanent works, Network Rail requests that reference is included to Penny and/or Church level crossings.

Subject to the aforementioned detail in this email being agreed, Network Rail are content for Chichester District Council to determine the application.

6.8 South Downs National Park Authority

Commented as follows:

- Any proposal should seek to enhance links between the Lumley Wildlife Corridor and the National Park;
- The impact of lighting upon the dark night skies of the National Park, particularly the Dark Night Skies Reserve, should be considered; and
- The proposal should seek to improve cycling routes to the National Park, with particular regard to the Salterns Way and Centurion Way.

6.9 Southern Water

Comment that they can facilitate foul sewerage disposal at Thornham WWTW but request that a planning condition is added that the development is not occupied until the position is confirmed again at that point in time.

6.10 WSCC Lead Local Flood Authority

No objection subject to the following conditions

- The submission of detailed designs of the surface water drainage scheme in accordance with the submitted Flood Risk Assessment;
- Confirmation of the arrangements for future maintenance and management of the Sustainable Drainage scheme;

- A full CCTV survey of the existing culverts; and
- Detailed designs of any necessary upgrades to the culverts to ensure there is adequate capacity.

6.11 WSSC Local Highway Authority

No objection subject to a planning condition requiring a Construction Traffic Management Plan (CTMP) and a s106 legal agreement including:

- Extending Penny Lane into the access site;
- Provision of a 2m footway on both sides of Penny Lane by cutting back the existing verge;
- Provision of tactile paving and dropped kerbs at the existing uncontrolled crossing at the junction of Southbourne Avenue and Penny Lane;
- Provision of tactile paving and dropped kerbs at the existing uncontrolled crossing at the junction of Penny Lane and Main Road;
- Provision of Real Time Information (RTI) displays at the existing bus stops on Main Road; and
- Provision of a final Travel Plan as part of the reserved matters application and a £3,500 monitoring fee.

6.12 WSSC Public Rights of Way

Request that the existing PRoW through the site is upgraded to 2m in width with a rolled stone all weather surface.

6.13 WSSC Fire & Rescue

No objection subject to a condition regarding the provision of, and access to, fire hydrants.

6.14 CDC Archaeology

No objection subject to an archaeological Written Scheme of Investigation.

6.15 CDC Drainage

Due to the scale of the proposal the Lead Local Flood Authority are the most appropriate body to comment.

6.16 CDC Environmental Health – Air Quality

No objection subject to conditions regarding construction and operational stage mitigation.

6.17 CDC Environmental Health – Land Contamination

No objection subject to conditions regarding unexpected contamination.

6.18 CDC Environmental Health - Lighting

No objection subject to conditions regarding minimising light spill.

6.19 CDC Environmental Health - Noise

No objection subject to conditions regarding noise mitigation.

6.20 CDC Environmental Strategy

Comment as follows:

- Bats and wildlife corridor - Satisfied that the buffer to the wildlife corridor is suitable but there should be no light spill (further information should be provided at the reserved matters stage to show lighting levels within the area and how planting can reduce the impact);
- Trees - Tree T01 includes a bat roost so must be retained and enhanced with a 5m buffer;
- Lighting - Lighting should generally be minimised to limit the impact upon bats;
- Nutrient Neutrality - Agree with the applicants calculations that the proposal will result in a reduction in the discharge of nitrates;
- Recreational Disturbance - Agree that a contribution to Solent Bird Aware will mitigate any impact;
- Over Wintering Birds - Satisfied that there will be a negligible impact;
- Reptiles - No impact subject to securing mitigation via planning condition;
- Badgers - A survey should be undertaken prior to commencement to ensure badgers aren't using the site;
- Nesting Birds - Any clearance works should be undertaken out of bird breeding season;
- Hedgehogs - Any brush piles, compost and debris piles on site should be removed out of the hibernation period;
- Biodiversity Net Gain - Agree the calculations in the BNG Assessment report and that they can be delivered on site in principle; and
- Sustainability - Welcome the provision of air source heat pumps but would require measures to ensure that vehicle charging is accommodated.

6.21 CDC Housing

Commented as follows:

- Content with the proposed open market unit sizes;
- Agree that the 30% affordable housing is policy compliant;
- Of the 30% affordable housing require a minimum of 25% first homes followed by broadly 35% social rent, 22% affordable rent and 18% shared ownership;
- The exact unit sizes of the affordable units can be determined at the reserved matters stage;
- Note the inclusion of bungalows and smaller first home units; and
- Would welcome the inclusion of self and custom build units if the applicant were agreeable.

6.22 CDC Trees

With regard to the TPO oak tree at the entrance to the site the PiCUS Tomograph Scan image shows major/advanced decay/cavity on virtually the whole stem diameter which suggests that the tree is not sustainable. The proposed installation of a road/path would, however, likely speed up the limited longevity of the tree.

The applicants report does suggest that the tree is sustainable with a series of appropriate remedial actions but overall it is considered in poor condition and does not have long term sustainability.

6.23 Third Party Representations

78 objections, in addition to a letter from Hermitage Residents Group with 93 signatories, on the following grounds:

- The Council has a housing land supply so the proposed dwellings are not needed;
- The application is contrary to the Neighbourhood Plan, in particular it is outside the defined settlement boundary;
- Unsustainable location for new development contrary to the NPPF;
- Development should be focussed on brownfield land;
- Constitutes the overdevelopment of the area, particularly along the A259;
- Loss of valuable agricultural land that is needed for food production;
- The site regularly floods and the proposal will result in unacceptable surface water including overflowing ditches;
- Penny Lane is not able to accommodate additional vehicles including due to its narrow width;
- Wildlife regularly utilise the site including deer and slow worms;
- The application has failed to conduct a traffic survey at the Penny Lane/Main Road junction which has had repeated accidents;
- The traffic flow data fails to include all developments including Morcumb Park;
- No parking survey has been submitted by the applicant;
- Harm to the settlement gap resulting in the coalescence of settlements;
- Impact upon the setting of the National Park including views into and out of the National Park;
- Impact upon Chichester Harbour AONB National Landscape;
- Absence of bat survey;
- Impact of proposed lighting upon bats;
- Loss of open space to exercise dogs;
- The use of desktop studies and data from 2011 to establish drainage impact is inappropriate;
- Proposal will increase existing flooding in Parham Place;
- Safety concerns over the proximity of the railway line and crossings;
- Lack of infrastructure in the local area to support additional people, for example schools, shops, post office and doctors;
- Inadequate capacity within the local sewerage system will mean more harmful discharge into Chichester Harbour, a designated SSSI;
- Will not meet the needs of the local community;
- Impact from traffic upon pedestrians in the area;
- Loss of tree at the entrance to the site that is the subject of a Tree Preservation Order;
- Lack of access for emergency vehicles along Penny Lane;
- Would not be in character with the local area;
- Would not meet the housing needs of the local community, more one and two bed properties are required as is a higher percentage of affordable housing;
- Lack of community consultation;
- Surface water run-off along Penny lane; and
- Mature trees and hedgerows will be destroyed.

7.0 Planning Policy

7.1 The Development Plan for the area principally comprises the Chichester Local Plan 2014-2029, the Southbourne Neighbourhood Plan 2014-2029 and the NPPF. The Southbourne Modified Neighbourhood Plan (referendum modified plan) 2014-2029 and Chichester Local Plan Review Preferred Approach 2016 - 2035 are emerging policies to be afforded appropriate weight with regard to guidance at Para 48 of the NPPF.

Relevant Planning Policies - Adopted

7.2 Planning policies given **substantial** weight in the consideration of this application include:

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 2012-229
- Policy 6 Neighbourhood Development Plans
- Policy 8 Transport and Accessibility
- Policy 9 Development and Infrastructure Provision
- Policy 33 New Residential Development
- Policy 34 Affordable Housing
- Policy 39 Transport, Accessibility and Parking
- Policy 40 Sustainable design and construction
- Policy 42 Flood Risk and Water Management
- Policy 43 Chichester Harbour Area of Outstanding Natural Beauty
- 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 SPAs
- Policy 52 Green Infrastructure
- Policy 54 Open Space, Sport and Recreation

{\ul Southbourne Parish Neighbourhood Plan 2014 – 2029}

- {\bullet} Policy 1 Development within the settlement boundaries
- {\bullet} Policy 4 Housing Design
- {\bullet} Policy 7 Environment

National Policy and Guidance

7.3 Government planning policy comprises the National Planning Policy Framework (NPPF December 2023). The relevant sections of the NPPF pertinent to the assessment of this application include:

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 5 delivering a Sufficient Supply of homes

- Section 8 Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment
- Section 16 Conserving and enhancing the historic environment

7.4 The relevant paragraphs of the National Planning Practice Guidance and the National Design Guide (January 2021) have also been taken into account.

Relevant Planning Policies - Emerging

7.5 Planning policies given **significant** weight in the consideration of this application include:

Southbourne Neighbourhood Plan (referendum modified) 2014-2029:

7.6 The Council issued its Decision statement for the modified Neighbourhood Plan at the start of January and it subsequently went to a referendum on 25 January, which it passed. A recommendation to therefore 'make' the Neighbourhood Plan is being considered at the 27 February Full Council meeting and, subject to approval, will thereafter be a fully adopted part of the Development Plan.

7.7 The relevant policies of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 include:

- Policy SB1 Development within and outside the settlement boundaries
- Policy SB3 Local Housing Needs
- Policy SB4 Design in Southbourne Parish
- Policy SB6 Design and Heritage in Hermitage
- 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

7.8 Planning policies given **moderate** weight in the consideration of this application include:

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.9 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 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 in the NPPF.

7.10 The relevant policies of the Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) include:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE2 Natural Landscape
- Policy NE3 Landscape Gaps between Settlements
- Policy NE4 Strategic Wildlife Corridors
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast SPAs and Medmerry Compensatory Habitat
- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE10 Development in the Countryside
- Policy NE13 Chichester Harbour AONB
- Policy NE15 Flood Risk and Water Management
- Policy NE16 Water Management and Water Quality
- Policy NE19 Nutrient Neutrality
- Policy NE20 Pollution
- Policy NE21 Lighting
- Policy NE22 Air Quality
- Policy NE23 Noise
- Policy NE24 Contaminated Land
- Policy H1 Meeting Housing Needs
- Policy H2 Strategic Locations/Allocations 2021-2039
- Policy H3 Non-Strategic Parish Housing Requirements 2021-2039
- Policy H4 Affordable Housing
- Policy H5 Housing Mix
- Policy H6 Custom and/or Self Build Homes
- Policy H7 Rural and First Homes Exception Sites
- Policy H10 Accessible and Adaptable Homes
- Policy P1 Design Principles
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density
- Policy P4 Layout and access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P8 Materials and Detailing
- Policy P14 Green Infrastructure
- Policy P15 Open Space, Sport and Recreation
- Policy P16 Health and Well-being
- Policy E2 Employment Development
- Policy T1 Transport Infrastructure
- Policy T2 Transport and Development

- Policy T3 Active travel - Walking and Cycling Provision
- Policy T4 Parking Provision
- Policy L1 Infrastructure Provision

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

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

8.0 Planning Comments

8.1 This section will assess the application against the Development Plan and any relevant material considerations. The main issues arising from this proposal are:

- i. Principle of development
- ii. Housing
- iii. Design
- iv. Landscape impact
- v. Connectivity
- vi Protected Designations - Habitat Regulation Assessment
- vii. Flooding & Surface Water Drainage
- viii. Sustainable Measures
- ix. Other matters

i. Principle

8.2 The application site is located outside of the settlement boundary defined by the Local Plan and Neighbourhood Plan and is, accordingly, not a location where the Local Plan Development Strategy, set out at Policy 2, or the Neighbourhood Plan would seek to direct development. The site is also not considered to be an exception site, as defined by Policy 35 of the Local Plan, as it does not meet all the policy criteria including not being "modest in scale" or proposing to "provide 100% affordable housing".

8.3 Following the issue of a revised NPPF, Council's like Chichester that have an emerging Local Plan which has completed its 'Regulation 19' formal consultation stage and is ready to submit for examination, need only identify a four-year supply of housing sites for the 5-year period. The Council has recently re-issued its Updated Position Statement on its 5YHLS housing supply (as at 1 April 2023). The current assessment for the Chichester

Local Plan area demonstrates a four-year housing land supply of 4.19 years. However, the important caveat to the new policy in NPPF paragraph 226 is that the new arrangement on housing supply is only a temporary arrangement which will apply for just a 2-year period from the date of publication of the NPPF. By the 6 March Committee therefore, the Council will already be 2.5 months into that temporary 2-year period which ends on 20 December 2025. Under the new NPPF, the relevant housing policies in the Local Plan (2, 5 and 45) which were previously considered out-of-date when measured against a requirement to demonstrate a 5YHLS, are no longer out-of-date when measured against the requirement for a 4YHLS which the Council is able to demonstrate. By virtue of housing policies which are temporarily not out-of-date and a 4YHLS, officers maintain that the 'tilted balance' to decision making is not engaged and the Council is able to determine the application on the basis of a flat balance

- 8.4 Although the Council's housing land supply position is greater than 4 years, this is not by a significant margin and it is therefore important that the Council grants permission for appropriate developments to ensure that the housing supply remains positive to meet the identified needs of the District and enable the Council to control the location of development by defending against inappropriate development proposals. In addition, it is important that housing supply remains buoyant to ensure the Council is able to maintain the provision of a 5 year housing land supply upon adoption of the emerging local plan.
- 8.5 In the absence of a 5 year housing land supply the Interim Position Statement (IPS) was introduced. Whilst the Council is currently only required to demonstrate a 4 year housing land supply, the document remains a useful tool to consider the merits of a proposal and to ensure that where housing is needed to maintain a housing land supply it is guided to appropriate and sustainable locations. The development can be assessed against the (abridged) criteria-based approach of the IPS as follows:

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 proposed development sits immediately to the north of the existing settlement boundary of Hermitage, as identified by both the Local Plan and the Neighbourhood Plan.

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

Policy 2 of the Local Plan identifies Southbourne as a Settlement Hub and Hermitage as a Settlement Village. Southbourne is therefore a location where development would be focussed, to reinforce its strategic role, and the application site has good sustainable access to the facilities and services Southbourne offers. Furthermore, the application site relates well to Emsworth which is outside of the District but has a significant level of facilities and services that are accessible by cycle or along pedestrian footpaths from the site. The scale of the proposed development is therefore considered appropriate to its location.

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.

The application site lies to the immediate north of existing built form but to the west of agricultural land that provides a physical and visual separation between Hermitage and Southbourne, which is noted in the Council's 2019 Landscape Gap Assessment.

The application site is separated from the agricultural field that forms the 'gap' by a linear defined line of vegetation. Furthermore, the proposed parameter plan includes a significant amount of open space on the application site adjacent to the eastern boundary in addition to restricting building heights to 1.5 storey on the eastern edge of the proposed built form.

It is not therefore considered that the proposal would not result in the actual or perceived coalescence of settlements.

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.

Within the context of the wildlife corridor buffer to the west and the open space located to the east the built form area of the proposal has a density of 35dph (based on the maximum 84 dwellings proposed). This is considered to strike an appropriate balance between respecting landscape character, ensuring housing is provided to meet the needs of the District and a quantum of development appropriate to the site's location.

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 there is little visual interrelationship between the application site and the Chichester Harbour AONB National Landscape, the site is visible from the South Downs National Park. The submitted parameter plan would secure an appropriate spatial distribution of uses, building height and density of development to ensure that the development respects the setting of the National Park whilst planning conditions would secure an appropriate lighting scheme.

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 proposed parameter plan includes a significant buffer to the adjacent wildlife corridor including providing ecological enhancements.

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.

All necessary infrastructure would be secured by the application either via a s106 legal agreement or planning condition requiring compliance with the submitted parameter plan whilst there is currently capacity at Thornham WWTW to accommodate the development.

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 submitted Energy Statement and clarification e-mail from the applicant sets out a number of measures that the proposed development would employ including no fossil fuels, the provision of air source heat pumps per dwelling, EPC ratings of B or above and sustainably sourced timber frames. Whilst it is considered the proposal could go further, and a condition is proposed as such, it is considered that the approach is acceptable in principle.

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.

As an outline application the proposed parameter plan includes the appropriate arrangement of built form and open space, including a wildlife corridor buffer and landscape gap buffer. Whilst the appearance of the development is a reserved matter it is considered that the application has demonstrated that, in principle, a high-quality and locally distinctive design can be achieved.

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

The proposal is located close to the services and facilities of Southbourne and Emsworth and is well connected into the existing PRow network. Pedestrian and cycle networks are also accessible with the detailed access connecting into the existing network on Penny Lane.

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.

The application has demonstrated that it will not increase flood risk elsewhere, has taken the opportunity to reduce flood risk overall and is located in a sequentially appropriate place for new development.

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

The application has provided a Nitrate Assessment that demonstrates that the proposed use would result in less nitrates being discharged than the existing agricultural use of the land.

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.

Assessment of the application has not identified any barriers to delivery and the applicant has set out that, should permission be granted, they anticipate occupations from Spring 2026 onwards.

- 8.6 Importantly, the site lies adjacent to a built up area in a sustainable location, and significant weight is therefore afforded to the meaningful and deliverable contribution that the proposal would make to meeting the District's housing need.

ii Housing

Affordable Housing

- 8.7 The application includes 30% affordable housing and this will be secured in the s106 legal agreement including a mechanism to ensure that any shortfall, due to rounding numbers, is addressed through a commensurate financial contribution. Furthermore, given that the Community Infrastructure Levy (CIL) receipt from the proposal is necessary to ensure infrastructure improvements to mitigate the impacts of the additional population that development will bring, and affordable housing can apply for exemption from CIL, the s106 agreement is proposed to restrict the development from providing any additional affordable housing above the agreed percentage.
- 8.8 As this is an outline planning application it is appropriate that the exact tenure split of the affordable housing is determined at a later date, closer to implementation, to ensure that it best reflects housing need at that point in time. The s106 agreement will, however, stipulate that at least 25% of affordable housing is First Homes in accordance with the requirements of the NPPF and the remainder of the affordable housing will be in general compliance with 35% social rent, 22% affordable rent and 18% shared ownership.
- 8.9 It is therefore considered that, in this regard, the proposal is in accordance with Policy 34 of the Local Plan, the CDC Planning Obligations & Affordable Housing SPD 2016 and Policy SB3 of the Neighbourhood Plan.

Size of Units

- 8.10 Whilst the exact final mix of size of units will be determined at the reserved matters stage for the affordable units, based on housing need at that point in time, it is appropriate to set the parameters for the open market unit size mix at the outline stage to ensure that accords with the need identified by the Council's Housing and Economic Development Needs Assessment (HEDNA) 2022 and Policy SB3 of the Neighbourhood Plan states that "the provision of 1 or 2 bed dwellings suitable for younger households is encouraged to meet the significant local need for smaller dwellings, as are accessible purpose designed

C3 dwellings and extra-care accommodation to enable people to downsize and remain in the Parish".

- 8.11 Therefore, whilst Policy SB3 concludes that "the precise housing mix will be determined on a site by site basis", the s106 agreement will require that, rounded up to the nearest whole number, there will be a minimum of 2% open market 1-bed units, a minimum of 30% 2-bed open market units and a minimum of 45% 3-bed open market units.
- 8.12 Combined with the affordable smaller units, that will be secured at the reserved matters stage, it is considered that the proposal accords with Policy 34 of the Local Plan, the CDC Planning Obligations & Affordable Housing SPD 2016 and Policy SB3 of the Neighbourhood Plan.

NDSS & Higher Access Standards

- 8.13 The application proposes dwellings and apartments that meet the minimum Nationally Described Space Standards (NDSS) standards and are M4(2) compliant with regard to supporting access for all mobility groups.

Self and Custom Build

- 8.14 Whilst the application does not propose any self or custom build dwellings, in conflict with Policy SB3 of the Neighbourhood Plan which states that they "will be encouraged", their absence is not considered an overriding reason for refusal.

iii Design

- 8.15 Policy 33 of the Local Plan sets out at criteria 1 that proposals must "meet the highest standards of design" whilst the NPPF, at Paragraph 139, is clear that "development that is not well designed should be refused" with Paragraph 135 setting out the clear expectations. This is further supported by Policy SB4 of the Neighbourhood Plan and the 2021 National Design Guide which sets out how to create beautiful, enduring and successful places.

Layout

- 8.16 As an outline application a parameter plan has been submitted that sets out the fixed parameters that, as required by condition, subsequent reserved matters applications must accord with.
- 8.17 The parameter plan:
- Places the built form in the centre of the site with a strong connection to Penny Lane;
 - Includes 2.39ha of residential form, equating to a maximum 35dph, which is considered appropriate for the edge of settlement location;
 - Includes an appropriate buffer to the western wildlife corridor making efficient use of the land by locating pathways and SUDS basins within it;
 - Respects the open landscape to the east, ensuring no perception of settlement coalescence, through including a large section of open space and restricting the height of the dwellings on the eastern edge to 1.5 storey;
 - Acknowledges the potential need for taller buildings, up to 2.5 storey, at key points including along the entrance into the site and forming a central core;

- Includes an internal network of pathways connecting into existing movement networks;
- Appropriately locates an Equipped Play Area to the east of the site within proximity of the proposed dwellings;
- Appropriate buffers to trees and hedgerows are provided;
- A mature tree is placed in the centre of the development to compensate for the loss of the TPO oak tree at the entrance to the site, if necessary, and terminate the view from Penny Lane;
- Utilises appropriately located SUDS basins along the southern boundary, to provide attenuation whilst also acting as a buffer between the proposed development and the existing dwellings to ensure residential amenity is respected;
- The SUDS basins and open space around it pay regard to Policy SB13 of the Neighbourhood Plan which seeks for "proposals for development schemes for housing should incorporate woodland and/or wetland planting"; and
- Shows an acoustic boundary, if necessary, parallel to the railway line.

Appearance

8.18 Whilst the appearance of the proposed development is a reserved matter the applicants have both utilised the parameter plan to set out key principles in addition to producing a design Principles Document that sets out a series of high-quality design principles, such as how to address open space, create attractive street scenes and establish movement hierarchies, and applies them to the site-specific circumstances of the application site and surrounds. The document is considered to provide a useful understanding of the principles behind the parameter plan in addition to providing the Council the opportunity to secure the direction of design travel at the outline application stage to provide additional control and comfort.

8.19 It is therefore considered that the application has demonstrated, in principle, that it would provide the appropriate environment, with regard to building height, spatial distribution of uses and density of development, to facilitate a high-quality development and develop an appropriately locally distinctive sense of place. The imposition of a condition requiring that the reserved matters application(s) are in broad accordance with the submitted design Principles Document provides additional security in this regard.

Open Space

8.20 The proposed parameter plans include 0.036ha of Equipped Play Space (against a policy requirement of 0.026ha) and 2.30ha of Amenity Open Space (against a policy requirement of 0.086ha).

8.21 The open space is located appropriately, making the efficient use of land by also acting as the respective wildlife corridor and strategic gap buffers, and is well connected to the movement network. It is therefore considered that the proposed open space, subject to s106 agreement requirements regarding the provision of the equipped play space and the future management and maintenance of the space, is in accordance with the CDC Planning Obligations & Affordable Housing SPD and Policy 40 of the Local Plan in this regard.

Design Summary

- 8.22 The proposed design, layout and open space are all proposed to be secured by the submitted parameter plan that a future reserved matters application would have to be in accordance with. Therefore, whilst the detailed design will be considered at the reserved matters stage the proposal is not considered to prejudice the ability to deliver a high-quality design at that stage but will rather positively facilitate a local distinctive design that works positively with the natural capital of the site. It would also ensure that there would be an acceptable relationship, in principle, with the occupants of dwellings currently adjacent to the site.
- 8.23 It is therefore considered that, in principle, the proposed development would be able to accommodate the highest standards of design and create a high quality and beautiful place. The application is therefore in accordance with Policy 33 of the Local Plan, Policy SB4 of the Neighbourhood Plan and the National Design Guide 2021.

iv Landscape Impact

- 8.24 With close proximity to the South Downs National Park and Chichester Harbour National Landscape (AONB) the application site is located within the South Coast Plan National Character Area which is described as "a flat, coastal landscape with an intricately indented shoreline lying between the dip slope of the South Downs and South Hampshire Lowlands". This is further reflected by the site being within the Southbourne Coastal Plain, as defined by the West Sussex Landscape Character Assessment, which notes that "intensive horticulture, glasshouses, horse paddocks, busy roads and bypasses are features of this landscape".
- 8.25 Whilst the above and other landscape studies, such as the Chichester Harbour AONB Landscape Character Assessment, all note that urban sprawl from housing are threats to the established character of the area it is notable that the CDC Landscape Capacity Study 2019 acknowledges that the site has a 'medium' landscape value. A key matter is however, as set out in the CDC Landscape Gap Assessment 2019, the need to prevent settlement coalescence between Hermitage and Southbourne identifying a potential settlement gap to the immediate east of the application site.
- 8.26 Within this context the application site is considered to form a logical extension infilling between existing residential development to the south, the strong physical barrier of the railway line to the north and the woodland to the west. The layout of uses the parameter plan proposes, with a large area of open space to the east and limiting building heights on the eastern side to 1.5 storey would respect the settlement gap.
- 8.27 Whilst the site has limited visibility from the Chichester Harbour National Landscape AONB it would be visible from the South Downs National Park given there are expansive views from the site to the Downs. However, when viewed from the National Park by those experiencing it, including on the numerous PRoW's as the topography of the Downs rises, the site would, even with the modest number of 2.5 storey dwellings proposed, be viewed within the context of the existing built form and would not be easily distinguishable from the wider settlement. The submitted Landscape and Visual Impact Assessment (LVIA)

supports this conclusion noting a range of effects but with either only a negligible or minor effect being the most common outcome.

8.28 It is therefore considered that the landscape has the necessary capacity to accommodate the proposed development without harm to the character of the area or nearby designated sites. Subject to securing an appropriate design, layout and lighting controls at the reserved matters stage, in broad accordance with the details submitted, it is therefore considered that the proposal would be in accordance with Policy 48 of the Local Plan and Policy SB17 of the Neighbourhood Plan in this regard.

Trees

8.29 There are a number of trees and hedgerows forming the boundaries of the site, including a woodland to the immediate west that is the subject of a group Tree Preservation Order (TPO). Both the submitted Tree Protection and Retention Plan and submitted parameter plan accordingly includes an appropriate buffer to the trees and hedgerow to ensure that any works occur outside of the respective Root Protection Areas (RPA) and a condition is proposed to require the installation of the tree protection measures during construction works.

8.30 However, an Oak Tree that stands at the end of Penny Lane at the entrance to the site is the subject of an individual TPO and makes a contribution to the amenity of the area providing a visible termination of Penny Lane. Whilst the proposed access seeks to retain the tree there are concerns that, due to the proximity of hardstanding, there would be pressure from the proposed access upon the tree which would be detrimental to its health.

8.31 Both the applicant and a third-party objector have submitted professional arboricultural assessments of the condition of the tree with differing conclusions. The Council's Tree Officer has considered the reports and, in particular, the PiCUS Sonic Tomograph scan that was undertaken of the tree which showed a significant amount of internal decay within the tree which has resulted in a major cavity. It is therefore considered that, whilst the introduction of the access carriage way would likely speed up the process, the tree is regardless already in significant decline and has limited longevity.

8.32 Policy SB15 of the Neighbourhood Plan requires that, "where the loss of mature trees or hedgerow is proven to be unavoidable, the proposals must make provision on site for like for like replacements and of similar ecological function and maturity" ... "where like for like replacement of a fully mature tree is not achievable then consideration should be given for an increased number of less mature specimens". Such an approach is also set out within Policy 52 of Local Plan.

8.33 The applicant considers that they can introduce a series of remedial measures, including removing unstable or hung-up deadwood, reducing the crown by 2-3m and chemical treatments to seek to reduce fungal pathogen attacks on the tree and boost the trees natural defences to improve the overall health of the tree.

8.34 This view is, however, in conflict with that of the Council's Tree Officer so, in the event the tree does have limited longevity, the application also commits to the planting of a replacement tree of commensurate maturity and substance within the site, likely within a central green space albeit the exact location is for the reserved matters stage to determine. It is considered that this would provide appropriate compensation.

8.35 Given the above it is not considered that, when the planning balance is applied, the retention of the tree is an overriding concern given that it is in poor health, it can be compensated for, and the application would make a meaningful contribution to meeting the District's housing need. Accordingly, subject to a planning condition to secure implementation, the approach to proactively manage the decline of the tree and plant appropriate replacements, both directly through a mature tree and through the introduction of smaller specimens, is considered to accord with policy SB15 of the Neighbourhood Plan and Policy 52 of the Local Plan.

Dark Skies

8.36 The South Downs National Park is an International Dark Skies Reserve and lighting impacting its setting can erode the quality of the Reserve. The same is applicable to the experiential quality of the Chichester Harbour National Landscape (AONB) and Policy SB17 of the Neighbourhood Plan seeks to ensure no impact upon either designated landscape by requiring applications of the scale proposed to demonstrate how it is intended to prevent light pollution. Whilst Chichester Harbour is separated from the site by significant development the National Park is approximately 2km from the site, is visible from the site, and the closest boundary of the International Dark Skies Reserve is approximately 4km away with the buffer zone and transition zones extending much closer.

8.37 A lighting Assessment has therefore been submitted with the application including a range of measures that could, in principle be employed at the reserved matters stage to acceptably mitigate any impact in this regard. It is therefore considered that, subject to a condition requiring details at the reserved matters stage, the application has demonstrated, in principle, that there would be an acceptable impact. The application is therefore in accordance with policy SB17 of the Neighbourhood Plan and the first statutory purpose of the National Park in this regard.

v Connectivity

Vehicular Access, Highway Safety and Highway Capacity

8.38 The proposed vehicular access to the site is via the natural continuation of Penny Lane northwards utilising the existing agricultural access that is already a made road up the boundary of the application site. However, whilst Penny Lane is an acceptable 4.8m wide and the majority of dwellings have multiple off-road parking spaces, there are no parking restrictions in place and many cars are parked on the highway. A significant number of third-party objections received refer to the difficulty of traversing Penny Lane drawing references to the trouble emergency vehicles may experience accessing the proposed development in addition to future concerns regarding the respective Penny Lane/Main Road and Southbourne Avenue/Main Road accesses should the application be permitted.

8.39 The submitted Transport Assessment indicates that the proposed development would likely generate a total of 49 vehicle movements in the peak AM hour (09:00-10:00) and 45 in the peak PM hour (17:00-18:00) and that these additional movements would be within the reasonable capacity of the junction. Furthermore, a Stage 1 Road Safety Audit has been undertaken to consider the junctions demonstrating that, subject to a package of mitigations, there would be an acceptable impact.

- 8.40 Whilst the third-party representations are noted a carriageway width of 4.8m, which Penny Lane has, is considered acceptable to facilitate access to the scale of development proposed noting that it is a residential street where vehicle speeds should be low. Whilst vehicles meeting each other may have to occasionally wait, either at the junction or where two cars meet when respectively seeking to pass a parked car this is not considered an overriding reason for refusal.
- 8.41 Access is not a reserved matter and detailed plans have therefore been submitted showing how the proposed development would connect into Penny Lane including the cutting back of verges to provide continuous 2m footpaths. This has also been the subject of a Stage 1 Road Safety Audit which concluded acceptability.
- 8.42 It is therefore considered, as acknowledged by the Local Highway Authority, that there would not be a severe impact, as defined by the NPPF, and would result in an acceptable access subject to a planning condition requiring a Construction Traffic Management Plan (CTMP) and a s106 legal agreement to secure:
- The connection of the site to the highway at the end of Penny Lane including cutting back of verges;
 - Tactile paving and dropped kerbs at the existing uncontrolled crossing at the junction of Southbourne Avenue and Penny Lane;
 - Tactile paving and dropped kerbs at the existing uncontrolled crossing at the junction of Penny Lane and Main Road; and
 - Real Time Information (RTPI) displays at the existing bus stops on Main Road.
- 8.43 With regard to the Strategic Highway Network, National Highways have confirmed that they consider the proposal would not have an unacceptable impact upon the safety, reliability and operational efficiency of the strategic road network within the vicinity of the site. However, there would be, alongside other committed developments, a cumulative impact upon one or more junctions of the A27 Chichester bypass and, as such, a proportionate financial contribution should be made towards highway works on the A27 which the applicants have agreed.
- 8.44 It is therefore considered that safe access and operation would be provided and that, with mitigation, the proposal would have an acceptable impact upon both the local and strategic highway networks. The application is therefore considered in accordance with Policies 9 and 39 of the Local Plan, Policies I1, T1 and T2 of the emerging Local Plan and Policy SB21 of the Neighbourhood Plan.

Pedestrian and Cyclist Connectivity

- 8.45 The site benefits from access to the PRow running through the western side of the site in addition to offering the opportunity to connect into the existing PRow to the east of the site. Furthermore, through an upgrade proposed at the entrance to the site from Penny Lane, there would be pedestrian and cycle connectivity to local facilities and services, such as in Southbourne and Emsworth.
- 8.46 The submitted parameter plan secures connections into the respective PRow's whilst the submitted detailed access plan shows the upgrade of the connection into Penny Lane. Whilst the existing PRow through the site is not proposed to be upgraded as requested by the WSCC Public Rights of Way Officer, due to concerns over its proximity to the dwellings to its south, drainage channel to the south and TPO buffer to the west, it would

remain in its unmade and unhindered form, with a secondary more formalised access route located to its north and this is considered acceptable.

8.47 The arrangements proposed, subject to being secured, are therefore considered acceptable and would promote sustainable modes of transport in accordance with Policies 8 and 9 of the Local Plan and Policy SB21 of the Neighbourhood Plan.

Railway Crossing

8.48 Two railway crossings, both facilitating PRowS crossing the line, are located within proximity to the application site, one in the north-west corner within the application site and protected by a wooden stile and one to the north-east, outside of the application site, protected by a dual-gate arrangement.

8.49 Consultation has been undertaken with Network Rail who have advised on the risk generated by the proposed development. The increased trip generation of users of the crossings by the development would likely be marginal within the context of users generated by the existing local population. However, the proposed development would place both dwellings and open space within close proximity of the crossings and, with regard to the north-west crossing, within immediate proximity.

8.50 The existing crossing to the north-east is already protected by a double gated arrangement and is less vulnerable than the north-west crossing which is only protected by a wooden stile and, given the Amenity Open Space immediately adjacent, would unmitigated result in an unacceptable level of risk.

8.51 Given the current condition of the crossing the applicant has agreed that prior to the commencement of development additional safety measures would be agreed with Network Rail and the Council, which would likely comprise Miniature Stop Lights and upgraded gate. An area safeguarded for the implementation of works within the site, is also to be made available by the applicant at nil cost, as shown on the submitted parameter plan. The agreed measures would be funded by a £370,000 contribution from the applicants and would be installed and be operational prior to the occupation of any dwellings.

8.52 As Network Rail have confirmed that the Miniature Stop Lights could, in principle, be installed within the existing land used by the railway it is not considered that the presence of the adjacent woodland, the subject of a group TPO, or tree T01, immediately adjacent to the crossing and the host of a bat roost, are insurmountable issues in principle. It is also noteworthy that the above mitigations, and the timing of their implementation, is commensurate with that imposed by the Planning Inspector at the Land North of Highgrove Farm, Main Road Bosham appeal (21/00571/FUL).

8.53 It is therefore considered that, subject to the use of an appropriately restrictive s106 legal agreement to secure the above, the proposed works would appropriately mitigate any increased risk arising from the proposed development. The application is therefore, in this regard, considered in accordance with Policies 8 and 9 of the Local Plan and Policy SB21 of the Neighbourhood Plan.

vi Protected Designations - Habitat Regulation Assessment

Nutrient Neutrality

- 8.54 The site is within the fluvial catchment for Chichester Harbour discharging to Thornham Waste WWTW and, as such and as set out within the Council's Appropriate Assessment, there is a likelihood of an impact upon the Chichester and Langstone SPA, Ramsar and Solent Maritime SAC.
- 8.55 However, the application is accompanied by a Nitrate Assessment which sets out that the proposal, taking into account the baseline of the current agricultural use, would result in an overall decrease of 12.47 kg/TN/yr.
- 8.56 It is therefore considered, subject to securing the cessation of the existing agricultural use in its entirety upon commencement of development and the implementation of measures during construction to mitigate against sediment entering the watercourse, that the proposal is in accordance with policy 49 of the Local Plan, Policy SB18 of the Neighbourhood Plan and the Conservation of Habitat and Species Regulations 2017.

Recreational Disturbance

- 8.57 The application site is within 5.6km of Chichester and Langstone Harbours SPA and, as such and as set out within the Council's Appropriate Assessment, there is a likelihood of an impact upon the designations through recreational disturbance arising from the residents of the proposed development.
- 8.58 The applicant has agreed to make the appropriate contribution per dwelling to the Solent Bird Aware Strategy and this is proposed to be secured in the s106 legal agreement. It is therefore considered that the application is in accordance with Policies 49 and 50 of the Local Plan, Policy SB18 of the Neighbourhood Plan and the Conservation of Habitat and Special Regulations 2017.

Protected Species

- 8.59 The proposal has the potential to have a wide range of impacts upon protected species, particularly given the site's location close to internationally designated sites. The application is therefore accompanied by an Ecological Impact Assessment in addition to a bat survey and reptile mitigation strategy.
- 8.60 With regard to bats the submitted bat survey identified bats utilising the site with 92% of usage being the Common Pipistrelle, 7% Soprano Pipistrelle, 1% Noctule/Leislars and less than 1% Serotine and long-eared bats. Third-party objectors have submitted a bat survey report, utilising a recorder on tree T08 on the western boundary, which identified 2,437 bat movements over 11 nights including the barbastelle bat which was recorded on 7 nights.
- 8.61 The application proposes a significant buffer to the western boundary in addition to agreement to a lighting strategy that will prohibit lighting close to the woodland and minimise light spill towards the woodland from the proposed dwellings. It is considered that this would, in principle, facilitate an acceptable impact subject to a planning condition requiring final details of a lighting strategy at the reserved matters stage.

8.62 Furthermore, a bat roost was identified in tree T01 in the north-west corner of the site and the best solution would be for enhancements to the tree including a 5m buffer. However, the tree is located directly adjacent to the existing PRoW and the railway crossing. Therefore, whilst it would not be possible to secure a buffer without diverting the existing PRoW, it is not considered that the proposal would result in any significant additional impact upon the tree. The presence of bat roost would, however, need to be taken into account when considering any improvements to the railway crossing.

8.63 With regard to other species, as confirmed by the Council's Ecologist:

- Over Wintering Birds - Consider that there will be a negligible impact;
- Reptiles - Consider that there would be no impact subject to a planning condition securing the mitigation set out in the submitted Reptile Mitigation Strategy;
- Badgers - A planning condition is proposed to ensure that a survey is undertaken prior to commencement to ensure that badgers aren't using the site;
- Nesting Birds - A planning condition is proposed to ensure that any clearance works are only undertaken out of bird breeding season; and
- Hedgehogs - A planning condition is proposed to ensure that any brush, compost or debris piles on site are only removed outside of the hibernation period.

8.64 It is therefore considered that, subject to appropriate conditions to ensure a precautionary principle, there would be an acceptable impact, both during the construction and operational stages, in accordance with Policy 49 of the Local Plan, Policy SB14 of the Neighbourhood Plan and the Conservation of Habitats and Species Regulations 2017.

Wildlife Corridor

8.65 Policy 49 of the Local Plan seeks to "protect, manage and enhance" the District's network of ecology, biodiversity and geological sites which includes "wildlife corridors". This is supported by Policy SB13 of the Neighbourhood Plan which identifies wildlife corridors and requires that "development proposals that lie within or are adjoining the Network [which includes wildlife corridors] 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".

8.66 The application site is located immediately to the east of the Lumley Wildlife Corridor as identified by the Neighbourhood Plan and has, accordingly, included an appropriate buffer to the wildlife corridor as secured by the parameter plan. To ensure that the space is an effective use of land it includes a SUDS basin, pedestrian connectivity and Amenity Open Space but is appropriately limited to these uses only by the parameter plan.

8.67 It is therefore considered that the application is in accordance with Policy 49 of the Local Plan and Policies SB13 and SB14 of the Neighbourhood Plan in this regard.

Biodiversity Net Gain

8.68 Whilst the application was submitted ahead of the impending legislative requirement for 10% Biodiversity Net Gain (BNG), Policy SB13 of the Neighbourhood Plan requires a "net gain to general biodiversity value" and Policy SB14 requires "at least a 10% net gain in biodiversity".

- 8.69 The application included a BNG Assessment Report setting out how the proposals would provide a 43% habitat gain and 77% hedgerow gain when assessed against the then current DEFRA metric 3.1 and an Ecological Enhancement Strategy to demonstrate how, in principle, the ecological enhancements proposed could be accommodated.
- 8.70 Whilst the proposal should now be assessed against the current DEFRA 4.1 metric it is considered that, given the significant BNG achieved under metric 3.1 and the minor changes between the metrics the proposal would still provide the gains necessary under metric 4.1, given the limited scope of changes between the two metrics.
- 8.71 It is therefore considered, subject to a condition requiring further assessment against metric 4.1 at the reserved matters stage to demonstrate a minimum 10% BNG, the application is acceptable in principle in this regard in accordance with Policies SB13 and SB14 of the Neighbourhood Plan.

vii Flooding & Surface Water Drainage

- 8.72 The application site is located within EA flood zone 1 which has a low probability of flooding and is where the NPPF seeks to sequentially direct new development in this regard. However, there are a series of drainage channels, both open and culverted, that run through the site and onwards south towards the A259.
- 8.73 The application is accompanied by a sustainable Drainage Report which sets out the approach to drainage and the submitted parameter plan sets out the proposed location of Sustainable Urban Drainage (SUDS) basins taking into account the existing drainage channel and existing drainage flows.
- 8.74 Groundwater monitoring has been undertaken and, in combination with the fact that the underlying material is clay, relying on infiltration would not acceptably mitigate any impact with regard to not exceeding existing greenfield run off rates.
- 8.75 Given the above the application proposes, in the first instance, to reuse water through the introduction of water butts and other rainwater harvesting systems. Thereafter, as per the existing situation on site, the proposal is to discharge surface water into the existing watercourses surrounding the site but to also introduce SUDS basins to provide attenuation in the event of greater flows or weather events so that water is held until it can be released at an acceptable rate.
- 8.76 The location of the SUDS basins has been determined by the water flows on the site whilst their volume has been determined by the potential flow rates, taking into account an appropriate climate change allowance. Through the introduction of attenuation features the proposal would result in a betterment to the existing flood risk experienced by the adjacent existing dwellings.
- 8.77 The Lead Local Flood Authority have concurred with the submitted Report conclusions with no objection subject to detailed designs at the reserved matters stage and conditions requiring residual measures to ensure that the existing culverts have appropriate capacity and are maintained as such.
- 8.78 It is therefore considered that, subject to planning conditions, the application has demonstrated that it will not increase flood risk elsewhere, has taken the opportunity to

reduce flood risk overall and is located in a sequentially appropriate place for new development. It is therefore considered in accordance with Policy 42 of the Local Plan and Policy SB20 of the Neighbourhood Plan.

viii Sustainable Measures

- 8.79 The application includes an Energy Statement and clarification e-mail from the applicants which sets out a number of measures that the proposed development would employ. Whilst this includes no fossil fuels, Electric Vehicle Charging, the provision of air source heat pumps per dwelling, EPC ratings of B or above and sustainably sourced timber frames, it is considered that the proposal could go further given the requirements of Policy 40 of the Local Plan and Policy SB19 of the Neighbourhood Plan which states that developments must "must minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping".
- 8.80 However, as the proposal is an outline application it is considered that there are no barriers to the delivery of appropriate sustainable measures and is therefore acceptable in principle. Accordingly, a planning condition is proposed to require final details at reserved matters stage when the detailed layout and design of the proposed dwelling is known.

ix Other Matters

Agricultural Land

- 8.81 Whilst the applicants have not undertaken a site-specific survey to establish the existing agricultural land value the Natural England map appears to designate the site as very good agricultural land value, albeit it is challenging to attach a high degree of certainty given the scale of the Natural England map.
- 8.82 In the event that the land does constitute very good agricultural land it is not considered, given the limited scale of the site, its restriction by the woodland to the west, dwellings to the south and railway line to the north and the weight given to meeting housing need, that the loss of the agricultural land would constitute an overriding reason for refusal when the planning balance is applied.
- 8.83 Furthermore, it is not considered that the loss of the site for agricultural use would prejudice the agricultural operation of the land to the east of the application site.

Noise

- 8.84 Whilst the application site is bounded to its south by residential development where there would be a mutually reciprocal and acceptable acoustic impact, to the immediate north is a railway line that runs parallel to the site boundary.
- 8.85 The application includes a Noise and Vibration Assessment which concludes that the acoustic impact would be below the Significant Observed Adverse Effect Level (SOAEL) but above the Lowest Observed Adverse Effect Level (LOAEL). It is therefore considered appropriate that mitigation measures are implemented.
- 8.86 Whilst mitigation could take the form of an acoustic barrier, and the parameter plan accordingly makes acceptable provision in this eventuality, this would result in an element

of, but not overriding, landscape harm. Alternative measures such as the orientation of dwellings to ensure amenity spaces do not abut the railway line and the set back of dwellings from the railway line would therefore be explored as the initial option.

8.87 It is therefore considered that, subject to a planning condition requiring the agreement of noise measures during both the construction and operational stages, including timetable for implementation and verification measures, at the reserved matters stage the application is in accordance with Policies 33 and 40 of the Local Plan in this regard.

Air Quality

8.88 The site is not located within an Air Quality Management Area (AQMA) and the application is accompanied by an Air Quality Assessment. The conclusions of the report, which set out no operational stage impacts but impacts that require mitigation during the construction stage, are agreed.

8.89 It is therefore considered that, subject to a planning condition requiring the agreement of noise measures during the construction stage, the application is in accordance with Policies 33 and 40 of the Local Plan in this regard.

Construction Impacts

8.90 Whilst any development will result in temporary disturbance to the local area and community, and this is unavoidable, it is appropriate to require measures to minimise any impacts. Accordingly, alongside the recommended mitigations in the Noise and Vibration Assessment and the Air Quality Assessment, the applicants have set out a series of proposed measures including:

- Noise and dust suppression;
- Wheel washing for vehicles leaving the site;
- Construction traffic management;
- Silt Management Strategy;
- On site contractor parking;
- Appropriately location construction compound;
- Restriction of sediment entering watercourses; and
- Community notification and liaison.

8.91 It is therefore considered that, subject to a condition requiring the final details of a Construction Environmental Management Plan (CEMP) and a Construction Traffic Management Plan (CTMP), the application is acceptable in principle in this regard.

Crime

8.92 It is considered that the parameter plan does not prejudice the ability to secure appropriate measures at the detailed design stage through the reserved matters application. It is therefore considered that the application is in accordance with Policy 33 of the Local Plan in this regard.

Foul Drainage

8.93 The application proposes a mains connection to Thornham WWTW to dispose of foul waste. The WWTW is an environmentally constrained treatment plant as it discharges into

Chichester Harbour. Accordingly, the WWTW are the subject of a Position Statement which restricts any new connections once the remaining capacity is taken by committed development.

8.94 In accordance with Councils 'Position Statement on managing new housing development in the Thornham WWTW Catchment' there was capacity for an additional 347 dwellings to connect as at 1 February 2024. Accordingly, it is considered that there is currently capacity and, as such, the proposed arrangement is currently considered acceptable in accordance with Policy SB20 of the Neighbourhood Plan.

Land Contamination

8.95 The application includes a Phase II Land Contamination Survey which identified that no significant anomalies or risks were identified with regard to ground gas and vapours or contaminants. It is therefore considered that, subject to a planning condition regarding unexpected contamination, the application is acceptable in this regard.

Infrastructure and Planning Obligations

8.96 The development would be liable to pay the Council's Community Infrastructure Levy (CIL) charge of £120 sqm (+ indexing from January 2016) which, whilst the applicant can seek CIL exemption of affordable units, would mitigate the impact on wider infrastructure that the introduction of residents would result in.

8.97 However, a s106 legal agreement would also be necessary to secure the infrastructure directly necessary and related to the development to make it acceptable in planning terms. The following is therefore proposed to be secured:

- 30% affordable housing (rounded down to the nearest whole dwelling with any shortfall resulting in a financial contribution);
- A minimum of 25% of affordable housing will be First Homes; Of the remaining affordable housing the S106 Agreement requires the development to be in accordance with 35% Social Rented, 23% Affordable Rent and 17% Shared Ownership; The size of the affordable units would be agreed at the reserved matters stage; and Open market units would be broadly in accordance with a minimum of 2% 1-bed, % 2-bed and 45% 3-bed; Timing of delivery of affordable units, appropriate management by an approved body and a nominations agreement;
- Financial contribution of £7,728 per dwelling towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass' with an uprated tariff based on the methodology set out in draft policy T1: transport Infrastructure (A27 Mitigation contributions) in the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19);
- Financial contribution of £443 per 1-bed, £639 per 2-bed, £834 per 3-bed, £980 per 4-bed and £1,150 per 5-bed for recreational disturbance mitigation at Chichester and Langstone Harbours SPA, in accordance with Planning Obligations and Affordable Housing SPD ;
- Provision of Amenity Open Space including a Local Equipped Area of Play (LEAP) (required minimum of 0.026ha of equipped play space and 0.086ha of amenity open

space, based on CDC Open Space Calculator). Management and on-going maintenance to also be secured.

- Secure the following off-site Highway works:
 - Provision of tactile paving and dropped kerbs at the existing uncontrolled crossing at the junction of Southbourne Avenue and Penny Lane;
 - Provision of tactile paving and dropped kerbs at the existing uncontrolled crossing at the junction of Penny Lane and Main Road; and
 - Real Time Information (RTI) displays at the existing bus stops (four in total) where both Thorney Road and Penny Lane meet Main Road.
- Works to the Railway:
 - Scheme of additional permanent safety measures at the Penny Lane & Church railway crossings, likely compromising Miniature Stop Lights and upgraded gate, and a timetable for the works to be agreed with Network Rail and the LPA prior to commencement of development;
 - £370,000 towards improvements to the Church or Penny Lane railway crossing; and
 - The safeguarding of land for improvements to the Penny Lane railway crossing and the making available of it at nil cost to accommodate/facilitate improvements to the crossing, as required.
- The cessation of the agricultural use of the land upon commencement of development; and £6,639 s106 monitoring fee.

8.98 This is considered in accordance with Policies 8, 9, 34, 49, 50, 52 and 54 of the Local Plan, the CDC Planning Obligations & Affordable Housing SPD 2016, Policies SB3, SB14, SB14, SB18 and SB21 of the Neighbourhood Plan, Policy L1, T1 and T2 of the emerging Chichester Local Plan 2021-2039: Proposed Submission Version, the NPPF and the Conservation of Habitat and Species Regulations 2017.

Conclusion and Planning Balance

8.99 The application site is not allocated for development nor proposed as an exemption site. However, it is sustainably located, can be delivered without significant harm and is technically competent.

8.100 Whilst the Council is currently able to demonstrate a housing land supply this is only by a small margin and it is therefore important that the Council continues to grant permission for suitable sites that can make a meaningful and deliverable contribution to meeting the District's housing needs.

8.101 The tilted balance set out at Paragraph 11(d) of the NPPF does not apply to the application. However, the meaningful contribution that the proposal would make to meeting housing needs in given significant weight when the planning balance is applied.

8.102 Therefore, given that the application is technically competent and broadly policy compliant in all other regards, overriding weight is given to the meaningful and deliverable contribution that the application would provide to meeting housing need and the application is accordingly recommended for approval.

Human Rights

8.103 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 Parameter Plan SEAW170635 PAR-01 dated 02.02.24 and Access General Arrangement 102545-T-005 C dated Sept 2020 unless otherwise agreed in writing.

Reason: To safeguard the landscape character of the area, ensure safe access, ensure the appropriate spatial distribution of uses, ensure connectivity to the movement network, ensure the protection of the adjacent woodland and wildlife corridor and safeguard the relationship with existing adjacent uses in accordance with Policies 33, 39, 42, 48, 49, 52 and 54 of the Chichester Local Plan: Key Policies 2014-2029, policies SB4, SB13 and SB14 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

4) The reserved matters application(s) shall be in broad accordance with the Design Principles Document Feb 2024 unless otherwise agreed in writing.

Reason: To ensure the creation of a high quality, beautiful and well-designed place in accordance with Policies 33, 39, 42, 48, 49, 52 and 54 of the Chichester Local Plan: Key Policies 2014-2029, policies SB4, SB13 and SB14 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

5) Prior to the commencement of development a lighting strategy, in broad accordance with the Lighting Impact Assessment 2560-DLF-ELG-XX-RP-EO-13001 dated 10.10.22, shall be submitted to and agreed, in writing, by the Local Planning Authority. The scheme shall set out how the development shall be designed to ensure that artificial light shall not exceed thresholds from the Institution of Lighting Professional's, 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)' and shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development. The development shall be undertaken in accordance with the agreed details.

Reason: To safeguard protected species and other species present on the site and the dark night skies of the South Downs National Park in accordance with Policies 48 and 49 of the Chichester Local Plan: Key Policies 2014-2029, Policies SB14 and SB17 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

6) Prior to the commencement of development and notwithstanding the Energy Statement dated November 2022 and e-mail from Ian Johnson dated 8 February 2024 a schedule of sustainability measures, setting out how the proposal meets the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and Policy SB19 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029, shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: To ensure that the development constitutes sustainable design and construction in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB19 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

7) No development shall commence until a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) for the development, hereby approved, has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP shall be in accordance with the conclusions of the submitted Air Quality Assessment dated September 2022, the Noise and Vibration Assessment dated October 2022 and include details of:

- (a) A plan of the defined working area;
- (b) The location of the site compound and any buildings within it;
- (c) The means of enclosure of the site compound;
- (d) The provisions to be made for the parking of contractors, site operatives, employees and visitors;
- (e) The provision for wheel washing facilities;

- (f) The route vehicles will take to the site and the measures in place to control movements along Penny Lane and Southbourne Avenue;
- (g) The method and timing of any piling required;
- (h) Measures to control the emission of dust and dirt;
- (i) Measures to prevent adverse impacts to surface water and ground water;
- j) Any screening or hoarding;
- k) A lighting strategy; and
- l) Hours of construction.

The development must be carried out in accordance with the approved details.

Reason: To safeguard the amenity of occupiers of adjoining properties, highway and pedestrian safety, the character and appearance of the area and to prevent pollution in accordance with Policies 33, 40, 48 and 49 of the Chichester Local Plan: Key Policies 2014-2029 and the NPPF.

8) Prior to the commencement of development an archaeological Written Scheme of Investigation, including the timing of any investigation and details of recording, shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: To ensure that the special archaeological interest of the site is appropriately identified and, if necessary, safeguarded in accordance with Policy 47 of the Chichester Local Plan: Key Policies 2014-2029 and the NPPF.

9) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Pell Frischmann, 16/06/2023, revision P04) and drawing number 106701 PEL XX ZZ XXX CD 0501 (Drainage Strategy by Pell Frischmann, 19/06/2023, revision P04), 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) Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed attenuation basin/s, as stated within section 3.1.5 of the Sustainable Drainage Report by Pell Frischmann, 19/06/2023, revision P04. 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 (as calculated in Sustainable Drainage Report) 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:
 - 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site; and

- 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. 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; and
 - v) 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.

Reason: To ensure that flood risk is appropriately managed in accordance with Policy 42 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB20 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

10) Prior to the commencement of development details of the location and timetable for planting of a mature tree, to compensate for the loss of the oak tree at the entrance to the site, shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: To compensate for the expected loss of the oak tree, the subject of a Tree Preservation Order, in accordance with Policy 52 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB15 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

11) Prior to the commencement of development plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and been approved in writing by the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development shall be undertaken in accordance with the agreed details.

Reason: To safeguard the amenity of occupiers of adjoining properties, highway and pedestrian safety, the character and appearance of the area and to prevent pollution in accordance with Policies 33 and 48 of the Chichester Local Plan: Key Policies 2014-2029 and the NPPF.

12) Prior to commencement of development, details of the proposed footpaths and movement connections, including to the existing Public Right of Ways, in broad accordance with parameter Plan SEAW170635 PAR-01 dated 02.02.24 and including a timetable for implementation, shall be submitted to and agreed in writing.

Reason: To ensure the site is connected to the existing movement network in accordance with Policy 439 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB13 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

13) In conjunction with the first Reserved Matters application for the development, details, including the timetable for delivery and verification measures, of how the development will result in a minimum Biodiversity Net Gain of 10%, measured against the Statutory Natural England Metric November 2023, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development results in an appropriate biodiversity enhancement in accordance with Policy 49 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB14 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

14) Prior to or in conjunction with the first Reserved Matters application for the development hereby permitted, a full CCTV survey of the existing culverts for their entire length, between the application site and its' outfall downstream including pipe diameter, invert and cover levels, condition (any blockages/roots/debris etc), incoming connections, alignment (both vertical and horizontal) and any associated structures.

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.

15) 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 and Lead Local Flood Authority for any upgrades to the culvert to provide capacity for peak rainfall events (both the existing scenario and upon development of the site). The details shall include all relevant plans, sections, schedules and construction details if upgrades are required. This must demonstrate that any alterations proposed to the culvert do not increase flood risk downstream, by showing that there is adequate capacity within the channel for any additional peak flows where the culvert outfalls. These details will also be required for Ordinary Watercourse Consent (see Informative).

Reason: To ensure that flood risk is appropriately managed in accordance with Policy 42 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB20 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

16) Prior to development above slab level the 'Management Recommendations' and 'Enhanced Management Measures' set out within the Updated Health and Condition Survey Report LLD2016 dated 21.12.22 for the oak tree at the entrance to the site shall be implemented, and maintained as such, unless otherwise agreed in writing.

Reason: To optimise the longevity of the tree, the subject of a Tree Preservation Order, in accordance with Policy 52 of the Chichester Local Plan: Key Policies 2014-

2029, Policy SB15 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

17) Prior to development above slab level details of noise attenuation measures, in broad accordance with the Noise and Vibration Assessment dated October 2022 and including a timetable for implementation and verification measures, shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: To safeguard the amenity of the occupiers of the proposed dwellings in accordance with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 and the NPPF.

18) 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 local planning policy.

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

Reason: In accordance with The Fire and Rescue Services Act 2004.

20) Prior to the first occupation of any dwelling, hereby permitted, the agreed safety mitigation measures for the Penny Lane and Church railway crossings (as required by the Obligation in the S106 Agreement), shall be fully installed and operational.

Reason: To safeguard the occupiers of the proposed dwellings in accordance with Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 and the NPPF.

21) The development, hereby permitted, shall be undertaken in accordance with the submitted Tree Retention and Protection Plan LLD2016-LAN-DWG-003 Rev 02 dated 30.10.20 unless otherwise agree in writing.

Reason: To ensure that trees are appropriately protected to safeguard the ecological and amenity value in accordance with Policy 52 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB15 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

22) The development, hereby permitted, must be carried out in strict accordance with the methodology, mitigation and enhancement measures and recommendations detailed in the Ecological Impact Assessment LLD2727-ECO-REP-003-00-EclA dated 21.10.22, Reptile Mitigation Strategy LLD2727-ECO-REP-004-00 dated 20.04.23 and Bat Activity Survey Report LLD2727-ECO-REP-006-00-BAS dated 08.09.23 unless otherwise agreed in writing.

Reason: To safeguard protected species and other species present on the site in accordance with Policies 48 and 49 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB14 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

23) No works to trees or vegetation on the site shall take place during the bird breeding season between 1st March - 1st October unless under the observation and instruction of a qualified ecologist.

Reason: To safeguard protected species and other species present on the site in accordance with Policies 48 and 49 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB14 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

24) No brush piles, compost or debris piles shall be removed between the hibernation period mid-October to mid-March unless under the observation and instruction of a qualified ecologist.

Reason: To safeguard protected species and other species present on the site in accordance with Policies 48 and 49 of the Chichester Local Plan: Key Policies 2014-2029, Policy SB14 of the Southbourne Neighbourhood Plan (referendum modified) 2014-2029 and the NPPF.

25) If contamination not previously identified in the Phase II Site Investigation Report GWPR5036/DS dated November 2022 is found to be present at the site then no further development or site clearance shall be carried out until a remediation strategy detailing how this unsuspected contamination is to be dealt with has been submitted to and approved, in writing, by the Local Planning Authority. Development shall proceed in accordance with the remediation strategy.

Reason: To ensure that risks from land contamination, ground gases and contaminated groundwater to the future uses of the land, neighbouring land, surface water, groundwater and wider environment are mitigated to ensure that the development can be carried out safely without any unacceptable risks to workers, neighbours and off-site receptors in accordance with the NPPF.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, discussing those with the applicant and therefore working with the applicant and consultees to result in an application able to be recommended for approval.
- 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) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

- 5) 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.
- 6) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or

obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email landdrainage@chichester.gov.uk.

- 7) Section 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.
- 8) 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.

For further information on this application please contact David Cranmer on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RO0RA0ERHSE00>

Chichester District Council

Planning Committee

6 March 2024

**Four Acre Nursery, Cooks Lane, Southbourne
(LPA ref. SB/22/01903/OUT)**

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.

1. Contacts

Report Author:

Jo Bell, Development Manager (CDC DM Majors & Business)

Tel: 01243 534899 E-mail: jbell@chichester.gov.uk

2. Recommendation

2.1 The Committee is asked to note the contents of this report and endorse the resolution of the 6 December 2023 Planning Committee to defer the application for S106 and then permit subject to:

i. conditions as set out in Appendix 1.

ii. Replacement hedgerow condition

No development shall commence on site, unless and until details of new hedgerow planting and hedgerow strengthening, to mitigate the loss of hedgerow at the site access, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping, including watering and maintenance arrangements. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of conserving and enhancing biodiversity.

iii. Expansion of the Green Ring condition

In conjunction with the first Reserved Matters application, details and plans demonstrating an increase to the open space area adjacent to the

northerns and western boundaries within the application site to strengthen the provision of the 'Green Ring' (over and above that indicated on the sketch site layout drawing number 3132/C/10005/SK rev 5) and including how the Green Ring will relate to the adjacent approved housing scheme to the north and west, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason: in the interests of ecological connectivity, outdoor recreation and encouraging sustainable movement through the Parish.

iv. Biodiversity Net Gain Assessment condition

In conjunction with the first Reserved Matters application, a Biodiversity Net Gain Assessment Report, setting out how the development will result in a minimum Biodiversity Net Gain of 10%, measured against the Statutory Biodiversity Metric, together with a timetable for delivery and verification measures, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development results in an appropriate biodiversity enhancement.

3.0 Background

- 3.1 On 6 December 2023 the Planning Committee resolved to permit the above proposed development subject to conditions, as set out in the report at Appendix 1 together with two new conditions as follows:
- A condition to secure hedgerow planting which would replace and strengthen the hedgerow that would be removed to create the access to the site, and
 - A condition seeking an increase in the Green Ring.
- and the completion of a S.106 agreement to secure the necessary infrastructure and to make the application acceptable in planning terms.
- 3.2 Prior to concluding the S.106 agreement, the government issued on 20 December 2023 a long anticipated revision to the National Planning Policy Framework (NPPF). The revised NPPF is relevant to the Four Acre Nursery application in that it introduces a change to the way in which the 5 year housing land supply (5YHLS) is undertaken. The Committee will recall that the Council's 5YHLS position was a fundamental consideration in the judgments made in the December Committee report regarding the appropriateness of the development. The government's changed policy stance on the 5YHLS issue is material to the decision making process on planning applications for new housing development.
- 3.3 Whilst the Four Acre Nursery application has a Committee resolution to permit, a decision has not yet been issued on the application pending completion of the S.106 agreement. Given that the application is not yet determined, officers consider that it is necessary to revisit the Committee resolution made 3 months ago in light of the change in government policy through the NPPF on housing land requirements.

- 3.4 In addition, since the December resolution the Council has issued its Decision statement for the Southbourne Modified Neighbourhood Plan (referendum modified plan) 2014-2029 at the start of January and it subsequently went to a referendum on 25 January, which it passed. A recommendation to therefore 'make' the Neighbourhood Plan is being considered at the 27 February Full Council meeting and, subject to approval, will thereafter be a fully adopted part of the Development Plan. Policy SB14 'Biodiversity' of the Southbourne Modified Neighbourhood Plan will, if the Neighbourhood Plan is made at Full Council, have full weight in consideration of the Four Acre Nursery application at the 6 March committee.

4.0 Main Report

- 4.1 The following text shall be read in conjunction with the officers' report to the December Committee which is attached at Appendix 1.

Housing Land Supply

- 4.2 At the time the Committee made its resolution in December 2023, the Council could not demonstrate that it had a 5YHLS as required by the NPPF. The absence of a 5YHLS triggered the 'tilted balance' in paragraph 11 d) of the NPPF. For decision-making this mechanism essentially provides for a presumption in favour of approving sustainable development proposals where the policies which are most important for determining the application are found to be out of date and the Local Authority cannot demonstrate a 5-year housing supply. Both circumstances applied in the case of Four Acre Nursery and whilst the Committee report acknowledged that the proposal was not contiguous with the settlement boundary (although arguably a technical breach only as the site adjoins the boundary of an approved development which is under construction) and would have very minor negative impacts on landscape character, when carrying out the final planning balance this was considered to be outweighed by the shortfall in the housing supply and acknowledgement of the weight which government policy attaches to significantly boosting the supply of homes.
- 4.3 With the issue of a revised NPPF, Councils like Chichester that have an emerging Local Plan which has completed its 'Regulation 19' formal consultation stage and is ready to submit for examination, need only identify a four-year supply of housing sites for the 5-year period. Through national planning guidance in the NPPG (Paragraph 055) the government has removed some initial ambiguity in interpretation of the NPPF advice by confirming that the five-year housing land supply and the four-year housing land supply that authorities should demonstrate for decision making purposes should consist of deliverable housing sites measured against the authority's five year housing land supply requirement (not a 4 years supply measured against a 4 year requirement as some have argued).
- 4.4 The Council has recently re-issued its Updated Position Statement on its 5YHLS housing supply (as at 1 April 2023). The current assessment for the Chichester Local Plan area identifies a potential housing supply of 2,661 net dwellings over the period 2023-2028. This compares with an identified housing requirement, over 4 years of 2,542 net dwellings. This results in a surplus of 121 net dwellings, equivalent to 4.19 years of housing supply.

- 4.5 The Council therefore clearly accepts that it cannot demonstrate a 5YHLS and indeed that position has changed further since December 2023 when the agreed supply was 4.65 years. What paragraph 226 of the NPPF now permits is for LPA's like Chichester which have a demonstrable housing supply of between 4 and 4.99 years, to deliver only a minimum of 4 years' worth of housing instead of a 5YHLS.
- 4.6 However, the important caveat to the new policy in NPPF paragraph 226 is that the new arrangement on housing supply is only a temporary arrangement which will apply for just a 2-year period from the date of publication of the NPPF. By the 6 March Committee therefore, the Council will already be 2.5 months into that temporary 2-year period which ends on 20 December 2025.
- 4.7 In addition to the government clarifying through the NPPG that the period over which a 4-year supply needs to be demonstrated is 5 years, there is a further implication in paragraph 11d) in terms of the weight to be attached in decision-making to the most important policies for determining the application. Under the new NPPF, the relevant housing policies in the Local Plan (2, 5 and 45) which were previously considered out-of-date when measured against a requirement to demonstrate a 5YHLS, are no longer out-of-date when measured against the requirement for a 4YHLS which the Council is able to demonstrate. By virtue of housing policies which are temporarily not out-of-date and a 4YHLS, officers maintain that the tilted balance is not engaged and the Council is able to determine the application on the basis of a flat balance.
- 4.8 At the recent Land off Main Road, Birdham appeal for 150 homes (21/01830/OUT, APP/L3815/W/23/3319434), the Inspector in reaching her decision on 9 February 2024 was required to assess the proposals in light of the revised NPPF and the changed position regarding the 5YHLS. The Inspector took the view that as a result of the transitional arrangements, the new position on housing supply did not apply because the application was submitted before 19 December 2023 and therefore the original 5YHLS requirements applied (as opposed to the revised 4 year supply). The Council could not demonstrate a housing supply against a 5 year requirement, the most important Local Plan policies 2, 5 and 45 were out of date and in her judgment therefore the tilted balance still applied. However, in her concluding remarks the Inspector opined that irrespective of whether the transitional arrangement applied, i.e. whether the application should be assessed on the basis of a tilted balance or whether it should be against an 'untitled' flat balance under S.38(6) of the Planning and Compulsory Purchase Act 2004, the conflicts identified with the development plan as a whole, were significantly and demonstrably outweighed by the identified benefits, principally the delivery of new housing.
- 4.9 The context at Birdham whilst not the same as Four Acre Nursery has some direct parallels. For example, both cases are for major housing developments on or very close to the edge of settlement boundaries and both were submitted prior to the issue of the revised NPPF. Adopting a similar stance to the final remarks of the Main Road Inspector, officers are of the opinion that whether Four Acre Nursery is assessed under the flat balance which officers consider to be the correct approach (notwithstanding the timing point of the transitional arrangements) or under the tilted balance, this should not alter the Committee's resolution on the application. The Council's housing land supply is greater than 4 years, but not by a significant margin and is likely to be challenged at appeal. Officers consider that the

government's revised position in NPPF para 226 and at 11 d) footnote 8 offers but a temporary hiatus for the Council and that to simply pull up the drawbridge at this point and stop permitting new housing applications during this 2 year period is not a tenable approach, particularly in respect of schemes that benefited from a resolution to grant planning permission.

- 4.10 For the reasons set out in the December Committee report attached at Appendix 1, Four Acre Nursery is considered an acceptable site for the housing development proposed scoring well against the majority of criteria in the Council's Interim Position Statement (IPS), which remains a helpful tool in considering the merits of a proposal, and with no technical objections such as cannot be addressed by the recommended conditions. To take a contrary view and refuse the application at this very late stage when the legal agreement is at an advanced stage of preparation would result in an appeal. With a 4.19 years housing supply and a recent history of speculative major housing appeals ebeing upheld by Inspectors primarily on the basis that they will provide more housing in sustainable locations, the Committee is strongly advised to re-affirm its previous position and permit the development.

Biodiversity Net Gain

- 4.11 Whilst the Four Acre Nursery application was submitted ahead of the national legislative requirement for 10% Biodiversity Net Gain (BNG), which became mandatory for major planning applications received from 12 February 2024, Policy SB14 in the Southbourne Neighbourhood Plan requires 'at least a 10% net gain in biodiversity'.
- 4.12 On the basis of the changed status of policy SB14, the applicant has agreed to meet the 10% BNG requirement (on or off site). A new condition is therefore recommended requiring the applicant to submit a BNG Assessment Report at reserved matters stage, setting out how the proposal would provide a minimum 10% biodiversity net gain using the current DEFRA 4.1 metric. On this basis the application is acceptable in accordance with Policy SB14 of the Southbourne Modified Neighbourhood Plan.

Background Papers

The application, and all submitted documents, can be viewed online at:

<https://publicaccess.chichester.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Appendix 1: Officers report to Planning Committee 6 December 2023.

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APPENDIX 1


Parish: Southbourne	Ward: Southbourne
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SB/22/01903/OUT

Proposal	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.		
Site	Four Acre Nursery Cooks Lane Southbourne Emsworth West Sussex PO10 8LQ		
Map Ref	(E) 477309 (N) 106178		
Applicant	Mr Andy Williams	Agent	Ms Bryony Stala

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

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

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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

APPENDIX 1

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.

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- 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

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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

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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 WSCC Highways

Further Comments received on 7/12/22

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

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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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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

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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

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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

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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

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- 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 15th 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 14th 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 12th 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 16th December 2022 and the draft Submission Modified Neighbourhood Plan 2014-2029 was published formally under regulation 16 for consultation by Chichester District Council between 2nd March and 14th 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 5th 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

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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

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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:

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- 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

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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'.

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- 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

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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 5th 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 11(d)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

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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, an area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development. 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

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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.

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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

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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

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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 17th 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.

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- 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 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

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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.

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- 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,

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- (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.

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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

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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.

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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.

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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

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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.

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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

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their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

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

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

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

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>

Chichester District Council

Planning Committee

6 March 2024

Charmans Field, Marsh Lane, Runcton (LPA ref. NM/22/02191/OUT)

Outline planning application (with all matters reserved except access) for the development of up to 94 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works including new footway and cycleway links.

1. Contacts

Report Author:

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

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

2. Recommendation

- 2.1 **The Committee is asked to note the contents of this report and endorse the resolution of the 8 November Planning Committee to defer the application for S106 and then permit subject to conditions.**

3.0 Background

- 3.1 On 8 November 2023 the Planning Committee resolved to permit the above proposed development subject to conditions and completion of a S.106 agreement to secure the necessary infrastructure and to make the application acceptable in planning terms.
- 3.2 Prior to concluding the S.106 agreement, the government issued on 20 December 2023 a long anticipated revision to the National Planning Policy Framework (NPPF). The revised NPPF is relevant to the Charmans Field application in that it introduces a change to the way in which the 5 year housing land supply (5YHLS) is undertaken. The Committee will recall that the Council's 5YHLS position was a fundamental consideration in the judgments made in the November Committee report regarding the appropriateness of the development. The government's changed policy stance on the 5YHLS issue is material to the decision making process on planning applications for new housing development
- 3.3 Whilst the Charmans Field application has a Committee resolution to permit, a decision has not yet been issued on the application pending completion of the S.106 agreement. Given that the application is not yet determined, officers consider that it is necessary to revisit the Committee resolution made 4 months ago in light of the change in government policy through the NPPF on housing land requirements.

4.0 Main Report

- 4.1 The following text shall be read in conjunction with the officers' report to the November Committee which is attached at Appendix 1.
- 4.2 At the time the Committee made its resolution in November 2023, the Council could not demonstrate that it had a 5YHLS as required by the NPPF. The absence of a 5YHLS triggered the 'tilted balance' in paragraph 11 d) of the NPPF. For decision-making this mechanism essentially provides for a presumption in favour of approving sustainable development proposals where the policies which are most important for determining the application are found to be out of date and the Local Authority cannot demonstrate a 5-year housing supply. Both circumstances applied in the case of Charmans Field and whilst the Committee report acknowledged that there were factors such as landscape harm and scale of development which weighed against the proposals, when carrying out the final planning balance these factors were considered to be outweighed by the shortfall in the housing supply and acknowledgement of the weight which government policy attaches to significantly boosting the supply of homes.
- 4.3 With the issue of the revised NPPF, Councils like Chichester that have an emerging Local Plan which has completed its 'Regulation 19' formal consultation stage and is ready to submit for examination, need only identify a four-year supply of housing sites for the 5-year period. Through national planning guidance in the NPPG (Paragraph 055) the government has removed some initial ambiguity in interpretation of the NPPF advice by confirming that the five-year housing land supply and the four-year housing land supply that authorities should demonstrate for decision making purposes should consist of deliverable housing sites measured against the authority's five year housing land supply requirement (not a 4 years supply measured against a 4 year requirement as some have argued).
- 4.4 The Council has recently re-issued its Updated Position Statement on its 5YHLS housing supply (as at 1 April 2023). The current assessment for the Chichester Local Plan area identifies a potential housing supply of 2,661 net dwellings over the period 2023-2028. This compares with an identified housing requirement, over 4 years of 2,542 net dwellings. This results in a surplus of 121 net dwellings, equivalent to 4.19 years of housing supply.
- 4.5 The Council therefore clearly accepts that it cannot demonstrate a 5YHLS and indeed that position has changed further since November 2023 when the agreed supply was 4.65 years. What paragraph 226 of the NPPF now permits is for LPA's like Chichester which have a demonstrable housing supply of between 4 and 4.99 years, to deliver only a minimum of 4 years' worth of housing instead of a 5YHLS.
- 4.6 However, the important caveat to the new policy in NPPF paragraph 226 is that the new arrangement on housing supply is only a temporary arrangement which will apply for just a 2-year period from the date of publication of the NPPF. By the 6 March Committee therefore, the Council will already be 2.5 months into that temporary 2-year period which ends on 20 December 2025.
- 4.7 In addition to the government clarifying through the NPPG that the period over which a 4-year supply needs to be demonstrated is 5 years, there is a further

implication in paragraph 11 d) in terms of the weight to be attached in decision-making to the most important policies for determining the application. Under the new NPPF, the relevant housing policies in the Local Plan (2, 5 and 45) which were previously considered out-of-date when measured against a requirement to demonstrate a 5YHLS, are no longer out-of-date when measured against the requirement for a 4YHLS which the Council is able to demonstrate. By virtue of housing policies which are temporarily not out-of-date and a 4YHLS, officers maintain that the tilted balance is not engaged and the Council is able to determine the application on the basis of a flat balance.

- 4.8 At the recent Land off Main Road Birdham appeal for 150 homes (21/01830/OUT, APP/L3815/W/23/3319434), the Inspector in reaching her decision on 9 February 2024 was required to assess the proposals in light of the revised NPPF and the changed position regarding the 5YHLS. The Inspector took the view that as a result of the transitional arrangements, the new position on housing supply did not apply because the application was submitted before December 2023 and therefore the original 5YHLS requirements applied (as opposed to the revised 4 year supply). The Council could not demonstrate a housing supply against a 5 year requirement, the most important Local Plan policies 2, 5 and 45 were out of date and in her judgment therefore the tilted balance still applied. However, in her concluding remarks the Inspector opined that irrespective of whether the transitional arrangement applied, i.e. whether the application should be assessed on the basis of a tilted balance or whether it should be against an 'untitled' flat balance under S.38(6) of the Planning and Compulsory Purchase Act 2004, the conflicts identified with the development plan as a whole, were significantly and demonstrably outweighed by the identified benefits, principally the delivery of new housing.
- 4.9 The context at Birdham whilst not the same as Charmans Field has some direct parallels. For example, both cases are for major housing developments on the edge of settlement boundaries and both were submitted prior to the issue of the revised NPPF. Adopting a similar stance to the final remarks of the Main Road Inspector, officers are of the opinion that whether Charmans Field is assessed under the flat balance which officers consider to be the correct approach (notwithstanding the timing point of the transitional arrangements) or under the tilted balance, this should not alter the Committee's resolution on the application. The Council's housing land supply is greater than 4 years, but not by a significant margin. The applicant has made it clear that should the application now be refused contrary to the previous Committee resolution then this is likely to be a matter challenged at appeal. To this effect, the applicant has already prepared information to indicate that it does not accept the Council has a 4 year supply and that the supply is less than 4 years. Officers consider that the government's revised position in NPPF para 226 and at 11 d) footnote 8 offers but a temporary hiatus for the Council and that to simply pull up the drawbridge at this point and stop permitting new housing applications during this 2 year period is not a tenable approach.
- 4.10 For the reasons set out in the November Committee report attached at Appendix 1, Charmans Field is considered an acceptable site for the housing development, which carries substantial weight in the planning balance, and with no technical objections such as cannot be addressed by the recommended conditions. To take a contrary view and refuse the application at this very late stage when the legal agreement is prepared and ready to be signed would result in an appeal. With a

4.19 years housing supply and a recent history of speculative major housing appeals being upheld by Inspectors primarily on the basis that they will provide more housing in sustainable locations, the Committee is strongly advised to re-affirm its previous position and permit the development.

Background Papers

The application, and all submitted documents, can be viewed online at:

<https://publicaccess.chichester.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Appendix 1: Officers report to Planning Committee 8 November 2023.

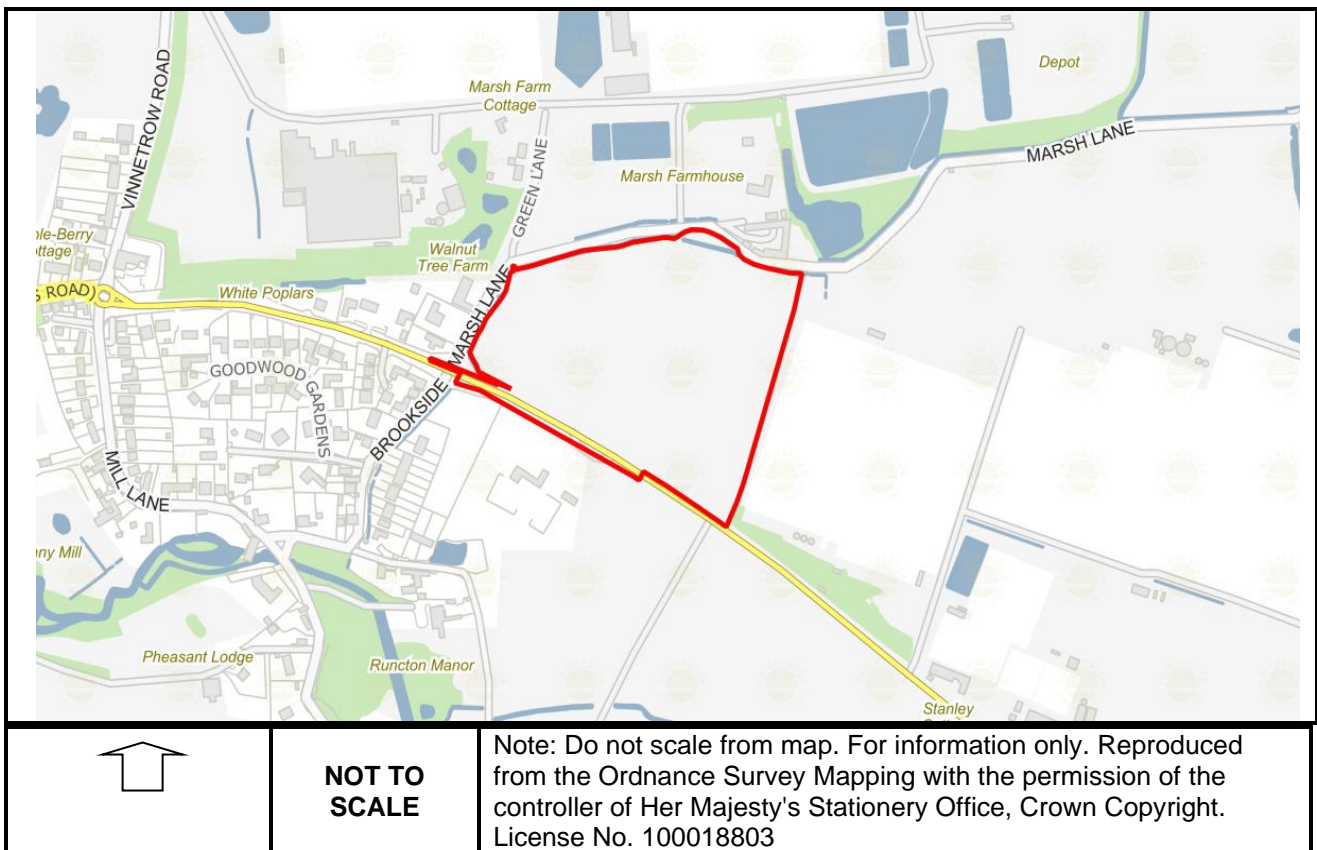
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Parish: North Mundham	Ward: North Mundham and Tangmere
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NM/22/02191/OUT

Proposal	Outline planning application (with all matters reserved except access) for the development of up to 94 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works including new footway and cycleway links.		
Site	Charmans Field Marsh Lane Runcton West Sussex		
Map Ref	(E) 488621 (N) 102428		
Applicant	Mr Andrew Tice (Landlink Estates Ltd)	Agent	Mrs Lisa Jackson

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

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1.2 The application was deferred at the 12 July 2023 Planning Committee for further information on the following matters:

- **Foul drainage – Clarification from Southern Water on infrastructure upgrades necessary to accommodate the development**
- **Surface water drainage – Clarification of the potential for surface water discharges arising from the development to negatively impact on the Pagham rife via existing watercourses**
- **Highways – Clarification from WSCC as the LHA regarding the safety of children getting to and from the local school in North Mundham**
- **Education – Clarification on the availability of school places at North Mundham Primary School**
- **Lighting – Clarification of the potential impact on future residential amenity of the use of growing lights at the Vitacress glasshouses**

2.0 The Site and Surroundings

- 2.1 The red lined application site comprises a total of 6.89ha and includes a portion of the Lagness Road B2166 as part of the access area. It is located on the eastern edge of the existing settlement of Runcton, separated from the settlement edge by Marsh Lane which forms the west and north boundaries of the site. North of Marsh Lane is a small cluster of former agricultural farm buildings (Marsh Barns) now converted to residential use as well as the large horticultural glasshouses at the Chichester Food Park Horticultural Development Area. The site is bounded to the south by the Lagness Road and by a shelter belt of trees on the east boundary beyond which are the glasshouses of 'Vitacress' at Runcton horticultural nursery.
- 2.2 The site comprises a single open field of 6.51ha, in long time arable use, with a Grade 3 (good to moderate quality) Agricultural Land Classification. It is not known whether the Grade 3 land is 3a (classed alongside Grades 1 and 2 as 'Best and Most Versatile' land) or Grade 3b (not classed as 'Best and Most Versatile' land). There are no internal hedgerows, fence lines or physical sub-division. The site is relatively flat and around 6m AOD. Existing vehicular access to the site is from two agricultural field accesses both located on the northern boundary onto Marsh Lane. Whilst there is some hedgerow planting to the site boundaries, the boundary screening is not continuous. There are long stretches along Marsh Lane without substantive planting where there are clear unhindered views into and across the site and likewise in the south-west corner at the junction of Marsh Lane travelling eastwards along Lagness Road. The line of the former Chichester to Arundel Canal which was filled in during the latter part of the 19th century tracks east-west across the northern part of the site. The former canal is now at grade with its surroundings. Approximately 145m to the south-west of the site is Runcton Conservation Area, so designated in 1976. The nearest listed buildings (4 x Grade II) are within the Conservation Area being between 209m to 234m away.
- 2.3 The site lies within the zone of influence for the Chichester and Langstone Harbours SPA, RAMSAR, Solent Maritime SAC areas (approximately 5km away), Pagham Harbour SPA (3km away) and the Singleton and Cocking Tunnels SAC (11.55km away). There are no statutory sites designated for nature conservation within 2km of the application site.

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2.4 The site is entirely within EA Flood Zone 1. There is an ordinary watercourse running along the north/western boundary of the site. There is an existing 150mm Southern Water gravity foul sewer on a north-south alignment towards the west site boundary that would be used to service the development. A 600mm Portsmouth Water water main with a 10m wayleave runs north-south approximately through the centre of the site. There are no Source Protection Zones within 500 metres of the site.

3.0 The Proposal

- 3.1 This is an outline application for a total development of up to 94 new dwellings. All matters save for 'access' to the site are reserved for consideration as part of a future planning application in the event that permission in principle for the development is given for this outline proposal. Matters relating to 'appearance', 'scale' and 'landscaping' are not therefore part of this application. However, to aid consideration of the quantum of development and to show broadly how the different components of the proposed development might be delivered on the site, a formal Parameter Plan is submitted which addresses the use and amount of proposed development, the amount of proposed development, the green infrastructure and building heights. A further layer of detail, albeit indicative only, is shown on an illustrative landscape masterplan which shows how the Parameter Plan might be advanced at reserved matters stage. Whilst 'layout' is a reserved matter and would not be approved under this application, the illustrative plan shows a housing development based on a perimeter block development with most dwellings fronting onto the public facing roads and spaces. A large central area of open space with an equipped play area for children up to age 11 is shown extending north into the site from mid-way along the south site boundary. There is a 'village green' with notional SuDS pond shown in the south-west corner of the site at the junction of Marsh Lane with Lagness Road and a further area of public greenspace towards the east site boundary. Across the northern part of the site, the E-W alignment of the former canal is shown as being 'remembered' with a footpath and cycleway link and canal interpretation boards. At its eastern end this E-W path is shown linking through to a proposed permissive path passing to the north of the Vitacress glasshouses along the line of the old canal. At its western end the path meets Marsh Lane and potential onward access to the bridleway going north up Green Lane.
- 3.2 The proposals rely on sustainable drainage principles (SuDS) and two shallow attenuation basins are shown at the north and north-west parts of the site to manage the surface water run-off from the site. An indicative pond is also shown in the south-west corner of the site. In terms of foul drainage the site will connect up off-site to the mains system with foul flows going to the wastewater treatment works (WwTW) at Paghams.
- 3.3 In terms of the submitted details for the 'access' to the site, a single point of vehicular access is proposed at the southern boundary onto Lagness Road. There are no other vehicle access points to the site. The site access is 100m east of Marsh Lane. It would be 6m wide for the first 15m then reducing to 5.5m wide with footways either side. Visibility splays accord with the 40mph speed limit on this stretch of road (2.4m x 120m). A 3.5m wide turning lane and ghost island in the centre of the Lagness Road carriageway, which will need to be widened at this point, would provide a right turn facility into the site for vehicles approaching from the east. The plans show a 2m

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wide central refuge island with bollards providing a pedestrian crossing point for Lagness Road. A new 2m wide footway on the south side of Lagness Road extending westwards from the pedestrian crossing point would give access to the existing bus stop and shelter which would be improved with a Real Time Information Board (RTIB). On the north side of Lagness Road, the existing bus stop would be relocated and improved with a new shelter and RTIB. A new 2m wide footpath would link this back to the main site access. From the site access a 3m wide access route for pedestrians and cyclists is shown extending eastwards along the northern edge of Lagness Road continuing on to Runcton Farm shop. Two further pedestrian/cycle access points from the site would link into this new route.

- 3.4 The housing proposals would provide a mix of market and affordable housing including First Homes. The proposed mix and tenure for the 94 units is as follows:

Market Homes - 66

1 bed x 4
2 bed x 26
3 bed x 25
4 bed x 11

Affordable Homes - 28 (30% of total)

1 bed x 10 (3 x affordable rent; 4 x social rent; 1 x shared ownership; 2 x First Homes)
2 bed x 11 (2 x affordable rent; 4 x social rent; 2 x shared ownership; 3 x First Homes)
3 bed x 6 (1 x affordable rent; 1 x social rent; 2 x shared ownership; 2 x First Homes)
4 bed x 1 (social rent)

- 3.5 The submitted Design and Access Statement confirms that all dwellings are proposed up to a maximum 2 storeys. Little information is provided on the design and appearance as these are essentially reserved matters but the application advises that the development will have a character complementary to the existing venacular. The average density of development on a net residential developable area of 3.62ha is 26 dwellings per hectare.

4.0 History

21/02573/FUL	REF	Hybrid Planning Application - Phase 1 (Full application) comprising 26 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works. Outline planning application for further phases of up to 87 dwellings and associated infrastructure (with all matters reserved)
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5.0 Constraints

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

6.0 Representations and Consultations

6.1 North Mundham Parish Council

18.10.2023

This application was deferred at the CDC Planning Committee Meeting on 12 July 2023 to allow additional information to be provided by 7 consultees, the results are addressed below.

Environmental protection. Vitacress admit to using lighting in their greenhouses of up to 10,000 lux for up to 12 hours per day between Nov and March. The reflection from this lighting back down to the local environment in low cloud conditions is very bright and has not been addressed in any way by the applicant’s responses. This reflected light is visible from more than 2 miles away and has regularly been the cause of concern locally. It will without doubt cause a significant loss of amenity to the houses on the site due to the diffuse nature of the reflection back from a low cloud base. These recent images [photos on PC’s letter] demonstrate the style of loom from greenhouse lights even out of their growing season. From November onwards the amount of reflected light is considerably greater. The letter from the applicant dated 16 Nov 2022 which describes their ‘illustrative masterplan’ modelling method simply does not reflect the reality of the actual loss of amenity that Runcton and surrounding residents currently suffer from these lights. All the 94 houses would be severely impacted by this reflected light loom over the winter period. About 200m to the north of the site there is also a very large greenhouse installation owned by Donaldson’s Nursery Summer Berry Co. This greenhouse also uses lights of up to 10,000 lux but does not seem to have been addressed as part of any investigation into this light pollution problem and has a similar potential impact on the amenity of any houses on this site. This environmental issue has not been addressed to date and no answer has yet been seen from the CDC Environmental Protection Officer.

Foul water infrastructure. The response to the request for details of any necessary upgrades to local sewage infrastructure has been completely

ignored by Southern Water (SW). Indeed, their response dated 8 August is completely worthless. An email response from Dr Nick Mills of SW dated 28 September to a request from the Parish Council for detailed information (copied to Jeremy Bushell and appended herewith) confirms (ongoing?) work to upgrade Pagham WTW, but without any technical details or expected increase in Permit flows, as well as the need for some (unspecified) infrastructure upgrades required for Land south of Lowlands development (20/02989/FUL) when that application is permitted. All 4 potential developments noted in his email feed into the North Mundham Pumping Station (PS) catchment which SW know becomes hydraulically locked during heavy rain and indeed has overflowed raw sewage (partially diluted by rainwater) through its CSO/ECO into Pagham Rife for 100 hrs in 2021 and 270 hrs in 2022. Pagham WTW overflowed for 568 hrs and 1427 hrs in the same periods (data from southern-water-spill-data.xlsx). The under capacity of this catchment has been an issue known about by both SW and CDC for over 20 years without there being any satisfactory resolution despite the involvement of Gillian Keegan MP, an issue which our parishioners have had to live with in spite of repeated reports to SW (see below), contrary to Dr Mills's claim about there being a low flood risk in the Pagham catchment. In his response Dr Mills acknowledges that, once the Land S of Lowlands application (66 houses) is granted, there will be a need for some 'reinforcement' of the infrastructure, however it appears that, based on SW's modelling data, no such reinforcement is required for any of the other developments being proposed even though the Charmans Field development will feed into an entirely separate leg of the foul water sewer which has been causing flooding in Saltham Lane for many years. The applicant proposes to connect into the existing foul water sewer which crosses north to south across the western side of the site. This main runs south down Brookside and then west along Saltham Lane towards the North Mundham Pumping Station. The manhole covers in Saltham Lane regularly surcharge foul water and paper after heavy rain which has repeatedly been reported to SW as a health hazard. Saltham Lane regularly floods due to upwelling from the foul sewer rising main manhole during heavy rain and this foul water includes solids and paper. If local residents walk through this water they wash off their boots thoroughly on return home. Some residents may wash off the underside of their cars after driving through this foul water. This rising main that the applicants are proposing to connect into does not have the capacity today to cope with heavy rain events without contaminating the local roads and drives. Dr Mills claims that SW are unaware of flooding incidents in the Pagham catchment and asks if they are being reported to them. The floods in Saltham Lane, Runcton (above) were reported to SW Customer Services (SW ref 4189239). In N Mundham there have been flooding problems in and adjacent to School Lane and Church Rd for many years. Some of these go back to at least 2001 with problems from Lakeside Holiday Park discharging down School Lane with both CDC and SW being involved in meetings with N Mundham PC about the issues. SW chose not to upgrade the infrastructure but to throttle the flow from Lakeside to 4 l/s with a manual (unlocked) valve which required a larger holding tank on site to buffer the flow. This flow rate was increased to 8 l/s in 2016 (ref SW letter PLAN-014540 dated 04/07/2016). This has subsequently caused problems, not least in Stoney Meadow, the Village Hall and N Mundham Primary School with WCs backing up and overflowing (2017, SW ref 8001218857). More recently in Jan/Feb 2021 Stoney Meadow residents again

suffered blow back into WCs and basins (reported via Stonewater developers, and also direct to SW refs 21921037/8001970189, Tracy Taylor Customer Relations Case Manager refers). This event was also reported to Gillian Keegan MP (ref GK21333) who said that Richard Bagwell from SW was 'on the case'. Again, in Aug 2021 the Stoney Meadow residents faced an identical blow back problem (SW ref 4286362). SW deploy contractors to flood events to undertake the initial investigation and one such attended a flood in Church Rd, N Mundham in 2021 (TBC) and said to the then chairman of the Parish Council on site "the North Mundham pumping station was running correctly and at full capacity and was simply overwhelmed. When I asked what could be done about it he replied "Stop building houses"". The above information is re-presented to CDC (since CDC officers were involved in all the discussions about the Lakeside issues for instance) as the parishioners of N Mundham/Runcton are very concerned about the Environmental Health aspects of SW's continued apparent blindness to this longstanding foul water flooding issue. Dr Mills does not acknowledge the reporting of any of these issues (see SW reference numbers above) and therefore implies that there is no existing problem that requires resolution and relies on their modelling techniques to demonstrate the need for infrastructure reinforcement. Our long experience 'on the ground' fully belies this innocent position and the connection of yet more houses to our local infrastructure (ie pipework and pumping station capacity) will certainly further exacerbate the situation. Our concern is one of Environmental Health, both existing and future. CDC's concern must surely be your inability to get SW to own up to current infrastructure problems, to define what is required to resolve them NOW, and to ensure that such future investment as will be necessary is covered no later than AMP8, and preferably before. The Parish Council's position is that this evidence shows unequivocally that there remains a capacity issue with the foul sewer infrastructure in the parish that SW are continuing to deny and refuse to address. It is our contention that no further development can be countenanced in the parish until at least SW have acknowledged the existence of the current problem, have come up with a detailed, fully funded and timed project plan to correct it and then provided an equivalently detailed plan to confirm how each and every housing development in the District will be properly accommodated into their foul water system before any planning decisions are taken. Given SW's history of obfuscation and avoidance of these real issues, CDC has the power to demand this – please do so immediately.

Surface water drainage. CDC approached the EA, the LLFA and your CDE with leading questions about the rate of surface water run-off from the site quoting the normal assumption of SUDs attenuating the 'as developed' rate to the same as the calculated 'Qbar' rate. We know that Brookside floods during all heavy rainfall events and that that stream is only fed by the ditch around Charmans Field. The problem here is no different to any other current surface water flood assessment; nobody knows what the actual greenfield run off rates are (it will vary depending on the cultivation state of the field) because it is very difficult to actually measure it over a period of time. Qbar is calculated from modelling tools which make assumptions based on a number of geological features etc, but verifying/validating the output from these models is difficult so they are taken at face value. What we do know is that Brookside already floods regularly due to short term flow rates of something like Qbar. If the building on

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Charmans Field has been completed the flow rate into the ditch will be controlled at Qbar over a much longer time period and therefore Brookside will be flooded for much longer durations. This is very unsatisfactory and the resolution of the Brookside flooding issue must be made part of the conditions for this development.

National and WSCC Highways. National Highways have now confirmed that they have no objection to this application. WSCC have provided an analysis of the proposed walking route from Charmans Field to N Mundham Primary School. The route between Charmans Field and North Mundham Primary School was walked between 8am and 9am on Tuesday 10 October 2023 to review the route detailed in the WSCC consultation report dated 25 July 2023. Most of the route will be suitable for primary aged children once the improvements listed in the report are implemented, notably on the Lagness Road next to the site and the restoration of the footway on the southern side of Lagness Road between Willowmead Close and Vinnetrow Road. This pathway is extremely narrow and the buffeting by lorries is very disconcerting to an adult and would be unacceptable to a child or a pushchair.

The Walnut Tree roundabout has been a junction of concern for many years. Children who go to North Mundham Primary School who live in Runcton either travel to school by car or walk across the fields to North Mundham to avoid crossing the Vinnetrow Road at the roundabout. There is NO visibility north at the current crossing point where there is a central island. A few yards further north there is better visibility if a pedestrian peers round the corner of the building, but there is no central island. There will need to be a pedestrian controlled crossing of the Vinnetrow Road at the Walnut Tree roundabout to make a safe route to the North Mundham Primary School from Charmans Field. With the weight of traffic at this roundabout this is not considered to be a realistic solution as it is likely to cause traffic chaos when used at school times. Therefore, the Parish Council do consider that this proposal is a suitable solution.

Education. In addition to CDC seeking further input from these 7 consultees, the WSCC LEA Objected to the development on 8 August and then, after a meeting with the applicant, they decided to withdraw this Objection on 12 September. The Parish Council is unnerved by this short term vacillation on this very important issue and wish to fully understand the reasons, assumptions and arguments both for Objecting and then subsequently withdrawing the Objection. The LEA have been vacillating over the number of places available at N Mundham Primary School for a number of years as proposed development applications have been brought forward and it is time for this issue to be properly and finally resolved. After you have completed your own full investigation into this matter we would welcome a full response to this query together with sufficient time to consider and discuss it with the relevant authorities.

07.09.2023

At its meeting on 5th September North Mundham Parish Council reviewed this application following the decision of the District Council Planning Committee to defer the application to ascertain further information to inform its decision.

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The Parish Council resolved to maintain its objection to the application and are currently reviewing those responses which have been submitted by the consultees. North Mundham Parish Council Planning Committee are in the process of compiling further information and evidence to support our objection and this will be submitted at the earliest opportunity. To assist us with this task it would be most helpful if we could have sight of each of the letters sent to the relevant consultees in relation to the five items that the Planning Committee asked you to seek further information from.

04.01.2023

At its meeting on 3rd January 2023 North Mundham Parish Council reviewed the additional plans, the Parish Council were pleased to see that the improvements and the provision of footpath cycle link from the Walnut Tree roundabout to Runcton Farm Shop has now been included in the plans.

07.11.2022

North Mundham Parish Council has considered the additional information provided in the Agents Amending Letter dated 18/10 2022.

We have no comment to offer on the proposal to revise the housing mix.

However, we are disturbed to note the agents statement to the effect that: We have revised the illustrative design of the proposed shared footway / cycleway to 3.5m to meet the recent LTN1/20 standards allowing 0.5m separation with the 40mph carriageway this fits all the way down to the Runcton Farm shop. This is an existing Parish project for which we understand funds are already secured in part and we envisage the Parish will be responsible for delivering the part of the scheme beyond the site frontage.

The applicants agent addressed the parish council's planning committee at its meeting held on 30 August 2022. The minutes of that meeting record that the agent stated that they were making provision for the shared use path to the Runcton Farm Shop. The committee were given the clear impression that the applicant intended to provide the path as part of their contribution to local infrastructure. Indeed, that was the basis for the final paragraph of our response (10 October 2022) to the application which read: Should the application be permitted, despite our representations, we note that the applicant has suggested that they would provide some additional improvements to the local pedestrian and cycling network, most significantly a shared use path from the site to the Runcton farm shop and other businesses to the west. This facility lies outside the boundary of the application site, and we would wish to see the precise extent and nature of this facility clearly defined.

Although the shared use path is indeed an existing parish project, the phrase funds are already secured in part is misleading in suggesting that funds are available for the parish to make a significant contribution. Indeed, we were disappointed to find that the S106 monies, that we had hoped to use for the project, had been allocated elsewhere. The only funding currently available from the parish council's resources is a small budget reserve of just £20,000 intended to fund necessary pre-project work, some of which we plan to use to fund the production of an Active Travel Plan.

10.10.2022

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North Mundham Parish Council has considered this application and resolved to object. We believe there are a significant number of reasons why this application should not receive consent. We note that the applicant has suggested that this application addresses the issues which led to the rejection of the earlier hybrid application 21/02573/FUL but we find the arguments unconvincing, as explained in detail below.

1. Transport Infrastructure.

1.1 There are a number of areas of concern. Marsh Lane is already in use as a 'rat run'. It is a narrow lane totally unsuited to through traffic, and development on this site will only encourage further use. The B2166 is suffering ever-increasing volumes of traffic, which will only be exacerbated by planned housing developments at Pagham, and the developments in North Mundham which have already received consent or for which consent is anticipated. This application proposes a further junction on a road that is already heavily used. The traffic levels have now reached the state where they are seriously detrimental to the quality of life in the Parish, and threaten to divide the community. For far too long the Highways Authority has accepted development proposals on the basis that the growth in traffic is incremental - this approach will inevitably lead to 'the straw that breaks the camel's back' and we believe the time to call a halt is now. Finally, we are aware of the serious reservations about the ability of the A27 to accommodate traffic growth, and the concerns that the necessary improvements to the junctions are unfundable and unachievable.

1.2 One particular problem affecting the quality of life for local residents, which has received no attention in this application, is the issue of air quality. The applicant suggests that, in the future, local residents should help to mitigate the traffic loads by increased use of walking and cycling routes which, in many cases, parallel the B2166. Any increased burden of traffic on that route also exacerbates the problems of air quality, which will affect not only cyclists and pedestrian road users but will also impact the village school with a playground immediately adjacent to the road.

1.3 While the Highways Authority has indicated that the additional access junction does not present any road safety concerns, this only addresses a small part of the problem that this development would introduce. Local residents are only too aware of the problems presented by the increasing congestion on the B2166 particularly, but not exclusively, at peak hours, as evidenced by the numerous individual objections to this application from residents of this and neighbouring parishes. As a result, we find the suggested journey times quoted in the application unconvincing and extremely optimistic, and this position is supported by numerous comments both from local residents and those living outside the parish.

1.4 The applicant has suggested that adequate pedestrian links exist, using existing footways. The applicants' Transport Assessment claims (paragraph 3.30) that "As can be seen although the site is in a relatively rural location, it is still within acceptable walking and cycling distance of several local facilities and amenities via the existing pedestrian and cycle network." However, a journey from the application site to the village school, the Walnut Tree pub or the church would involve two crossings of the busy B2166, one at the site to reach the footway on the south side of the road, and another at the Walnut Tree roundabout to reach the footway further west on the north side of the road. Despite the review of potential pedestrian improvements at the Walnut Tree roundabout carried out by Amey on behalf of the Highways Authority as

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long ago as 2013, pedestrian crossing at the roundabout remains hazardous, and no viable solution has been identified.

1.5 We note that the applicant has identified a possible permissive path from the north-east corner of the site to link into the existing public footpath network. However, this will make little contribution to the pedestrian connectivity of the site since the adjacent footpaths are unsurfaced rough grass routes suitable for leisure use but making no contribution to improve access to the site.

2. Surface water drainage.

2.1 The applicants argue that they are able to mitigate the effect of hard surfacing within the development by the use of porous surfaces and a SUDS system. However, it is acknowledged that the run-off from the site will find its way into the existing ditch system. The existing ditch system is already unable to cope, as the experience of frequent flooding of the brook in Brookside will attest. This flooding brings with it increased hazards of pollution of the watercourses, from the flooded road surface itself, and from the flooding of numerous sewage manhole covers which allow raw sewage to mix with the flood water.

2.2 All this pollution enters Pagham Rife and threatens the environment, not least that of Pagham Harbour, as a Site of Special Scientific Interest. We are concerned that all the focus on harbour pollution is directed towards water quality in Chichester Harbour, no doubt because of its use as a popular watersports venue as well as for ecological reasons. There seems to be far less focus on Pagham Harbour which, as a protected bird reserve, has little human interaction. But this should not allow a risk of pollution to be accepted.

3. Sewage Disposal.

3.1 We are aware that the capacity of the Pagham Water Treatment Works is limited, and this development would place a further load there. But we are also concerned that the capacity of the local sewage system which serves it is already overloaded. We are already aware of regular instances of sewage surcharging within the North Mundham system both in Runcton and in North Mundham, and this development would introduce a further burden.

3.2 Records for 2021 reveal that the Combined Storm Overflow at the North Mundham pumping station was activated 10 times for a total of 100 hours causing discharges of untreated sewage into Pagham Rife, which flows past a number of gardens attached to residential property, and through the gardens of at least three of them. All this ends up in Pagham Harbour, with the unacceptable consequences outlined above (para 2,2).

4. Settlement Boundary. The applicants have argued that the proposed site is adjacent to the existing settlement boundary. We would argue that the connection is tenuous. In the report that accompanied the request for an EIA screening opinion, the adjacent settlement of Runcton was characterised as 'urban'. It is debatable whether any part of the Runcton settlement area can be described as 'urban'. The only part of the Runcton settlement area which comes close to the site is a short length of the boundary on the western side of Marsh Lane which is made up of just three houses each on its own generous size plot with a wooded boundary. It is a misrepresentation to describe this as 'urban'. We believe that the development fails to

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meet the first of the Interim Position Statement Housing Delivery criteria, that "The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan."

5. Impact on Community. The proposal would bring a total of 94 additional dwellings to the Parish. In recent months we have seen consent given for 39 dwellings on the Lowlands site (20/01686/FUL), and a further 66 dwellings on the site south of that (20/02989/FUL). The Parish Council's current delivery list for newsletters in the parish delivered to every residence shows 319 dwellings in North Mundham, and 222 in Runcton, and the Runcton total includes many that lie outside the settlement area. Therefore, this application would add substantially more than half the existing community in Runcton, and the total impact of all the applications would represent an increase in the parish as a whole of 40%. We believe this is an unacceptable burden to place on the community and fails to meet the second of the Interim Position Statement Housing Delivery criteria, that "The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development."

6. Community facilities. Any development of this size brings an increased demand for medical and educational facilities, and we note that North Mundham Primary School is already at capacity, with no scope to absorb additional development in the parish.

7. Land Loss. Finally, we would note that this proposal would result in the loss of a significant area of land currently in agricultural use. We believe the wider community can ill-afford the loss of further land used for food production.

We note that the applicant has suggested, in Jackson Planning's 'Supporting Planning Statement' that, simply because developments have been approved west of the North Mundham settlement area, they should somehow be 'balanced' by this further proposed development east of the Runcton settlement area development. We find the disparaging tone of section 11 of this document, and the implication that the Parish has somehow been derelict in a duty to contribute to housing provision in the District, both inaccurate and unhelpful. We are concerned with the totality of the additional burden on the local community. Despite the parish having two separate settlement areas we are very much one community, with one church, one pub and one primary school. We have already alluded to the difficulty of pedestrian access from the application site to the rest of the key elements of the parish community. Reflecting the vision statement in our emerging Neighbourhood Development Plan, we seek a future whereby "By 2030 the Parish will be a peaceful, thriving and inclusive rural community of distinct settlements with excellent and sustainable transport connections to nearby places of employment, entertainment and education." We do not see how development on this site would further those aims. We believe that development on this site is inappropriate and request that this application should be refused.

Should the application be permitted, despite our representations, we note that the applicant has suggested that they would provide some additional improvements to the local pedestrian and cycling network, most significantly a shared use path from the site to the Runcton farm shop and other businesses to the west. This facility lies outside the boundary of the application site, and we would wish to see the precise

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extent and nature of this facility clearly defined. We also note that the applicant proposes a permissive path to link the site to parts of the existing public footpath network. Since the route of this path lies outside the application site, we need to understand what measures will be put in place to secure this facility in perpetuity.

6.2 Oving Parish Council

17.10.2022

Oving Parish Council has met to consider the above mentioned application and would like to object with the following comments/concerns:

- The unassessed transport impact on Marsh Lane as a dangerous, single-track road rat run
- The high impact on the setting and landscaping of grade 1 listed St Giles Church
- The impact of light pollution from the adjacent glasshouses on the residents of the proposed development.

6.3 Pagham Parish Council

28.09.2022

The proposed access for this development is another access onto the Pagham Road. There are accesses for 2 retail sites 3 industrial food/flower production sites, private house drives, an access road to Woldhurst and South Mundham, the accurately named Brookside and the site is opposite the Marsh Lane entrance. The road is a narrow B road, is in a terrible condition and requires upgrading to deal with the volume of traffic it takes at the moment, without even considering the impact of the 1200 homes proposed for Pagham and the 2500 proposed for Bersted under Arun District Council's local plan. Roads are congested and access to A27, both at Whyke Hill roundabout and via Vinnetrow Road to the Bognor Road roundabout are difficult at all times of the day.

A development of this size will place undue pressure on existing overwhelmed infrastructure. There are insufficient school places to support development of this size, and local GP surgeries are already full.

The Council has considerable concerns over the drainage from this site. The aptly named Marsh Lane and Brookside indicate that water is a constant presence in this area, which drains through a series of open ditches around the perimeter of the proposed development and then is culverted underneath Lagness Road and into the stream that flows alongside Brookside. This road is notorious for flooding despite the open stream being accessed to the field ditches that carry surface water from the areas of housing and agricultural land along its route to the Pagham rife and then on through farmland to the Pagham harbour.

To the north west of the proposed development there are a series of open water lakes the residue of gravel extraction in the past. These indicate the very permeable sub soil of the area. Heavy rainfall rapidly flows from the downs and the plains below Goodwood into these lakes and on through the gravels and occasional open ditches. Rain falling in these areas and along the course of the ditches is rapidly absorbed into open ground or cropping areas. However, it is obvious on occasion that absorption is often stopped because of the subsurface flow of water through the gravel layer. i.e. the ground is saturated and needs time to absorb the water or flow it away in the field ditches/road ditches. On some occasions it is known to cause sufficient flow to emerge above ground see the effect at Crimsham Manor.

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If the land proposed is covered in houses and roads especially at the density proposed then a large area of water absorbing land will become repellent to water and cause a surface water problem to the natural drainage and the surface ditches resulting in localised flooding and a surge through the total drainage system which will result in water flooding across the low lying areas. These localised floods will therefore become more frequent due to the surge from local excess run off in the new areas of housing. Such water will cause sewage drain water to be under pressure and it will rise back the house down stream of this development. The area proposed is likely to be designated part of the Pagham sewage water processing plants' catchment. Currently the waste water in Pagham is being put under great pressure and has no capacity to take any increase in supply either from the 5 sites being built in Pagham or this site in Runcton. The existing ditch system leads to Pagham Harbour via the Pagham Rife. Pagham Harbour is classified as an SPA, SSSI and RAMSAR site and world renowned for the bird life it attracts.

Water quality is of vital importance in the rife and the harbour. There is a danger that this will be worsened due to the development at this site. Southern Water are also able to discharge into the harbour under licence from the Environment Agency, which further deteriorates water quality. Such discharge requirements are increased with further development.

6.4 Southern Water

08.08.2023

The comments in our response dated 27/09/2022 remain unchanged and valid for the amended details.

27.09.2022

150mm public gravity foul sewer requires 3m clearance on either side to protect from construction works and allow for future maintenance. Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. It is critical that the effectiveness of the SuDS facilities is maintained in perpetuity. Good management will avoid flooding from the surface water system which may result in the inundation of the foul sewerage system.

6.5 National Highways

05.10.2023

We are interested as to whether there would be any adverse safety implications for the SRN because of this proposal. Having reviewed the submitted documents, we do not consider the proposed development in isolation to have an unacceptable adverse impact on the SRN. We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. As such, National Highways would recommend no objection (no conditions)

27.09.2022

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No objection provided that Chichester District Council apply their Supplementary Planning Document (SPD) and the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Planning Obligations and Affordable Housing'. On this basis, the proposed development should make a contribution of 94 x £2,615 (in line with the 'Other Chichester City' development zone) which equates to £245,810 based on 2012 Quarter 3 prices (index linked to the ROADCON Tender Price Index). This contribution is to be indexed from 2012 Quarter 3 prices to current prices at the time of payment and paid prior to the occupation of 50 dwellings.

6.6 Natural England

13.06.2023

The Council's appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the European Sites within the zone of influence. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

03.10.2022

Nitrates

This proposal potentially affects Habitats Sites vulnerable to nutrient impacts. Within the Solent and River Itchen catchments, impacts of additional nutrients on Habitats sites from new plans or projects should be considered. Development in the Solent catchment should consider impacts in relation to nitrogen. The supporting information for this proposal should include a nutrient budget and details of any proposed mitigation to address nutrient impacts. To demonstrate that proposed mitigation will remain effective for the lifetime of the development, information on management and monitoring will be required, together with details of how this will be secured and funded in perpetuity.

[Planning Officer Comment: The foul drainage from the proposed development would drain to the Pagham Wastewater Treatment Works (WwTW) which discharges into Pagham Rife and the downstream coastal water body of Pagham Harbour. The catchment area is therefore outside of the Habitat sites currently identified by Natural England in Chichester Harbour SPA and the Solent Maritime SAC which are vulnerable to nutrient impacts. No nitrate mitigation is therefore required to be demonstrated in terms of the Habitat Regulations. It is also outside of the groundwater catchment for the Solent Maritime SAC]

Recreational Pressure Mitigation

Your authority has measures in place to manage potential recreational disturbance impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the

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relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant zone of influence

6.7 Sussex Police

The NPPF demonstrates the governments aim to achieve healthy, inclusive, safe and accessible places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Levels of crime and anti-social behaviour in Chichester district are below average compared with the rest of Sussex. Given the application is in outline, no detailed comments to make at this stage but would direct applicants to principles of Secured by Design in terms of crime prevention measures.

6.8 WSCC – Highways

25.07.2023

No Objection. CHA has been asked to provide additional highways comments regarding the routes and crossing points to the local primary school. The applicant is providing minor improvements to the existing footway along Lagness Road and Vinnetrov Road, and a new informal crossing point as part of the off-site highway improvements. A person would have to make 5 crossings to reach the school. WSCC have identified these crossings – Lagness Road next to the site, Brookside, Willowmead Close, Lagness Road near to Walnut Tree roundabout, Vinnetrov Road. All the improvements have been subject to a Stage 1 Road Safety Audit. The improvements travelling from east to west which will include wayfinding signs to direct people to the school and village are:

Lagness Road next to site – 2m wide pedestrian refuge island provided to assist crossing road and provide access to new 2m wide footway and existing bus stop on south side of Lagness Road.

Brookside – tactile paving and footway restored to ensure full width available.

Willowmead Close – re-set tactile paving.

Lagness Road near to Walnut Tree roundabout – tactile paving at the dropped crossings on each side of the road and on the central splitter island.

Vinnetrov Road – tactile paving provided at existing crossing point.

WSCC are satisfied these improvements enable an enhanced continuous walking route from the site to the local primary school. WSCC has considered the information above and are satisfied the proposed 'off-site' highway works provide appropriate proportionate pedestrian facilities, which are related in scale and kind to the application for 94 dwellings and are in accordance with CIL regulation 122.

11.07.2023 (these comments were reported verbally to 12 July Committee as received too late to go on Agenda Update Sheet for that Committee)

West Sussex County Council (WSCC), as Highway Authority, are aware of vehicles using Marsh Lane as a means to travel between the A259 and B2166 and vice versa. This currently takes place and there are no restrictions in place to prevent this from happening. The development proposals have been designed in a way to encourage vehicle traffic to use Lagness Road (B2166), with the site access and single vehicular access point to the site, located on this road. The applicant forecasts that the development will generate 54 two-

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way vehicle trips in the AM peak and 45 in the PM peak. Of these trips 31 in the AM peak and 12 in the PM peak will be heading in a direction where they could use Marsh Lane. Whilst some vehicles from the site could choose to use Marsh Lane, even if all of these vehicles decided to use Marsh Lane, it is not considered to be of a number that would cause significant or material increases in traffic that would cause capacity issues that warrant a reason to refuse the application.

There is an additional pedestrian and cycle connection onto Marsh Lane in the north west corner of the site where it meets the junction of Green Lane. The purpose of this access is to increase levels of permeability to the site and through the site and to encourage active and sustainable forms of travel. The Road Safety Auditors have reviewed and commented on this access and taken account of the likely traffic levels of Marsh Lane. Another access, for maintenance purposes, is located opposite Marsh Barns in the northeast corner of the site. This is to be retained purely for maintenance purposes and this has been reviewed by the safety auditors and no outstanding safety issues remain.

In terms of wider road safety on Marsh Lane a review of the last 3 years most recent accident data (2019, 2020 & 2021) confirm that there has only been one slight accident in the last 3 years. This was at the junction of Marsh Lane/Green Lane. There is therefore not considered to be an existing unacceptable highway safety impact on Marsh Lane that could be exacerbated by this development.

In terms of a strategic improvement to this issue and to try and encourage vehicles to use higher priority A and B classified roads rather than adjacent lower priority roads WSCC have recently consulted upon potential improvements to the A259 corridor between Bognor Regis and Chichester. With a view to improving the sustainable and active travel infrastructure and ensuring that all the necessary infrastructure is provided to cater for all types of movement along this key corridor.

Use of Marsh Lane is an existing occurrence and the forecast level of trips from this development is not considered to be of a level which would warrant the refusal of this application or cause congestion/highway capacity issues. From a review of the accident records there is also not considered to be an existing road safety issue on Marsh Lane that could be exacerbated by the development.

19.06.2023

Summarised - WSCC raise no objection to the development. All highway works secured via the S.106 process to be delivered as part of a S.278 agreement. All highways works should be provided prior to first occupation. [List of S.106 obligations including required off-site highway improvement works are attached later in the report.]

30.01.2023

Summarised - The principle of the development of 94 dwellings is acceptable. Trip generation would equate to 54 two-way trips in the morning peak hour and 45 two-way trips in the evening which is estimated at 1 vehicle movement per minute. WSCC

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do not consider the proposal to cause any highway capacity impacts. Cycle link to Runcton Farm shop should have a minimum 1m separation between the footway and the carriageway and guidance in LTN 1/20 should be referred to. Detail of Temporary Construction Access (to Marsh Lane) should be included in Construction Management Plan. Creation of Permissive Path is welcome and will enhance the site's ability to connect with the natural environment and provide a good permeable walking network for leisure travel to other parts of the area.

23.11.2022

Summarised - more information required. Stage 2 RSA needs revising. Move existing bus stop east of Marsh Lane further east out of the visibility splay. Further information needed regarding Temporary Construction Access - should be 6m wide access with visibility splays and advance warning signage on each approach.

21.09.2022

Summarised - more information required. Stage 1/2 safety audits should include additional off-site highway works, Designers response to RSA plus Design Audit Report, details of temporary construction access onto B2166 Lagness Road. Principle of 94 dwellings agreed. List of conditions provided in the event that planning permission granted.

6.9 WSCC - Rights of Way

The proposal to create a permissive path linking the development to Public Right of Way (PRoW), Footpath (FP)200 is very welcome. Should plans to upgrade FP200 become a reality then both the permissive path and this Canal Towpath will be important links between PRoW200 and Bridleway (BW)2792_1. Making the Canal Towpath a path that is usable by all non-motorised users including cyclists and equestrians would be advantageous.

6.10 WSCC - Lead Local Flood Authority

26.09.2023

Following a review of the submitted documents and the revised FRA the details are in accordance with NPPF and Local Planning Policies subject to 2 conditions:

- **At time of or prior to reserved matters application, provide surface water drainage scheme via SuDS in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 22nd August 2022.**
- **No development to commence until submission and approval of details and method statement by LPA of interim and temporary drainage measures during the construction phase. Shall demonstrate how the site will be drained to ensure there is no increase in off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system.**

We received some questions about the impact on Pagham Rife, however discussions with the Environment Agency and the conditions we have recommended will ensure there should be no impact.

04.08.2023

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The LLFA object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA), Surface Water Strategy or additional supporting information relating to:

- Up to date calculations for relevant climate change scenarios and return periods for calculated runoff rates and storage.
- Use of superseded parameters (eg loH124, FSR/FEH13).

26.09.2022

No objection. We are satisfied with the proposals submitted within the Flood Risk Assessment and Drainage Strategy which can be achieved via appropriate conditioning. With respect to the potential for Groundwater issues, the modelled risk will remain high however potentially downgraded through mitigation (residual effect). Seasonal fluctuations will need to be monitored within detailed design and construction phases.

6.11 WSCC - Fire and Rescue Service

Condition required to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

6.12 WSCC – Education

12.09.2023

An objection was made to the application on 8 August 2023 as the educational provision in North Mundham and the wider Chichester Planning Area, is deemed to be exceeding capacity. Since the objection was made, a further education assessment, similar to the one undertaken in May 2022, of the area has been undertaken to ensure mitigation could be achieved. The County Council as LEA has been investigating the impact of the additional housing across the area and the impact this will have on the local school to accommodate the additional children from this application site, and other development sites in the Chichester Planning Area. The LEA can now inform Chichester District Council, as the determining authority, that at this point in time (September 2023) the local school has the capacity to cater for the additional pupils it is anticipated to come from the above application, provided the number of dwellings does not exceed the current proposal of 94. This is an area of the county where we will continue to monitor pupil numbers and movement and reserve the right to change our position for any future applications we may receive.

In view of the work the County Council as LEA has undertaken in the assessment of education capacity the objection is now removed. There is now no education objection to the application, however if there are significant delays to the application being considered by committee, we would need to be reconsulted to ensure the capacity still remains.

08.08.2023

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Having received the most up to date education projections it is now found that North Mundham Primary School is at capacity and is now full, with in area children on a waiting list for starting school in September 2023. The projections show that with the current approved planning applications (up to March 2022) the school is predicted to be 133% full, (40 children for 30 places of which 34 are in area) in that there are more children wanting a place at the school than there is capacity. Currently 79% of the children attending the school are from the local catchment area, which has increased from 70% in 2020 and by 2027 is predicted to be 113% meaning the school will be full with in area children. [This] leads us to the need to object to planning applications in the area for any further development.

21.06.2023

We have no education comments to make in relation to this application.

6.13 CDC - Housing Enabling Officer

No objection to the proposed housing mix. It is noted that the applicant commits to pepper-potting the affordable housing units. We would advise that there should be no more than 10 in any one location and they should be tenure blind.

6.14 CDC - Archaeology

I agree with the conclusions of the desk-based assessment for this site with regard both to its potential to contain deposits of interest and that there are no archaeological grounds for refusal. I also agree that the site should be evaluated ahead of development in order to identify significant deposits that might be present and to implement appropriate measures for their preservation. Condition recommended.

6.15 CDC - Coastal and Drainage Engineer

21.07.2023

The surface water scheme remains unchanged from when we were last consulted, but we understand a question has been raised over potential impact on the Pagham Rife because of any discharge from this site. The proposal does involve a connection to an existing watercourse, which ultimately will discharge into the Pagham Rife. All applications must demonstrate that they will not increase flood risk on, or off site. In this instance this is achieved by restricting the discharge post development to greenfield rates (QBar) and attenuating surface water for storm events up to 1 in 100 years + CC within the boundaries of the site. Thus, there should be no impact on flow rates within the Pagham Rife.

30.07.2022

Site is wholly within tidal/fluvial flood zone 1 (low risk). There are small areas shown on our mapping to be at significant surface water flood risk (greater than 1 in 100 year event), but these tend to follow or abut the existing watercourses and no new dwellings are proposed in these areas. Surface water will have to be dealt with sensitively and carefully to ensure flood risk is not increased. Subject to satisfactory surface water drainage we have no objection the proposed use, scale or location

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based on flood risk grounds. The proposal for surface water drainage is a restricted discharge to the existing watercourse at greenfield rates, with surface water up to a 1 in 100 year plus CC event attenuated within on-site basins. Surface water will first pass through swales of permeable sub-base which will provide a level of treatment for the surface water. This approach will only be considered acceptable should infiltration be demonstrated to not be viable in isolation. We are satisfied that they have demonstrated that the site can be adequately drained and are therefore happy for the details to be controlled via condition. Existing watercourses which abut the site must be protected / retained during and post development. No development should be permitted within 3m of the top of each bank to ensure future access for maintenance.

6.16 CDC - Environment Officer

22.06.2023

Reptiles

I am happy with this condition to help move things forward.

'Before the development commences a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a program for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.'

07.12.2022

Bats

Following submission of the Technical Note (Nov 2022) regarding SAC bat species we are satisfied that this has now been fully considered and the mitigation proposed within this document and the Ecological Appraisal (Oct 2021) to ensure there is no disturbance to these species is suitable and a condition should be used to ensure this takes place.

14.11.2022

Bats

Due to the site's location within the Singleton and Cocking Tunnels buffer zone and the presence of barbastelle bats foraging and commuting onsite the bat survey needs to assess the impact this development may have on SAC barbastelle species using the site using the site and mitigation for this.

There are a number of mature trees onsite with bat roosting potential. If any works are required to these trees or if they will be subject to any disturbance further bat emergence surveys will be required.

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.

Lighting

Though lighting is discussed within the EIA (Oct 2021) it relates predominately to lighting during the construction period with the lighting strategy for the development being submitted by condition at reserve matters. However as detailed above due to the location of the site within the SAC buffer zone and presence of Barbastelle bats

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onsite this information needs to be provided now so we are unable to undertake HRA and AA.

Reptiles

As it has been assumed within the ecological appraisal that there is a good population of reptiles within the site margins and boundaries. Due to this we require that a full mitigation strategy is produced to reflect this assumption. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works and submitted with this application prior to determination. The mitigation proposed within the EIA (Oct 2021) is not extensive enough for a good population of reptiles.

Water Voles

We are pleased to see that there will be a 7m buffer around the water courses onsite will be put in place. If any works are required in these areas further surveys are required. However as detailed within EIA (Oct 2021) as the northern culvert is proposed to be removed, an updated survey for water voles will need to be undertaken prior to commencement of the works. A condition should be used to ensure this takes place.

6.17 CDC - Contract Services Waste Lead

Guidance provided for provision of bins, bin collection points and site layout to enable refuse freighter to manoeuvre.

6.18 CDC - Conservation and Design Officer

Establishing coherent and desirable connections to Runcton should be a priority for the scheme and it is not clear that this has been done at this stage. The proposals for footpath and cycleway connectivity are quite sparse and need to be founded on key principles of desire lines and pedestrian level navigation. The use of the former canal route at the top of the site is intriguing and cycleway and footpaths should provide soft signposting into the countryside beyond. The village green element at the southernmost edge of the development is well located, within comparatively easy reach of most of the homes proposed. It is somewhat sparse at present with a large expanse of grass, little in the way of footpaths representing desire lines that cross this expanse. The playpark is only overlooked to its western side and would benefit from nearby housing being located closer, as well as more prominent and wider footpaths that facilitate a wider variety of non car uses and provide incidental overlooking to the play space. Moving the village green to the south west corner does have some clear benefits in terms of access to the green space for the existing village which could encourage some more integration between what at present are quite separate areas of housing. Amenity space and particularly play access should generally be located centrally within a scheme to facilitate its easy use by residents.

Overall, the scheme is well defined by perimeter blocks and parking spaces are not overly concentrated in a few areas but are spread out amongst units making use of end to end spaces adjacent to housing wherever possible. The level of street tree planting is welcome, at full application stage details should be submitted as part of the application that take into account the position of underground services under pavements and how they interact with the proposed planting.

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[Planning Officer Comment: Following these comments the applicant amended the scheme in terms of the illustrative layout and submitted a Parameter Plan to include the 'village green' element which is now shown located in the south-west corner of the site as suggested]

6.19 CDC – Environmental Protection

11.08.2023

Lighting - Our department agrees that the E2 Environmental Zone as per 'Guidance Notes for the Reduction of Obtrusive Light (Institute of Lighting Professionals (ILP), Guidance Note 01/20)' is appropriate criteria. It is noted that, further to their commissioned Alan Tulla Lighting Assessment, Vitacress provided higher lighting levels than those that were used in the initial lighting assessment. Jackson Planning have stated that they have commissioned a lighting assessment based on the higher levels and conclude that the E2 criteria can be met on the proviso that Vitacress use internal blackout blinds and the existing vegetation (hedge) is maintained. Both these mitigation measures, I understand, are out of the applicant's control. I believe there are no planning requirements for Vitacress to maintain these forms of lighting mitigation. It is therefore suggested that an agreement is secured between the applicant and Vitacress or else the applicant proposes independent mitigation. [A lighting condition is recommended to ensure the design/layout of the development does not exceed ILP guidelines for artificial light relevant for the E2 zone].

Noise - It is considered that any noise from the Nursery is appropriately assessed, to predict impact at the proposed neighbouring residential receptors. This can be adequately addressed by way of a condition, to be satisfied as a reserved matter. A further condition is recommended in the event that Air Source Heat Pumps are to be installed.

6.20 Landscape Consultant for CDC

The [existing] settlement has a soft edge to the east and the majority of dwellings are screened from the site by boundary vegetation. The site is open and expansive, providing long views, particularly from the south-west to north-east. This openness provides a visual relief to the enclosure of the adjacent settlement and approach roads, which is locally distinctive. The 2019 landscape capacity study has assessed the site as having a Medium/Low capacity for development. The site forms part of Sub-area 130 within the capacity study.

The submitted Landscape and Visual Impact Appraisal (LVIA) description of the site is accurate, however the relationship to the adjacent rural landscape is downplayed. There is little physical or visual connection between the site and the settlement of Runcton, which has a soft eastern edge and is highly enclosed from the B2166 Lagness Road. The character of the site is of an open arable field which forms a rural edge / entrance to Runcton. There is a perceived connection with the pastoral landscape to the south and the countryside to the north-east has a rural influence on the site. The judgement of Medium landscape Value is agreed. The rationale for the

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Medium susceptibility judgement [of the landscape to change] is more limited. Development of the site for housing would be atypical of the settlement pattern of Runcton, which is generally nucleated, has a soft eastern edge and includes limited development to the north of Lagness Road. The scale of development proposed would also be atypical. Furthermore, the site in its current form assists in defining the edge of Runcton and provides a rural gateway to the village.

The susceptibility of the site to the type of development proposed within the site would be high. The overall sensitivity of the site to development would be High. The site forms an important function as an open agricultural field, forming the space between wider agricultural land uses and the current village edge. The proposals would primarily affect the visual amenity of people using stretches of Marsh Lane and Lagness Road adjacent to the site boundaries and people on Green Lane along its southern section nearest to the site.

The proposed village green is a beneficial feature but in landscape terms would be better placed to the south-west of the site. This would then create a new feature and facility for the village and would maintain an area of open landscape, from which the rural connections to north and south could still be appreciated. It may also allow a naturalistic SuDS feature to be implemented instead of below ground storage. The proposed permissive route to the north-east of the site would provide enhanced links to the wider countryside and is viewed as a recreational benefit. The concept of the 'SuDS street' is positive and has potential. The inclusion of a variety of new habitats is positive, as is the space allowed for street trees.

It is still considered that the scheme would result in harm to landscape character and visual amenity, a view which is consistent with the findings of the Landscape Capacity Study. The location of the site outside the settlement boundary and the tenuous connection with the existing settlement pattern, exacerbated to some extent by the proposed enclosure of the site would harm the existing landscape setting to the village. The loss of an open rural agricultural field, which has connections to the wider landscape to the south and north-east, would cause lasting harm to local landscape character. This harm should be considered within the planning balance of the submitted application. It is acknowledged that the scheme is an improvement on the previously submitted (and refused) application (ref 21/02573/FUL), both in terms of quantum of development, design and recreational benefits.

[Planning Officer Comment: Following these comments the applicant amended the scheme in terms of the illustrative layout and submitted a Parameter Plan to include the 'village green' element which is now shown located in the south-west corner of the site as suggested]

6.21 CDC – Planning Policy Team

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

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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 toward 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 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 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 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'. [see paragraphs 8.20 and 8.21 below for commentary on how the development is impacted in this regard].

6.22 61 Third Party Objections

- a) Loss of valuable agricultural land needed to feed the nation at a time of food insecurity
- b) harmful to character and appearance of rural landscape
- c) too much development
- d) will massively expand population of Runcton
- e) will overwhelm local services already at capacity including schools, GP's surgery, dentists and roads
- f) new housing estate will have separate identity to existing settlement and will not be integrated
- g) B2166 already overloaded will become worse
- h) development will be out of character
- i) local roads and A27 cannot cope with existing traffic flows
- j) sewage infrastructure cannot cope
- k) site is in countryside outside of settlement boundary
- l) likely to result in pollution of brook running along Brookside from surface water run-off which is already subject to flooding
- m) will increase use of narrow Marsh Lane as a rat-run which is a highway hazard
- n) footpath to Runcton Farm Shop only for occasional items, would not replace normal supermarket shopping trips made by car
- o) wildlife habitat loss
- p) cycling benefits of Green Lane are overstated it is just grass and does not provide a safe cycle route connection to Bognor Road
- q) objections raised to previous application for 113 dwellings equally relevant to this proposal

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- r) North Mundham Parish has done more than its bit in providing 'much needed' housing
- s) will create a faux village tagged onto Runcton
- t) negative impact on existing business and future operations of the Vitacress site. Needs to provide a planting buffer on east boundary as a woodland edge
- u) plans do not respect original alignment of old canal and propose to build over it according to illustrative plans.

6.23 Agents Supporting Information

The application is submitted with a full suite of supporting documents which can be accessed in full on the Council's website. The applicant states that following the refusal of the previous application on the site the proposals have been amended to address the Council's concerns. In particular, the applicant states the number of dwellings has been reduced to reduce the perceived harmful impact to local landscape character, a central area of open space is introduced to preserve the perceived rural setting of the village and a further area of open space is located in the south-west corner of the site allowing the development to now address Lagness Road in a positive way.

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 currently no made neighbourhood plan for North Mundham/Runcton. Work on producing a plan is at an early stage.
- 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 Dev
Policy 2 Dev Strategy and Settlement Hierarchy
Policy 4 Housing Provision
Policy 5 Parish Housing Sites 2012 - 2029
Policy 6 Neighbourhood Development Plans
Policy 8 Transport and Accessibility
Policy 9 Development and Infrastructure Provision
Policy 33 New Residential Development
Policy 34 Affordable Housing
Policy 39 Transport, Accessibility and Parking
Policy 40 Carbon Reduction Policy
Policy 42 Flood Risk and Water Management
Policy 45 Development in the Countryside
Policy 47 Heritage and Design
Policy 48 Natural Environment
Policy 49 Biodiversity

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Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbour Special Protection Area

Policy 51 Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Policy 52 Green Infrastructure

Policy 54 Open Space, Sport and Recreation

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

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

Policy S1 Spatial Development Strategy

Policy S2 Settlement Hierarchy

Policy NE2 Natural Landscape

Policy NE5 Biodiversity and Biodiversity Net Gain

Policy NE6 Chichester's Internationally and Nationally Designated Habitats

Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours

Policy NE8 Trees, Hedgerows and Woodlands

Policy NE9 Canals

Policy NE10 Development in the Countryside

Policy NE15 Flood Risk and Water Management

Policy NE16 Water Management and Water Quality

Policy H1 Meeting Housing Needs

Policy H3 Non-Strategic Parish Housing Requirements 2021 - 2039

Policy H4 Affordable Housing

Policy H5 Housing Mix

Policy H10 Accessible and Adaptable Homes

Policy P1 Design Principles

Policy P2 Local Character and Distinctiveness

Policy P3 Density

Policy P4 Layout and Access

Policy P5 Spaces and Landscaping

Policy P6 Amenity

Policy P14 Green Infrastructure

Policy P15 Open Space, Sport and Recreation

Policy P16 Health and Well-being

Policy T1: Transport Infrastructure

Policy T2 Transport and Development

Policy T3 Active Travel - Walking and Cycling Provision

Policy T4 Parking Provision

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National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF July 2021 revision) and related policy guidance in the NPPG.
- 7.5 ~~On 6th December 2022 a Written Ministerial Statement (WMS) was published setting out the Government's proposed changes to the planning system. The WMS made clear that further details of the intended changes were yet to be published and consulted upon. Details of the changes are set out in a National Planning Policy Framework prospectus (published 22nd December 2022) for which the consultation period ended on 2nd March 2023.~~
- 7.6 ~~On 8th December 2022 the Planning Inspectorate published PINS Note 14/2022 that provides advice to Planning Inspectors on the action to be taken as a result of the WMS across all areas of PINS casework. Paragraph 3 states that a 'WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details are yet to be published and consulted upon'. Paragraph 5 of the PINS Note confirms that 'no action is required in any casework areas at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.'~~
- 7.7 ~~At the time of writing the consultation responses to the proposed changes to the NPPF are still being considered and to that extent only very limited weight can be attached to the proposed changes. Given that very limited weight, the application should be assessed as outlined below, until such time the amended NPPF is published.~~
- 7.5 Paragraph 11 of the 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(8), granting permission unless:*
- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.6 Footnote 8 for Paragraph 11 d) clarifies that one situation where the policies most important for determining applications for housing are out-of-date (and planning permission should therefore be granted) is when a local planning authority cannot demonstrate a five year supply of deliverable housing sites.

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7.7 The following sections of the NPPF are relevant to this application: 2, 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

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

- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- **A27 Chichester Bypass Mitigation SPD August 2023 (Draft)**
- CDC Waste Storage and Collection Guidance
- National Character Areas (2014): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): Chichester to Yapton Coastal Plain Character Area (Area SC9)
- Chichester District Landscape Capacity Study (2019): Runcton Horticulture (West) Sub-area (Area 130)
- WSCC Transport Plan (2011-2026)
- WSCC Parking Standards (September 2020)
- Interim Position Statement for Housing Development

Interim Position Statement for Housing Development

7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five Year Housing Land Supply was published on 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing deficit of 176 net dwellings, equivalent to 4.74 years of housing supply. Through recent appeals and associated statements of common ground this figure has been refined and **at the time of writing** the Council maintains its current position is a supply equivalent to **4.65 years (the Council's stated position at the Highgrove Farm, Bosham appeal)**.

7.10 The Council therefore does not benefit from a Five-Year Housing Land Supply. To help proactively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the new Local Plan, the Council resolved in June 2020 to use the Interim Position Statement for Housing Development (IPS) to help increase the supply of housing by encouraging appropriate housing schemes. Following minor modifications, the IPS was approved by the Council's Planning Committee for immediate use for development management purposes in November 2020. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management (DM) tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications and appeals. It

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does not override the implications of the Framework in terms of housing supply issues but it is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use i.e. speculative, sporadic un-planned for housing in inappropriate locations outside of settlement boundaries.

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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 By way of background, the Committee is advised that this application is effectively a re-submission of an earlier proposal for 113 dwellings on the same site. That application reference 21/02573/FUL was submitted in August 2021 as a hybrid application with detailed planning permission sought for 26 dwellings and outline permission for 87 dwellings. The application was refused by the Council on 13 April 2022 under officer delegated powers. It was refused because at that time the Council could demonstrate that it had a 5 year supply of housing equating to 5.3 years and had made full provision for its parish housing numbers set out in the Local Plan. It did not therefore need to look outside of the settlement boundary for Runcton to find additional housing sites ahead of adoption of the new Local Plan with its revised housing strategy and numbers. The application was also refused on the basis that it would cause harm to local landscape character and the rural setting of and approach to Runcton. The layout of the housing and the design of the dwellings was also considered to be poor and the scheme lacked any successful integration with the existing settlement. The applicant has resubmitted the proposals under the current outline application with 19 fewer dwellings at a time when the Council cannot currently show that it has a 5YHLS. Crucially this lack of a housing supply changes the dynamics in which the proposals are required to be assessed as the report below explains. Attention has also been paid by the applicant to addressing the elements of harm identified on the previously refused scheme for 113 dwellings.

8.2 The main issues arising from this proposal are:

- i. Principle of development and the policy position
- ii. Integration of Development with Runcton and Impact on Character of Area
- iii. Landscape Impact
- iv. Highway Impact
- v. Surface Water Drainage and Foul Water Disposal
- vi. Ecology
- vii. Habitat Regulations Assessment

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- viii. Sustainable Design and Construction
- ix. Other matters - Heritage Assets, Residential Amenity and Education

i) Principle of development and the policy position

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

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

- 8.4 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 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 ~~new Regulation 19 Submission Local Plan~~ **LPPS**
- 8.5 The Council has acknowledged that the adopted Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it can't currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11 d) ii) of the NPPF i.e. the presumption in favour of permitting sustainable development 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 3 most recent upheld appeals being: Broad Road/Drift Lane 200 dwellings; Flat Farm, Hambrook 30 dwellings; and Harris Scrapyard, Nutbourne 103 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 settlement boundaries.
- 8.6 The application site is considered to be developable in the Council's Housing and Economic Land Availability Assessment (HELAA) March 2021. The HELAA has identified that the site is capable of delivering an indicative capacity of 120 dwellings. Although the HELAA is a technical background study to assist the

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Council in its consideration of potential housing sites under the new Local Plan, it is not a policy document to rely on in decision making on planning applications. Nevertheless, its significance as a material consideration is that it has identified the site as being suitable, available and deliverable to provide new housing and this is relevant at a time when the Council is not able to show it is demonstrably producing enough dwellings to satisfy the government's housing requirement **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)**

- 8.7 The Council has committed to continue using the Interim Position Statement for Housing Development (IPS) to provide a set of criteria against which to measure the potential acceptability of new housing proposals outside of current settlement boundaries. It is relevant to consider the Charmans Field 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 settlement boundary for Runcton closest to the application site is defined on the Local Plan policies map by the western edge of Marsh Lane. The application site located to the east of Marsh Lane does not therefore adjoin the settlement boundary. However, the site is adjacent to the settlement boundary in that the site and the settlement boundary are on opposite sides of the same road. Notwithstanding subsequent commentary in this report on the relationship of the site to the existing settlement boundary, the site is sustainably located and therefore the criterion is considered met.

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

Runcton, paired as it is in the Local Plan with nearby North Mundham, is defined as a Service Village in Local Plan (Policy 2) and draft Policy S2 in the Regulation 19 Submission Local Plan and is a sustainably located settlement. In this context the proposed scale of development, when considered cumulatively with the permitted development of 39 dwellings to the north on the Former Lowlands Nursery and the development of 66 dwellings on the land south of Lowlands (which has a resolution to permit pending completion of the associated S.106 agreement), is more than the draft Parish allocation of 50 dwellings in the Local Plan Regulation 19 Submission. A large extension of this nature is therefore in conflict with this criterion.

3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.

It is considered that the development meets this point. There is no actual or perceived coalescence (the joining up of two neighbouring settlements) likely to arise from permitting this development. There is no direct inter-visibility between settlements.

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The criterion is considered to be satisfied but see section below on Landscape Impact for more specific commentary.

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

The density of the residential component of the application site would be approximately 26 dwellings per hectare (dph). This is lower than the Council's average benchmark density figure of 35 dph but a higher density would be inappropriate in this rural edge of settlement context. The site is a single field which would be utilised in its entirety with no artificial sub-division and so purely when viewed in this way the density of development would not be inappropriate. The criterion is satisfied in terms of use of the available land.

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

The proposed development would have no impact on the setting of the South Downs National Park or the Chichester Harbour AONB including inter-visibility between the two, however it would have a harmful impact on localised landscape character as the section on Landscape Impact below makes clear. The criterion is satisfied.

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

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

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

Wastewater disposal via Pagham WwTW will be through the statutory undertaker. Affordable housing, open space, and the identified highways improvements would all be secured through a Section 106 agreement and/or by planning conditions. The applicant has agreed to meet the necessary infrastructure requirements and on this basis the criterion is considered satisfied. Commentary on the highway impacts including the level of financial contribution towards the overall package of mitigation measures necessary to address the impacts of development on the A27 is discussed

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in the report below. This criterion will be met if all infrastructure requirements are secured through the S106 Agreement.

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

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

The development will meet this criterion through a combination of fabric first and solar PV panels. A maximum 110 litres per person per day water use is proposed and will be conditioned and electric vehicle charging points will be provided in accordance with the requirements of the June 2022 revision to the Building Regulations (as a minimum). The applicant's Sustainability Statement addresses the individual criteria in Local Plan policy 40. The IPS criterion is considered to be met and further commentary is provided later in the report.

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 application is submitted in outline with all matters save 'access' reserved and there is no indication in the Design and Access Statement to suggest that within the site itself individual streets and dwellings and the spaces between and surrounding them will not be appropriately designed and detailed. In this sense there is no reason to suggest that this aspect of the criterion cannot be met. The relationship of the site to the existing settlement of Runcton is discussed later in the report.

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.

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North Mundham/Runcton is defined in the extant Local Plan and in the Regulation 19 Submission Local Plan as a 'Service village'. In terms of its proximity and accessibility to existing services and facilities, the site is within the 1.6km (1 mile) threshold below which the National Travel Survey indicates that most journeys are undertaken on foot. The Chartered Institute of Highways and Transportation (CIHT) identifies that 2km is a reasonable maximum distance on foot to locations such as schools and other local facilities. Within 1.1km of the site is Runcton Farm shop (650m to east) which includes a greengrocer, butchers, delicatessen, pick your own, pet supplies store and cafe and the development would deliver a 3m wide pedestrian and cycle link to access these facilities. The Walnut Tree Pub and Restaurant is 600m to the west and Sunbeams Pre-School, North Mundham Village Hall, Playing Field and Tennis Courts and North Mundham Primary School are all within 1.1 km. For journeys further afield the nearest bus stops are located on the B2166 Lagness Road (1 each side) which are within a 300m walk from the farthest part of the proposed development. The existing bus stops are to be improved as part of the proposals with Real Time Information Boards. Existing bus services operate as a minimum a half hourly service Monday-Saturday serving Chichester, Elmer, Pagham, Felpham and Bognor Regis with direct access to Chichester Free School and Chichester High School. Cyclists and walkers would be able to access the bridleway 2792_1 along Green Lane at the north-west corner of the site which provides an off-road link to the A259 and the designated cycle route between Chichester and Bognor. In the north-east corner of the site the applicant has committed to opening a permissive bridleway which will provide a continuous right of way from the existing footpath to the east of the site, across the site and then linking up with Green Lane. This is a significant benefit of the application. Regarding its location in accessibility terms the site is considered to meet this criterion.

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

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

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

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

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13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.

The site is under the control of a single landowner and there are no significant abnormal circumstances that would otherwise restrict or delay implementation of the development following the discharge of pre-commencement conditions in the event that planning permission were granted. The applicant has stated it is their intention to bring forward the land for development via a housebuilder as soon as possible following the grant of planning permission and approval of subsequent reserved matters. A reduced time frame of 2 years (instead of 3 years) to submit the reserved matters application/s, together with a 2 year period thereafter in which to begin implementation of the approved details is accepted by the applicant. As such, it is considered criterion 13 of the IPS would be satisfied.

8.8 When measured against the preceding IPS criteria the application at Charmans Field with the exception of conflict with criterion 2 (scale) and criterion 5 (landscape impact) is considered to score fairly well, being sustainably located and relatively unconstrained. Sites for housing development which score well under the IPS criteria are likely to be supported by officers. The landscape function of the site in terms of its contribution to the rural setting for Runcton is explored in more detail along with other material considerations in the subsequent sections of this report.

ii) Integration of development with Runcton and impact on character of area

8.9 The proposals would effect a fundamental transformation in the appearance of the application site from its current baseline appearance as an open arable field to a housing development. That is the inevitable consequence of building new development outside of a settlement boundary on a greenfield site and is not in itself a reason to refuse the application. The Council's Design Officer has studied the proposals from an urban design perspective and provided comments on the illustrative layout derived from the submitted Parameter Plan which sets out in broad terms how the site would be laid out under the subsequent reserved matters application.

8.10 Runcton is observed to be a rural village providing a modest sized settlement formed of development of various ages. Whilst the appearance of some of the existing dwellings in Runcton is perhaps more consistent with a suburban character, it is considered that the rural character of the settlement overall is retained. The proposals are considered to foster this rural impression by the provision of more spacious plot sizes, buildings set back from the road, the softer appearance of boundaries and informal vegetation / tree planting both within plots and to verges. The proposed site is, by its relatively flat nature and openness, one which has a significant amount of visibility both from the adjacent Marsh Lane and the main Lagness Road. The site is large in area, particularly in comparison to the existing small settlement size of Runcton, with the proposals potentially increasing the number of dwellings in the settlement by around 50% and therefore making up a large portion of its built form. Its development therefore has significant potential to

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impact and alter the character of Runcton not only in terms of scale, which conflicts with IPS criterion 2, but also in terms of appearance and character.

- 8.11 The Council's Design Officer in commenting on the illustrative layout, finds that the scheme overall is well defined by perimeter blocks with a welcome level of street tree planting. The scheme avoids concentrating parking areas in a few areas and makes use of end to end spaces adjacent to new housing wherever possible. The open space at the southernmost edge of the site is well located and within comparatively easy reach of most of the homes proposed. Locating a second area of open space - the 'village green' - to the south west part of the scheme is considered to have some clear benefits in terms of access to the green space for the existing community in Runcton which could encourage some more integration between what at present are quite separate areas of housing. The delivery of an east-west 'towpath' link across the north part of the site broadly on the alignment of the long disused Chichester-Arundel canal is welcomed and finds support through Local Plan policy 53 and draft policy NE9 in the Regulation 19 Proposed Submission Local Plan.
- 8.12 Whilst the proposals are submitted in outline, it is considered that the applicant has demonstrated through the illustrative layout plan and the Parameter Plan (which forms part of the formal submission) that, notwithstanding the amount of development, it is possible to develop the site in a satisfactory way. The lower density and large areas of open space better respond to the edge of settlement location and will allow for significant landscaping to visually soften the development. Whilst the density of development at 26dph is below the suggested Local Plan benchmark of 35dph, it is considered that the balance in this instance between making effective use of the land for new housing and reflecting the need to provide a development which can accommodate new housing amidst a landscaped rural setting has been appropriately struck. Throughout Runcton vegetation plays an important role in softening the appearance of boundaries. It is considered that the greater thought that has gone into designing this scheme, as opposed to the previous refused scheme, better reflects the existing housing context in Runcton and would allow the development to be successfully integrated rather than appearing as a separate enclave or outlier.

iii) Landscape Impact

- 8.13 The assessment under this issue considers the wider contextual point about the value and function of the site in landscape terms rather than the way in which the field is proposed to be developed. As with the previous refused scheme for 113 dwellings, the Council has commissioned comments from a landscape consultant at Hankinson Duckett Associates (HDA).
- 8.14 The landscape consultant identifies the site as being open and expansive, providing long views, particularly from the south-west to north-east. This openness is seen as providing a visual relief to the enclosure of the adjacent settlement and approach roads, which is locally distinctive. The rural character and open nature of the site assists in defining the eastern edge of Runcton. Reference is made to the 2019 Landscape Capacity Study prepared for the Council by consultants Terra Firma as a background paper to inform the potential allocation of new housing sites as part of the Local Plan review process. The 2019 capacity study has assessed the site as

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having a Medium/Low capacity for development. The site forms part of Sub-area 130 within the capacity study, where it is concluded that:

'Sub-area 130 has a medium/low capacity, constrained by Runcton Conservation Area, PRow and some areas of flood zone. Although it is partly influenced by the Lagness Road and neighbouring glasshouses to the north and east it retains a generally strong rural character. There are some views out to open countryside and the SDNP where built form permits, and the sub-area has a generally well-vegetated boundary and retains a strong relationship with the wider landscape.'

- 8.15 The site in its current form is an open arable field which forms a rural edge/entrance to Runcton helping to define the edge of Runcton, providing a rural gateway to the village. One function that the site is seen as performing is the perception of a village surrounded by agriculture. HDA find that the development of the site for housing would therefore be a substantive and permanent departure from the baseline condition. HDA go further and question the development potential of the site due to the adverse effects that it would have on the open and rural character of the site, the poor relationship to the existing settlement and the adverse effects that the proposal would have on the settlement pattern of the village, particularly given the volume of development being considered. The proposal would remove the existing rural definition between the existing settlement edge and the glasshouses to the east and in doing so, would sever the connectivity between the rural agricultural landscapes to the north-east and south of the site.
- 8.16 Notwithstanding the reservations expressed by HDA to the Council regarding the suitability of the site to come forward for housing development, the scheme is seen by HDA as an improvement on the previously submitted application (ref 21/02573/FUL), both in terms of the quantum of development, the design and the recreational benefits. There are elements of the proposals which are seen as more positive. The proposed location of an area of open space in the south-west corner of the site - a Village Green - is seen as a beneficial feature in landscape terms by creating a new feature and facility for the village which would maintain an area of open landscape, from which the rural connections to north and south could still be appreciated. Similarly, the proposed permissive route to the north-east of the site would provide enhanced links to the wider countryside and is viewed as a recreational benefit. The concept of providing a pedestrian/cycle link to the farm shop is also regarded as having the potential to be beneficial. Six 'C' category trees on the site's south boundary are proposed to be removed in order to provide the pedestrian/cycle link but the remaining trees on this boundary (all 'C' class) are shown in the submitted Arboricultural Report to be retained and protected from the construction works. The root protection areas of the trees will be protected by cell-web. The existing soft verdant edge to the site as viewed approaching from the east along Lagness Road would therefore be retained in large part and could be supplemented with additional planting as part of the reserved matters consideration of landscaping. The introduction of new planting within the site and particularly street tree planting as advocated by the NPPF could also provide a new landscape framework within which to locate the new housing and mitigate for some of the overall character change on the site.

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8.17 The degree to which the extent of the identified landscape harm can be a material factor in tipping the tilted balance towards refusing the application is a matter which is discussed in more detail under the Planning Balance section later in this report.

iv) Highway Impact

8.18 There are essentially two components to this assessment, the traffic impact on the local road network and that likely to result on the A27 strategic road network arising from increased vehicle movements. In respect of the local roads, the proposals have been subject to a lengthy assessment by the local highway authority at WSCC initially as part of the previous refused application and now under this current proposal. The trip generation figures from the site which have been agreed by WSCC would equate to 54 two-way trips in the morning peak hour and 45 two-way trips in the evening which is estimated at 1 additional vehicle movement per minute. On this basis WSCC does not consider that the traffic impacts from the development would be 'severe' which is the test which must be applied under the NPPF (paragraph 111). Comments received from third parties and North Mundham Parish Council regarding the amount of traffic already on Lagness Road in particular are noted but the evidence is that the road, whilst busy at times, is not operating at capacity or to a point where there are safety issues. With the various technical amendments carried out to the current application since submission, WSCC has confirmed it has no objection to the principle of the development subject to conditions which are reflected in the officers' recommendation to approve the application.

8.19 In terms of the potential traffic impact from the development on the A27, particularly in respect of the impact on the affected junctions - Bognor roundabout being in the closest proximity - the proposals have been examined by National Highways. In its consultation response dated 27 September 2022, National Highways confirmed that it has no objection to the proposals on condition that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with the Council's SPD on planning obligations. On the basis of the SPD, a contribution of £2,615 per dwelling based on the 'Other Chichester City' development zone would be required equating to a total contribution of £245,810.

8.20 However, since the planning application was received it has been necessary for the Council through its transport consultants to review the scheme of A27 improvements and contributions which are not necessarily just restricted to the existing junctions. The current Local Plan was adopted on the 14 July 2015 and set out a scheme of A27 improvements and contributions in accordance with Policy 9, 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. 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.

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- 8.21 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)~~ **LPPS** sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the 2015 Local Plan (Phase 2 West of Chichester and Tangmere SDL's) and all other housing developments where there is a net increase in dwelling numbers. The formula is set out in draft Policy T1 and at this point in time equates to £7,728 per dwelling. Officers acknowledge that draft Policy T1 of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS** is emerging and not adopted policy. That said, the circumstances currently facing the Council, with regard to the A27 scheme of improvements, is such that unless all housing permitted ahead of the adoption of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS** delivers the financial contributions of the scale envisaged in draft Policy T1, 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~~ **LPPS**.
- 8.22 In its letter to the Council dated 11 September 2023, National Highways (NH) acknowledge that the Council has provided strong evidence through the Transport Study that the costs of delivering improvement works for the A27 Chichester bypass (Fishbourne, Bognor, Stockbridge and Whyke roundabouts) have increased significantly and are no longer viable under the current Planning Obligations and Affordable Housing SPD. In other words, NH accept that the non-indexed 7-year-old figures set out in the 2016 SPD are no longer fit for purpose in terms of securing the level of financial contributions necessary for mitigation measures to the junctions of the A27.**
- 8.23 Given this **implicit support from NH to the Council's** revised position on seeking financial contributions **from housing developments through draft policy T1 and the draft SPD on A27 Chichester Bypass Mitigation which updates the 2016 SPD policy**, 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 (see paragraph 6.21 for additional commentary in this regard).
- 8.24 The applicant has formally agreed to provide the financial contribution envisaged in draft Policy T1 of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS**. The figure for the 94 dwellings proposed at Charmans Field is £726,432 and a S.106 obligation is recommended below to secure this financial contribution.
- 8.25 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 access 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. With payment secured through the S.106 agreement for the A27 mitigation measures, there is no technical highway objection raised to this application.

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8.26 In terms of walking and cycling, the development delivers connectivity benefits to Runcton and the countryside beyond by facilitating an east-west link across the site towards the northern boundary of the site. This will need to be 3 metres wide and constructed to WSCC standard bridleway specification. At the north-west corner of the site, this cross-site link will enable connectivity with the existing bridleway no. 2792_1 at Green Lane on the west side of Marsh Lane which provides a route thereon to the cyclepath alongside Bognor Road. The proposal is to also connect the cross-site link at the north-east site boundary with a Permissive Bridleway passing to the north of the glasshouses at Runcton Nursery and connecting up with the existing PROW network FP 200 to the east. The Permissive Bridleway would pass over land within the applicant's control and would be delivered by a separate formal agreement with WSCC secured through the S.106 linked to an outline planning permission given for this development. The Permissive Bridleway would be required to be in place for a minimum of 10 years (with a review period at that time) during which time WSCC will take on responsibility for its maintenance. At the south boundary to the site adjacent to Lagness road, a 3m wide pedestrian/cycleway will be provided linking the site to Runcton Farm Shop with its range of facilities/services. Providing a safe, off-site link in this location has been an aspiration of the Parish Council and will be delivered by this application through the S.106 agreement.

8.27 At the Planning Committee meeting in July members sought clarification of the safety of the route for school children and parents travelling from the site westwards along Lagness Road to North Mundham School. WSCC as the local highway authority (LHA) has looked at the route again and a site visit attended by the Area Highways Manager and the local member took place on 1 August to consider the issue. WSCC's subsequent consultation response is summarised at 6.8 above. This sets out the intended improvements to the 5 no. crossing points all of which have been subject to a Stage 1 Safety Audit. WSCC has also looked at the safety record of the stretch of road between the site and the school over a 5-year period 2018-23. Whilst there have been some incidents, WSCC do not consider there to be any patterns that would suggest defects in the highway itself. Of the 5 road safety incidents recorded on the route between the site and the school (3 at Walnut Tree roundabout and 2 on Lagness Road) all were due to either poor driver awareness, behaviour or impairment. WSCC as the LHA conclude that the proposed package of minor off-site highway improvements which the applicant has agreed to deliver via the S.106 agreement which will include 'children crossing' warning signs on the Vinnetrov and Lagness Road approaches to Walnut Tree roundabout will enable a safe, enhanced and continuous walking route from the site to the local primary school to be delivered. WSCC LHA continue to raise no objection to the application.

v) Surface Water Drainage and Foul Water Disposal

Surface Water

8.28 The site is wholly within tidal/fluvial flood zone 1 i.e. at the lowest risk of flooding. The applicant's surface water drainage strategy relies on sustainable drainage principles (SuDS) and to that effect two shallow attenuation basins are shown at the north and north-west parts of the site to manage the surface water run-off from the site. The

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precise form and shape of these will be confirmed as part of the reserved matters application when 'layout' is formally considered. The Council's Drainage Engineer confirms that he is aware of flooding incidents immediately downstream of the development (notably the brook at Brookside) and a number of third party objectors as well as North Mundham and Pagham Parish Councils have also made reference to this. Southern Water makes it clear that maintaining the effectiveness of the proposed SuDS systems in perpetuity will be critical. Good management will be required to avoid flooding from the proposed surface water system which may result in the inundation of the foul sewerage system which some of the third party objections record there is an existing experience of. Surface water disposal will therefore need to be dealt with sensitively and carefully to ensure any off-site flood risk is not increased. To that end the proposals are to restrict discharge to the existing watercourse on the north/north-western boundary to no more than existing greenfield rates. Shallow on site attenuation basins following the alignment of the former canal will be fed by swales and engineered to manage surface water from up to a 1 in 100 year plus climate change event. The Council Drainage Engineer is satisfied from the reports submitted with the application that a technical solution can be secured to avoid harmful off-site impacts and subject to the imposition of appropriate but necessary conditions raises no objection.

- 8.29 In terms of groundwater, the Lead Local Flood Authority at WSCC has pointed out that the modelled risk of groundwater flooding for the site is indicated as high. However, as the groundwater flood map makes clear, this is an assessment based on national modelling to be used only for broad-scale assessment of the groundwater flood hazard and is not based on the results of detailed on site specific investigations. The applicant has carried out some initial percolation tests on the site producing infiltration rates which the Council's Drainage Engineer is of the opinion should accommodate a partial infiltration based solution. The applicant's groundwater monitoring to date shows that groundwater levels beneath the site are in the range 1.8 to 3.9 metres below ground level.
- 8.30 Subject to a condition requiring winter groundwater monitoring and winter shallow percolation testing the Council's Drainage Engineer is satisfied that the development can be adequately drained. It is considered that with the imposition of appropriate conditions the surface water drainage arrangements can be designed to ensure there is no overall increase in flows into the existing surface water system and its long-term management and maintenance can be secured.
- 8.31 **In deferring the application from the July Planning Committee, members wanted clarification of the potential for surface water discharges arising from the development to negatively impact on the Pagham Rife via existing watercourses. Surface water drainage issues have been re-visited in the meantime both with the Council's Drainage Engineer and WSCC as the Lead Local Flood Authority (LLFA). Further comments from these consultees are identified in bold type in the report at paragraphs 6.15 and 6.10 respectively. The Council's Drainage Engineer confirms that the development proposes a connection to the existing watercourse (west boundary) and that this will ultimately discharge downstream into the Pagham Rife. However, it is re-affirmed that surface water flows from the site will be restricted to no more than existing greenfield rates with attenuation of surface water for storm events up to 1 in 100 years plus 45% for climate change within the boundaries of the site.**

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The conclusion is that there should be no impact on flow rates within the Pagham Rife.

- 8.32 From the perspective of the LLFA, there is no objection on surface water drainage grounds subject to the imposition of two conditions which are embodied in the schedule of conditions on the recommendation. The second of the recommended conditions requires the developer to demonstrate during the construction phase how the site will be drained to ensure there is no increase in off-site flows, nor any pollution, debris and sediment to any receiving watercourse. This condition will therefore ensure that there is no negative impact on Pagham Rife.**
- 8.33 The applicant has additionally provided evidence direct from the Environment Agency on the EA's management and maintenance of the Pagham Rife in the two main areas closest to the application site which are part of its Maintained Assets. This shows that the Pagham Rife is maintained by the EA on a year-by-year basis. By controlling surface water outfalls from the application site in the way proposed there is no evidence to imply that the condition of the Rife will be made worse by the proposed development.**

Foul Water Drainage

- 8.34 Foul flows from the 94 dwellings would be discharged via a gravity fed network extending across the whole site before feeding into the existing public main sewer on Lagness Road from where it will be routed to the Pagham WwTW. Southern Water has stated that it can provide a connection to the public sewer to facilitate foul sewerage disposal for the development and makes no reference to any prior need for network reinforcement associated with the development to avoid a potential increased risk of flooding.**
- 8.35 Officers note the concern of North Mundham and Pagham Parish Councils with regard to the foul drainage implications arising from the proposed development, including the reference to ongoing issues associated with wastewater flows in the parish and the lack of capacity at Pagham WwTW. However, on the basis of the evidence available, the Local Planning Authority is confident that there is capacity at the Pagham WwTW to accommodate the additional foul flows. The most recent dry weather flow figure for the estimated remaining capacity at Pagham WwTW is 624 dwellings. Ultimately it is the statutory duty of Southern Water to ensure that the off-site infrastructure to service the proposed development is fit for purpose, that the development is satisfactorily drained and that the proposed development does not lead to problems elsewhere in the system. Any failings on behalf of SW to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT.**
- 8.36 At the July 2023 Planning Committee members sought deferral of the application to seek clarification from Southern Water on off-site infrastructure upgrades necessary to accommodate the development. Southern Water's subsequent consultation response at paragraph 6.4 confirms that its earlier comments remain unchanged and valid. It is noted that in separate**

correspondence between North Mundham Parish Council and Southern Water, Southern Water confirm there is capacity in the network for the proposed 94 dwellings. Southern Water state that it has run hydraulic models to understand expected flows from the development and to see if there is any potential detriment from, for example, flooding or pumping station hydraulic overload. The Charmans Field proposals have been deemed as 'not detrimental'. Southern Water also confirm to the Parish Council that Pagham WTW is currently being upgraded and this will incorporate quality (nutrient) improvements and a future growth allowance up to 2035. There is therefore no evidence before the Council that foul flows arising from the proposed development cannot be managed by the statutory undertaker. Government planning policy (NPPF paragraph 188) is very clear that planning decisions should focus on whether a proposed development is an acceptable use of land rather than seeking to control processes or emissions which are subject to separate pollution control regimes. It states that planning decisions should assume that these regimes will operate effectively. If Southern Water fails in its statutory duty, then the recourse is through the industry regulator OFWAT.

vi) Ecology

- 8.37 From its baseline position of being an open agrarian field with low ecological interests principally confined to the field margins, the application proposals with the areas of new planting including tree and hedgerow planting and SuDS features are likely to result in an overall increase in the net biodiversity of the site. Whilst the provision of biodiversity net gain (BNG) assessment is not yet mandatory until secondary legislation to the Environment Act comes into force in November 2023, the applicant's biodiversity assessment based on the DEFRA Metric 3.1 calculation shows a substantial increase in BNG above the 10% currently required in the Environment Act. On both the east and north site boundaries the submitted Parameters Plan shows that a ~~8-metre-wide~~ planted landscape buffer will be provided. ~~on both the east and north site boundaries.~~ Over time this will provide an enhanced ecological wildlife corridor and will be secured by condition. The proposals are considered to satisfy the criteria in Local Plan policy 49 which, like the NPPF, doesn't currently have targets to be met for BNG.
- 8.38 The Council's Ecologist has confirmed that the submitted Ecological Report (and Updated Technical Report and shadow habitat regulations assessment) sufficiently address the potential issues regarding bats and water voles and that these are capable of being addressed by condition. In terms of HRA protected bats species, the site lies within the 12km Singleton and Cocking Tunnels SAC buffer zone for the rare barbastelle bats species. In accordance with Natural England's standing advice on HRA protected species, the applicant has specifically addressed the very limited and occasional presence of barbastelles. The applicant's reports identify that even without mitigation for the potential impacts of the proposed development, there would be no likely significant effect on barbastelle bats. The reasons for this are the fact that the distance of the site from the closest part of the tunnels is 11.55km. This is therefore at the outer limits of the 12km buffer zone and the bats typical foraging range. The site is not within the 6.5km zone which is the key conservation area where the SDNP's Technical Advice Note on HRA's (March 2021) indicates that the closer proximity can have direct impacts on bat habitats. The SAC is also well beyond the 6km core zone for barbastelles identified by the Bat Conservation Trust. Additionally, the applicant's

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surveys have recorded a very low number of flypasts of barbastelles (0.3% or 16 out of over 5200 recorded flypasts). The very low recorded use of the site by barbastelle bats indicates that the site is too marginal to the SAC population for the proposals to represent a material risk of impact or for the site to be regarded of functional importance to the barbastelle population for which the SAC is designated. A further important aggravating factor discouraging light sensitive barbastelles from potentially using the site is the presence of internal light spill during dark hours from the commercial glasshouses at Runcton Nursery which are immediately adjacent to the east site boundary. In terms of the habitat regulations therefore, the conclusion is that mitigation is not required in order for there to be no likely significant effect from the development and on that basis the proposals can be 'screened out' from the habitat regulations.

8.39 Additional measures secured by condition on this application include habitat protection and enhancements together with a lighting strategy to avoid light spill and the careful positioning and orientation of dwellings relative to the site boundaries as part of the reserved matters layout. These measures will benefit the overall bat assemblage but are not required to avoid impacts on the SAC site. The applicant's updated shadow Appropriate Assessment reflects this. The Council's Environment Officer has agreed this and confirmed that the 'without mitigation' approach is satisfactorily set out and that the approach to ensuring there is no disturbance to this bat species is suitable. Appropriate conditions are attached to the recommendation in this regard. On the basis of the above it is considered there is no identified conflict with the Habitat Regulations.

vii) Habitat Regulations Assessment

Recreation Disturbance

8.40 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area and within the 3.6km of the Pagham Harbour Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent scheme/Pagham Harbour Scheme is required in order to mitigate recreational disturbance as a result of the proposal.

8.41 When a development proposal falls into an area where the Chichester and Langstone Harbours SPA zones of influence and the Pagham Harbour Special Protection Area zone of influence overlap, as in this case, Natural England advise that some reduction in the contribution is reasonable. This is on the basis that the occupiers of the new dwellings cannot be at both Harbours at the same time. However the Local Planning Authority still has to ensure that a robust package of mitigation can be implemented. In order to do this, within the area of overlap, only one contribution per net new dwelling unit will be payable. This contribution will be whichever is the higher of the two contributions at the time - currently Pagham for units of 3 bedrooms or fewer, or Bird Aware Solent for 4 or 5 bedroom units. This will ensure that the development does not pay twice but will also ensure that the funding of neither scheme is undermined. On this basis a total contribution of £88,676 would be required. A completed S106 agreement is required to secure this contribution. When paid the contribution will be divided in two, half for each of the two SPA mitigation

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schemes. Natural England has confirmed that this provides acceptable mitigation against the potential recreational impacts of the development on the protected site and officers have completed an Appropriate Assessment.

8.42 The applicant has agreed to the heads of terms below and therefore subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

Nutrient Neutrality

8.43 Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. As this development will be draining to Pagham WwTW, the impact onto a European protected Habitat site (namely the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar site) has been screened out and therefore nutrient neutrality does not need to be considered by way of an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Similarly, the site is outside Solent Maritime SAC catchment so that no surface water drains from the site to the protected areas.

viii) Sustainable Design and Construction

8.44 The application is submitted in outline and therefore the detailed design of the dwellings at this point in time is not for consideration. However, in response to Local Plan policy 40 the applicant has provided a Sustainability Statement which details how the 10 criteria of the policy will be met. A carbon saving fabric first approach to achieving thermal efficiency of the proposed dwellings will be coupled with maximising the use of renewable energy through the use of PV solar panels inset into the roof of favourably orientated dwellings. Water consumption will be restricted to 110 litres per person per day. The detailed layout to be submitted as part of the reserved matters will incorporate electric vehicle charging in accordance with building regulations (as a minimum). Details of the sustainable design approach will be secured at the reserved matters application stage of the development but the recommendation to permit this outline application contains relevant conditions in that regard. The Council's Environment Officer has confirmed that the approach set out within the Sustainability Statement will meet the requirements of policy 40 with the details to be approved as part of the reserved matters.

ix) Other Matters

8.45 **Heritage Assets** - Officers have considered the potential impact of the proposals on the nearest heritage assets to the site, these being the four listed buildings and Conservation Area located to the south/south-west and the listed St. Giles Church to the north. It is concluded that whilst the proposed development would result in the loss of open land, the application 'field' is located some 570 metres away from the listed church, the western boundary of which is well screened with established trees. Beyond that churchyard tree screen is another large expanse of open field with the intervening glasshouse development at Runcton Nursery forming a notable part of the landscape setting. At such a distance it is considered that any perceived impact on the setting of the church is extremely minor. The site is also both physically and

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visually removed from the immediate and wider setting of the listed buildings in the Conservation Area being separated from the historic core of Runcton by the B2166.

- 8.46** Therefore, whilst there is potential for some limited visibility of the proposed housing it is not considered this would amount to a level of harm that would impact on the significance of the heritage assets. In terms of the test to be applied in section 16 of the NPPF in considering the potential impacts on the significance of the proposals on the designated heritage assets, the conclusion is that the development would not amount to even less than substantial harm and is therefore acceptable in that regard.
- 8.47 Residential Amenity** - One consequence of developing out a field where there is currently no development is the potential for some bearing on the established amenities of existing adjacent residential properties who might currently enjoy a rural outlook. However, loss of or change of outlook is not a reason for not permitting new development. There are only a very few dwellings around the site perimeter, and these are on the opposite side of Marsh Lane and Lagness Road. Whilst the marked change to the character and appearance of the site resulting from development will clearly create a different outlook for those existing residents who might have a view of it, this change does not automatically translate into a development that would be harmful to their established amenity. Loss of view is not a planning consideration. The layout of the proposed dwellings is not being determined under this application and under any subsequent reserved matters application attention will be paid to layout and orientation to ensure that overlooking is avoided. It is not considered that the proposals would result in material harm to established residential amenity.
- 8.48** The Council has received a letter of objection to the proposals from Vitacress who operate the commercial horticultural nursery beyond the east boundary of the site at Runcton Nursery and notes the concern raised by Oving Parish Council with regard to the impact of light pollution from the glasshouses on the proposed development. The objection from Vitacress cites the 'agent of change' principle (NPPF paragraph 187) in terms of the potential for the proposed development to result in unreasonable restrictions being placed on Vitacress's continued lawful operation of the nursery site for horticultural purposes which includes the use of internal lighting for growing purposes. Officers have considered this aspect and note in this regard the use of existing internal blackout blinds, the well-established existing hedgerow on this boundary and the fact that this screening is to be further strengthened with a 5 metre wide landscaping belt as part of the required landscaping under the reserved matters. Taking these factors into consideration it is considered that the development would not result in unacceptable light levels for the rear bedroom windows on properties adjacent to the eastern boundary of the site, the positioning and orientation of which remain yet to be determined as part of the subsequent reserved matters.
- 8.49** The July Planning Committee wanted to better understand the potential impact on future residential amenity of the proposed dwellings from the use of growing lights at the Vitacress glasshouses which during the period November to March are typically used (according to information supplied by Vitacress) to supplement natural light levels from circa 4am to 4pm with reduced lighting use outside this period of the year.
- 8.50** The guidance note of the Institute of Lighting Professionals (ILP) is that where there is a potential for lighting to cause disturbance to residential amenity, the

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maximum level for light intrusion on to the windows of impacted dwellinghouses is 5 lux where that site is identified - as this site is - as being within an E2 environmental zone (characterised as sparsely inhabited rural areas, village or relatively dark outer suburban locations). By way of comparison, streetlighting in residential areas is typically 3-5 lux and the sky glow from a full moon on a cloudless night 0.5 lux.

8.51 Officers have sought consultation advice from the Council's Environmental Protection (EP) service and the comments received are at paragraph 6.19. The Council's EP service agrees that the E2 zone categorisation is appropriate. The applicant maintains that the E2 zone upper limit of 5 lux can be achieved through a combination of the existing blinds within the glasshouse, the existing boundary vegetation and the proposed 8m landscape buffer which can include evergreen planting. The Council's EP service has furthermore recommended an additional condition which it is considered can provide the necessary level of certainty at reserved matters stage that an acceptable living environment can be achieved for those dwellings to be sited closest to the eastern boundary. The applicant accepts the condition and confirms they can achieve the necessary light levels to meet the guidance.

8.51 Education – The local education authority (LEA) has advised **in its original comments** that it had no comments to make in respect of the application. 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.

8.52 Since the July Planning Committee, further clarification has been received from the local education authority as to the situation with regard to school places and the capacity of North Mundham Primary School. WSCC in its most recent response at paragraph 6.12 has re-assessed the impact of additional housing across the area and the impact this will have on the local school's capacity to accommodate the additional children from this development, and other development sites in the Chichester Planning Area. As a result of the additional work it has undertaken, the LEA has no objection to the application, it is satisfied that there is currently capacity at the school for a development of no more than 94 dwellings but it will continue to monitor pupil numbers and movement and if there are significant delays with the application it reserves the right to review this position to ensure the capacity still remains.

Significant Conditions

8.42 The key conditions that are recommended to make this development acceptable would include details of the construction management plan, site levels, compliance with land uses shown on submitted Parameter Plan, surface water drainage and its long-term management and maintenance, sustainability components, tree protection measures, waymarking for the former canal route across the site, the provision of ~~a~~ **8-metre wide** planting buffers on the east **and north** site boundaries, ecological mitigation and enhancements and a **3m wide** boundary watercourse maintenance buffer.

Section 106 Agreement

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

- 30% Affordable Housing (28 units) with a tenure mix as follows:

- 1 bed x 10 (3 x affordable rent; 4 x social rent; 1 x shared ownership; 2 x First Homes)
- 2 bed x 11 (2 x affordable rent; 4 x social rent; 2 x shared ownership; 3 x First Homes)
- 3 bed x 6 (1 x affordable rent; 1 x social rent; 2 x shared ownership; 2 x First Homes)
- 4 bed x 1 (social rent)

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £726,432 (£7,728 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass' with an uprated tariff based on the methodology set out in draft policy T1: transport Infrastructure (A27 Mitigation contributions) in the Chichester Local Plan 2021-2039:Proposed Submission (Regulation 19)

- Financial contribution of £88,676 (12 x £980 and 82 x £938) for recreational disturbance mitigation at Chichester and Langstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.

- Provision of Amenity Open Space including a Local Equipped Area of Play (LEAP) (required minimum of 283 sqm of equipped play space and 943 sqm of amenity open space, based on CDC Open Space Calculator). Management and on-going maintenance to also be secured.

- Highway works:

- Provide both bus stops on Lagness Road with RTPI (North and South)
- Provision of a new bus shelter and relocate the existing bus stop on the western side of the new access to the eastern side of the new access on Lagness Road
- Provision of a right turn ghost lane in centre of B2166
- Provision of a new footway to wrap around the site access and extend to the west to meet an informal crossing point with refuge island to meet a newly constructed 2m footway on the southern side of Lagness Road to link to the bus stop there.
- Provision of a 3 metre wide shared pedestrian/cycleway from the site to Runcton Farm Shop along the north edge of B2166
- Provision of a short section of footway from the Runcton Farm Shop access to the bus stop outside the farm shop
- Restore footway along southern stretch of Lagness Road to meet the Vinnetrow Road Roundabout
- Upgrade the tactile paving on the north and western arms of the Vinnetrow road roundabout

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- Provision of wayfinding signs to direct people to the primary school and village
- Extension of 40mph speed limit across site frontage
- Travel Plan and a £3,500 WSCC Travel Plan monitoring fee
- Provision of a surfaced 3 metre wide Permissive Bridleway path from north-east corner of site eastwards to the north of Runcton Nursery to the point where it meets PROW network FP 200. Applicant to be required through the S.106 to enter into an agreement with WSCC under S.25 of the Highways Act 1980 to deliver a Permissive Bridleway for a minimum 10 year period. Maintenance of the path to be provided by WSCC
- Provision of a pedestrian/bridleway access onto Marsh Lane. WSCC require further details as part of the S.106 regarding the proposed visibility splays and design width of the PROW/Bridleway where it meets the public highway on Marsh Lane.

- Section 106 monitoring fee of £6,638

Conclusion and Planning Balance

- 8.44 The Council is unable to demonstrate that it has a 5 year supply of housing land and therefore the housing policies in the Local Plan are now out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on major housing applications as it ordinarily would. When there is less than a 5 year supply the NPPF engages what is known as the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development. The 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.
- 8.45 The application has been tested against the 13 criteria in the IPS and with the exception of landscape impact and the scale of new housing there are no significant or demonstrably adverse consequences that would result from the development being permitted. 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 and the associated Infrastructure Business Plan, 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 28 units of affordable housing and will help to address the Council's housing supply shortfall. In an already significantly constrained district in terms of opportunities to build new housing development on available sites outside of existing settlement boundaries, this weighs heavily in support of the proposals when carrying out the planning balance.
- 8.46 It is considered that the harm identified by the Council's landscape consultant on the preceding hybrid application for 113 dwellings on the site which was refused, has been partly addressed in the current application. The large areas of open space now proposed at the junction of Marsh Lane and Lagness Road and mid-way along the south boundary extending north into the site are elements which the landscape

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consultant and the Council's Design Officer consider would result in a better development in of itself and in terms of its relationship with the established settlement at Runcton. Notwithstanding these changes and the lower number of dwellings proposed on the current application, it is considered the proposal would have a localised rather than a widespread adverse effect on the character and appearance of the area due to the extent of built development that would be visible from Lagness Road and Marsh Lane. It would therefore fail to accord with Local Plan policies 33 and 48, due to the localised harm that it would cause to the rural character of the area and the loss of agricultural land.

8.47 However, the site itself is not in an Area of Outstanding Beauty and is not subject to any particular landscape designation. It is not a 'valued' landscape within the meaning of the NPPF (paragraph 174) which should be protected and enhanced and neither has it been identified as part of any settlement gap which should be retained in order to protect the individual identity of Runcton. The site is a pleasant open expanse of farmland which will clearly undergo a radical change but the very fact that a change in the appearance of the land would occur is not in itself a reason for refusing the application. This is particularly so when weighed in the context of a site which is acknowledged to be in a sustainable settlement and in the context of the Council not being able to demonstrate that it has a current supply of housing land. The importance the government attaches to the timely delivery of new housing is underscored in paragraph 60 of the NPPF and has been a consistent theme with planning inspectors in recent appeal decisions. In carrying out the tilted balance it is considered that the adverse landscape impacts and the scale of new housing resulting from developing an undesignated field on the edge of a sustainable settlement would not significantly and demonstrably outweigh the benefits associated with delivering new housing on that site when assessed against the planning policies in the NPPF taken as a whole. 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

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

RECOMMENDATION

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

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

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

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(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:

1001-PL-A

1034-ST-01

A355 -001 P16

A355-004 P7

A355-005 P7

A355-006 P2

A335-007 P1

A355-008 P3

A355-009 P1

1034-MP-01 Rev C (Illustrative Landscape Masterplan)

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

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 phased programme of construction works;

(b) the anticipated number, frequency and types of vehicles used during construction,

(c) the location and specification for vehicular access from Marsh Lane during construction including signage and visibility splays,

(d) the provision made for the parking of vehicles by contractors, site operatives and visitors,

(e) the loading and unloading of plant, materials and waste,

(f) the storage of plant and materials used in construction of the development,

(g) the erection and maintenance of security hoarding,

(h) the location of any site huts/cabins/offices,

(i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

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- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction,
- (r) hours of construction.

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

5) **Development shall not commence** until the full details of the proposed surface water drainage scheme which shall be designed to manage and attenuate surface water discharges up to a 1 in 100 year event plus 40% for climate change 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 shallow 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.

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.

6) **No development shall commence** until details of the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site have been submitted to and been approved in writing by the Local Planning Authority and such arrangements shall include the provision of a minimum 3 metre buffer from the top of each bank for access for maintenance. The future access and maintenance shall thereafter be carried out in accordance with the approved details. At no time shall current and future land owners be restricted or prevented as

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a result of the development from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: The details are required pre-commencement to ensure the continued effectiveness of the surface water drainage system is maintained.

7) 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.

8) No development shall commence on the site until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and been approved in writing by the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

9) No development shall commence on site until protective fencing has been erected around all trees, hedgerows, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and the Arboricultural Impact Assessment/Method Statement and Tree Protection Plan, Revision A December 2022 by Hillside Trees Limited. 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

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to the construction of the development and thus go to the heart of the planning permission.

10) The reserved matters for the development hereby permitted shall provide for a minimum ~~8~~ **12** metre wide ~~planted landscape~~ buffer on the eastern boundary **to include a 5 metre wide planted buffer, and a 8 metre wide planted buffer on the northern boundary** of the site as shown indicatively on the Land Use Parameters Plan drawing no. 22/02191/OUT together with details for the future management and maintenance of the buffer to be approved in writing by the Local Planning Authority. At no time shall the landscape buffer be subdivided or included within the curtilage of any dwelling on the site hereby permitted.

Reason: To accord with the terms of the application and to enhance the biodiversity of the development in accordance with policy 49 of the Local Plan.

11) The reserved matters layout for the development hereby permitted shall include a 3 metre wide shared use surfaced path constructed to bridleway status from the north-east boundary of the site extending westwards to the north-west boundary of the site linking through to Marsh Lane and following the indicative dashed purple line on the Land Use Parameters plan drawing no. 1034-ST-01. The proposals shall additionally include a scheme of waymarking setting out the former route of the Chichester - Arundel Canal. The shared use path shall be provided and made ready for use in accordance with a **timetable to be submitted to and agreed in writing by the Local Planning Authority before the development commences.**

Reason: To facilitate the provision of onward sustainable transport links in accordance with Local Plan policy 39 and in the interests of Local Plan policies 52 (green Infrastructure) and 53 (District Canals).

12) **Before the development commences** full details shall be 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 detailed proposals shall demonstrate how they accord with the measures set out in the submitted Sustainability Statement by Campbell Reith dated August 2022. 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 IPS and the principles of sustainable development as set out in the NPPF.

13) **Before the development commences** a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a program for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.

Reason: To ensure that the protection of the species is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species. It is considered necessary for this to be a pre-

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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.

14) No development shall commence until a Landscape and Ecological Management Plan (LEMP) setting out measures to ensure the delivery and long-term management of open spaces, boundary trees and hedgerows, and the establishment of new habitats and areas of ecological value, has been submitted to and been approved in writing, by the Local Planning Authority. The LEMP shall be prepared in accordance with the ecological mitigation, compensation and enhancement measures within the Ecological Appraisal by the Landmark Practice dated October 2021 and the Technical Note by Holbury Consultancy Service dated November 2022 regarding SAC bat species unless an alternative is agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the measures included in the LEMP, including timing and any phasing arrangements, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for enhancement of the nature conservation value of the site in line with national planning policy.

15) No development shall commence until a detailed lighting mitigation scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the development shall be designed to ensure that artificial light shall not exceed thresholds from the Institution of Lighting Professional's, 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)', in respect of the Environmental Zone relevant to the site.

The scheme shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development.

The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained, in accordance with the approved details.

Reason: In the interests of amenity and to protect residents from light pollution.

16) Notwithstanding that 'layout' and 'landscaping' are reserved matters on this application, the subsequent reserved matters details to be submitted for approval by the Local Planning Authority shall incorporate the following mitigation measures and ecological enhancements:

- species rich wildflower meadow grass planting
- filling gaps in tree lines and hedgerows with native species
- SuDS wetland habitat
- the provision of bat brick/boxes to be installed into the dwellings and bird boxes to be installed within the retained trees on site
- the installation of bird boxes
- the provision of 2 no. log piles as hibernacula for reptile mitigation

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- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.
- hedgehog nesting boxes included across the site

Reason: In the interest of conserving and enhancing biodiversity.

17) **Before commencement of works to remove the culvert** on the northern site boundary a water vole survey shall be carried out 20 metres each side of the culvert and the results of that survey including any necessary mitigation shall be submitted to and be agreed in writing by the Local Planning Authority.

Reason: To ensure the works do not destroy, damage or compromise protected species habitat.

18) **No part of the development shall be first occupied** until such time as a timetable covering the construction of the vehicular and non-vehicular accesses serving the development has been submitted to and been approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed in accordance with the approved timetable with the vehicular access details shown on the drawing titled Proposed Site Access Ghost Island Right Turn Arrangement and numbered A355-007 P1.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

20) **No part of the development shall be first occupied** until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site pedestrian access points onto Marsh Lane, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety

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

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

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

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

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

24) Prior to or in conjunction with the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and be approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment & Drainage Strategy dated 22nd August 2022. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
- Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes
- Follow the drainage hierarchy through the completion of winter groundwater monitoring and winter percolation testing to BRE 365 standards

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 of the Chichester Local Plan.

25) Development shall not commence until details and a method statement for interim and temporary drainage measures during the construction phase has 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.

26) No development shall commence on the Sustainable Urban Drainage System (SuDS) until full details of the maintenance and management of the SuDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. The SuDS drainage system 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.

Upon completed construction of the SUDS system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual, including the approved access and maintenance details for any watercourse or culvert.

Reason: To ensure 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.

27) All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 22nd August 2022), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan

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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) 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.

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

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

5) The developers attention is drawn to the letter dated 27/09/22 from Southern Water regarding establishing with Southern Water the exact position of the public foul sewer on the site before the layout of the development is finalised.

6) The applicant is required to obtain all appropriate consents from 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.

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7) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

8) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

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) 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. It is advised to discuss proposals for any works at an early stage of proposals.

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

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH4LPFER0ZU00>

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Chichester District Council Planning Committee

Wednesday 06 March 2024

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

between 17-01-2024 - 13-02-2024

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site

To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* = Committee level decision

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>23/02601/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Rebecca Perris Written Representation	Beach House Barn Walk East Wittering Chichester West Sussex PO20 8DG Proposed single-storey side extension, full property renovation, elevational and boundary wall amendments to the existing property.
<u>22/02194/ELD</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	The Coach House Oak Lane Shillinglee Plaistow West Sussex GU8 4SQ Existing lawful development certificate for the change of use of agricultural land to mixed use of business activities and private amenity land applicable for sui generis status.
<u>23/02682/ELD</u>	
Plaistow And Ifold Parish Case Officer: Freya Divey Written Representation	Land To The North Of Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Existing lawful development - use of land for private amenity, storage and business use.

Reference/Procedure	Proposal
<u>23/02738/PLD</u>	
Plaistow And Ifold Parish Case Officer: Freya Divey Written Representation	Land To The North Of The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Replacement shed.
<u>23/00732/DOM</u>	
West Itchenor Parish Case Officer: Vicki Baker Written Representation	Oldfield House Itchenor Road West Itchenor Chichester West Sussex PO20 7AB Single storey rear extension to existing garage/annexe.

2. DECISIONS MADE

Reference/Procedure	Proposal
<u>21/01830/OUT</u>	
<p>Birdham Parish Case Officer: Andrew Robbins</p> <p>Public Inquiry 12-Sep-2023 Oaklands Pavilion</p>	<p>Land Off Main Road Birdham Chichester West Sussex PO20 7HU</p> <p>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.</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>The appeal is allowed and outline planning permission is granted 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 at Land off Main Road, Birdham PO20 7DR in accordance with the terms of the application, Ref 21/01830/OUT, dated 7 June 2021, subject to the conditions in the attached schedule. ... The main issues are:</p> <ul style="list-style-type: none"> o The effect of the proposed development on the landscape, character and appearance of the area; o Whether the development would be in a suitable location having regard to access to services and facilities and the scale of the proposal; o Whether the development could ensure suitable provision for drainage infrastructure; o Whether the development provides sufficient contributions towards infrastructure, with particular reference to the strategic highway network comprising improvements to the A27; and o Five year housing land supply and its policy implications The appeal site is reasonably well enclosed by existing established vegetation. ... Whilst there are some more open areas and some gaps along the site boundaries, it is read as a fairly well enclosed single parcel of land. ... I consider that the main visual and character impacts will be short range, from the adjacent public rights of way and Main Road. ... The proposal would therefore introduce a consolidated form of development into an area which at present, is characterised by more sporadic properties and commercial enterprises ... Nevertheless, I have had regard to the location of the existing properties sited close to the appeal site, ... As such, I find that the development of the appeal site would not be completely at odds with the character and appearance of the area and, with sensitive and careful design and layout, would assimilate into the existing built form to an acceptable degree. ... The appeal site itself is not located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) however adjoins it. ... I find that the proposed development could be carried out in a way which would not be detrimental to the setting, character or enjoyment of the AONB, subject to appropriate landscaping and design of the properties themselves. ... the majority of the site boundary trees and hedgerows would be retained. In addition, further planting and substantial green infrastructure would be introduced i ... the land comprises Grade 2, Grade 3a and Grade 3b. Grades 2 and 3a are categorised as being best and most versatile (BMV) agricultural land ... there would be a loss of good quality agricultural land however this would amount to a relatively small area ... I find that the proposed development could be successfully assimilated into the landscape, 	

subject to a robust and careful landscaping scheme and a sensitive layout and design. ... proposals meet the highest standard of design, are in keeping with and protect the character of the surrounding area and its setting in the landscape, conserve and enhance the natural beauty, local distinctive features, character and special qualities of the AONB and contribute towards the provision of additional green infrastructure, ... Within Birdham facilities and services include a convenience store, located opposite the appeal site, garden centres and café's, a recreation field and club, a petrol station with small shop and a primary school. There is also a business park which may provide opportunity for employment, ... These demonstrate that there are reasonable opportunities for access to a number of facilities by foot or cycle There are existing bus services between Birdham and Chichester, amongst other places ... In addition, the development would include a number of highway improvements and links ... whilst the proposed development would exceed the indicative number of 50 dwellings in Policy 5 and would not meet the criteria within Policies 2 and 45 of the Local Plan or Policies 12, 13, 14 and 15 of the BPNP, I find that the level of services in Birdham, as well as the accessibility to wider facilities and services in Chichester and further afield, mean that Birdham is a suitable location for new development. ... The appeal site is located within an area classed as Flood Zone 1. ... The data used identifies the appeal site as being at a negligible risk of groundwater flooding ... A number of local residents raised concerns in relation to the impacts upon their homes from flood related issues previously ... it has not been demonstrated that the proposed development would result in significant increases in the volume water flows to this point to exacerbate these issues ... in relation to the concerns over foul water drainage and previous issues faced by the residents, Southern Water have a statutory duty to ensure that the system is satisfactory and fit for purpose and does not lead to issues locally or elsewhere. ... The LLFA's objections related to the details provided as part of the FRA, Surface Water Drainage Strategy and supporting information. ... I am satisfied that the level of evidence provided is adequate ... I find that it has been sufficiently demonstrated that the proposed development could achieve a suitable drainage system without resulting in adverse impact upon the surrounding area. ... Whilst the appeal proposal in isolation would not result in a severe impact on the highway network, the Council have considered that the cumulative impact on the highway network gives rise to the need for mitigation contributions. ... The Council have prepared a draft A27 Chichester Bypass Mitigation Supplementary Planning Document¹⁹ (August 2023) ... I also acknowledge that the current policy is not sufficient to meet the costs arising in relation to the required works. However, this and its evidence base has not been formally or fully tested as part of an adoption or local plan process the documents provided to date do not provide a sufficient amount of detail of the works required and how the contributions would be used to meet the necessary tests. ... Accordingly, I find that the lower contribution, contained within the submitted unilateral undertaking is justified and meets the tests ... At the Inquiry, the parties agreed that there was a shortfall in the Council's five year supply of deliverable housing sites ... the Council's calculated position of 4.65 years in contrast with the Appellant's position of 3.9 years. ... The new National Planning Policy Framework (2023) was published on 19 December 2023 which included changes to the five-year housing land supply requirements, The comments received from the parties in relation to this new version considered that the new arrangements relating to the need for only a 4 year supply of housing land applies to the Council. ... The new National Planning Policy Framework (2023) was published on 19 December 2023 which included changes to the five-year housing land supply requirements, The comments received from the parties in relation to this new version considered that the new arrangements relating to the need for only a 4 year supply of housing land applies to the Council.

The Council therefore are of the view that they can now demonstrate a sufficient supply of housing land as their calculations exceed the 4 years. The Appellant agreed that the 4 year requirement applies however, as they consider the housing land supply to be 3.9 years, they state that the Council still cannot demonstrate a sufficient supply and therefore the tilted balance still applies. ... However, although I do not dispute the Council's revised position going forward, transitional arrangements have been put in place and Footnote 79 states that the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework, and which refers to the 4 year change, should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework. Consequently, notwithstanding the new position, the transitional arrangements mean that in this particular case, as it was originally submitted prior to the 19 December 2023, the original housing land supply requirements apply. ... , I find that the provisions within Footnote 7 in respect of flood risk do not apply in this instance and therefore the tilted balance applies. ... Consequently, it has been demonstrated that, in this case, there is a shortfall in the Council's five year housing land supply and accordingly the proposed development would make a contribution to the housing need. I will return to this and the weight that it should carry in the following planning balance section. ... I am satisfied that it has been demonstrated that there would not be an unacceptable impact on highway safety or that the cumulative impacts on the highway network ... The appeal site is within the 5.6km Zone of Influence of the Chichester and Langstone Harbours Special Protection Area (SPA) ... the proposed development would not conflict with the Habitats Regulations and the mitigation measures and contributions would ensure that there would be no adverse impact upon the integrity of the SPA ... I acknowledge that there would be a loss of BMV agricultural land, carry limited weight. some impacts in terms of the landscape and visual effects, carry limited weight... he criteria listed within the IPS document and find that of the 13 listed criteria that are relevant to this case²⁹, the proposed development would comply. ... The proposed development would also result in a number benefits. It would provide up to 150 dwellings including affordable housing which I give significant weight ... economic benefits, employment opportunities during the construction period, moderate weight ... Biodiversity Net Gain, moderate weight ... proposed improvements and additions to the pedestrian and cycle networks, Significant weight... open space, moderate weight.. As a result of the transitional arrangements of the new NPPF, and my findings in relation to the flood risk references in Footnote 7, I conclude that in this case the tilted balance applies. I therefore conclude that, in this case, the harms arising from the proposed development and the identified policy conflicts, and therefore the conflict with the development plan as a whole, are significantly and demonstrably outweighed by the identified benefits. Nevertheless, in any case were the transitional arrangements considered not to apply in this case and the flat balance was therefore applicable, given the limited levels of harm arising from the proposal, I consider the benefits would represent material considerations which would outweigh the development plan conflict in this instance. ...

Reference/Procedure	Proposal
<u>22/01410/OUT</u>	
<p>Chidham & Hambrook Parish Case Officer: David Cranmer Public Inquiry</p>	<p>Land North Of Aviary Close, East Of Hambrook Hill South Hambrook Chidham West Sussex</p> <p>Outline planning application (with all matters reserved except access) for the erection of up to 30 dwellings (Use Class C3), public open space, parking, drainage and associated infrastructure, landscape, ancillary and site preparation works.</p>
Appeal Decision: APPEAL WITHDRAWN	
Appeal Withdrawn.	

Reference/Procedure	Proposal
<u>22/02539/DOM</u>	
<p>Earnley Parish Case Officer: Emma Kierans Written Representation</p>	<p>Earnley Place Clappers Lane Earnley West Sussex PO20 7JL</p> <p>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.</p>
Appeal Decision: APPEAL DISMISSED	
<p>The three linked appeals relate to proposals at Earnley Place and within its grounds, a Grade II listed building. In view of the close relationship between them, this decision letter deals with all three to avoid unnecessary repetition... The extent of glazing would be particularly noticeable with the proposed reduction in the height of the boundary wall. The introduction of these modern materials would appear incongruous set against the eastern elevation. This would be to the detriment of the modest and utilitarian appearance of this side of the house. Instead of it having the appearance of a working entrance with outbuildings associated with storage and gardening, there is every possibility that it would effectively become the main entrance to the house. This would diminish the importance of the historic front door and porch on the southern elevation to the detriment of its significance... I therefore consider that the proposed alterations to the wall and the introduction of glazed extensions between the wall and the eastern elevation of the house would be unacceptable, harming... Nevertheless, in my view, the amended scheme would be too large, dominating the rear of the house and obscuring the original proportions and scale of this spacious 18th century dwelling. The extension would have the effect of shifting the most important rooms in the house from the southern to the northern range to the detriment of its overall character... In my view the cumulative effects of the size, proportions, detailing, and materials proposed for the orangery would harm the special architectural and historic interest of the listed building.... Drawing the threads of my assessment together, I conclude that the following elements of the proposal would be unacceptable: i) the replacement extensions on the eastern elevation and the associated lowering of the boundary wall, ii) the orangery on the northern elevation, iii) the insertion of a door from the hallway into the sitting room (between rooms 5 and 6), iv) and the insertion of two bathrooms to serve the rooms in the southern range of the second floor. Both individually and collectively the proposed development and works would fail to preserve the special architectural interest of the Grade II listed building... Even though it is not prominent or highly visible from public viewpoints, it positively contributes to the character of the area due to its location and the extent of its garden and grounds. Its eastern elevation and sections of the garden wall can be glimpsed from the street from where the status and importance of the house in this context is readily apparent. Therefore, any harm to the listed building would in turn be harmful to the character and appearance of the ECA... This leads me to conclude the public benefits of the proposal would not outweigh the harm to the designated heritage assets... For the reasons set out above, I find that the proposals within Appeals A, B and C are unacceptable due to their failure to conserve heritage assets in a manner appropriate to their significance, contrary to the 1990 Act, the development plan and the advice of the Framework 2023.</p>	

Reference/Procedure	Proposal
22/02540/LBC	
<p>Earnley Parish Case Officer: Emma Kierans Written Representation</p>	<p>Earnley Place Clappers Lane Earnley West Sussex PO20 7JL</p> <p>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.</p>
Appeal Decision: APPEAL DISMISSED	
See above.	

Reference/Procedure	Proposal
<u>22/02662/FUL</u>	
<p>Earnley Parish Case Officer: Emma Kierans Written Representation</p>	<p>Earnley Place Clappers Lane Earnley West Sussex PO20 7JL</p> <p>Demolition of existing pavilion outbuilding and erection of 1 no. dwelling with basement, detached garage and swimming pool. New vehicular access and associated works.</p>
Appeal Decision: APPEAL DISMISSED	
See above.	

Reference/Procedure	Proposal
20/00414/CONHH	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry 20-Feb-2024 CDC East Pallant House 1 East Pallant, Chichester, PO19 1TY	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against Enforcement Notice PS/71.
Appeal Decision: APPEAL WITHDRAWN	
Appeal Withdrawn.	

Reference/Procedure	Proposal
21/02895/FUL	
<p>Selsey Parish Case Officer: Emma Kierans Written Representation</p>	<p>The Boulevard 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA</p> <p>Retention of canopy to shopfront.</p>
Appeal Decision: APPEAL DISMISSED	
<p>The main issue is the effect of the canopy on the character and appearance of the area...The edges of the canopy are not all properly supported and are subject to warping and bending which indicates a lower quality build than is to be expected at the front of a building in the public realm. The resulting irregularities along the edges, together with the pale surface and the extent of projection emphasis its incongruous appearance. For these reasons the way the canopy appeared at the time of my visit does not amount to good design...As existing at the time of my visit I consider the canopy is harmful to the appearance of the street scene and harms views towards the CA. Due to the scale and position of the proposal, the harm to the setting in which the CA is appreciated is less than substantial, nevertheless it is real and enduring... The canopy provides a well-ventilated customer seating area; the additional seating provides a valuable community resource, helps the viability of the business, helps secure some 50 full and part time jobs and increases spending in the local economy. These are matters of great weight but could be achieved in a less harmful way. I conclude the public benefits do not outweigh the harm caused to the setting in which the CA and Selsey Cottage are experienced...In failing to comply with Policies 40 and 47 of the LP and Policies 001 and 002 of the NP the canopy cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations to outweigh this conflict. The appeal should be dismissed</p>	

Reference/Procedure	Proposal
<u>20/01192/FUL</u>	
West Wittering Parish Case Officer: Martin Mew Written Representation	Edelsten Cottage 2 Marine Drive West Wittering PO20 8HE Demolition of single dwelling house and construction of development comprising 4 no.2 bed flats, new access and associated works.
Appeal Decision: APPEAL DISMISSED	
<p>“...the two storey element would be some 1.7m forward of the front Lanka Court building and noticeably higher. The three storey element would be about halfway back from the front of the two storey Lanka Court building. Although not dissimilar in height, apart from the higher Lanka Court water tank, it would be well forward of the three storey Lanka Court building and significantly wider as viewed from the street and so would be much more prominent....This part of Marine Drive is mostly characterised by lower buildings, including the appeal site, the adjacent two storey flat roof building and chalet bungalows which generally reduce in height from the more commercial Shore Road towards the park. The height, scale and massing would be harmfully incongruous within the heights of the surrounding buildings. This would be exacerbated by the positioning forward of the neighbouring block of flats making the proposal even more prominent in views along Marine Drive even though the trees in the park would screen the proposed development from some views. The combined height, scale, mass and position would result in a building out of scale and harmfully at odds with the local street scene. The proposal would therefore harm the character and appearance of the area. Consequently, it would be contrary to Policy 33 of the Chichester Local Plan Key Policies 2014- 2029 (2015) (the LP), Policy WW1 of the NP, and those principles of the Framework that together require development to meet the highest standards of design, add to the overall quality of the area and be sympathetic to local character. The Council has an agreed mitigation strategy and a signed agreement under s106 of the Town and Country Planning Act 1990 as amended makes provision for the payment of a Recreation Disturbance Mitigation Contribution. However, in view of my conclusions on the main issue it is not necessary for me to undertake an Appropriate Assessment under the Regulations or to consider these matters further. Nor do I need to further consider the s106 obligations in respect of a contribution towards off site highway capacity improvements or the requirement of restricting occupancy to Principal Residences arising from Policy WW5 of the NP.”</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>22/01164/FUL</u>	
Birdham Parish Case Officer: Emma Kierans Written Representation	Upper Creek End Westlands Lane Birdham West Sussex PO20 7HH Alterations to existing 2 no. flats to create 1 no. detached house and construction of 1 no. dwelling, detached and associated works
<u>22/02502/FUL</u>	
Bosham Parish Case Officer: Sascha Haigh Written Representation	Land North Of Southfield House Delling Lane Bosham West Sussex PO18 8NN Change of use of poultry buildings to form 1 no. new dwelling, including partial demolition of existing garage, landscaping and associated works.
<u>22/03202/FUL</u>	
Chichester Parish Case Officer: Rebecca Perris Written Representation	2 The Gardens College Lane Chichester West Sussex PO19 6PF Construction of building for student accommodation.
<u>23/00209/OPEDV</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Informal Hearings	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/60
<u>21/00323/CONMHC</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Informal Hearings	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/59
<u>23/00117/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Cheraw Nursery 134 Almodington Lane Almodington Earnley West Sussex PO20 7JR Demolition of 2 no. outbuildings and existing stables and erection of 1 no. dwelling.

Reference/Procedure	Proposal
<u>23/01373/FUL</u>	
Earnley Parish Case Officer: Eleanor Midlane-Ward Written Representation	Land Rear Of 114 Second Avenue Batchmere Chichester West Sussex PO20 7LF Retrospective application for 1 no. tennis court and associated fencing.
<u>22/02444/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Informal Hearings 25-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	1 Maple Field South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex Use of land as a single private travelling showperson's site.
<u>22/02995/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Sascha Haigh Written Representation	Northside The Parade East Wittering Chichester West Sussex PO20 8BL Redevelopment to provide 2 no. commercial units, 5 no. one bedroom flats and 2 no. two bedroom flats and 1 no. three bedroom flats above.
<u>23/01064/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Informal Hearings	Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE Change of use of land as a travellers caravan site consisting of 3 no. pitches and associated development.
<u>23/01504/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Rebecca Perris Informal Hearings 25-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	Land South Of 1 Field Maple Bracklesham Lane Chichester Bracklesham PO20 7JE Change of use of land as proposed single travelling showperson site.

Reference/Procedure	Proposal
<u>23/00237/CONCOU</u>	
East Wittering And Bracklesham Parish Case Officer: Andrew George Informal Hearings 23-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	Land Adjacent Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex Appeal against EW/53
<u>23/00031/CONHH</u>	
East Wittering And Bracklesham Parish Case Officer: Mr Michael Coates-Evans Written Representation	Casa Jano 6 Beech Avenue Bracklesham Bay Chichester West Sussex PO20 8HU Appeal against EW/52
<u>22/02347/DOM</u>	
Fishbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	Linden Lea 49 Salthill Road Fishbourne West Sussex PO19 3QD Demolition of existing attached garden store. Construction of a two storey side extension and lean-to, and associated works. Replacement garden store/garage (revision to permitted 20/01576/DOM - revision of roof design).
<u>22/02542/FUL</u>	
Fishbourne Parish Case Officer: Calum Thomas Written Representation	Land North Of Godwin Way Fishbourne West Sussex The development of 4 no. new dwellings (3 no. 3-beds and 1 no. 2 beds) including the provision of a new vehicular access onto Blackboy Lane, a new pedestrian crossing on Blackboy Lane, parking, landscaping and all other associated works.
<u>22/02821/FUL</u>	
Fishbourne Parish Case Officer: Sascha Haigh Written Representation	112 Fishbourne Road West Fishbourne West Sussex PO19 3JR 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.

Reference/Procedure	Proposal
<u>22/00438/FUL</u>	
Hunston Parish Case Officer: Emma Kierans Written Representation	Grist Farm Pagham Road Roundabout Hunston West Sussex PO20 1JL Stationing of a mobile home as ancillary accommodation in connection with Grist Farmhouse (part retrospective).
<u>20/00005/CONMHC</u>	
Hunston Parish Case Officer: Sue Payne Written Representation	Grist Farm Hunston Chichester West Sussex PO20 1JL Appeal against HN/31
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>22/01216/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Loxwood Hall Guildford Road Loxwood West Sussex RH14 0QP Erection of dwelling with associated parking, landscaping and ancillary structures.
<u>22/01565/ELD</u>	
Loxwood Parish Case Officer: Emma Kierans Informal Hearings	Loxwood Farm Brewhurst Lane Loxwood West Sussex RH14 0RJ Existing lawful development use of land as garden curtilage.
<u>22/02372/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Old School House Vicarage Hill Loxwood West Sussex RH14 0RG Demolition of the Old School House. Construction of 3 no. dwellings with car parking and alterations to vehicle access.
<u>21/03448/OUT</u>	
North Mundham Parish Case Officer: Alicia Snook Informal Hearings 26-Mar-2024 CDC East Pallant House 1 East Pallant, Chichester, PO19 1TY	Land At Streamside Farm North West Of Tumble Cottage Lagness Road Runcton West Sussex PO20 1LD Outline application (with all matters reserved except Access) for the development of up to 30 dwellings; provision of public open space/play area; landscaping; and modification of existing access.

Reference/Procedure	Proposal
<u>22/00185/CONENG</u>	
North Mundham Parish Case Officer: Sue Payne Written Representation	Land Adjacent To The Spinney Pagham Road Runcton West Sussex Appeal against NM/30
<u>23/00188/FUL</u>	
Oving Parish Case Officer: Jeremy Bushell Written Representation	Land Off Longacre Way Chichester West Sussex PO20 2EJ Erection of apartment building (87 units), including Class E floor space, with associated car parking, bike stores, landscaping and utilising existing access.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>22/02871/FUL</u>	
Selsey Parish Case Officer: Sascha Haigh Written Representation	107 East Beach Road Selsey Chichester West Sussex PO20 0EZ Demolition of existing 1 no. dwelling and replacement with 1 no. new dwelling.
<u>23/01114/FUL</u>	
Selsey Parish Case Officer: Calum Thomas Written Representation	Cranleigh 36 Park Lane Selsey Chichester West Sussex PO20 0HE Demolition of existing and erection of 1 no. replacement dwelling.
<u>23/00431/FUL</u>	
Sidlesham Parish Case Officer: Freya Divey Written Representation	Land At Oakview Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Erection of L-shaped stable block.
<u>23/00978/FUL</u>	
Sidlesham Parish Case Officer: Rebecca Perris Written Representation	Land North East Of The Honey House Chalder Lane Sidlesham West Sussex Erection of 1 no. additional dwelling.

<u>22/01005/FUL</u>	
Southbourne Parish Case Officer: Freya Divey Written Representation	The Sussex Brewery 36 Main Road Southbourne West Sussex PO10 8AU 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.
<u>22/02927/FUL</u>	
West Itchenor Parish Case Officer: Emma Kierans Written Representation	Sanderlings Spinney Lane Itchenor West Sussex PO20 7DJ Construction of tennis court (alternative to permission 21/03159/DOM).
<u>22/00154/CONHI</u>	
West Itchenor Parish Case Officer: Sue Payne Written Representation	Russett Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DD Appeal against the Council's decision not to issue a remedial notice
<u>22/02390/FUL</u>	
Westbourne Parish Case Officer: Emma Kierans Written Representation	Jubilee Wood Hambrook Hill North Hambrook Westbourne West Sussex PO18 8UL Change of use of land from agricultural to Class B8 for the storage of caravans and motor homes.
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/61
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/60
<u>22/02281/COU</u>	
Westhampnett Parish Case Officer: Vicki Baker Written Representation	Pampas Cottage Claypit Lane Westhampnett West Sussex PO18 0NU Change use of garage and workshop to guest/letting house.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Crouchlands – Lagoon 3, Loxwood	Of Enforcement Notice	Trial on 25 January: Defendant found guilty of the breach. Sentence: £4,000 Fine and our costs of £4,800. The Defendant has appealed both conviction and sentence. Awaiting date from the crown court.
Land South of the Stables, West Ashling	Of Enforcement Notice	Defendant did not attend last hearing. Warrant with Bail issued for 26 March at 2:00pm
Land East of Farmfield Nurseries, Hunston	Of Enforcement Notice	Defendants pleaded not guilty. Trial on 22 May 2024
82a Fletchers Lane	Of Enforcement Notice	Matter adjourned to 27 Feb. as Defendants wanted to seek legal advice.

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7. POLICY MATTERS

South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 17-01-2024 and 13-02-2024

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><u>SDNP/21/00311/GENER</u> Lurgashall Parish Council</p> <p>Case Officer: Andy George</p> <p>Written Representation</p>	<p>Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG/22</p>
<p><u>SDNP/21/00311/GENER</u> Lurgashall Parish Council</p> <p>Case Officer: Dan Hammerton</p> <p>Written Representation</p>	<p>Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG/22</p>
<p><u>SDNP/21/04270/FUL</u> Fittleworth Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Amen Wood Yard Fitzleroi Lane Fittleworth RH20 1JN - Erection of workshop, office and associated parking.</p>
<p><u>SDNP/23/01616/FUL</u> Lurgashall Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Park Farm Dial Green Lane Lurgashall West Sussex GU28 9EU - Stationing of 1 no. mobile home within existing agricultural building.</p>

<p>SDNP/23/01156/HOUS Graffham Parish Council</p> <p>Case Officer: Jemma Frankland</p> <p>Householder Appeal</p>	<p>The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Replacement of existing attached garage and erection of 2 storey extensions together with veranda and balconies.</p>
<p>SDNP/23/01157/HOUS Graffham Parish Council</p> <p>Case Officer: Jemma Frankland</p> <p>Householder Appeal</p>	<p>The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Erection of detached garage/workshop.</p>

2. DECIDED

<p>SDNP/21/03679/FUL Compton Parish Council Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Compton Farmhouse Church Lane Compton PO18 9HB - Retrospective installation of a single run of underground drainage piping.</p>
Appeal Decision: APPEAL ALLOWED	
<p>The appeal site comprises part of Compton Farm, which is located on the north-eastern edge of Compton village. Compton Farm contains an attractive farmhouse and traditional farm buildings which have previously been converted into holiday accommodation. The underground drainage piping, the subject of this appeal, is located in a field to the north of the site, near to the building known as The Bull Pen. This field encloses the farm, separating it from field parcels to the north and an area of woodland to the east. ... It is imperceptible from both Public Footpath 546 to the west and north of the site and Public Bridleway 543 to the east of the site. Accordingly, the piping has had a neutral effect on the character and appearance of the area. ... I therefore find that the development has had an acceptable effect on the character and appearance of the area, having particular regard to the appeal site's location within the South Downs National Park. ... Due to the underground nature of the drainage piping, it does not affect the setting or significance of the nearby listed buildings, including Compton Farmhouse and the Barn at Compton Farm to the east of the farmhouse (both Grade II listed buildings) and the Parish Church of St Mary (a Grade II* listed building). For the same reasons, it does not affect the setting of the adjacent conservation area.</p>	

SDNP/21/04688/FUL Bury Parish Council Case Officer: Beverly Stubbington Written Representation	Stane Lodge Bury Gate Bury RH20 1HA - Demolition of existing dwelling and garage and erection of replacement dwelling, garage with tennis court.
Appeal Decision: APPEAL ALLOWED	
To be provided on the update sheet to Planning Committee.	

<p>SDNP/22/05020/HOUS Funtington Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>6 Heather Close West Ashling West Sussex PO18 8DR - Proposed rear dormer with internal alterations.</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>Policy SD31 - proposal does not increase the floorspace of the existing dwelling by more than approximately 30% unless there are exceptional circumstances. ... No 6 was originally a 2-bedroom house. The Local Planning Authority have calculated that the Gross Internal Area (GIA) of No 6 in 2002 was approximately 70.7 square metres, and that, due to a 2-storey extension which was granted planning permission in 2014, No 6 currently has a GIA of more than 120 square metres.... As the proposed rear dormer with internal alterations would result in habitable accommodation in the loft, the proposed development would further increase the floorspace of No 6 beyond the 30% threshold referred to in Policy SD31. The conflict with Policy SD31 would thereby undermine the aspiration to protect the limited supply of small and medium-sized homes in the National Park,... I therefore find that the proposed development would have an unacceptable and harmful effect on the character of No 6 ... The proposed rear dormer would project close to the maximum ridge height of No 6 and it would span a considerable proportion of the total width of the roof. It would also have a sizeable depth in comparison with the central part of No 6 to which it would be attached. ... the scale proposed it would unduly dominate the roof, thereby undermining its simple form, referred to above... not alter the impact of the proposed development on the appearance of No 6 itself, which would be visible from the gardens of nearby properties on Heather Close and in glimpsed views between buildings from Down Street. ... I therefore find that the proposed development would have an unacceptable and harmful effect on the appearance of No 6. It would conflict with part 1. f) of Strategic Policy SD5 of the Local Plan which provides that, amongst other things, development proposals should utilise architectural design which is appropriate and sympathetic to its setting. ... The proposed development would also conflict with paragraph 135 b) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are visually attractive as a result of good architecture. ... Given the adverse impacts identified on both main issues, the proposed development would not assist in meeting the purposes of the National Park, referred to in part 2. of Core Policy SD1 of the Local Plan. None of the matters advanced in support of the proposed development would outweigh the conflict with the development plan identified, nor do they indicate that the development plan should not be followed.</p>	

3. CURRENT APPEALS

<p><u>SDNP/22/01619/FUL</u> Compton Parish Council</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</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><u>SDNP/19/00375/BRECO</u> Stedham With Iping Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26</p>
<p><u>SDNP/22/03441/LIS</u> Kirdford Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Scrub House Farm Cottage Crimbourne Lane Kirdford West Sussex RH14 0HX - Construction of link to join house with annex.</p>
<p><u>SDNP/22/03718/CND</u> Milland Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</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><u>SDNP/22/03527/FUL</u> Bury Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</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>
<p><u>SDNP/22/02936/HOUS</u> Kirdford Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Scrub House Farm Cottage Crimbourne Lane Kirdford West Sussex RH14 0HX - Construction of link to join house with annex.</p>

<p>SDNP/23/00115/FUL Lodsworth Parish Council Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land North of North Court Gills Lane Petworth Lodsworth GU28 9BY - Erection of boundary fence with 1 no. double gate.</p>
<p>SDNP/22/03964/HOUS Midhurst Town Council Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>41 Elmleigh Midhurst West Sussex GU29 9EZ - Rear first floor roof dormer extension, 3 no. rooflights to front elevation.</p>
<p>SDNP/21/00311/GENER Lurgashall Parish Council Case Officer: Andy George</p> <p>Written Representation</p>	<p>Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG/22</p>
<p>SDNP/21/00311/GENER Lurgashall Parish Council Case Officer: Dan Hammerton</p> <p>Written Representation</p>	<p>Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG/22</p>
<p>SDNP/21/04270/FUL Fittleworth Parish Council Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Amen Wood Yard Fitzleroi Lane Fittleworth RH20 1JN - Erection of workshop, office and associated parking.</p>
<p>SDNP/21/00526/GENER Lodsworth Parish Council Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Erickers The Street Lodsworth Petworth West Sussex GU28 9BZ Appeal against LD/17</p>
<p>SDNP/22/04387/CND Fernhurst Parish Council Case Officer: Jenna Shore</p> <p>Householder Appeal</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><u>SDNP/23/00001/UNCM</u> Bury Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Roman Mile Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1HQ - Appeal against BG/6</p>
<p><u>SDNP/21/00062/UNCM</u> Compton Parish Council</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/11</p>
<p><u>SDNP/20/00510/GENER</u> Lurgashall Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Dickhurst Lodge Petworth Road Lurgashall Haslemere West Sussex GU27 3BG - Appeal against LG/23</p>
<p><u>SDNP/20/00622/GENER</u> Stoughton Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Green Lanes Farm Back Lane Forestside Stoughton West Sussex PO9 6EB - Appeal against SO/15</p>
<p><u>SDNP/21/00367/COU</u> Compton Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Land East of Noredown Way West Marden West Sussex - Appeal against CP/10</p>
<p><u>SDNP/22/03021/FUL</u> Lavant Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Land at Lavant Pumping Station Lavant Down Road Mid Lavant Chichester West Sussex - Installation of solar panels.</p>
<p><u>SDNP/23/02896/LDE</u> Bury Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</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>SDNP/23/00351/HOUS Midhurst Town Council</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>Ivy Bank Carron Lane Midhurst West Sussex GU29 9LB - Demolition works and erection of single and two storey house extensions.</p>
<p>SDNP/23/00540/LDE Lodsworth Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</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>SDNP/22/00156/GENER Duncton Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Rose Cottage High Street Duncton Petworth West Sussex GU28 0LB - Appeal against DN/6</p>
<p>SDNP/22/00340/COU Northchapel Parish Council</p> <p>Case Officer: Andy George</p> <p>Written Representation</p>	<p>Willow Spring Farm Hillgrove Lane Northchapel Petworth West Sussex GU28 9EN - Appeal against NC/17</p>
<p>SDNP/23/01616/FUL Lurgashall Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Park Farm Dial Green Lane Lurgashall West Sussex GU28 9EU - Stationing of 1 no. mobile home within existing agricultural building.</p>
<p>SDNP/23/01156/HOUS Graffham Parish Council</p> <p>Case Officer: Jemma Frankland</p> <p>Householder Appeal</p>	<p>The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Replacement of existing attached garage and erection of 2 storey extensions together with veranda and balconies.</p>
<p>SDNP/23/01157/HOUS Graffham Parish Council</p> <p>Case Officer: Jemma Frankland</p> <p>Householder Appeal</p>	<p>The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Erection of detached garage/workshop.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS