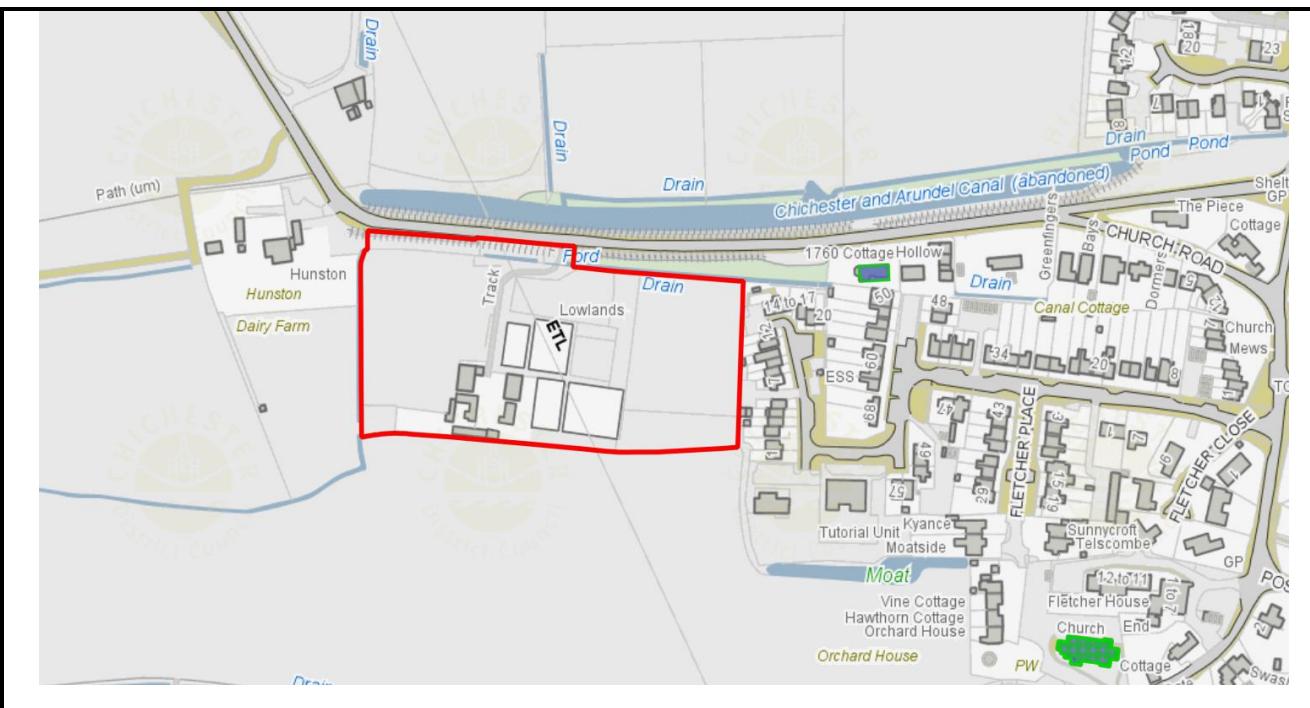


Parish: North Mundham	Ward: North Mundham And Tangmere
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NM/20/01686/FUL

Proposal	Erection of 39 no. dwellings and associated development, including landscaping, highways and parking.		
Site	Former Lowlands Nursery Lagness Road North Mundham PO20 1EP		
Map Ref	(E) 487108 (N) 102274		
Applicant	Sunley Estates Ltd	Agent	Ms Rhiannon Jones

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



NOT TO
SCALE

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1.0 Reason for Committee Referral

Officer's Recommendation significantly contrary to Development Plan

2.0 The Site and Surroundings

- 2.1 The 2.1ha application site is located to the west of the village of North Mundham and within the countryside in policy terms. The eastern boundary of the site immediately abuts the Settlement Boundary of North Mundham, as set out in the adopted Local Plan.
- 2.2 The application site is a former plant nursery. The site comprises derelict glasshouses and dilapidated buildings associated with the former use of the site as a nursery and open fields that have been sub-divided into paddocks. There is an existing vehicular access from the B2166. Overhead power lines cross over the centre of the site, running north-west to south-east. The site is enclosed on all boundaries by mature native trees and hedgerows. Drainage ditches flow along the northern, western and southern boundaries of the site. The site itself is relatively flat in topography but is set down at a lower ground level from the B2166 to the north by approximately 1.2-1.5m.
- 2.3 The site is bound by the B2166 (Lagness Road) to the north, with agricultural fields beyond. The eastern boundary of the site adjoins residential properties on Alwyn Place, with West Sussex Alternative Provisions College located close to the south-eastern corner of the site. The western boundary adjoins the rear garden and pastoral field of Hunston Dairy Farm while the southern boundary adjoins a large open agricultural field. The Chichester Canal is located approximately 580m to the west of the Site. A section of the abandoned and disconnected Chichester and Arundel Canal is located opposite the site on the northern boundary of Lagness Road. The surrounding area is semi-rural in character.

3.0 The Proposal

- 3.1 The proposal seeks full planning permission for the erection of 39 no. dwellings and associated development, including landscaping, highways and parking following demolition of all buildings and structures on the site. The proposal has been amended during the course of the application and has been reduced from the original submission for 41 dwellings.
- 3.2 The proposed development would be accessed by the creation of a new 5.5m wide vehicular access on to the B2166 Lagness Road, with 2m footways on either side. The existing footpath along the B2166 would be re-widened by the removal of vegetation, to re-establish the full useable width. The existing vehicular entrance would be downgraded to a 3.2m wide access for use by pedestrians and cyclists and as an emergency access. It is also proposed to safeguard land to the eastern boundary to facilitate the future provision for pedestrian and cycle links through into Aylwin Place. A total of 98 car parking spaces are shown provided across the site, comprising 91 allocated spaces (including 17 garages) and 7 visitor spaces.

- 3.3 The layout comprises a simple perimeter block structure with most dwellings fronting onto the perimeter road, with a width of 5m reducing down to 4.8m where it becomes shared space. A few properties are accessed via block paved shared driveways, with widths varying between 3.7m and 4.8m. A central landscaped area, comprising informal open space, a 130sqm local area of play (LAP) and two SuDS ponds, one with a boardwalk and 1.2m post and rail fence to either side, and footpaths is located to the east of the main perimeter road as you enter into the site. Eight dwellings front onto this area, with pedestrian access to the front of their properties and courtyard parking to the rear.
- 3.4 The existing power lines, which currently run across the centre of the site in a north-west to south-east direction, are proposed to be diverted and buried within the 6m wide SSE easement, shown to be retained adjacent to the western boundary of the development .
- 3.5 The overall housing mix comprises:
- 2 x 1 bed (2 flats)
 - 14 x 2 bed (11 houses, 1 bungalow, 2 flats)
 - 16 x 3 bed (16 houses)
 - 7 x 4 bed (7 houses)
- 3.6 In terms of the split between market (70%) and affordable (30%) units, the proposal breaks down as follows:
- | Unit size | Private (70%) | Affordable (30%) | |
|--------------|---------------|------------------|------------------|
| | | rent | shared ownership |
| 1 bed | 0 | 2 | 0 |
| 2 bed | 9 | 3 | 2 |
| 3 bed | 12 | 2 | 2 |
| 4 bed | 6 | 1 | 0 |
| TOTAL | 27 | 8 | 4 |
- 3.7 The housing is laid out in two distinct blocks to the east and west of the central area of open space. Based on the whole site area the density of development is approximately 18.5 dph. Taking the residential area alone the density is at 32.4 dph. The predominant appearance of the dwellings will be of traditional materials, presented in a modern vernacular. The fenestration takes a more modern approach, with the size of the glazing and the use of gables and contemporary projected window and porch surrounds have been carried across the development. Some of the dwellings will be treated with contemporary tile hanging, or areas of horizontal boarding and detailed brick work. The majority of the dwellings are designed over two stories with gable ends and of brick construction under slate and plain clay tiled roofs, however one bungalow is proposed in the south-east corner of the site. Darker muted tones are proposed to the window and door framed and soffits and fascia. No road lighting is proposed, only domestic lighting associated with the dwellings.
- 3.8 There is significant mature boundary trees and hedging to all boundaries which will be retained. New planting is also proposed adjacent to the northern, eastern and western boundaries to form a landscape buffer. Adjacent to the southern boundary, a public open space buffer is proposed. Within this buffer is an area identified for a small building housing an electricity sub-station and a larger pumping station building. These buildings have been confirmed to meet the requirements of the statutory undertakers and will be built under permitted development rights.

4.0 History

83/00048/NM	PER	Mobile home.
86/00010/NM	PER	Renewal: Mobile home.
88/00024/NM	PER	Renewal: Mobile home.
90/00038/NM	PER	Mobile home.
92/00032/NM	PER	Mobile home.
99/00186/FUL	PER	Mobile home.
04/03858/REN	PER	Renewal of temporary permission NM/99/00186/FUL. Mobile home.
09/04955/REN	PER	Continuation of use of land for stationing mobile home - renewal of planning permission NM/04/03858/REN.
20/02328/HDG	PER	Creation of three gaps in 2 no. hedgerows, with each gap approximately 5m in width.
20/02527/HDG	PER	Creation of three gaps in 1 no. hedgerow, with each gap approximately 5m in width.

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 North Mundham Parish Council

Comments received 17/11/2020

North Mundham Parish Council has considered the revised layout for this proposal, resulting from the reduction to 39 houses on the site.

It is a longstanding aspiration of the Parish Council to establish a combined footpath and cycleway between North Mundham and Hunston which would allow users to avoid having to negotiate the busy B2166 and its very narrow pavement. We have therefore discussed with the applicant various options for this site to deliver part of such a link. We note that the applicant has made provision to safeguard one such possible route by setting aside a strip of land which might be used, subject to negotiations with adjacent land owners.

Comments received 21/08/2020

North Mundham Parish Council's planning committee considered this application at its meeting on 18 August 2020.

In general, the concept of the proposal, the layout and the details of the proposed development received favourable comment. Some reservations were expressed about the dark tones of the brickwork, but this is to some extent a matter of personal taste. We have two significant areas of concern which we wish to see addressed.

It is clear that much of the success of this proposed development is dependent on maintaining a relationship between the housing, the open spaces which include provision for a sustainable drainage system, and the attention given to boundary treatment and protecting wildlife habitat and biodiversity. We understand that the ongoing upkeep of the site will be the responsibility of a management company. Obviously, it would be disastrous if the management arrangements were not maintained for the life of the development, not just for the appearance of the site but more importantly for the correct functioning of the surface water drainage arrangements and the welfare of the natural environment. We therefore ask that any consent is conditional on robust arrangements being in place for site management for the life of the development.

The naming of the site as Lowlands gives a clear signal to the importance of viable arrangements for dealing with surface water. While we appreciate the attention given to features such as attenuation ponds and permeable paving, the use of the site for housing imposes a more stringent test than the past use of the site for pasture and a limited amount of glasshouse development. We note that drainage authorities have already required reassurance from tests over the winter months to demonstrate that a satisfactory drainage regime can be achieved. We would also note that a more structured approach to drainage may place a higher demand than hitherto on the local ditch network. Recent survey work under the auspices of the Manhood Wildlife and Heritage Group has observed that there is little sign of the ditch system immediately adjacent to the site having been maintained for many years. This reinforces the importance of structured drainage testing and ongoing maintenance of the ditch system as a condition of approval.

6.2 Chichester Harbour Conservancy

The positioning of the proposal would have a wide impact on the character and appearance of the immediate countryside surrounds. The proposal would not have a visual impact on the AONB due to the separation distance from the AONB designated boundary. Given its location approx. 2 miles outside the AONB designated boundary, its countryside setting, and existing landscape screening to the site, the proposal is considered not to be detrimental to the character or the appearance of the Area of Outstanding Natural Beauty (AONB).

Subject to appropriate contributions to the bird aware initiative, the proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection within the AONB.

6.3 Southern Water

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. A condition and informative are requested.

Where a SuDS scheme is to be implemented, the drainage details submitted to the LPA should specify the responsibilities of each party for the implementation of the SuDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.4 Highways England

Comments received 20/11/2020

No objection. Contribution for 39 dwellings would equate to a total of £101,985 (39 dwellings x £2,615/dwelling).

Comments received 3/8/2020

No objection, on the basis that Chichester District Council seeks an appropriate contribution to the A27 Local Plan mitigations in line with the SPD "Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass" of £2,615 per dwelling, which for 41 dwellings equates to £107,215.

6.5 Natural England

Comments received 7/08/2020

Nutrient neutrality does not need to be considered in the Appropriate Assessment as the development will be draining to Pagham WwTW.

Comments received 31/07/2020

Nutrient Neutrality

Further information required to determine impacts on designated sites. 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. This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and

Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria. If so, Natural England's advice is that the nutrient content of the discharge needs to be considered, in combination with other nutrient inputs, for impacts on the receiving site.

Recreational Disturbance

Further information required. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

6.6 Police

Comments received 4/011/2020

Comments in response to the amended plans.

- I note the repositioning of the LAP. Communal areas, such as playgrounds, toddler play areas and seating facilities should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. My main concern would be the lack of natural surveillance from nearby dwellings in its new position.
- With regards to the cycle link/footpath, routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding.
- From a crime prevention perspective there will be a need to ensure that both the sub-station and pumping station are afforded perimeter protection in order to deter unauthorised access into these areas.

Comments received 24/08/2020

With the level of crime and anti-social behaviour in Chichester district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

- The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked.
- Where communal parking occurs it is important that they must be within view of an active room (kitchens & living rooms) within the property.
- Access control to the proposed flats should be implemented into the design and layout to ensure control of entry is for authorised persons only.
- LAP - areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go.
- Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.

6.7 WSCC Highways

Comments received 24/11/2020

No objection subject to recommended conditions and S106 obligation. From the LHA's perspective there would be no changes to our comments from August 2020.

Sustrans Comments

We have reviewed the formal comments by Sustrans to this application. We have looked into this in more detail and we do not consider what Sustrans are requesting is reasonable as it would require works that are outside the control of the applicant and not within the adopted highway and therefore have no reasonable chance of coming forward.

Essentially the NCN 2 runs along Lagness Road and it is requested for the route to go through Fletcher Place then Aylwin Place before joining up with the site and then re-joining Langness Road further to the west. Whilst this would be an attractive cycle route it is beyond the remit of this development site to address this issue and any request to do so would be unreasonable due to the need for works to take place outside the ownership of the applicant. The adopted highway does not abut this site and effectively there is an area of land in private ownership between this site and the adopted highway. Therefore it is considered unreasonable to require this connection through the planning process. Should the re-routing of the NCN2 be achieved the proposed does not preclude it coming forward but it would be subject to land owners permission.

Mindful of the above, discussions have been undertaken with the LHA with regard to the accessibility improvements to the site, namely the proposed footway. Having discussed the matter with the LPA, the LHA would seek that it is constructed as a 3m wide footway with a sum of money secured via S106 for it to be upgraded to a cycle route if connections come on line.

Comments received 19/08/2020

No objection subject to conditions.

Access and Footway

The site access will comprise a new simple priority junction with the B2166, with the existing access to be either closed off or downgraded for use by pedestrians and cyclists only. Visibility splays of 120 metres are achievable to the east and 90 metres tangible splays are achievable to the west. These splays exceed the speed survey results that were recorded. A new footway will be provided to the east of the site with a widths of 1.5 metres, this will provided an accessibility upgrade for future residents of the site

Stage 1 Road Safety Audit (RSA)

A Stage 1 RSA has been undertaken. Some minor amendments have been made to the access arrangements to address some of the matters raised in the Audit (an increase in the junction radii and repositioning of the post and rail fence to the rear of the visibility). All matters raised in the RSA have been addressed and there are no outstanding matters raised through the audit process.

Speed Limit Change

As part of the pre-application discussions the applicant sought LHA comments on reducing the speed limit from the current 60 mph limit to a 30 mph limit. The applicant has indicated they will apply for a change to a 40 mph limit, as part of their S278 submission for the access and footway works. Any traffic calming measures or speed limit changes should be brought forward with West Sussex County Council and in accordance with the relevant policies and procedures for implementing traffic calming schemes and speed limit changes.

Capacity

In terms of traffic movements (based on a development of 50 units), the site is forecast to generate some 25-29 peak hour vehicle movements. The TS demonstrates that the proposed access does not have a severe cumulative residual impact upon the operation of the highway network, and that the traffic forecast to be generated by the proposed development does not exceed the thresholds set out in the WSCC Transport Assessment Methodology. The proposed development would not have a material, let alone severe, impact upon the operational of the local network. The LHA is satisfied that the proposals would not have a 'severe' impact on the adjoining highway network.

Accessibility

The proposed development will undertake improvements to the footway on the southern side of the B2166 carriageway to increase its effective width and will provide financial contributions via CIL that can be used to further enhance local provision. The site has access to regular and frequent bus services from bus stops located some 400m to the east of the site. In addition, frequent peak and off-peak rail services are accessible from Chichester Railway Station some 3.2km to the north of the site; the station can be accessed via the 600 bus service or by bicycle using the primarily off-road National Cycle Network Routes 2 and 88.

Parking and Layout

The layout has been designed in accordance with the principle of Manual for Streets; it provides for a 5m wide access road with footways on either side, before transitioning to a 4.8m wide shared spaced facility. The layout has been subject to a swept path analysis assessment which demonstrates that the site can be suitably accessed by both refuse collection and emergency vehicles. A secondary emergency vehicle access is provided to offer an alternative means of entering the site in the event of an emergency. The LHA are satisfied with the proposed parking arrangements. Car and cycle parking is provided in accordance with the WSCC Guidance on Parking in New Developments guidance.

6.8 WSCC Fire and Rescue

Condition required for additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

6.9 WSCC Lead Local Flood Authority

Current surface water flood risk based on 30year and 100year events - Low Risk
Modelled groundwater flood hazard classification - High Risk
Ordinary Watercourses nearby? - Yes Current Ordnance Survey mapping shows ordinary watercourses running adjacent to the site.
Records of any flooding within the site? No

6.10 CDC Housing Enabling Officer

Comments received 23/11/2020

No objection. The market and affordable mix as shown on the amended plans is acceptable.

Comments received 2/11/2020

The revised plans reduce the overall density from 41 dwellings to 39. Policy 34 of the CLP requires a 30% (11.7 units) affordable housing; the applicant is proposing 12 affordable units which meet this requirement.

Market Housing

The market housing mix is broadly in line with the Chichester HEDNA 2018, with the exception of a 4 bedroom dwelling. The market mix should be amended to replace 1 no. 4 bed unit with a 3 bed unit. North Mundham's existing housing stock does have a larger proportion of 4+ bedroom dwellings (33.7%). The provision of smaller units will generally be more affordable for first time buyers and provide a suitable opportunity for older households to downsize, freeing up larger family units elsewhere in the area. The provision of a 2 bedroom bungalow is welcomed and will be attractive to older households with mobility needs or those looking to downsize.

Affordable Housing

The shared ownership mix has been amended to bring it in line with our previous requirements. The affordable rented mix has been changed to provide 1no. additional 2 bedroom affordable rented dwellings in lieu of a 3 bedroom dwelling. The Council's housing register identifies 5 households with a local connection to North Mundham Parish with a need for a 3 bedroom affordable rented property. The affordable rented mix should revert to what was previously agreed, that is to replace 1no. 2 bed affordable rented unit with a 3 bed affordable rented unit.

Pepper potting and design

The affordable housing is located in 2 clusters of 10 units and 2 units either side of the north-south access road. This is compliant with the Planning Obligations and Affordable Housing SPD and there is a significant enough landscape buffer between these through the SuDS and tree provisions to avoid social exclusion and promote mixed, balanced and sustainable communities. This is further supported by the elevation drawings and the fact that the affordable dwellings appear to not be externally distinguishable from the market dwellings. The affordable units also meet or exceed the nationally described space standards set by the MHCLG, which is welcomed.

To conclude, the Housing Delivery Team is unable to support this application until the market and affordable housing mixes have been amended to meet the above requirements.

Comments received 20/07/2020

This application seeks to deliver 41 residential dwellings. Policy 34 of the CLP requires a 30% affordable housing contribution (12.3 units). The applicant is proposing 12 units which meets this requirement. The 0.3 will be sought as a commuted sum payment of £72,450.

Market Housing

The market housing mix is broadly in line with the HEDNA recommendations. The provision of smaller units will be generally more affordable for first time buyers and provide a suitable opportunity for older households to downsize, which in turn may free up larger family units elsewhere in the area. The provision of 2 x 2 bedroom bungalows is welcomed.

Affordable Housing

The affordable housing mix is in line with HEDNA 2018 requirements. However, the applicant has indicated that they will provide 1 no. 4 bed shared ownership dwelling. The Housing Delivery Team has concerns that a 4 bed low cost ownership dwelling would not be accessible to local households. Recent developments at Maudlin Nursery which saw the provision of 4 bed shared ownership dwellings showed that these took longer than 6 months to sell and went to households who did not have a local connection to the district. Taking this into account, we require that the 4 bed shared ownership dwelling is substituted with a 3 bed dwelling.

Pepper Potting

The Council's adopted Planning Obligations and Affordable requires that no more than 10 affordable units shall be grouped together. The affordable housing plan shows the affordable housing in 2 groups of 8 and 4 dispersed throughout the site and is therefore compliant. The applicant has stated within their planning statement that the affordable dwellings will be indistinguishable from the market dwellings which is welcomed.

Conclusion

To conclude, subject to the applicant's agreement to change the shared ownership dwelling, the Housing Delivery Team raises no objections to this proposal.

6.11 CDC Design Officer

Comments received 23/11/2020

Layout

- The positioning of the landscaping / LAP and SUDS near the entrance of the site is likely to result in a spacious feel and good outlook for the plots lining the main route within the development. During the course of the application this layout has been revised and now provides a more meaningful area of open green space for the development which is considered an improvement.

- The development was initially formed of three cul-de-sacs one of which was considered overly long and disconnected. Whilst it was acknowledged that the size of the development is likely to reduce the ability and need for a connected network of streets it was considered that there was scope to improve upon the initial layout creating more of a perimeter block to the Eastern part of the site. This has been achieved and provides the additional benefit of allowing the development to better address the adjacent main road. It is considered the revised layout is more reflective of how the older existing housing to the East of the site relates to the road (that immediately East of the site backs on the road and is not considered particularly successful) and will allow partial views of the house frontages rather than garden boundaries from the main road. The retention of the mature trees lining the northern boundary of the site is welcomed and will go some way to helping the proposed development visually integrate and providing screening from the road.
- The initial layout provided a number of pedestrian connections from the main spine route of the development into the Eastern side of the site. This provided a good amount of connectivity however resulted in them passing through rear parking courts and was not considered a successful layout for a number of reasons. The revised layout has resolved this creating a more private parking court with passive surveillance whilst retaining a suitable level of pedestrian connections and avoiding the need for pedestrians to pass through the parking area / to the rear of properties. Overall it is considered that parking within the development is well resolved in terms of not dominating the street scene.
- The development has avoided positioning dwellings along the southern edge of the site which is considered appropriate to help maintain a softer edge here with the open country side beyond.

Appearance

- The development has clearly taken a more contemporary approach to the appearance of the dwellings. Much of North Mundham is of varying ages with some older historic properties, however the vast majority are relatively contemporary by comparison. Taking a contemporary approach on this site is therefore considered appropriate and will help continue to reflect the ages of the phased development of North Mundham.
- The local area appears to be characterised by a range of different ages of development however common features throughout appear to include feature gables, chimneys, brick, tile hanging and predominantly red clay tiled roofs (with slate roofs being seen but in fewer numbers). It is considered a number of these features have been identified and used to inform the proposed development.
- It was initially considered that in some locations the proposed material palette could be simplified / improved. The developments adjacent to the site are generally characterised by a simple consistent palette of materials. It is considered this has largely been achieved and is likely to result in a more unified appearance to the development consistent with the nearby housing whilst having contemporary design features of its own. It remains considered that the proposed materials will be a key factor in the success of the aesthetics of the development. It is considered the materials should be conditioned to enable samples to be viewed and assessed prior to the materials being approved.

- The use of brick detailing is considered appropriate and welcomed providing interest without the need to add further variety to the material palette. Given the scale of the drawings it is not currently clear exactly how the brick detail would be executed. In principle the use and positioning of the brick detailing is considered appropriate however it is considered details of the exact pattern / projection should be assessed and agreed by condition.
- During the course of the application it is considered that the pattern and proportions of the fenestrations and glazing bars have been improved providing a more consistent / unified approach both across the development and within individual houses.
- Overall it is considered that throughout the development corner turning properties and those with publicly visible side elevations have been detailed and fenestrated appropriately leaving no blank / poorly detail elevations in key views.

Comments received 09/09/2020

Layout

- Positioning of the landscaping / SUDS near the entrance of the site is likely to result in a successful appearance and outlook but it is considered that useable open green space would be lacking.
- The development has avoided positioning dwellings along the southern edge of the site which is considered appropriate to help maintain a softer edge.
- Appearance of the proposed pumping station is unknown. Consideration needs to be given to this, given its location unscreened on the southern boundary.
- The Western edge of the development is not considered well resolved currently. Wide area of grass appears to have been maintained along this boundary however it is considered this would lack a defined use and good levels of passive surveillance and should therefore be reconsidered. The southern side of plot 41 also has a similar situation.
- The development is currently formed of three cul-de-sacs one of which is considered overly long and disconnected. There is scope to improve upon the current layout. Use of a perimeter block could work on the Eastern part of the site and allow the development to better address the adjacent main road.
- The retention of the mature trees lining the northern boundary of the site is welcomed and will go some way to helping the proposed development visual integrate and providing screening from the road.
- The positioning of plots 33 - 36 appears cramped and the distances between the frontages appear to be very close in terms of overlooking.
- There are a number of pedestrian connections from the main spine route of the development into the Eastern side. This is welcomed in terms of connectivity however it is not considered that the connections are successfully resolved resulting in them passing through rear parking courts.
- Parking within the development is well resolved in terms of not dominating the street scene.
- There are a number of rear gardens within the development which appear shallow in depth or compromised in terms plot shape.

- The development appears largely dominated by detached dwellings. It is considered that this is at odds with the building forms found locally which are predominantly terraces and semi-detached dwellings with some detached housing. It is considered that the existing building types could be better reflected and that this could strengthen some of the street scenes within the development. Keeping a looser building line is considered appropriate along the southern edge of the development.
- It is considered that the current orientation of the proposals represents a good opportunity for the provision of solar PV panels, alongside the other options proposed and are considered a welcomed addition. To successfully work with the appearance of the design the PV panels need to be integrated rather than a later addition.

Apearance

- The development has clearly taken a more contemporary approach to the appearance of the dwellings. Much of North Mundham is of varying ages with some older historic properties, however the vast majority are relatively contemporary by comparison. Taking a contemporary approach on this site is therefore considered appropriate and will help continue to reflect the ages of the phased development of North Mundham.
- The local area appears to be characterised by a range of different ages of development however common features throughout appear to include feature gables, chimneys, brick, tile hanging and predominantly red clay tiled roofs (with slate roofs being seen but in fewer numbers). It is considered a number of these features have been identified and used to inform the proposed development. Given that chimneys are feature through all previous phases of development in North Mundham it is considered that they are currently lacking within the proposals.
- There are a number of locations in which close boarded fences are proposed in locations which will be very publicly visible. It is considered this should be improved and walls proposed in these locations. The flint style of the wall in front of plot 5 is not considered appropriate for the contemporary style of the development.
- It is considered in some locations the proposed material palette could be simplified / improved. The introduction of green boarding is not considered necessary and it is considered that the introduction of brown tiles / tile hanging to plot 38 is likely to appear out of keeping with the consistent material palette currently proposed for the rest of the street. It is considered that the success of the brown tiles and slate will be very dependent on the tone of the products and the brick. The brown tiles currently feature on very few buildings within the development making these buildings not appear as well integrated as the slate roofed dwellings. Slate roofs whilst present do not appear to be dominant within North Mundham so it may be beneficial to consider re-adjusting the balance within the proposals or consider if the variation is required at all.
- The idea of using the Flemish bond detail for some of the gables is considered appropriate and welcomed, however it is considered its success will be dependent on the type of brick proposed. If a multi brick is used the Flemish pattern may not work so well.

- The proposed materials will be important to the success of the appearance of the development and achieving a well detailed finish. Material samples, sample panels and a window sample or details should either be provided with the current application or be conditioned. The design and access statement indicates that white u-PVC windows will be used throughout the development, it is considered clarity should be sought that this is not the case as drawings and visuals reference grey windows. For some house types it is considered the window proportions / break-up of the glazing with glazing bars could be improved to better relate to other windows in the fenestration. The choice of surface treatments will be important in terms of continuing the contemporary style and material tones of the development. Confirmation should be sought via condition.

Corner turners / visible side elevations

- Corner turners and visible side elevations have been appropriately resolved throughout the development, other than in a very few locations. This include plots 4, 8-9, 15, 31-32 and 35-36.

6.12 CDC Archaeology Officer

Although apart from the old canal we have no record of any specific archaeological find or deposit in the vicinity, a site of this size on the coastal plain is almost bound to contain evidence relating to past settlement. In the circumstances there is no archaeological objection to development, but the site should be investigated prior to development in order to identify anything of interest that it might contain and to implement appropriate measures for preservation of significance. Condition recommended.

6.13 CDC Drainage Engineer

Comments received 2/11/2020

Note the revised flood risk assessment and support the recommendations 8.2 (winter ground water monitoring should be undertaken) and 8.3 (an application for ordinary watercourse consent, to culvert the northern drainage channel should be made at the appropriate time). Comments from the 31st July are still valid.

Comments received 31/07/2020

Flood risk: the site is wholly within flood zone 1 and we have no additional knowledge or records of the site being at significant flood risk. Therefore subject to satisfactory drainage we have no objection to the proposed use, scale or location based on flood risk.

Surface water drainage: The surface water drainage scheme design should follow the hierarchy of preference. I note that some groundwater monitoring and infiltration testing has been undertaken on the site. These investigations have found high groundwater levels and poor infiltration rates. The proposed means of surface water drainage is through the use of SuDS features. The SuDS features should utilise any potential that exists for on-site infiltration (particularly if there is to be localised ground-raising), where it is safe and acceptable to do so. Any additional run-off will then need to be attenuated and discharged (at a restricted rate) to a local watercourse. Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 5l/s. A surface water drainage strategy based upon these principles would be acceptable.

Any soakage structures should not be constructed lower than the peak groundwater level. Attenuation structures that are located below peak groundwater levels will need to be appropriately lined/tanked. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.

We suggest that, at the earliest stage, the developer should give early consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality, as well as ease of on-going maintenance. SuDS features should also be designed in a manner that positively affects the amenity of the site. If the SuDS features are designed in an appropriate and safe manner, there should be no need for unsightly fencing and areas of restricted access. The drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional 40% climate change allowance.

Some of the proposed works, such as new culverts and any discharges/headwalls into local ditches/watercourses will require Ordinary Watercourse/Land Drainage Consent. Consent should be applied for in parallel with the planning process.

Conditions recommended regarding approval of the full details of the proposed surface water drainage system, full details of the maintenance and management of the SuDS system and arrangements for future access and maintenance of any watercourse or culvert crossing or abutting the site.

6.14 CDC Environmental Health Officer

No objection, subject to conditions in relation to contaminated land and air quality, including provision of electric vehicle charging points and measures to link to the nearby cycle and walking paths.

6.15 CDC Environmental Strategy Officer

Comments received 23/11/2020

Policy 40: Following submission of the Energy Strategy Statement (Nov 2020) we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO₂ emissions of 22.14% through a fabric first approach. We are also pleased to see a reduction of 43.11% through the installation of air source heat pumps and PV panels being installed on 25% of the properties resulting in a reduction of 10.43%.

Comments received 16/11/2020

Reptiles: Following submission of the Reptile Survey & Mitigation Strategy (Nov 2020), we are happy that the updated mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Comments received 04/11/2020 to be read in combination with previous comments dated 17/08/2020

Bats: We are satisfied that the mitigation for lighting within the Phase II Bat Surveys (Sept 2020) is suitable and a condition should be used to ensure this takes place.

Dormice: Following submission of the dormouse survey (Sept 2020) we are satisfied that dormice are not present on site and no further survey work is required for this species.

Reptiles: As detailed within the Ecology Addendum (Oct 2020) due to the changes in layout the reptile mitigation will need to be updated to reflect these changes. Please can an updated mitigation strategy of reptiles be submitted for this application.

Comments received 17/08/20

Bats: Results of the bat activity surveys need to be submitted. Until these surveys are complete we are unable to determine whether the mitigation proposed currently is suitable. Require that the completed survey work is undertaken and mitigation strategy updated prior to determination. All existing hedgerows and trees to be retained should be protected from damage during the works. The lighting scheme for the site will need to take into consideration the presence of bats.

Dormice: As detailed within the Preliminary Ecological Appraisal (June 2020 and July 2020) there is moderate potential for dormice to be on site. Due to this further dormice surveys are required to be undertaken prior to determination. If dormice are found to be present on site mitigation will be required and a mitigation strategy should be submitted prior to determination.

Reptiles: Following submission of the Reptile Survey and Mitigation Strategy (July 2020), we are happy that the mitigation proposed would be suitable, however reptile exclusion fencing will be required around the construction area and the report should be updated confirming this. 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. Due to the use of the site by barn owls, we require that a barn owl box is installed on site and a management programme for this created for maintenance and monitoring of this.

Recreational Disturbance: The only HRA issue is recreational disturbance and 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.

Enhancements: Require a number of enhancements included within the Preliminary Ecological Appraisal (June 2020, July 2020 and Aug 2020) are incorporated within the scheme and shown with the landscaping strategy. A condition should be used to ensure this takes place.

Policy 40: Following submission of the Energy Strategy Statement (July 2020) we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a total reduction in CO₂ emissions of 19.18%, through a fabric first approach (8.65%) and renewables including PV and a Waste Water Heat Recovery system (10.53%) along with the inclusion of electric car charge points on 20% of spaces.

6.16 CDC Contract Services (Waste)

Information provided on standard bin sizes and bin collection points and attention drawn to waste storage and collection service guide. Adequate turning space must be provided for the Council's freighters. All road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne vehicle. I would discourage the use of concrete block paving unless it is of a highway standard, as these tend to move under the weight of our vehicles.

[Officer Comment: an informative is attached to the recommendation regarding the surface treatment.]

6.17 CDC Policy

The emerging Local Plan Review (LPR) proposes further residential development in North Mundham parish, however the LPR is still at an early stage of preparation and final housing figures have yet to be confirmed. Therefore little weight can be attributed to the LPR at this stage in the determination of this application.

The adopted Local Plan represents the Development Plan and the starting point for the consideration of any planning application. However, taking account of the current position with regard to housing land supply, careful consideration will need to be given to the position of policies in the adopted Local Plan from mid-July, which will need to be considered in conjunction with national guidance and the revised housing land supply position. Consequently, in the current circumstances, this proposal would help to meet the identified increase in housing need for the Chichester plan area and Planning Policy therefore raises no objection to the proposal. However, account will also need to be taken of the criteria set out in the Interim Position Statement.

6.18 Sustrains

Comments received 7/11/20

Having looked at the revised plans submitted by the applicants I wish to withdraw our previous objection and make the following comments. I believe that having read the applicant's Transport Note of 23rd October and paras. 2.2.2 to 2.2.4 that there is an intention to provide sufficient land within the site for the diversion of the NCN 2 and 88 cycle routes in a segregated form providing safety for pedestrians, cyclists and motorists. I also note the intention of the applicant's to sign a Section 106 agreement to provide funding for such a diverted cycle facility whether on-site or on some adjoining land. We would insist that this commitment is honoured through the immediate publication of a draft Section 106 agreement so that all parties have a chance to comment prior to the application being determined. Finally we are worried by the applicant's advisors alleging that the LHA only require land for pedestrian pathway through the site to be provided. We would ask that the LPA immediately pursue this issue.

Comments received 21/07/20

On behalf of Sustrans and the Chichester and District Cycle Forum I wish to object to this application as it does not make provision for a safer cycle route through the application site. This site adjoins NCN 2 and 88 which at this location is routed along the Lagness Road. This on road cycle route is extremely dangerous due to the volume, speed and size of traffic and many cycle users prefer to use the narrow pavement which adjoins the site. Sustrans have been attempting to negotiate with local landowners, through the Parish Council, to find an off road alternative and this site is key to a safe solution as it connects from the cycle path to the west with the east side of the application where there is publicly owned land at Fletchers Close adjoining Aylwin Place. It is disappointing that the proposed cycle path to the west of the access road does not join up with the south eastern boundary so that his link could be achieved. Therefore our organisations would require the applicant to partially redesign the road layout to make such a through cycle link and requests that a Section 106 agreement be signed so that this diversion to NCN 2 and 88 can be readily achieved.

6.19 Third Party Representations

One letter of objection has been received concerning:

- Need assessment of flood risk impact on adjoining properties.
- B2166 in a relatively poor state of repair. In the last 2 years, there have been 4 known accidents. Long queues of traffic heading towards Chichester (extending beyond the entrance to Lowlands) during peak periods and during quieter periods it's common for vehicles to travel at excessive speeds. Request a reduction in the speed limit to 30mph on this section of the B2166.
- Request that the two properties to the western side of the development (nearest Hunston Dairy Farm) are single storey to minimise the visual impact.
- Concerned about security and noise in terms of the impact on neighbouring property, from strip of open space close to western boundary. The landscape buffer adjacent to the public open space should not be publically accessible.
- How will the boundary of the site be secured? The "External Enclosures Plan" appears to show a 1800mm brick wall around site, however the line is drawn through a number of existing trees and hedgerows.

Three letters of general observation have been received on the following grounds:

- Support Sustrans proposal for a new safer route for Route 88. The current segment along Lagness Road is not considered safe. The developers should be requested to discuss/address what options exist for improving pedestrian and cycle provision on this stretch of the B2166.
- The landscape buffer to the northern perimeter would provide an ideal opportunity to incorporate a safe and attractive pedestrian and cycle route.
- A new safe footway would benefit existing nearby residents and the future occupiers, who are likely to use this route to access the local school and other facilities.
- Should consider a cycling path from this development in North Mundham to connect with the one to Hunston/Chichester canal path.
- An inward looking development which won't assist pedestrians or cyclists on this busy stretch of road, with presumably speed limits not reducing and more vehicular movements and a crossing point to contend with.
- Surface water drainage through both initial design and ongoing management needs to be kept closely monitored. Requirements of drainage officer must be met before the development can be agreed by CDC.

- Southern Water's statement that they can provide foul sewage disposal to service the proposed development is completely unacceptable to local residents. The foul water main running from Hunston, through North Mundham to the pumping station is not capable of handling the current foul water flow rates. Until a funded action plan for the future development of the foul main infrastructure and all of the overburdened water treatment plants (including Pagham) has been presented by SW, discussed and agreed by all concerned and funded by SW, it is considered that CDC is in no position to agree any further housing developments on the Peninsular, and in particular this Lowlands proposal.
- A management company is proposed to run the long term infrastructure which they will be bequeathing to the residents. The developers should set out detailed terms of reference for such a company, so that the residents are in a position to go out to tender for such a service to ensure all necessary aspects are addressed.

6.20 Agents supporting information

In addition to the Planning and Design and Access Statements, the application is accompanied by a suite of supporting documents comprising:

Planning Statement; Arboricultural Impacts Report; Flood Risk Assessment; Landscape and Visual Appraisal; Preliminary Ecological Appraisal and Ecological Addendum; Phase II Bat Surveys and Mitigation Strategy; Reptile Survey and Mitigation Strategy; Phase II Dormice Survey; Habitats Regulations Assessment; Energy Strategy Statement; Heritage Statement; Transport Statement; Travel Plan Statement; Road Safety Audit; Phase I and II Site Investigation Report and Utilities Planning Statement. These documents and relevant appendices can be read in full on the Council's website.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for North Mundham at this time
- 7.2 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 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
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 Review Preferred Approach 2016 - 2035 (December 2018)

- 7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2021, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted during 2022.
- 7.4 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S3 Development Hierarchy
S4 Meeting Housing Needs
S5 Parish Housing Requirements
S6 Affordable Housing
S12 Infrastructure Provision
S20 Design
S23 Transport and Accessibility
S24 Countryside
S26 Natural Environment
S27 Flood Risk Management
S29 Green Infrastructure
S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

- DM2 Housing Mix
- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM22 Development in the Countryside
- DM28 Natural Environment
- DM29 Biodiversity
- DM30 Development and Disturbance of Birds in Chichester, Langstone and Paghams Harbours Special Protection Areas
- DM31 Trees, Hedgerows and Woodlands
- DM32 Green Infrastructure
- DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

7.5 As stated above there is no made Neighbourhood Plan for North Mundham, though the Neighbourhood Plan Group has been progressing one and recently undertook a call for sites. This site has been actively promoted through the Neighbourhood Plan process for around 50 units.

National Policy and Guidance

- 7.6 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019 and related policy guidance in the NPPG.
- 7.7 Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;*
or
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.8 The following sections of the revised 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

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

Interim Position Statement for Housing Development

- 7.9 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 housing supply has identified that as of 15 July 2020 there is a potential housing supply of 2,831 net dwellings over the period 2020-2025. This compares with an identified housing requirement of 3,297 net dwellings (equivalent to a requirement for 659 homes per year). This results in a deficit of 466 net dwellings which is equivalent to 4.3 years of housing supply. The inability to demonstrate a 5 year supply of housing contrary to the requirements of government policy triggers the presumption in favour of permitting sustainable development, as set out in paragraph 11 of the National Planning Policy Framework.
- 7.10 To pro-actively manage this situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4th November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 12 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context 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.
- 7.11 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
 - Maintain the low levels of crime in the district in the light of reducing resources
 - Support and empower communities and people to help themselves and develop resilience
 - Support communities to meet their own housing needs
 - Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
 - Promote and increase sustainable, environmentally friendly initiatives in the district
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues with this application are considered to be:

- i. Principle of development and the policy position
- ii. Highway Impact
- iii. Design and Layout
- iv. Residential Amenity
- v. Surface Water Drainage and Foul Disposal
- vi. Impact on the Landscape/trees
- vii. Ecology
- viii. Sustainable Design and Construction
- ix. Habitat Regulations Assessment
- x. Other Matters

i. Principle of development and the policy position

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

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

8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for North Mundham in the countryside or Rest of Plan Area and would not meet an "essential, small scale and local need" (policy 45). Additionally, the proposal would be in excess of the indicative housing numbers for the Parish of North Mundham, as set out in Policy 5 of the Local Plan (25 homes) and as set out in the Site Allocations DPD have in any event already been met for North Mundham Parish. Therefore, following a S38(6) development plan approach, this application is contrary to policy.

8.4 However, as from 15 July 2020 the Council's housing policies in the Local Plan are no longer up-to-date and so no longer have full weight. The Local Plan Inspector in 2015 agreed that for a period of 5 years from the date of the Plan being adopted, i.e. by 15 July 2020, the Council could rely on a suppressed housing delivery target of 435 dwellings per annum (dpa) because of acknowledged strategic constraints in relation to transport capacity issues on the A27 and foul drainage capacity issues. The agreed delivery target of 435 dpa was on condition that the Council committed to undertaking a Review of the Plan and the changed housing requirements of the Plan area within the 5 year period. That review is well underway but it is not complete. The Chichester Local Plan Review 2016-2035 Preferred Approach (LPR) has yet to reach the stage where it can be submitted to the Secretary of State for examination and the Council's timetable indicates that this is not now anticipated until the Spring of 2021. At this stage of plan preparation, only very limited weight can be given to the draft policies of the LPR. The housing numbers stated in the LPR indicate the proposed direction of travel, the 'preferred approach' but they are

not confirmed. The provisional allocation for North Mundham is 50 new homes (policy S5). Consequently in terms of the decision-making process, the decision maker cannot rely or place any weight on these emerging policies. The Council is effectively therefore in a state of transition between an adopted Local Plan with out of date housing policies and allocations and a Review of that Plan which is not sufficiently advanced in the process towards adoption to be afforded any weight in decision making. Added to that the government requires councils to now calculate their housing need through the standard method which, on the basis of the Updated Position Statement on the Five Year Housing Land Supply at 15 July, shows a need of 628 dpa i.e. significantly in excess of the previous 435 dpa.

- 8.5 In acknowledging the current status of the Local Plan in terms of its out-of-date housing policies and the absence of a 5 year housing supply and to effectively bridge the gap up to the point where the Local Plan Review is adopted sometime in 2022, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has committed to using the Interim Position Statement for Housing Development (IPS). When considered against the 12 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider each of the IPS criteria in turn:

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

The site is immediately adjacent to the western boundary of the existing settlement boundary for North Mundham. This criterion is therefore satisfied.

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

North Mundham is a sustainably located settlement defined as a Service Village 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, as demonstrated through the submission of a Landscape and Visual Impact Assessment.

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

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

Based on the whole site area the proposals achieve a density of 18.5 dwellings per hectare. The resultant net density of the residential area would be 32.4 dph. The site is a single field so there is no artificial sub-division and in the context of the rural edge of settlement location and the pattern of existing housing this level of development is considered acceptable. The proposal meets this criterion.

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

It is considered that the proposal would comply with the above criterion.

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

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.

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

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

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;

- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.

The development will meet this criterion through a combination of fabric first, air source heat pumps and solar PV panels. The applicant is proposing a 22.14% carbon reduction through 'fabric first' construction, air source heat pumps to all dwellings resulting in a predicted residual energy reduction of 43.11% and PV panels for 10 dwellings (25% of dwellings) resulting in a further carbon reduction of 10.43%. A maximum 110 litres per person per day water use will be conditioned and electric vehicle charging points will be incorporated in 80% of the development (31 dwellings). These sustainability measures are well in excess of the requirements of this criterion.

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

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

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

The site is well connected to the existing settlement and linked to the city centre via cycle routes and bus services. The site has access to regular and frequent bus services from bus stops located some 400m to the east of the site. In addition, frequent peak and off-peak rail services are accessible from Chichester Railway Station some 3.2km to the north of the site; the station can be accessed via the 600 bus service or by bicycle using the primarily off-road National Cycle Network Routes 2 and 88. North Mundham itself benefits from a primary school, public house and the Free School is a short journey northwards towards the city centre.

The proposed development will undertake improvements to the footway on the southern side of the B2166 carriageway to increase its effective width and will provide financial contributions, via CIL, that can be used to further enhance local provision. Furthermore in the north-east corner of the site, a 3m wide strip of land from the shared surface perimeter road upto the eastern boundary adjacent to Alywin Place is proposed to be safeguarded, to enable future provision for the diversion of the NCN Routes 2 and 88. The S106 Agreement will require that this land is safeguarded for a period of up to 10 years or until such a time an alternative diversion route is identified and implemented, whichever the sooner.

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

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

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

Not applicable in this instance.

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

ii. Highway Impact

8.7 A new 5.5m wide vehicular access with 2m footpaths on either side is proposed off Lagness Road, with visibility splays in excess of the 40m x 60m required (90m is achieved to the west and 120m to the east). The existing access off Lagness Road, slightly further to the east, will be downgraded to pedestrian, cycle and emergency access only. The position of the new access has been selected to minimise impacts on the existing trees and ensure safe access to and from the development. The main constraints are that of levels with the B1266 circa. 1.2m - 1.5m higher than the main part of the site; this would be overcome by the proposed raising of the ground levels.

8.8 In terms of traffic movements (based on a development of 50 units), the site is forecast to generate some 25-29 peak hour vehicle movements. Whilst there would be a change in vehicle movements arising from the proposed development onto Lagness Road, it is the view of WSCC as Local Highway Authority (LHA) that the development would not have a material, let alone severe, impact upon the operational of the local network. The LHA is satisfied that in terms of the relevant policy test in NPPF at paragraph 109, that the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

- 8.9 The LHA has confirmed that the proposed 98 parking spaces are acceptable, as are the street widths, service and emergency vehicle tracking plots, the designer's response to Road Safety Audit issues raised on the layout and the site's overall accessibility criteria in terms of walking, cycling and access to bus and rail services and basic amenities within North Mundham. Parking provision within the site has been designed in a sympathetic manner, so as not to dominate the street scene. The road layout comprises a 5m wide access road with footways on either side, before transitioning to a 4.8m wide shared spaced facility. The overall site layout has been designed to provide permeability within the site, in relation of vehicles, pedestrians and cycles. The proposed development will undertake improvements to the footway on the southern side of the B2166 carriageway to increase its effective width. Furthermore in the north-east corner of the site, a 3m wide strip of land from the shared surface perimeter road upto the eastern boundary adjacent to Alywin Place is proposed to be safeguarded, to enable the future provision for the diversion of the NCN Routes 2 and 88. The S106 Agreement will ensure this land is safeguarded for up to 10 years or until such a time an alternative diversion route is identified and implemented, whichever the sooner. If this connection is required, the S106 Agreement will require that safeguarded land to be handed over to WSCC together with a sum of £3,875. Other upgrade work within the site will also be required if this diversion comes on line.
- 8.10 Finally, the applicant has indicated they will apply for a change to a 40 mph limit, as part of their S278 submission for the access and footway works. The LHA has advised that any speed limit changes should be brought forward with West Sussex County Council and in accordance with the relevant policies and procedures for implementing speed limit changes.
- 8.11 Subject to conditions, the proposals are acceptable from a highway safety and capacity point of view and no objection is raised, subject to recommended conditions and S106 obligations.

iii. Design and Layout

- 8.12 The proposed development is serviced by a single perimeter road, which passes through the centre and then around the site, resulting in an informal perimeter block layout with most dwellings fronting onto and positively addressing the perimeter road or public realm. The housing is laid out in two distinct blocks to the east and west of the central landscaped area, comprising informal open space, a local area of play (LAP) and two SuDS ponds. The development comprises a mix of 2 storey houses, a few flats and a bungalow. Buildings are arranged as a variety of detached, semi-detached and terraced forms. The predominant appearance of the dwellings will be of traditional materials, presented in a modern vernacular. The materials palette includes elevations of brick under slate and plain clay tiled roofs. The majority of the dwellings are designed with gable ends and some of the dwellings will be treated with contemporary tile hanging, or areas of horizontal boarding and detailed brick work. The fenestration takes a more modern approach, with the size of the glazing and the use of gables and contemporary projected window and porch surrounds have been carried across the development.

8.13 The 12 affordable housing units, comprising 4 no. flats and 8 no. houses are located in two separate groups of 10 units and 2 units on the site. The distribution accords with the Council's pepper-potting requirements and the homes are tenure blind in terms of design. The affordable housing mix will be secured through the S106 agreement. The proposed housing mix for both the affordable mix and the private market mix meets with the requirements of the Council's Housing Enabling Officer in terms of the HEDNA 2018 and no objection is raised.

8.14 In terms of density of development the site achieves around 20 dwellings per hectare for the whole site area. When considered in the context of the perimeter landscaping and ecological buffers, the ponds and the edge of settlement location, the amount of development proposed is considered to be acceptable.

8.15 Overall the design, materials, detailing and appearance of the development suggest that this will be an attractive, high quality rural housing scheme that it will be appropriate to its rural context and surroundings.

iv. Residential Amenity

8.16 A consequence of developing out a field where there is no development will clearly have some bearing on the established amenities of existing adjacent residential properties who currently enjoy an unimpeded outlook onto a rural field. However, loss of or change of 'outlook' is not necessarily a reason for not permitting new development. The eastern most line of proposed dwellings (Plots 15-21) would have, as an average, approximately a 26m wall-to-wall distance to the rear wall elevations of the dwellings which front Aylwin Place. This separation distance is considerably in excess of the separation distance within the Council's design guidance note PGN3. This stipulates 21m back-to-back for 2 storey buildings. The back-to-back relationship that would result in this instance together with the existing line of tree and hedge planting on the east boundary itself is considered to satisfactorily address any potential issues of the development resulting in overlooking or the development being overbearing.

8.17 Whilst the marked change to the character and appearance of the site resulting from the development will clearly create a different outlook for existing Aylwin Place residents, 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 housing has been carefully considered to acknowledge and address the relationship between the proposed dwellings and those on Aylwin Place. It is not considered therefore that there are substantive grounds to demonstrate that the development would result in material harm to established amenity.

v. Surface Water Drainage and Foul Disposal

Surface Water

8.18 With regard to flood risk, the site is in Flood Zone1 and at the lowest risk of surface water flooding. The Council's Drainage Engineer has confirmed the team has no additional knowledge, or records of the site being at significant flood risk, therefore subject to satisfactory drainage no objection is raised to the proposed use, scale or location based on flood risk. Similarly no objection is raised by the County Council's Flood Risk Management Team.

- 8.19 The application details for this development indicate that the proposed means of surface water drainage for the site is for the western part of the site to drain into the two central SuDS ponds and then via attenuated discharge to the existing ditch to the south of the site. The eastern part of the site will drain through permeable paving and underground storage into to a second outlet into the existing ditch to the south. Both outfalls will be restricted so that they do not exceed existing greenfield run-off rates. In addition it is proposed that the northern drainage channel will be also culverted, for a short length, below the proposed access road.
- 8.20 The documents submitted in support of this application state that as groundwater levels below the site are very near the ground surface as existing, the use of conventional soakaways will not be possible. However, as ground levels within the site are proposed to be raised to facilitate the development and given the permeable nature of the geology, the application documents confirm that shallow infiltration features may be suitable and consideration will be given to a partial infiltration based drainage solution. The Council's drainage officer states that the SuDS features should utilise any potential that exists for on-site infiltration (particularly if there is to be localised ground-raising), where it is safe and acceptable to do so. Any run-off that it was not possible to infiltrate into the ground, will then need to be attenuated and discharged (at a restricted rate) to a local watercourse, as is being proposed. The Council's drainage officer has confirmed that a surface water drainage strategy based upon these principles would be acceptable and has recommended conditions to secure details.
- 8.21 The Parish Council has stated that, due to the low lying nature of the site, it is of great importance that the arrangements for dealing with surface water function correctly. They highlight the importance of winter ground water monitoring and request conditions to ensure appropriate surface water management and the ongoing maintenance of the ditch system.
- 8.22 With the imposition of appropriate conditions as recommended by consultees, it is considered that the surface water drainage can to be designed to ensure there is no overall increase in flows into the surface water system and its long-term management and maintenance can be secured.
- Foul Water
- 8.23 Southern Water, as the statutory undertaker, has confirmed that initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. On this basis Southern Water raises no objection subject to recommended conditions and informatives.
- 8.24 A gravity connection to the public sewerage connection to the east of the site is not achievable and therefore the application proposes that the foul water from the site will be pumped by an on-site pumping station to the requisitioned foul sewer outfall in Alywin Place. This connection would then drain to Pagham WwTW. Discussions are ongoing with Southern Water to agree the technical details of the on-site sewage pumping station, which will be constructed under permitted development rights.

8.25 The applicant has a 'right to connect' their development to the public sewerage network under s.106 of the Water Act. Whilst the concern of third parties is noted, SW is committed under its statutory duty to provide a fit for purpose foul drainage system to service the proposed development and is regulated in this regard by the industry regulator OFWAT. Any failings on behalf of 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.

vi. Impact on the Landscape/trees

8.26 The proposed development has been designed to retain the existing mature trees and hedgerows on the site boundaries as well as provide enhanced tree planting (in the region of 80 new trees). The landscape strategy for the proposed development has been to ensure the retention of the existing landscaping on the field boundaries and set them within an area of meadow grassland, to provide a rural and soft character for the perimeter of the site as it transitions into open countryside to the west and south. Within the site itself, as well as help the management of water within the site the provision of the two SuDS ponds /area of wetland will help diversify the habitats within the site, creating a positive and attractive entrance, with public access, seating and the proposed LAP. New tree planting (in the region of 80 new trees) will provide further landscape and ecological enhancements.

8.27 The application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape (NPPF paragraph 170). The application is accompanied by a Landscape and Visual Appraisal. This acknowledges that the site is located within parcel CH45 as defined in the 'Landscape Capacity Study' prepared by Terra Firma (March 2019) and commissioned by the Council as part of the Local Plan evidence base. The capacity study looks at parcels of land and not individual fields or 'sites'. The application site is the most eastern element of the parcel CH45. The capacity study concludes that "only a small amount of development may be accommodated around the existing settlement or on previously developed land and provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape. Great care would need to be taken to avoid any landscape or visual harm. Particular care would be needed to protect the setting of National Route 2 and key views."

8.28 The retention of the mature landscaping, which encloses the site on all boundaries, means that the development would be discrete in the wider landscape and the site will not be visible from wider views. It is considered that, by reason of the surrounding vegetation, the visual effects of the development would be limited, with only minor localised harm result from the loss of this undeveloped land on the edge of the settlement. The housing would be seen in the context of the existing properties in North Mundham and would be filtered behind trees and mature hedgerows. Whilst it is inevitable that building a housing development on a rural field would effect a fundamental change in its previously open appearance and character, the very fact that that change would occur is not in itself a reason for refusing the application.

8.29 This application is also supported by an Arboricultural Implications Report. To accommodate the proposed development, 22 individual trees and part of 8 groups of trees are proposed to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. None of the trees to be removed are category 'A' or 'B' trees or trees of high landscape or biodiversity value. All 22 trees and 8 groups of trees are category 'C' and are either of low quality, low value, or short-term potential. Their removal will not have an adverse impact on the character or appearance of the site or surrounding area. With regard to the new site access, this could not be created without some tree removal. The location of the proposed access was chosen as it was the most 'tree-friendly' point, only requiring the removal of some Cypress trees. The Cypress trees are not native and are not in keeping with the predominantly oak lined field boundary and therefore their removal will not be to the detriment of the site or surroundings.

8.30 As stated above the landscaping proposals incorporate considerable replacement tree planting. Furthermore conditions are recommended in relation to tree protection measures to protect the existing trees. Finally none of the proposed dwellings or gardens are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure for a tree to be felling or severe pruning. For the reasons outlined above, the proposal is acceptable in terms of its impact on trees.

vii. Ecology

8.31 The site supports a range of habitat types including grazed grassland, poor semi improved grassland, native species hedgerows and mature tree lines, which were assessed as being suitable to support a variety of different protected species.

8.32 The mature boundary hedgerows and tree lines provide potentially important wildlife corridors. The bat survey has identified the application site as being of regional significance for both foraging and commuting bats with a total of 9 species recorded. Recommendations include restricting the lighting on the site, to maintain the integrity of the boundary features used by bats, landscape proposals (including the ponds) to provide a foraging habitat and the provision of 12 no. bat boxes on nearby trees and at least 20 dwellings to have bat boxes intergrade into the gable ends of the dwellings. The Council's Environment Officer has confirmed that this strategy is acceptable and requires that a condition is imposed to ensure this takes place. A condition is also recommended to secure the proposed reptile mitigation strategy, which focuses on the use of buffers to the existing boundary vegetation features to provide long term reptile habitat as well as being multifunctional for other species.

8.33 Enhancements will be achieved through the provision of swift bird bricks (in at least 20 dwellings) incorporated in the eaves or high walls, 6 bird boxes to be installed in suitable trees around the site's boundaries, the creation of a permanently wet series of ponds within the central part of the site and the creation of a least 2 gaps within the gravel boards / bases of each fence line to allow for movement of hedgehogs between gardens and into the wider area. Two log piles will be created on-site, one in the northern strip and one in the western strip, to form places of shelter for important species such as Hedgehogs, and a significant habitat resource for invertebrates, which in turn will benefit local foraging and commuting bird and bat species. Due to the use of the site by barn owls, the CDC Ecologist also requires a barn owl box is installed on site and a management programme for this created for maintenance and monitoring of this.

viii. Sustainable Design and Construction

8.34 The applicant's revised Energy Strategy Statement (November 2020) complies with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The Energy Strategy Statement (November 2020) confirms that the approach relies on a combination of measures including 'fabric first' construction, air source heat pumps and solar PV panels. The proposal will result in a 22.14% carbon reduction through the fabric of all 39 dwellings, including low U-Values, careful detailing to avoid thermal bridging, good airtightness, effective heating controls and Waste Water Heat Recovery. This exceeds the 19% required by the IPS. Energy efficiencies secured through a fabric first approach are to be supplemented in terms of renewable energy through the use of air source heat pumps as the main heating in all 39 dwellings and through the installation of approximately 63-71 solar photovoltaic panels on 10 dwellings, equating to 17 KWp capacity. A carbon reduction of 43.11% will be achieved through the use of air source heat pumps and a further carbon reduction of 10.43% will be achieved through the installation of the PV panels. These reductions resulting from the use of renewable technologies significantly exceeds the 10% requirement in the IPS.

8.35 Water consumption targets for the dwellings will meet the higher building regulations standard of 110 litres/person/day and electric vehicle charging points will be incorporated for 80% of dwellings on site, equating to 31 dwellings. This is well in excess of the 2022 year requirement of 14 dwellings as set out in WSCC Parking Standards.

8.36 Conditions are recommended to secure the stated energy savings as set out in the Energy Strategy Statement, as well as further details of the photovoltaic panels to ensure they are inset into the roof, a water consumption standard of a maximum of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

ix. Habitat Regulations Assessment

8.37 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.

- 8.38 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.
- 8.39 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 this is the Pagham SPA tariff (£904 per dwellings) for dwellings with 1-4 bedrooms and the Chichester and Langstone SPA tariff for 5 bedroom dwellings. This will ensure that the development does not pay twice but will also ensure that the funding of neither scheme is undermined. This development proposal does not include any 5 bedroom units and therefore a financial contribution of £904 per net additional dwelling is 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 schemes.
- 8.40 The applicant has agreed to the heads of terms below and therefore subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

x. Other Matters

- 8.41 Officers have carefully considered the comments made by third parties and these have been addressed in the relevant sections above.

Permeability and Crime Prevention

- 8.42 The consultation response from Sussex Police has not raised an objection and the proposed layout of the site is considered inclusive and provides circular movements and naturally occurring social surveillance of public areas. Concern has been raised about the lack of natural surveillance with regard to the proposed LEP. The LEP is not proposed to have any equipment and therefore, in effect will merge in with the adjacent informal open space. Plots 36-37 have windows facing over this area, which together with its central location in the site close to the site entrance and proposed foot and cycle ways it is considered that sufficient natural surveillance will result.

Impact on Heritage Asset

- 8.43 To the northeast of the application site, lies a grade II listed building known as 1760 Cottage. The setting of this designated heritage asset has been considered during the assessments of this case and in the consideration of this case special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses has been given.

8.44 1760 Cottage is a modest understated property set close to the road that is framed by its garden land. Give it separation distance of approximately 66m east of the northeast corner of the application site and the landscaping to be retained the impact on the setting of this listed property would not be considered harmful to its setting.

Loss of Agricultural Land

8.45 The development would result in the loss of a horticultural nursery, which is classed as agricultural land not Previously Developed Land (PDL) as stated in the DAS submission (agricultural land such as this is excluded from the definition of Previously Development Land with the 2019 NPPF). Notwithstanding that the land is agricultural in definition rather than PDL, the site is graded as grade 3 agricultural land (1 being the best value) and is therefore at the lower end of the categorisation of valued agricultural land. The site has also been disused for many years, as the rise of the giant supermarkets and large scale farming activity in the District has dominated the market and reduced the need for small scale horticultural sites. The loss of the agricultural land does not outweigh the benefits of the housing development.

Site Levels

8.46 The submitted Design and Access Statement and Drainage Strategy confirm that sections of the site are proposed to include increased ground levels as parts of the site are low lying. The existing site levels are required to be raised for several reasons - to permit a vehicular access from the B2166, to facilitate drainage, and to reduce the risk of groundwater emergence or flooding. It is recommended that the raising of the site levels is managed via condition, requiring sections of the existing and proposed ground levels. The principle of the change in site levels as indicated in the Drainage Strategy is, however, acceptable. The proposed change in site levels will ensure the development has an acceptable relationship with its immediate surroundings and will not give rise to any adverse harm to residential amenity for occupiers of adjoining dwellings on Alywin Place.

Power Lines

8.47 The existing power lines, which currently run across the centre of the site in a north-west to south-east direction, are proposed to be diverted and buried within the 6m wide SSE easement, shown to be retained adjacent to the western boundary of the development. In order to facilitate the burying of the power lines, SSE has recently submitted two applications for works to the hedgerows (refs. 20/02328/HDG – Lowlands, North Mundam and 20/02527/HDG – Banwell Farm House, Bowley Lane, South Mundam). These applications seek the temporary creation of a gap in three hedgerows, with each gap being approximately 5m in width, to facilitate the installation of a new dual circuit 33kV underground cable between the Hunston primary substation and an existing electricity pole at Barfoots Farms. The new underground cable is required to replace the existing overhead lines that require upgrading in order to safeguard the power supply in the local area. These applications were permitted by the Council on 24th November 2020. SSE has confirmed that these works would be completed under Permitted Development rights. On completion of the project, each gap would be replanted with native species.

Significant Conditions

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

Section 106 Agreement

8.49 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 (12 units), with a 70:30 (rent:shared ownership) tenure mix as follows:

Affordable rent:

- 2 x 1 bedroom
- 3 x 2 bedroom
- 2 x 3 bedroom
- 1 x 4 bedroom

Shared ownership:

- 2 x 2 bedroom
- 2 x 3 bedroom

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £101,985 (£2,615 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'.
- Financial contribution of £35,256 (39 x £904) for recreational disturbance mitigation at Chichester and Landstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.
- To safeguard a 3 metre wide strip of land at the eastern part of the site, upto the boundary with Alywin Place, to enable the future provision for the diversion of the NCN Routes 2 and 88. This land will be safeguarded for a period of up to 10 years or until such a time an alternative diversion route is identified and implemented, whichever the sooner. If, within this period, the diversion of the NCN Routes 2 and 88 comes on line and therefore this connection is required, the land to be handed over to WSCC together with a sum of £3,875. Other upgrade work within the site will also be required if this diversion comes on line.
- Amenity Open Space including a Local Area of Play (LAP) (minimum of 418 sqm), provision, management and on-going maintenance.
- 3m wide wildlife corridor on eastern site boundary and landscape / informal open space buffers along the southern, western and northern site boundaries - provision, management and on-going maintenance.
- S106 monitoring fee of £1,692

Conclusion

- 8.50 The Council is unable to demonstrate that it had a 5 year supply of housing land and therefore the housing policies in the Local Plan are now out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on major applications as it ordinarily would. When there is less than a 5 year supply the NPPF engages what is known as the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development. The IPS provides an appropriate development management tool for assessing such applications and is a material consideration. The proposed development is considered to meet all the relevant criteria in the IPS. In this context and for the reasons outlined above the 'principle' of housing development is considered acceptable.
- 8.51 The application will deliver much need housing including 12 units of affordable housing and will help to address the Council's housing supply shortfall. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

Human Rights

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

RECOMMENDATION

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

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

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

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

CB_75_206_000, CB_75_206_001 Rev E, CB_75_206_002 Rev C, CB_75_206_003 Rev C, CB_75_206_004 Rev C, CB_75_206_005 Rev C, CB_75_206_006 Rev C, CB_75_206_007 Rev C, CB_75_206_008 Rev C, CB_75_206_009 Rev C, CB_75_206_010 Rev C, CB_75_206_011 Rev C, CB_75_206_012 Rev C, CB_75_206_902 Rev C, CB_75_206_1_E01 Rev A, CB_75_206_1_P01 Rev A, CB_75_206_2_E01 Rev A, CB_75_206_2_P01 Rev A, CB_75_206_3_E01 Rev A, CB_75_206_3_P01 Rev A, CB_75_206_4_E01 Rev A, CB_75_206_4_P01 Rev A, CB_75_206_5_E01 Rev A, CB_75_206_5_P01 Rev A, CB_75_206_6&7_E01 Rev A, CB_75_206_6&7_P01 Rev A, CB_75_206_8&9_E01 Rev A, CB_75_206_8&9_P01 Rev A, CB_75_206_10_E01 Rev A, CB_75_206_10_P01 Rev A,

CB_75_206_11_E01 Rev A, CB_75_206_11_P01 Rev A, CB_75_206_12_E01 Rev B, CB_75_206_12_P01 Rev B, CB_75_206_13_E01 Rev A, CB_75_206_13_P01 Rev A, CB_75_206_14_E01 Rev A, CB_75_206_14_P01 Rev A, CB_75_206_15_E01 Rev A, CB_75_206_15_P01 Rev A, CB_75_206_16_E01 Rev A, CB_75_206_16_P01 Rev A, CB_75_206_17_E01 Rev A, CB_75_206_17_P01 Rev A, CB_75_206_18_E01 Rev A, CB_75_206_18_P01 Rev A, CB_75_206_19_E01 Rev A, CB_75_206_19_P01 Rev A, CB_75_206_20_E01 Rev A, CB_75_206_20_P01 Rev A, CB_75_206_21_E01 Rev A, CB_75_206_21_P01 Rev A, CB_75_206_22_E01 Rev A, CB_75_206_22_P01 Rev A, CB_75_206_23_E01 Rev A, CB_75_206_23_P01 Rev A, CB_75_206_24&25_E01 Rev A, CB_75_206_24&25_P01 Rev A, CB_75_206_26_E01 Rev A, CB_75_206_26_P01 Rev A, CB_75_206_27_E01 Rev A, CB_75_206_27_P01 Rev A, CB_75_206_28&29_E01 Rev A, CB_75_206_28&29_P01 Rev A, CB_75_206_30_E01 Rev B, CB_75_206_30_P01 Rev B, CB_75_206_31_E01 Rev B, CB_75_206_31_P01 Rev B, CB_75_206_32-35_E01 Rev A, CB_75_206_32-35_P01 Rev A, CB_75_206_36&37_E01 Rev A, CB_75_206_36&37_P01 Rev A, CB_75_206_38_E01 Rev A, CB_75_206_38_P01 Rev A, CB_75_206_39_E01 Rev A, CB_75_206_39_P01 Rev A, CB_75_206_GAR_01 Rev A, CB_75_206_GAR_02 Rev A, CB_75_206_BIN_01 Rev A and CB_75_206_SUB_01 Rev A

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure the development complies with the planning permission.

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions

to be taken when conducting dust generating activities if weather conditions are adverse,

- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.
- (r) hours of construction.

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

4) No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

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

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

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

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

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

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. This is a pre-commencement condition as it goes to the heart of the permission.

8) If the Phase 1 report submitted pursuant to condition 7, identifies potential contaminant linkages that require further investigation then **no development, other than demolition, shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy. This is a pre-commencement condition as it goes to the heart of the permission.

9) If the Phase 2 report submitted pursuant to condition 8, identifies that site remediation is required then **no development, other than demolition, shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy. This is a pre-commencement condition as it goes to the heart of the permission.

10) **No development shall commence** until an air quality assessment shall be carried out for the proposed development and a scheme for protecting the future residential occupiers of the dwellings from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10) arising from road traffic has been submitted to and approved in writing by the local planning authority, this shall include a timetable for implementation of mitigation measures. All works which form part of the approved scheme shall be completed in accordance with the approved details and approved timetable and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed dwelling(s) in respect of atmospheric pollution. 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. This is a pre-commencement condition as it goes to the heart of the permission.

11) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the Revised Arboricultural Implications Report and Tree Protection Plan (drawing number SJA TPP 20180-041a) prepared by SJA Trees dated October 2020. Thereafter the protective fencing shall be retained for the duration of the works and in accordance with the Revised Arboricultural Implications Report prepared by SJA Trees dated October 2020 and the recommendations of BS5837:2012, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

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

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

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

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

14) No development above slab level shall commence until verge details for all roofs (main roofs, garages and pitched roof porches) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

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

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

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

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

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

17) Before construction of any dwelling above slab level the technical specification of the Electric Vehicle charging point facility shall be submitted to and approved in writing by the Local Planning Authority. **No dwelling shall be first occupied** unless and until the dwelling has been constructed in accordance with the terms of the submitted Energy Strategy Statement prepared by Briary Energy dated November 2020 and the approved technical EV charging points details. Furthermore the solar PV panels must be constructed and inserted so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. No dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

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

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

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

19) No dwelling shall be first occupied until such time as the vehicular access to the site, the downgrading of the existing access and other related highways works serving the development have been constructed in accordance with the details shown on drawing number ITB15546-GA-001C.

Reason: To accord with the terms of the application and in the interests of road safety.

20) No dwelling shall be first occupied unless and until visibility splays as have been provided at the proposed site vehicular access onto Lagness Road in accordance with drawing number ITB15546-GA-001C. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the level of the adjoining carriageway or as otherwise may be agreed in writing by the Local Planning Authority following consultation with the Local Highway Authority.

Reason: In the interests of road safety.

21) No dwelling shall be first occupied unless and until the car parking and/or garaging provision for that dwelling and the road access to it - including where shown visitor/unallocated spaces, associated footways and turning heads – have been constructed in accordance with drawing number CB_75_206_001 Rev E. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

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

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

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

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

Reason: To encourage and promote sustainable transport.

24) Before first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of 1 no. fire hydrant to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrant shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

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

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

Reason: To ensure the development benefits from appropriate infrastructure

26) 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 G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

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

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

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

28) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Preliminary Ecological Appraisal (30 June 2020), the Phase II Bat Surveys (18 September 2020), the Dormouse Survey (17 September 2020) and the Reptile Survey and Mitigation Strategy (11 November 2020), all prepared by EcoSupport and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include:

- wildflower meadow planting
- filling any gaps in tree lines or hedgerows with native species
- the provision of 20 no. bat brick/boxes to be installed into the dwellings and a further 12 no. bat boxes to be installed within the retained trees on site
- the provision of 20 no. bird boxes/bricks installed into the dwellings and a further 6 no. bird boxes to be installed within the retained trees on site
- the provision of 1 no. barn owl box is installed on site together with a management programme for maintenance and monitoring
- the provision of 2 no. log piles (as detailed within the submitted reptile mitigation)
- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.

Reason: In the interest of conserving and enhancing biodiversity.

29) Any works to the trees or vegetation clearance on the site shall 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 must check the site before any works take place (within 24 hours of any work).

Reason: In the interest of ecology.

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 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.

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

5) 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.

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

7) 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).

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

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

For further information on this application please contact Joanna Bell on 01243 534734.

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QD3T63ERL9H00>