

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

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

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

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

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

2.0 The Site and Surroundings

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

3.0 The Proposal

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

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

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

3.3 In detail the proposals comprise:

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

13 x 1 bed

40 x 2 bed

42 x 3 bed

23 x 4 bed

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

Market Housing

4 x 1 bed

26 x 2 bed

32 x 3 bed

20 x 4 bed

Total 82

Affordable Housing

9 x 1 bed

14 x 2 bed

10 x 3 bed

3 x 4 bed

Total 36

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

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

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

4.0 History

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

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

Comments received 11.01.2021

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

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

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

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

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

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

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

Comments received 15.09.2020

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

Access

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

Inclusivity

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

Amenities and infrastructure

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

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

Transport and Travel plans

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

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

Noise

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

Housing mix

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

Nitrate mitigation

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

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

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

Light pollution

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

Other comments

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

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

6.2 Highways England

No objection on the basis that the Council will:

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

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

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

6.3 Natural England

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

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

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

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

6.4 Southern Water

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

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

6.5 Environment Agency

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

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

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

6.6 Chichester Harbour Conservancy

No objection subject to a S.106 to deliver -

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

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

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

and conditions imposed relating to:

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

6.7 South Downs National Park Authority

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

6.8 WSCC - Highways

Access

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

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

Access by Sustainable Modes

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

Travel Plan

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

Vehicle Trip Rates

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

Parking

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

Layout

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

Conclusions

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

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

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

6.9 WSCC - Flood Risk Management

No Objection.

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

Modelled groundwater flood hazard classification - High risk

Ordinary Watercourses nearby - No

Records of any flooding within the site - No

6.10 CDC - Drainage Engineer

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

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

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

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

6.11 CDC - Housing Enabling Officer

No objections to this proposal.

6.12 CDC - Archaeology Officer

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

6.13 CDC - Conservation and Design Officer

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

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

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

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

6.14 CDC - Environmental Strategy Officer

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

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

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

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

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

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

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

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

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

achieved with a fabric first approach and through installing Solar PV and Air Source Heat Pumps onsite.
We are pleased to see that electric vehicle charging points will also be installed on 84% of the dwellings on site.

6.15 CDC - Environmental Health Officer

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

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

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

Construction - CEMP required secured by condition.

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

6.16 CDC - Contract Services

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

6.17 Sussex Police

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

6.18 85 Third Party Objections

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

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

6.19 3 Third Party Other

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

6.20 Applicant/Agent's Supporting Information

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

7.0 Planning Policy

The Development Plan

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

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

7.3 The Chidham and Hambrook Neighbourhood Plan

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

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

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

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

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

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

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

Part 1 - Strategic Policies

S1: Presumption in Favour of Sustainable Development

S2: Settlement Hierarchy

S3: Development Hierarchy

S4: Meeting Housing Needs

S5: Parish Housing Requirements

S6: Affordable Housing

S10: Local Centres, Local and Village Parades

S12: Infrastructure Provision

S20: Design

S23: Transport and Accessibility

S24: Countryside

S26: Natural Environment

S27: Flood Risk Management

S29: Green Infrastructure

S31: Wastewater Management and Water Quality

AL10: Chidham and Hambrook Parish

Part 2 - Development Management Policies

DM2: Housing Mix

DM3: Housing Density

DM7: Local and Community Facilities

DM8: Transport, Accessibility and Parking

DM16: Sustainable Design and Construction

DM18: Flood Risk and Water Management

DM22: Development in the Countryside

DM24: Air Quality

DM25: Noise

DM28: Natural Environment

DM29: Biodiversity

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

DM31: Trees, Hedgerows and Woodlands

DM32: Green Infrastructure

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

National Policy and Guidance

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

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

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

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

Other Local Policy and Guidance

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

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

Interim Position Statement for Housing Development

- 7.11 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 15 July 2020 there is a potential housing supply of 2,831 net dwellings over the period 2020-2025. This compares with an identified housing requirement of 3,297 net dwellings (equivalent to a requirement for 659 homes per year). This results in a deficit of 466 net dwellings which is equivalent to 4.3 years of housing supply. The inability to demonstrate a 5 year supply of housing contrary to the requirements of government policy triggers the presumption in favour of permitting sustainable development, as set out in paragraph 11 of the National Planning Policy Framework.
- 7.12 To pro-actively manage this situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4th November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing at a time

when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

Principle of development and the policy position

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

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

8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. When assessed against the policies of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.

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

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

Highway Impact

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

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

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

Design and Layout

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

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

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

Landscape Impact

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

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

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

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

Surface Water Drainage and Foul Disposal

Surface Water

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

Foul Water

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

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

Sustainable Design and Construction

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

Ecology and Biodiversity

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

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

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

Habitat Regulations Assessment

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

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

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

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

Retail Convenience Store and Community/Business Resource Hub

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

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

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

Other Matters

Noise, Air Quality and Light Pollution

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

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

Residential Amenity

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

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

Significant Conditions

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

Section 106 Agreement

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

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

Affordable rent

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

Shared ownership

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

Appropriate management by an approved body and a nominations agreement.

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

Conclusion

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

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

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

Human Rights

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of conserving and enhancing biodiversity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

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

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

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

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

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

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

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

Reason: To encourage and promote sustainable transport.

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

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

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

Reason: To ensure the development benefits from appropriate infrastructure

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

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

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

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

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

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

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

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

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

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

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

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