

Parish: West Wittering	Ward: The Witterings
---------------------------	-------------------------

**WW/20/02491/OUT**

<b>Proposal</b>	Outline planning application for residential development of 70 dwellings (some matters reserved except for access).		
<b>Site</b>	Land To The West Of Church Road Church Road West Wittering West Sussex		
<b>Map Ref</b>	(E) 479810 (N) 97731		
<b>Applicant</b>	Mr Damon C/O Agent	<b>Agent</b>	Ms Katie Lamb

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



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

**1.0 Reason for Committee Referral**

Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The 3.82 hectare (ha), broadly rectangular, greenfield site (agricultural land) lies within the rural area, within the parish of West Wittering, but is located directly to the west of the East Wittering parish boundary line.
- 2.2 The site lies to the west of Church Road and is approximately (at its nearest point) 50m to the north of the Settlement Boundary for East Wittering. Whilst the application site is located just outside the Settlement Boundary, it is contiguous with the built form of the settlement, by virtue of adjoining a relatively new (2014) housing development ('Sandpiper Walk') to the south (13/03286/FUL refers) which directly adjoins the East Wittering Settlement Boundary.
- 2.3 The site is approximately 500m to the north of the East Wittering settlement centre, which offers a range of employment, retail, social and community facilities including a primary school, post office, pharmacy and churches. There is a paved footpath on the opposite side of Church Road leading from the application site to the centre of the settlement. There is also a regular bus service to Chichester, with two bus stops located approx. 200m to the north of the site on Piggery Hall Lane. Dedicated off-road cycle facilities provide a link to West Wittering (from Cakeham Road / B2179) and then onwards towards Chichester using the Salterns Way, where it connects to National Cycle Routes 2 and 88.
- 2.4 The site is relatively flat and level, with drainage ditches to the north and west boundaries. The Environment Agency (EA) has confirmed the majority of the site falls within Flood Zone 1 (low risk), with a very small portion to the north-east corner falling within Flood Zone 3 (high risk). The site comprises arable land and the submitted report concludes the site is Subgrade 3a ('good to moderate' quality) Agricultural Land. Vehicular access to the site is presently achieved from Church Road, via a large gap in the existing hedgerow.
- 2.5 The southern site boundary is lined with a coniferous cypress hedge, with scattered oak trees to the western end, beyond this the site is bounded to the south by residential development, including a relatively recent development (13/03286/FUL refers), which is solely accessed via Church Road. Further to the south lies a mid-1990s development, that adjoins a network of cul-de-sacs of 1960s and 70s dwellings branching north from the B2179 (Cakeham Road / Northern Crescent / Stocks Lane). The early C20 development fronting Church Road to the south-east of the site is in ribbon form, with each property using a separate point of access. The site is bounded to the north by a drainage ditch and native field hedge (including oak and hawthorn), which intersects the larger agricultural field directly to the north of the site. Beyond the adjoining field, approximately 200m to the north of the site at Piggery Hall Lane, is a cluster of development including a Public House, caravan park and public footpath links.
- 2.6 To the east the site is bounded by a hedge line (largely hawthorn) to the southern end, with a large gap to the northern end, providing access. Further to the east the site is constrained by Church Road and further agricultural fields. There is a business centre (Hilton Park) 120m to the east. To the west the site is bounded by a drainage ditch and lined with a field boundary hedge (including hazel, oak and blackthorn). Directly to the west lies Scotts Farm Camping Site.

2.7 The site lies within 1km of the Bracklesham Bay SSSI, 2.3km from Chichester Harbour SSSI, 1.6km from the Solent Maritime Special Area of Conservation (SAC) and 1.5km from the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar Site.

### **3.0 The Proposal**

3.1 This outline application seeks approval for the principle of development for 70 dwellings, 30% of which would be affordable, with access to the site considered at this outline stage. The remaining matters pertaining to appearance, scale, landscaping and layout are reserved for future consideration. Notwithstanding those matters reserved, the outline application has been considered in a high level of detail following consultee responses and comments from third parties, with an illustrative layout showing details of the proposed building types, parking, landscaping and area of public open space.

3.2 The proposed development would be accessed by a single new vehicular access from Church Road, to the southern end of the eastern boundary. The simple priority junction would measure 6m wide with a 6 metre radii at the bellmouth of the new junction and will achieve suitable visibility splays commensurate with the 30mph speed limit in force at this location. A 2m wide footpath footway would be created either side of the new access, with pedestrian crossing points, including dropped kerbs and tactile paving, providing access for pedestrians to the existing footway on the eastern side of Church Road.

3.3 The application seeks approval for the principle of a housing development on the 3.82ha site with an overall mix comprising:

8 x 1-bed  
23 x 2-bed  
26 x 3-bed  
13 x 4-bed

3.4 In terms of the split between market and affordable units the proposal breaks down as follows:

Open Market Housing Provision = 49 dwellings (70%)

Unit size	Open Market
1-bed	4
2-bed	14
3-bed	20
4-bed	4
Total	49

Affordable Housing Provision = 21 dwellings (30%)

Unit size	Affordable Rent	Social Rent	Shared Ownership
1-bed	4	0	0
2-bed	4	2	3
3-bed	1	2	3
4-bed	0	2	0
Total	9	6	6

- 3.5 The Local Plan affordable housing policy requirement at 30% results in a requirement for 21 dwellings, in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. Based on the whole site area the overall density of housing equates to approximately 18dph.
- 3.6 Layout, scale, appearance and landscaping are all reserved matters but the applicant has provided an illustrative layout and landscape parameter plan, showing how the development of 70 homes might be delivered. Key features to note in the aforementioned plans, which are likely to be carried forward into any reserved matters submission are the plan to reinforce the existing wooded hedgerow boundaries to the site and the proposals to site an attenuation pond adjacent to the south-west corner of the site as part of the surface water drainage strategy. Open Space with equipped LAP (Local Area of Play) would occupy a central position of the site with further pedestrian links provided to the north and south to Sandpiper Walk (subject to negotiations).
- 3.7 Amended plans have been received during the application process, which include a reduction in the quantum of development, from 78 dwellings to 70 dwellings with associated alterations to the indicative layout.

#### **4.0 History**

Although there is no planning history directly related to the application site, permission was granted at land adjoining the south of the application site ('Sandpiper Walk').

13/02386/FUL - Land north of Chaucer Drive - Erection of 50 residential dwellings with associated access, parking, landscaping, open space and works. Application Permitted with S106 (20.06.2014).

#### **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	Majority FZ1
- Flood Zone 2	NO
- Flood Zone 3	YES (very small portion to the north-east corner)
Historic Parks and Gardens	NO

#### **6.0 Representations and Consultations**

##### **6.1 West Wittering Parish Council**

##### **Masterplan**

The applicant originally presented plans for 226 houses. This application for 78 houses on part of the site is a way of achieving the larger number through tranches of smaller applications that require less stringent environmental and sustainability criteria and reduced S106 obligations causing the issues outlined below. The application should

therefore be judged as part of a larger scheme in terms of need and viability and a full masterplan should be considered at this stage rather than this piecemeal approach to enable the full implications and consequences for the appropriate and essential infrastructure can be considered.

## **Flood risk**

There are concerns about flooding and the removal of the site from the HELAA on the grounds of increased sea water levels and extreme weather was welcomed. The development at Sandpiper Walk has had many issues with flooding in the last two to three years. An Environment Agency report published in 2018 stated that there would be a metre rise in sea water levels by the end of this century.

Foul water flooding is already a major problem for the area as there is already insufficient foul water capacity. All drainage goes to Sidlesham which covers Almodington, Selsey, Sidlesham, Bracklesham, West Wittering, East Wittering, Birdham and Itchenor. Please see below a quote from Southern Water's Drainage Strategy for Sidlesham:

*'Current issues and future challenges for Sidlesham (Manhood Peninsula) Over the next 25 years, population growth is expected to result in a 12% increase in domestic properties connecting to our sewers in the Sidlesham wastewater catchment. Climate change and urban creep are expected to add to surface water flows into our sewers which, in turn, will increase the number of properties at risk from surface water flooding.'*

The site is currently working at capacity with no headroom for further capacity as Southern Water states that its capacity is 29,000 but the actual demand swells to 42,000 including visitors. The drainage goes out to the sea and therefore nitrates will impact on Pagham Harbour which is also a protected area as is the whole of the coastline.

Development on land that is at risk of flooding should be avoided. A sequential test for flooding, sustainability, transport and the use of high-quality agricultural land should be carried out. The site does not comply with the requirements of Chapter 14 of the NPPF which requires that new development is located in areas not at risk of flooding either now or within the life of the development.

## **Transport infrastructure**

There are already transport problems in this area. There is a danger that, with a phased approach, the infrastructure required for just this phase would not be enough to cope with the increased demands of this, the next phase and adjacent planned developments. Also, an opportunity to improve an existing problem area would be missed. This piecemeal approach is not acceptable, and a view of the masterplan is required at this stage so that the infrastructure requirement is fully understood. The original plan was for 226 homes and this phase is for 78 homes. There is little doubt that future applications will be received for the remainder of the site. The infrastructure required in this area should not be looked at in isolation.

Road safety is a concern for Councillors and residents in the area impacted by this development. Between the 1st August 2015 and July 31st 2020 there were 37 minor accidents, 19 serious accidents and five fatal accidents in the area that would be impacted by this development (West and East Wittering and Bracklesham, both roads out to

Chichester as far as Wophams Lane). This is likely to increase significantly given the position of this development and the poor access via Church Road and Piggery hall Lane. An accident occurred only last month involving a school bus and a lorry as there is just not the space for any large vehicles or an increase in throughput of traffic on either road.

The application is incorrect in terms of bus stops and access and distance to Public Transport. A site is not sustainable if a bus stop is more than 100 metres from a site as people do not use them. However, the local road is not suitable as a bus route as previously stated. The development's location will generate an unacceptable amount of vehicle movements as there is no reasonable public transport alternative.

There are no cycle routes in the area of the development. It is therefore contrary to the objective of the NPPF to create sustainable development and as such it does not accord with the guidance in para 11(d) and should not be granted planning permission. The very recent (Nov 20) District Council Interim Housing Strategy - its review of housing sites within the District has discounted this site for solid planning reasons. There are more sustainable sites within the District. This development does not comply with para 102(c) and para 108 a) b) and c) of the NPPF.

### **Employment and education**

Lack of employment is an issue for East and West Wittering and the Manhood Peninsula in general. There are no employment opportunities locally resulting in all residents travelling to Chichester and beyond. Four hundred jobs have been lost on the Western Manhood Peninsula in the last few years and all of the employment sites have been lost to development resulting in a long commute off the Manhood Peninsula on a single road to any form of employment. This is not sustainable or environmentally sound. It is contrary to the guidance in the NPPF as most new residents will have to travel for employment and for secondary schools.

The primary schools are currently full and there is no secondary school on this side of the Peninsula. The secondary school in Selsey is close as the crow flies but is a long and difficult journey by road.

This would involve travel to get to an appropriate school which is not sustainable it cannot comply with the requirement for school places as set out in para 94 NPPF.

### **Winter/Summer differences**

The huge difference between these two seasons is not always acknowledged or considered. The population of West Wittering almost doubles in the summer. Demand on all utilities, the roads and transport and the impact on protected areas doubles during the summer and is currently at breaking point during peak times. Any extra development increases these pressures considerably. This growth in the population also increases the recreational pressure which causes damage to protected areas. See below.

### **Recreational space and impact on protected areas**

The development is high density with small gardens and little room for play areas, dog walking and general outdoor activities. This puts further pressures on the other outdoor spaces in the area that are already under pressure from overuse and are often protected

sites that are not able to endure extra pressures, see below. There is also a risk of even higher density of housing once these spaces are included. This is not acceptable for a site on the edge of a settlement clearly visible across open fields. Further it does not comply with the requirements of the NPPF paras 91 and 92 by providing adequate on-site green space and easy pedestrian and cycle connections to the village facilities in either East or West Wittering.

Additional dwellings will also create recreational disturbance on the surrounding protected coastal areas and will have a further impact on already overused designated areas of AONB and SSSI/SPA/SAC/RAMSAR with their protected habitats and birds. This does not comply with the NPPF para 172 and 175 which attributes great weight to the protection of these areas. Although the presumption is in favour of sustainable development if there is no five-year land supply, the impact on these habitats would suggest, according to the NPPF paragraphs 170-177, that this development is not sustainable. This development is 2 kilometres from the AONB and is within the zone of influence of the AONB and the SSSI for biodiversity matters.

### **Loss of agricultural land**

The steady loss of very good grade 2 agricultural land, which this is, is a serious concern. It is an accepted planning principle that high-quality land should not be used if lower quality land is available elsewhere. Footnote 53 of NPPF states that areas of poorer quality land should be preferred to those of higher quality. Natural England's Agricultural Land quality for London and the South East states that this area is 'Grade 2 Very Good'. This is defined as the best and most versatile agricultural land and is mentioned in the Village Design Statement which states that this land should not be lost.

Planning obligations and conditions required should outline planning permission be granted.

#### *Secured by S106:*

- Minimum 30% affordable homes in compliance with Annex 2 NPPF secured prior to occupation of open market dwellings - preference for rented dwellings for local people with a mixture of tenures.
- Space to be allocated for allotments then owned and managed by the Parish Council and Allotment Association as access to existing allotment site is not sustainable from this development - NPPF para 91 c).
- Open market housing - an obligation on the developer to provide small open market units for all ages including bungalows for downsizing. The five bungalows already shown on the plan to be secured at this stage.

#### *Secured by condition*

- Height of properties to be limited to two stories high as otherwise the buildings will be out of character and too dominant as there are no other buildings three stories high in the area and it is the edge of settlement development and outside the settlement area.
- All permitted development rights to be removed from this development due to its potential cramped layout.
- There should be no more than 20 dwellings per hectare.
- Adequate power supply from non-fossil fuel sources.

- Improvements to the highway infrastructure on the neighbouring bottle necks and danger zones, including Piggery Hall Lane and other lanes and junctions onto main roads.
- Lights that do not penetrate the atmosphere are required. Low level low impact lighting that illuminates the pathway not the surrounding Countryside.
- Entrance to the development to be moved to Church Farm Lane where room for a roundabout would also connect to the planned development opposite.
- New development and associated roadworks should not impact on the rural aspects of the entrance to the village of West Wittering. Because of the tree and scrub cover at the village edges, the village is often not visible from the wider landscape as stated in the Village Design Statement section 6.4 Settlement edges. The Village Design Statement states that *'any possible new development on the edge of West Wittering could lead to the loss of open character.'*
- The primary schools will require an extra entry class to accommodate new pupils as the schools are already full.
- Exercise areas are not visible in the outline plan. Space is required for walking, dog walking, children's play area but without increasing the density of the already crowded houses.
- Appropriate parking for the number of houses to be provided for both residents and visitors.
- High speed broadband must be provided.

## **Conclusion**

The proposed site lies wholly within the boundary of West Wittering Parish Council (WWPC). The references by the applicant to the development being within East Wittering are erroneous. Any CIL payments should be paid to West Wittering Parish Council as the current rules state.

The recommendation West Wittering Planning Committee is as follows: this development is not sustainable and does not meet the needs of the village. The current housing allocation figure from Chichester District Council is zero.

West Wittering parish Council therefore OBJECTS to WW/20/02491/OUT for the reasons laid out above.

On a without prejudice basis however, should planning permission be granted then the above obligations and conditions should be imposed at the outline permission.

## **6.2 East Wittering and Bracklesham Parish Council**

### **Further comment dated 06.05.2021**

Parish Council's Response to 21/01090/EIA Land at Stubcroft Farm, Wessex Avenue, East Wittering requested to be considered as part of this application (summarised).

We have requested that full EIA and an HRA be completed before a planning application can be submitted and that due to the significant likelihood of cumulative effects from multiple developments in the area the EIA and the HRA should also incorporate the developments on Land West of Church Road, at Clappers Lane in Earnley and the submitted (but not yet validated) application for Land at Stubcroft Farm behind Middleton Close. Please could you therefore add the attached comments to this application, as they

are highly and materially relevant and we would like to see an overarching EIA and HRA completed that incorporates this application before a final decision is made.

#### Original comments received 18.11.2020

East Wittering and Bracklesham Parish Council object to this application.

In the absence of an up-to-date Local Plan, the Parish Council believe that the application does not accord with the development criteria set out in the Chichester District Council Interim Position Statement for Housing (November 2020) for the following reasons:

1) The application breaches criteria 4 of the interim position statement as the development has artificially sub-divided site HWW0002a in an attempt to avoid significantly more onerous infrastructure and S106 obligations, leaving the site exposed to the risk of piecemeal development. There is no assurance in the planning application that the developer will not attempt to bring further applications on this site forward in the future. Indeed, at an initial meeting between the developer and the Parish Council held on 05/03/2020 they indicated that they would be looking to build a total of approximately 210-230 units across the 6ha of developable land on the entire site.

We believe that the application also breaches criteria 4 as it does not accord with the findings of the latest Housing and Economic Development Needs Assessment (HEDNA, September 2020) and proposes too many larger three and four bedroomed properties for open market sale with insufficient smaller one and two bedroom properties resulting in an arbitrarily low housing density.

*4. Development proposals make best and most efficient use of the land<sup>1</sup>, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of land parcels will not be encouraged.*

*Relevant policies include:*

- CLPKP Policy 2 Development Strategy and Settlement Hierarchy
- CLPKP Policy 7 Masterplanning Strategic Development
- CLPKP Policy 33 New Residential Development
- CLPKP Policy 47 Heritage and Design
- LPR Policy S2 Settlement Hierarchy
- LPR Policy S32 Design Strategies for Strategic and Major Development Sites
- LPR Policy DM3 Housing Density

2) The application breaches criteria 6 of the interim position statement. The site has been identified in the Ecological Mapping of Chichester District (LPR ref. 032 appendix 1) as of strategic importance for the following key species:

- Lapwing
- Woodland Bat
- Barn Owl
- Water Vole

The developer proposes removing significant lengths of hedgerow, which currently provide cover for Woodland Bats and Barn Owls, and the development will result in significant loss

of open farmland, which is vital for Lapwing and also provides hunting grounds for Barn Owls. Site construction and the use of the proposed public open spaces, especially for dog walking purposes will result in considerable harm, specifically from construction and ongoing recreational disturbance to the riparian ditch network, adversely impacting the area-wide water vole population and severing vital wildlife corridor routes.

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

*Relevant policies include:*

- *CLPKP Policy 49 Biodiversity*
- *LPR Policy DM29 Biodiversity*
- *LPR Policy S30 Strategic Wildlife Corridors*
- *LPR Policy DM31 Trees, Hedgerows and Woodlands*

*Relevant evidence:*

- *Strategic Wildlife Corridors Background Paper*
- *Local Biodiversity Action Plan*

3) The application breaches criteria 7 of the interim position statement as it fails to demonstrate how the necessary increases to capacity to the Waste Water Treatment works at Sidlesham will be secured and delivered to accommodate the increase in foul water and sewage.

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

*Relevant policies include:*

- *CLPKP Policy 9 Development and Infrastructure Provision*
- *CLPKP Policy 12 Water Management in the Apuldram Wastewater Treatment Catchment*
- *CLPKP Policy 34 Affordable Housing*
- *CLPKP Policy 54 Open Space, Sport and Recreation*
- *LPR Policy S6 Affordable Housing*
- *LPR Policy S12 Infrastructure Provision*
- *LPR Policy S31 Wastewater Management and Water Quality*

*Relevant evidence includes:*

- *Infrastructure Delivery Plan*
- *Open Space, Sport Facilities, Recreation Study and Playing Pitch Strategy*
- *Approach to securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass SPD*
- *Surface Water and Foul Drainage SPD*
- *Joint Environment Agency and Southern Water Position Statement on Managing New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment*

The application breaches criteria 10 of the interim position statement as it fails to provide sufficient improvements to vehicular, pedestrian and cycle access to the site. Church

Road is an already busy road and is heavily used by pedestrians as it is a main entrance for the local primary school. This leads to ongoing issues with traffic management and pedestrian safety at key times throughout the day.

Should the development be permitted, significant improvements would be required to the local transport network. These include a signal controlled pedestrian crossing in Church Road, improved street lighting to the footpath on the Eastern side of Church Road, provision of a dedicated off-road pedestrian/cycle way along Church Road, via Sandpiper Walk to the village centre to protect cyclists and pedestrians, particularly primary aged school children, along what is a busy and dangerous route along with provision of an off-road pedestrian/cycle link to Downview recreation ground and on to Bracklesham Lane.

If planning permission is granted to the development, specific conditions should be attached to the site to ensure that construction traffic must enter site from the Northern approach, via Piggery Hall Lane, with no construction traffic permitted to enter the site from the village to the South. Heavy goods movements should also be restricted in the interests of pedestrian safety, with none permitted Mon-Fri between the hours of 8.15-9-30am and 2.30-3.30pm to avoid conflict with school pick-up and drop-off times.

*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.*

*Relevant policies include:*

- *CLPKP Policy 8 Transport and Accessibility*
- *CLPKP Policy 39 Transport, Accessibility and Parking*
- *LPR Policy S23 Transport and Accessibility*
- *LPR Policy DM8 Transport, Accessibility and Parking*

*Relevant evidence includes:*

- *Local Plan Policies Map*
- *Settlement Hierarchy Background Paper*
- *WSCC Walking and Cycling Strategy 2016-2036*
- *Chichester Local Cycling and Walking Infrastructure Plan*
- *Other relevant government guidance such as LTN 1/20 Cycle Infrastructure Design*

The application breaches criteria 7 and 11 of the interim position statement as it is not located in an area at low risk of predicted future flooding and does not detail how the necessary supporting infrastructure (e.g. raising of coastal sea defences) will be secured to meet the predicted flood risk of climate change induced sea level rise. The site has been removed from the latest Housing and Employment Land Availability Assessment (HELAA, October 2020) because it is not sustainable due to the latest forecast impacts of climate change and projected sea level rise.

A recent judgement from the planning inspectorate, Appeal Ref:

APP/L3815/W/20/3250327 Mayfield, Prinsted Lane, Prinsted, Southbourne PO10 8HS refused an appeal in an area identified at similar risk of future climate change induced flooding on the grounds that: *'the appeal proposal would cause significant harm to the Council's development strategy and settlement hierarchy, and to the Council's and the Government's flood risk strategy for housing development. I attach substantial weight to this harm.'* The same harms would be attached to this development, only on a much larger

scale and as such it should be resisted as there is now an established precedent for refusal.

The application further breaches criteria 11 as it fails to detail how ongoing maintenance of the SUDS systems will be managed in perpetuity. If permission were to be granted for this outline planning application it should be a condition that this detail must be provided and independently verified as fit for purpose before an application for reserved matters can be approved.

*11. Development is to be located in areas at lowest risk of flooding first, and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the Council 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 effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes should be informed by the most recent climate change allowances published by the Environment Agency.*

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

*Relevant policies include:*

- *CLPKP Policy 42 Flood Risk and Water Management*
- *LPR Policy S27 Flood Risk Management*
- *LPR Policy DM18 Flood Risk and Water Management*

*Relevant evidence includes:*

- *Strategic Flood Risk Assessment Level 1*
- *HELAA*
- *Chichester Surface Water and Foul Drainage SPD*
- *WSCC Lead Local Flood Authority Policy for the Management of Surface Water*

The application breaches criteria 12 of the interim position statement as does not detail how it will prevent further foul water discharge events into the Solent water catchment area given the chronic lack of capacity in the local waste-water treatment network. As such it will fail to meet the requirements for nitrate neutrality in all new housing developments:

*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.*

*Relevant evidence includes:*

- *Advice on achieving nutrient neutrality for new development in the Solent Region, Natural England June 2020*

The Parish Council would like to add that the development will adversely impact the whole village, further extending the settlement boundary and diminishing the open and rural nature of the area. The development would also exacerbate existing issues around access to schools, medical treatment and services and contribute to over-capacity issues upon the local road network, which has been subject to numerous cumulative development impacts over the past 3-5 years.

Finally, we would like it noted that although the development is geographically located in West Wittering, it would in fact extend the Northwest edge of the settlement boundary of East Wittering. Due to the perverse nature of the CIL levy regime, all CIL monies attached to the development would therefore be payable to West Wittering Parish Council.

Should the application be granted planning permission, we would urge the District Council to look closely at what remedies could be applied to ensure that CIL monies were allocated within the settlement boundary rather than the parish boundary as this is where the impacts of the development will be most keenly felt.

### 6.3 Earnley Parish Council

At its meeting on 26th November 2020, Earnley Parish Council resolved to strongly object to this application on the grounds of sustainability, lack of services and impact on traffic, building on a greenfield site. The application does not fully meet the requirements of the Interim Position Statement for Housing. In addition, the Parish Council fully support East Wittering & Bracklesham Parish Councils Objection.

### 6.4 West Itchenor Parish Council

West Itchenor Parish Council is aware that the application site falls within the parish of West Wittering and not East Wittering. Nonetheless West Itchenor Parish Council fully supports the objections to this application made by both Parish Councils.

Although the Parish Council is fully aware it is not a statutory consultee it hopes that the District Council will take into account comments made as the proposed development will have a significant impact on other villages on the western side of the Peninsula.

### 6.5 Sidlesham Parish Council

Sidlesham Parish Council discussed the above Planning Application electronically. This application falls outside the Sidlesham Parish boundary, but if built it would have potential repercussions for Sidlesham in respect of transport and more importantly on the serious effect it will have on the Sidlesham Sewage Works which are already fully stretched. For these particular reasons we may wish to add our parish's objection to this potential housing development, whilst at the same supporting the views expressed by the local parish councils of West Wittering, East Wittering & Bracklesham and Earnley.

### 6.6 Natural England

Further response dated 10.12.2020

Designated sites [European] - no objection subject to securing appropriate mitigation.

## Original response dated 12.11.2020

Further information required to determine impacts on designated sites.

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

The following information is required:

- How any potential impacts on the interest features of Bracklesham Bay SSSI - arising from the net gain of hard standing surfaces - shall be avoided and or/mitigated.
- How any potential impacts upon the Solent European sites, arising from the net gain of residential units - either through increased recreational disturbance and/or the discharge of additional treated effluent - shall be mitigated and/or avoided.

Proposals that comprise new development with overnight accommodation will have potential implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on European Designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

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

### 6.7 Environment Agency

The EA have reviewed the application and have no objection to the proposal as submitted. The majority of the site is located in Flood Zone 1 (low risk), with a very small portion in Flood Zone 3 (high risk). All residential accommodations are located outside the flood risk area. Advice regarding environmental permits provided.

### 6.8 Highways England

Highways England offers no objection to the proposals on highways traffic impact grounds provided that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. The SPD requires a contribution of £3,248 per dwelling for developments in East Wittering/Bracklesham. Accordingly, the proposed development should make a contribution of 70 x £3,248 which equates to £227,360.

### 6.9 Southern Water

#### Final response received 26.05.2021

Southern Water confirm there is currently capacity in the local sewerage network to accommodate the foul sewage disposal (at molehole reference SZ79976701) to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

### Further response dated 05.04.2021

The exact position of the public sewers and rising main must be determined on site by the applicant before the layout of the proposed development is finalised. Please Note:

- The 375 mm diameter gravity foul sewer and 100 mm, 250 mm foul rising main requires a clearance of 3 metres on either side of the gravity and rising main sewers to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity and rising main sewers without consent from Southern Water.
- No Attenuation basin, soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public gravity and rising sewers.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal (at manhole reference SZ79976701) to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this planning application receive planning approval, the following condition is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

#### Further response dated 08.02.2021 - summarised

It appears that the applicant is proposing to divert a 375mm public foul sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application should be made using Southern Water's Developer Portal.

The submitted drainage layout shows a clearance of 3m (Easement) on either side of the 100mm public foul rising main which is satisfactory to Southern Water. However, tree planting is proposed close to rising main.

#### Further response dated 06.01.2021

Further to our previous correspondence dated 13.11.2020 regarding the above planning consultation and further information provided by the developer regarding foul capacity. Our investigations indicate that Southern Water can facilitate foul sewerage disposal (at manhole reference SZ79976701) to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. All other comments in our response dated 13.11.2020 remain unchanged and valid.

Original response dated 13.11.2020

It appears that the applicant is proposing to divert a 375 mm public foul sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application should be made using Southern Water's Developer Portal.

The submitted drainage layout shows a clearance of 3 meters (Easement) on either side of the 100 mm public foul rising main which is satisfactory to Southern Water. However, tree planting are proposed close to rising main.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: *'Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.'*

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: *'Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.'*

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

#### 6.10 WSSC Fire and Rescue

No objection, subject to condition relating to fire hydrant(s).

## 6.11 WSCC Highways

### Further comment dated 01.04.2021

It is noted there has been a reduction in dwellings from 78 to 70 dwellings. Indicative footway connections are shown to the south of the site which would improve the permeability of the site. It is noted that there no details on the ability of the applicant to deliver these.

Travel Plan: A sum of £1,500 should be secured within the S106 to enable WSCC to audit the Travel Plan. All other recommended conditions are included in the previous response dated 10.12.2020.

### Original commend dated 10.12.2020

#### **Access**

A simple priority junction is proposed onto Church Road 6m in width and with 6m radii. Dropped kerbs and tactile paving are provided at the site access and small sections of footway provided to connect into the existing footway.

Visibility splays of 2.4m x 59m are provided in line with MfS requirements for speeds of 36mph. Whilst a speed survey was not undertaken to support the application a WSCC survey from September 2016 indicates 85th% speeds of 35.8mph northbound and 36.1mph and as such visibility splays are based on these. This approach was agreed at pre application and is considered acceptable.

A stage 1 Road Safety Audit has been undertaken which highlighted 7 issues. These have been agreed through the designer's response with additional information provided or to be incorporated at the detailed design stage. This includes the widening of Church Road as shown on drawing 103606-T-005A.

A review of personal injury accidents has identified no accidents in the vicinity of the site in the previous 5-year period.

#### **Link into adjoining development**

The site would benefit from the creation of an internal pedestrian link to Turnstone Close in the development to the south however due to the adopted highway boundary in the adjoining development to the south not reaching the edge of the development this would not be possible without further agreements between land owners. It is recommended should consent be given, the applicant attempts to incorporate a link at the reserve matters stage.

## **Sustainable transport**

**Pedestrian:** Footways are located to the east of Church Lane and provide a suitable route to East Wittering village centre.

**Cycle:** No cycle routes are currently provided within the vicinity of the site. A suggested route appears within the WSCC Walking and Cycling Strategy along Church Road (ref 163) and should this be a priority for delivery could be funded via CIL contributions.

**Bus:** Services 52/53 provide regular opportunities to travel to Chichester.

## **Trip generation**

Trip rates agreed for the Land at Southdowns Holiday Village (18/00753/OUT) have been utilised and result in the development generating 44 AM peak two way trips and 53 PM peak two way trips.

## **Development impact**

58% of trips are anticipated to travel northwards and 42% southwards. The site access has been modelled and would operate satisfactorily in a 2029 end of Local Plan scenario. Due to the level of trips and the distribution no further offsite junction modelling has been requested.

## **Travel Plan**

A travel plan has been submitted with the application, the TP should be developed in line with the WSCC residential including:

- The car share website should be referenced as [www.westsussexcarshare.com](http://www.westsussexcarshare.com);
- Provision of vouchers worth at least £150 per dwelling and could be exchanged for one of the following:
  - a) A season ticket for the local bus service.
  - b) A rail season ticket or network card.
  - c) A contribution towards the purchase of a new bicycle and/or equipment.
  - d) Bikeability training up to 4 members of the household.
  - e) 12 months free membership to any local Car Club (including joining fee).

## **Reserved matters issues**

Whilst reserved matters issues comments are offered on the following:

- Parking - Parking and Cycle Parking are to be provided in line with WSCC standards including EV parking.
- Internal Layout - To be developed in line with Manual for Streets principals and will accommodate refuse and service vehicles.

## **Contributions**

It is assumed that CDC will secure the appropriate S106 contribution towards the A27 Chichester Bypass and that the site will be CIL liable.

## **Conclusion**

No objection is raised to the application subject to the above CIL and A27 contributions and the following conditions.

### **Conditions / Informatives**

- Access
- Car parking
- EVC parking
- Cycle parking
- CEMP
- Travel plan
- Works within the highway (informative)
- Temporary directional signs (informative)

#### **6.12 WSSCC Lead Local Flood Authority**

No objection.

The Flood Risk Assessment (FRA/Drainage Strategy included with this application proposes that an attenuation basin with a restricted discharge to the watercourse, would be used to control the surface water runoff from the site.

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

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

#### **6.13 WSSCC Minerals and Waste**

No objection.

#### **6.14 Sussex Police**

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

#### **6.15 CDC Archaeology Officer**

A condition to secure a written scheme of archaeological investigation is recommended.

## 6.16 CDC Conservation and Design Officer

### Comment received 04.02.2021 in response to original scheme

My comments are restricted to design matters related to the layout and proposed density.

The majority of the layout shows high concentrations of built form, with widespread examples of properties separated only by one or two bays of parking spaces rather than any sort of green space. Where it does exist the green space appears minimal and is highly concentrated in the south west corner of the site, which necessarily increases the built form density in other parts. It appears that the quantum of overall development is the driving force behind the density issues. The site as it stands appears as a tightly packed suburban development, which is a clearly inappropriate type of development for a rural edge location such as this. A reduction in overall density would enable the introduction of meaningful and specific green space and landscaping around the homes to reduce the sense of inappropriately located suburbia.

Whilst I appreciate that elevational design will come later in the process a move away from the clinical application of a basic housing type would be welcomed. There is little in the way of immediate local architectural character and this can provide the architect with a freer hand in designing a more eclectic and flexible contemporary housing standard. A more flexible design should be able to take advantage of both a lower density at the site and also the good quality rural edge location. Particular attention should be paid throughout the site to corner plot developments overall streetscenes.

## 6.17 CDC Drainage Engineer

### Further comment dated 08.1.2021

Content with the minimum FFLs, although suggest these are still conditioned.

### Original comment received 04.11.2020

#### **Flood Risk**

The majority of the site, including where housing is proposed falls within flood zone 1 (low risk). However, a small area of the site falls within flood zones 2 and 3 (High Risk), therefore the Environment Agency should be consulted and should comment on the acceptability of the development in this location.

The FRA which accompanies the application indicates that the site may be at increased risk during the lifetime of the development due to predicted sea level rise. The new dwellings must be built to be resilient to not only current risk, but also the risk during their lifetime, and they cannot rely on new defences being constructed. Although the policy is hold the line this is subject to funding and therefore offers no guarantees defences will be constructed.

Please could the applicant provide details on their minimum FFLs, in order for the houses to be resilient, they will need to provide a suitable buffer (300mm+) above the 1 in 200yr.

flood event 2120 (around 4.6m AOD). If you are minded to approve the application this should be a condition of approval (minimum FFLs no lower than 4.9m AOD).

## **Surface Water Drainage**

Based on the geology and findings of ground investigations from the adjacent site to the south we feel infiltration is unlikely to be feasible on this site. The documents submitted in support of this application suggest that the proposed means of surface water drainage is an attenuated discharge to a local watercourse. This approach is acceptable in principle as the surface water drainage scheme design follows the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA, the potential for on-site infiltration should still be investigated through winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction. We would also like to see dedicated discrete soak-away structures for each individual property.

If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s). We suggest that, at the earliest stage, the developer gives due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance. Surface water drainage features should also be designed in a manner that positively affects the amenity of the site. We would like to remind the developer that, open features, such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations in addition to; being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as plastic crate systems.

Well-designed SuDS components include features that are no more hazardous than those found in the existing urban landscape, for example ponds in parks or footpaths alongside canals, therefore if the SuDS features are designed in an appropriate and safe manner, there should be no need for unsightly fencing and areas of restricted access. Additionally, consideration should be given to the nature of SuDS features that are chosen to be incorporated into the design, for example will the SuDS features be useable open spaces (such as detention basins etc.) in all but the most extreme weather events, or will they be year round water features such as ponds.

A preliminary Health and Safety assessment (in accordance with the SuDS Manual) should be developed at the outline design stage, early in the Construction, Design and Management planning process.

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the

infiltration/SuDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional 40% climate change allowance.

Conditions are recommended to secure full details of the proposed surface water drainage scheme and the maintenance and management of the SUDS.

#### 6.18 CDC Environmental Health

No objection, subject to conditions regarding the following points:

##### **Air Quality**

The site is not located within an air quality management area (AQMA); however, it is located adjacent to a busy road. A consultant shall have to be commissioned to assess the impacts of air quality at site. Consideration shall have to be given to any impact as a result of the development. The proposed use is likely to have an impact on local air quality (from vehicle movements and possible plant (e.g. heating/ventilation units) installed at the site).

##### **Contaminated Land**

It is considered that there is potential for land contamination to be present. Conditions recommended.

##### **Lighting**

An external lighting plan must comply with the relevant criteria within Guidance for the Reduction of Obtrusive Light (Institute of Lighting Professionals, GN01:2011).

##### **Noise**

The proposed site is set in a relatively quiet location and transportation noise should not be an issue for any future residents. An industrial estate is located nominally 135m at the nearest point to the proposed site to the east. Also heating systems, such as ground source heat pumps or other mechanical plant may be installed as part of any new development. For this reason a condition to secure a noise assessment is recommended. It should be acknowledged that noise mitigation measures may need to be presented to demonstrate appropriate noise levels can be achieved to support residential living.

#### 6.19 CDC Environmental Strategy Unit

##### Further comments dated 25.05.2021

Following submission of the Sustainable Construction and Design Statement (February 2021) we are pleased to see the commitment by the applicant to implement measures to better the building regulations, which will be achieved through installing low carbon air source heat pumps to supply space and water heating in all properties on this site. However, we require that the site achieves at least a 19% improvements on CO2 emissions through fabric first and the use of other renewable technologies, including PV. Further information and confirmation of this will need to be provided as part of a future reserve matters application.

As detailed within the Interim position statement for housing (IPS) criteria 8 we require that the site achieves at least a 19% improvement in the dwelling emissions rate (DER) over the Target emission rate (TER) calculated according to Part L of the building regulations. This should be achieved through fabric and ventilation systems of the dwellings. As this is the outline application, we require complete detailed Building Regulations calculations to identify more accurately the thermal specifications for the property types to be submitted at the reserved matters stage for the approval of the LPA.

We are pleased to see that 75% of homes will have vehicle charging points installed and the remaining 25% will have the infrastructure for these to be installed.

Original comment received 04.11.2020

### **Bats**

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

All trees should be retained onsite, however if any works need to take place to any trees onsite further bat survey work will be required for any of these trees which have been identified as having bat roost potential. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

### **Water voles**

As detailed within the Water Vole Survey (Oct 2019) an updated water vole survey will need to take place within ditch D1 prior to works commencing onsite. If water voles are found no works can commence until a mitigation strategy has been agreed with the LPA.

### **Badgers**

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

### **Reptiles**

Following submission of the Reptile Presence/Likely Absence Survey (Sept 2019), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

## **Great Crested Newts**

Following submission of the Great Crested Newt Survey (Sept 2019), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

## **Nesting birds**

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

## **Hedgehogs**

Any brush pile, compost and debris piles onsite could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

## **Enhancements**

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy as detailed within the ecological surveys.

## **Recreational disturbance**

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

## **Sustainable construction and design**

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met.

### **6.20 CDC Housing Enabling Officer**

The applicant has submitted revised layout plans reducing the density of the proposed development from 78 to 70 and amending the mix and tenure of the dwellings. In line with Policy 34 of the Chichester Local Plan, 30% (21 units) is required to be delivered as affordable housing. The applicants submitted layout plans indicate the provision of 21 units which meets this requirement.

The Market Housing mix is in line with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2018 which it was initially assessed against. The provision of 3 bedroom bungalows is also welcomed and will provide suitable accommodation for older households with mobility needs who want to downsize. The Affordable Housing mix is in line with the HEDNA 2018 mix and tenure requirements and

is therefore acceptable. The provision of 6 social rented dwellings will be more accessible to those on the Council's housing register. The above mix should be secured within a section 106 agreement.

The development should be delivered tenure blind in that the affordable housing should not be externally distinguishable from the market dwellings. The pepper potting of the affordable units throughout the site is consistent with the Council's Planning Obligations and Affordable Housing SPD in that it does not cluster more than 10 affordable units together. All units should meet or exceed the nationally described space standards. Early engagement with registered providers is also encouraged to ensure the delivery of the required affordable quota.

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

## 6.21 CDC Policy Team

### Further comment dated 20.05.2021

Since the original Planning Policy consultation response was issued (dated 30 November 2020), the Environment Agency has confirmed that part of the dataset which had been used to prepare the maps at Appendix E of the SFRA 2018, was incorrect. Corrected data has been issued and the maps at Appendix E of the SFRA have been updated. These were published on the Council's website in March 2021.

The corrected maps show that the site is not located within an area affected by climate change flood risk area up to 2115. As such, the comments regarding climate change (para 3 in the consultation response dated 30 November 2020) are withdrawn and superseded by this response dated 20 May 2021. However, this amendment does not relate to any other site specific flood risk issues which may still need to be addressed through the application process.

### Original comment dated 30.11.2020

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

However, account will also need to be taken of the criteria set out in the Interim Position Statement; in particular criterion 11 will need careful consideration prior to the determination of the application. Separately, criterion 4 is of relevance which references that the artificial sub-division of land parcels will not be encouraged.

Bearing in mind the countryside location, and particularly taking account of flood risks including climate change that need to be addressed, unless it can be clearly demonstrated that the sequential test could be met prior to the determination of this application, an objection would be raised at this stage.

## 6.22 CDC Tree Officer

None of the trees are currently subject to a TPO nor is the site in a Conservation Area. The trees and hedgerows are located on the boundaries of the site - no internal trees. The proposed protective fencing type and location seems acceptable. There will probably be future occupancy issues of shading from the trees/hedgerows on the southern aspects, any patchy hedgerow should be strengthened with suitable native species and internal landscaping within the site with suitable planting to cope with salt/wind conditions due to the location of the site being near to the coast.

## 6.23 CDC Waste Officer

Advice provided regarding site layout, provision of bins and bin collection points.

## 6.24 Third Party Representations

At the time of writing 208 letters of objection have been received concerning:

- Area south of Clappers Lane has already been extensively developed into a housing estate and is without proper amenities.
- Numerous developments in the area will see the villages of East Wittering, Bracklesham and Earnley as one small town, with no facilities.
- Too many developments in the area.
- Overpopulation.
- Loss of villages.
- No consideration given to existing residents.
- Greenfield development is unacceptable.
- Agricultural fields should not be used for housing.
- Infrastructure currently in place is not fit for purpose.
- Additional pressure on health care and schools.
- Noise and disturbance during construction phase.
- Concern for pedestrian / cyclist safety regarding large HGVs on narrow roads.
- Local medical centre does not have the staff to cope with the demand.
- Road network is poorly maintained and cannot cope.
- Too much traffic on the roads already and the situation will become worse.
- Roads are too narrow and dangerous; especially for pedestrians and cyclists.
- The traffic situation will be worse in summer months.
- Piggery Hall Lane has no footpath; and, this will lead to a serious accident.
- Parking in the area is already difficult.
- The A27 cannot cope with any more traffic; improvements need to be made.
- There is no Secondary School nearby, unless you travel by bus or car.
- There are no jobs in the area, which means most residents have to travel to work using the B2179.
- Piggery Hall Lane has become a 'rat run' and with more cars will become very dangerous.
- The location is unsustainable; there is no train station and poor bus service.
- Emergency services are unable navigate through gridlocked traffic.
- Submitted Transport Assessment does not reflect the realities of the proposed development.
- Improvements are needed to roads, parking facilities, shops, bus service, policing and community support due to the population increase.

- Development is poorly designed.
- The entrance through the proposed development should be through the existing development of Sandpiper Walk and not creating yet another access on to Church Road.
- Loss of habitat / hedgerows and wildlife.
- Speculative development is not sustainable and goes against climate change objectives.
- Land should be considered for rewilding programme.
- Site is highly visible and there are minimal green areas left and Church Road is one of the few.
- Detrimental to the visual environment as you approach the village.
- Tourism economy will be negatively affected due to urbanisation.
- Property prices too high for local people.
- Properties are purchased as weekend/holiday homes.
- Too many second homes in the area.
- What employment there is in the area is to a large degree seasonal.
- Site has been 'discounted' for use due to climate change in the HELAA Report.
- Flooding and drainage issues will become worse.
- Increase in air pollution.
- Light pollution.
- Local democratic system is unfair.
- Development is deliberately sited to avoid wealthy areas.

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for West Wittering at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

Policy 1: Presumption in Favour of Sustainable Development  
 Policy 2: Development Strategy and Settlement Hierarchy  
 Policy 4: Housing Provision  
 Policy 5: Parish Housing Sites 2012- 2029  
 Policy 8: Transport and Accessibility  
 Policy 9: Development and Infrastructure Provision  
 Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula  
 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 47: Heritage  
 Policy 48: Natural Environment  
 Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours  
Special Protection Areas  
Policy 52: Green Infrastructure  
Policy 54: Open Space, Sport and Recreation

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

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

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

#### **Part 1 - Strategic Policies**

S1 Presumption in Favour of Sustainable Development  
S2 Settlement Hierarchy  
S3 Development Hierarchy  
S4 Meeting Housing Needs  
S5 Parish Housing Requirements 2016-2035  
S6 Affordable Housing  
S12 Infrastructure Provision  
S18 Integrated Coastal Zone Management for the Manhood Peninsula  
S20 Design  
S21 Health and Wellbeing  
S22 Historic Environment  
S23 Transport and Accessibility  
S24 Countryside  
S26 Natural Environment  
S27 Flood Risk Management  
S28 Pollution  
S29 Green Infrastructure  
S31 Wastewater Management and Water Quality  
S32 Design Strategies for Strategic and Major Development Sites

#### **Part 2 - Development Management Policies**

DM2 Housing Mix  
DM3 Housing Density  
DM8 Transport, Accessibility and Parking  
DM16 Sustainable Design and Construction  
DM18 Flood Risk and Water Management  
DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
DM22 Development in the Countryside  
DM23 Lighting  
DM24 Air Quality

DM25 Noise  
DM26 Contaminated Land  
DM27 Historic Environment  
DM28 Natural Environment  
DM29 Biodiversity  
DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas  
DM31 Trees, Hedgerows and Woodlands  
DM32 Green Infrastructure  
DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

### National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
    - or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.6 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.7 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

## Interim Position Statement for Housing Development

- 7.8 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.
- 7.9 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. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

## Other Local Policy and Guidance

7.10 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (December 2018)
- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass SPD (January 2016)

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

- Maintain low levels of unemployment in the district
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated

- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

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

### i. The Principle of Development

- 8.2 The primacy of the development plan and the plan-led approach to decision-making is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that applications: 'should be determined in accordance with the development plan unless material considerations indicate otherwise.'
- 8.3 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.
- 8.4 When assessed against the policies of the adopted Local Plan, the current application is, in part, considered to be contrary to Policies 2 and 45 in that it is proposing new housing outside any defined settlement boundary, in the countryside or Rest of Plan Area and would not meet an 'essential, small scale and local need' (Policy 45); therefore, and following a s.38(6) development plan approach, this application is contrary to policy.
- 8.5 With regard to housing supply, the Council acknowledges that as of 15 July 2020, it can no longer demonstrate a five-year housing supply with the Council's housing policies in the Local Plan are no longer up to date. As such the Council's housing policies are deemed out of date and the provisions in paragraph 11(d) of the NPPF (known as the 'tilted balance'; i.e. where there can be a presumption in favour of granting permission for sustainable development where there are out-of-date housing policies) are engaged. It does not necessarily follow that the absence of a 5-year housing supply means the application should be allowed on that basis alone; however, for the application to be refused the Council would have to demonstrate that the adverse impacts would significantly and demonstrably outweigh the benefits.
- 8.6 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 2021, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has produced an Interim Position Statement for Housing

(IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area.

- 8.7 The fundamental aim of the IPS is to ensure early delivery of housing sites through planning applications on sites which are not being brought forward through the local plan process. It is not to deliver strategic scale development and accompanying infrastructure which need to be properly master planned in order to ensure optimum planning outcomes and the timely delivery of infrastructure to support growth.
- 8.8 When considered against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area and accepting that this is an application only in outline, the current application scores well and the Council has not identified any adverse significant impacts.
- 8.9 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).**

Whilst the application site is located just outside the defined Settlement Boundary (approx. 50m to the south at its nearest point), it is contiguous with the built form of the settlement, by virtue of adjoining a relatively new housing development ('Sandpiper Walk') to the south which directly adjoins the East Wittering Settlement Boundary. In this context, it is considered to satisfy criterion 1 of the IPS.

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

The application site is located immediately adjacent with the northern edge of East Wittering, a settlement which is identified as a Settlement Hub in the Local Plan. A Settlement Hub is the second tier of settlement in the Local Plan Area behind Chichester City. Settlement Hubs such as East Wittering are therefore one of the most sustainable settlements in the Local Plan Area.

The illustrative layout demonstrates that provision of 70 new dwellings, at an appropriate density, can be accommodated on the application site; whilst allowing for a suitable quantum of car parking, open space and SuDS. This scale of development is considered appropriate adjacent to a Settlement Hub. In this context the proposed scale of development is considered appropriate and criterion 2 of the IPS 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. The proposed development would be well integrated with the existing pattern of development in East Wittering. Furthermore, there is no actual or perceived coalescence likely to arise from permitting this development, with openness being maintained to both the east and northern site boundaries.

**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.**

It is anticipated that the resultant net density of the proposed residential area as revised (to a 70-unit scheme) would be 18dph based on the site as a whole (and 32dph on net developable area). In the context, of its semi-rural edge of settlement location and the pattern of existing housing adjacent to the south, which comprises a 50 residential unit scheme at Sandpiper Walk, the level of development proposed in this case is considered to make efficient use of the land, whilst still respecting the character and appearance of the local context.

Although the application site is identified as part a larger site in the HELAA 2020 (part of site HWW0002a), the site comprises a single field with clearly defined site boundaries, with trees and hedgerows marking the transition with adjacent land and, therefore does not result in artificial sub-division. As such, the proposal would comply with criterion 4.

**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.**

A Landscape and Visual Impact Assessment (LVIA) has been submitted to support the planning application. The LVIA notes that the application site is not located within a designated landscape such as an Area of Outstanding Natural Beauty (AONB), a Special Landscape Area (SLA), an Area of High Landscape Value (AHLV), or a site designated for its importance to biodiversity (i.e. Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar Sites, Site of Special Scientific Interest (SSSI) and Ancient Woodlands). The proposal is unlikely to impact upon the setting of the Chichester Harbour AONB, owing to its 2.5km distance from the A286.

In landscape character terms, the application site, is screened and contained in the landscape due to the existing boundary vegetation, development to the south, and Church Road to the east. The LIVA indicates that the potential visual impact of the proposed development would be confined to a relatively small area of countryside to the north-east and east of the application site. However, the LIVA concluded that, in all views, the visual effects will be reduced by the a layout/design which would reflect the adjoining pattern of residential development to the south and by the introduction of new planting, which would soften views of the development.

The submitted LVIA demonstrates that the proposed development would result in some limited local visual impacts, but the effects of the development on the wider character and visual appearance of the open countryside to the north, would not be significant as the proposed development would not erode or harm the special qualities or key landscape characteristics of the area. Given the above, it is considered that the proposal would comply with the above criterion 5.

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

Not applicable in this instance (nearest potential Strategic Wildlife Corridor is approximately 7.5km away).

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

Wastewater disposal would be through the statutory undertaker. Southern Water state that their investigations indicate that they can facilitate foul sewerage disposal (at manhole reference SZ79976701) to service the proposed development (see section 6.2). Affordable housing, open space, and highways works would be secured through the Section 106 agreement and/or by planning conditions. It is considered the proposal would meet the above criterion 7.

**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 applicant has submitted a Sustainable Construction and Design Statement (February 2021) which proposes a combination of fabric first and Air Source Heat Pumps to reduce energy demand and deliver carbon savings through thermally efficient, well designed and suitably orientated buildings. A further explorative option of Waste Water Heat Recovery (WWHR) is also provided. The exact savings will need to be quantified as part of a detailed assessment undertaken alongside any future reserved matters submission and an appropriately worded planning condition requiring a more detailed Sustainable Design and Construction statement to be submitted with the reserved matters application is recommended, to secure a CO2 emissions saving of at least 19% through improvements to the fabric together with at least a further 10% improvement through renewable resources. The Council's Environment Officer has confirmed that the applicant's approach is acceptable but that more detail will be required at the reserved matters stage to demonstrate the level of CO2 savings.

The submitted statement also confirms that at least 75% of the homes will have Electric Vehicle (EV) charging points installed. The remaining 25% will have electrical layouts designed to ensure straightforward installation of charging points for residents as the expected increase in demand for EVs materialises over time.

Conditions are also attached to the recommendation to secure a maximum water consumption standard of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure which will need to provide passive charging provision across the site and active charging provision as per the requirements of the County Council's Parking standards. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS.

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

Design and layout are matters which have been reserved for consideration as part of a future Reserved Matters application. The quantum of development has been reduced since the original planning submission, from 78 units down to a 70-unit scheme. The indicative layout illustrates a perimeter block layout for the dwellings with a good use of green spaces throughout the site, including in the south-west corner, central-section and north-east areas of the wider site, which would help soften the layout.

A Landscape Parameter Plan has also been provided which secures landscaping to the boundaries, a central area of formal open space, informal open space and SuDs to the south-east, with a further area of open space to the north-west corner. A condition is recommended to ensure that a future Reserved Matters application would be in broad conformity with the Landscape Parameter Plan.

The revised site layout site, whilst in indicative form at this stage (with further detail to follow at Reserved Matters stage), is considered to be appropriate for a semi-rural edge location such as this, criterion 9 is therefore met as far as it can be at outline stage.

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

The development is sustainably located, with the application being within walking distance to the centre of East Wittering, which is approximately 500m away, with access to facilities and services including a primary school (350m from the application site), two churches, a pharmacy, a Tesco Express, a number of public houses, restaurants and shops. There is also a paved footpath on the opposite side of Church Road leading from outside of the application site to the centre of East Wittering.

Furthermore, the application, site has good access to bus stops, which provide connections to Chichester railway station and other key facilities within the city. In this respect, the closest bus stops are located on Piggery Hall Lane, approx. 200m to the north of the site for school services. Further stops are located approximately 500m south of the site on Stock Lane, and these bus stops are well served by a number of bus services,

including Nos. 52 and 53, thereby facilitating alternative, sustainable modes of transportation, other than the private car. As such, criterion 10 is therefore met.

**11) Development is to be located in areas at lowest risk of flooding first and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency. Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.**

As part of the ongoing consideration of this current planning application, the issue of climate change flood risk arose. The site was identified in Appendix E of the published Strategic Flood Risk Assessment (SFRA, 2018) as falling within the climate change flood risk zone. However, discussions with the Environment Agency (EA) relating to this planning application indicated that it did not believe this site to be affected by that risk. The EA has confirmed that part of the dataset which had been used to prepare the maps at Appendix E of the SFRA 2018, was incorrect. Corrected data has been issued and the maps at Appendix E of the SFRA have been updated. Consequently, the corrected maps show that the application site is not located within an area affected by climate change flood risk.

The EA have reviewed the application and have no objection to the proposal as submitted. The majority of the site is located in Flood Zone 1 (low risk), with a very small portion in Flood Zone 3 (high risk). All residential accommodations are located outside the flood risk area.

The drainage system is designed through SuDS to satisfactorily manage the discharge of surface water from the development. In this respect, the proposed drainage strategy would capture surface water runoff and store in on-site to be discharged at a rate equivalent to the average greenfield runoff rate. The strategy would also attempt to incorporate sustainable drainage features wherever possible to enhance water quality, biodiversity and amenity value.

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

Not applicable in this instance.

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

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

Although the application is made in outline, the applicant has undertaken a full suite of site assessments which has informed the indicative layout. Additionally, through the planning application process, the applicant has revised the proposal to reflect comments from the LPA, which introduced a central open space and responded to other design comments. Whilst the layout is indicative, it has been demonstrated that the proposed development can be accommodated comfortably within the site, thus ensuring a smooth transition to a Reserved Matters application.

With regards to necessary infrastructure, Southern Water confirm that they can facilitate foul sewage disposal (at manhole ref. SZ79976701), within the site boundary to serve the proposed development (see Section 6.9).

The applicant is also willing to accept a reduced time limit for the submission of the Reserved Matters of two years. This will ensure early delivery of the proposed housing. As such, it is considered criterion 13 of the IPS has been satisfied.

Sub-Conclusion

- 8.10 The proposed development insofar as it is submitted in outline 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 therefore considered acceptable.

**Change of use of the land**

- 8.11 An Agricultural Land Classification Report has been submitted (Reading Agricultural Consultants, March 2021), which concludes the site is sub-grade 3a ('good to moderate' quality) agricultural land (with grade 1 being 'excellent' quality and grade 5 being 'very poor' quality). The applicant's state that this 3a classification is the same as the land to the south, known as 'Land East Of Barton Way, Clappers Lane' which was recently completed for 110 residential units (ref. 14/01806/OUT), with the land in that case being grades 2 and 3a. It is also acknowledged that permission (ref.13/03286/FUL) was granted for 50 dwellings on land directly south of the application site ('Sandpiper Walk'). Subgrade 3a land is capable of consistently producing moderate to high yields of a narrow range of arable crops or moderate yields of a wide range of crops. The applicants have argued that it is appropriate to consider the loss of grade 3a land (ahead of the higher grades).
- 8.12 Whilst the application has failed to demonstrate that the development of poorer quality agricultural land has been considered in preference to the best and most versatile land in accordance of criterion 4 of Policy 48 of the CLP, this harm would need to be weighed against the benefits of the provision of housing. In considering this harm, it is duly noted that the site comprises subgrade 3a, and not grade 1 or 2 (excellent / good). In this case, the provision of 70 units of residential accommodation in the absence of a 5-year housing land supply, and where 21 of the 70 units proposed (30%) would be affordable, this position is accepted, and the benefits are therefore considered to outweigh the harm.

## ii. Highways Safety and Parking

- 8.13 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation.
- 8.14 As noted elsewhere within this committee report, aside from the principle of development in this location, 'access' is the only matter for consideration at the time of this outline application with all other matters being reserved.
- 8.15 On the matter of access, a single point of vehicular access to the site from Church Road would be provided in the eastern site boundary, comprising a simple priority junction. It is considered that this solution would represent the most appropriate junction type, being 6m approx. in width, in accordance with the 'Manual for Streets' guidance, with visibility splays of 2.4m x 59m incorporated within the new junction designs. Church Road is subject to a 30mph speed limit making the location suitable for a vehicular access in terms of traffic movement, safety and location.
- 8.16 The applicants have stated that traffic flows along Church Road, and the likely trip generation associated with up to 70 new homes is such that a simple priority junction (as proposed) would represent the most appropriate junction type. The Local Highway Authority (LHA) considered that it has been demonstrated that safe and suitable access can be achieved to support the development (this support was for the larger 78-unit scheme).
- 8.17 As part of the access arrangements it is also proposed to widen part of Church Road, to facilitate site access. Specifically the site access will be 'moved back' into the site. This will be secured by way of condition.
- 8.18 With regard to pedestrian access, footways are located on the east side of Church Lane, opposite the application site, and provide a suitable route to East Wittering Settlement centre. Dropped kerbs and tactile paving are also to be provided at the site access and small sections of footway are proposed at the site access to connect into the existing footway. A further pedestrian link through the north-west area of open space is shown to link to existing footway to north along western side of Church Road. These works would be secured as part of the S106 agreement.
- 8.19 Although layout is a reserved matter, in terms of the linkage and permeability into the adjacent development, WSCC have also advised that, the site would benefit from the creation of an internal pedestrian link to the development to the south (Sandpiper Walk/Turnstone Close); however, due to the adopted highway boundary in the adjoining development to the south not reaching the edge of the development this would not be possible without further agreements between land owners. The illustrative Site Layout Plan indicates two potential Links to Sandpiper Walk, which are subject to negotiations. An informative is recommended, requiring the developer to undertake best endeavours to secure a link between the two developments and incorporate it at the Reserve Matters stage.

8.20 In terms of cycle routes, no cycle routes are currently provided within the vicinity of the site. WSCC note that a suggested route appears within the WSCC Walking and Cycling Strategy along Church Road (ref 163). This is not necessary to make the development acceptable and therefore is not sought through the S106 Agreement however should this be a priority for delivery; it could be funded via CIL. Matters relating to car and bicycle parking and the internal layout would be considered at reserved matters stage.

8.21 On the matter of Trip Generation, trip rates agreed for the Land at South Downs Holiday Village (ref.18/00753/OUT) have been utilised and result in the development generating 44 AM peak two-way trips and 53 PM peak two-way trips. In terms of the overall 'Development Impact', WSCC provided a consultation response (December 2020) and noted, inter alia that:

*'58% of trips are anticipated to travel northwards and 42% southwards. The site access has been modelled and would operate satisfactorily in a 2029 end of Local Plan scenario. Due to the level of trips and the distribution no further offsite junction modelling has been requested.'*

8.22 Whilst the concerns of the Parish Councils and third party representatives regarding 'traffic' are duly noted, it is acknowledged that this application would satisfactorily manage its own impact; and that it would be unreasonable to expect the current application to resolve existing problems within the area.

8.23 The LHA have concluded that they raise no objections to the application subject to S106 obligations and conditions.

8.24 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the proposed junction into and out of the site, the proposed access would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (para 109), the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

### iii. Layout, Density, Design and Impact on Visual Amenity and Landscape Character

#### **Landscaping and Landscape Character Impacts**

8.25 Along the southern boundary, the illustrative layout shows the proposed development set back from the line of conifer trees to avoid undue shading and to maintain an appropriate 'face to face' distance with the houses along the northern edge of Sandpiper Walk / Turnstone Close which overlook the site; whilst along the western boundary, the illustrative layout proposes a substantial area of open space which would minimise the impact of the development on the adjoining Scotts Farm Camping Site. The submitted Arboricultural Impact Assessment and Method Statement (September 2020), details that all existing vegetation surrounding the site, with the exception of a short section of hedge along the eastern edge and the north-western edge (to accommodate site visibility splays and drainage) are proposed to be retained.

8.26 In landscape character terms, the application site, is screened and contained in the landscape due to the existing boundary vegetation, development to the south, and Church

Road to the east. The submitted LIVA indicates that the potential visual impact of the proposed development would be confined to a relatively small area of countryside to the north-east and east of the application site. 'Layout' is a Reserved Matter on the application, but the illustrative layout shows the houses set-back from Church Road by a minimum of approximately 7m. The indicative landscape proposals detail that the hedgerow would be retained (except where removed for access visibility) and replaced to the eastern boundary, with additional tree planting, to filter views from Church Road and to assist in visually integrating the development.

- 8.27 The application is made in outline and therefore landscaping is not a matter for consideration. However, the application includes a Landscape Parameter Plan which is recommended to be secured by way of condition. The Landscape Parameter Plan secures landscaping to the boundaries, a central area of formal open space, informal open space and SuDS to the south-east and a further area of open space to the north-west corner.
- 8.28 All new development on undeveloped greenfield land will of course involve a change to the character and appearance of that land, but that change in or by itself is not sufficient on its own to warrant refusal particularly when that judgment is weighed, as it must be against the significant benefit of delivering new homes to help address the Council's housing supply shortfall.

### **Scale and Appearance**

- 8.29 Again, it should be noted that this application has been submitted in outline form only with the matters of the 'principle of the development', and 'access' being those for consideration. However, the submitted documentation and illustrative elevations provided at this outline stage indicate that the proposals would be of a two-storey scale throughout with bungalows also proposed within the western element of the application site. It is considered that the provisional scale would align with the nearby residential development to the south and is considered to be appropriate for the site context and characteristics.
- 8.30 As such, no objections are therefore raised at this stage, with the matter requiring further assessment at the time of a future Reserved Matters application.

### **iv. Residential Amenity**

- 8.31 The NPPF states at Paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places); and, Policy 33 of the CLP requires that new residential development provides a high quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.
- 8.32 The proposed development borders a recent housing development to the south. As detailed on the submitted Arboricultural Impact Assessment and Method Statement (September 2020), the boundary with the neighbouring housing area is lined with a coniferous cypress hedge with scattered oak trees to the western end. The proposed development, as shown on the illustrative layout, does not seek to alter this vegetation and thus would provide natural screening and reduce any potential for overlooking or overshadowing which could impact on the residential amenity of the existing residents.

8.33 Due to the separation distance and level of natural screening between the proposed development and the existing dwellings, it is considered that the proposal would not result in an unacceptable level of overlooking, or an overbearing relationship, that would be harmful to the living conditions of the neighbouring dwellings or the future occupiers of the proposed dwellings.

#### v. Flooding, Surface Water Drainage and Foul Disposal

##### **Flooding**

8.34 As part of the ongoing consideration of this current planning application, the issue of climate change flood risk arose. The site was identified in Appendix E of the published Strategic Flood Risk Assessment (SFRA, 2018) as falling within the climate change flood risk zone. However, discussions with the Environment Agency relating to this planning application indicated that it did not believe this site to be affected by that risk. Consequently, for the reasons set out above at paragraph 8.9 (criterion 11), the application site is no longer discounted due to climate change flood risk.

8.35 The submitted Topographical Survey suggests ground levels across the site are relatively level, only varying from 5.36m AOD along the western boundary to 4.88m AOD in the centre with no discernible fall in any direction. There are several small minor watercourses in the vicinity of the site. At the eastern boundary of the site, adjacent to Church Road, the On-Site Ditch and the Hale Farm Ditch (Holmes Farm Branch) converge before entering a culvert under the road to combine with the Hale Farm Ditch (Hale Farm Branch).

8.36 The submitted Flood Risk Assessment (FRA) notes that a review of British Geological Survey (BGS) mapping suggests the site is underlain by superficial deposits comprising Brickearth - Silt. These deposits are defined as a Secondary Aquifer, capable of supporting local water supplies and forming an important baseflow to rivers.

8.37 WSCC in its capacity as the Lead Local Flood Authority (LLFA) has been consulted on the above proposed development in respect of surface water drainage. On the matter of Surface Water, WSCC has stated that:

*'Current surface water mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.'*

8.38 On the matter of Ground Water flooding and Ground Water Contamination, WSCC has stated that:

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

- 8.39 The EA have also been consulted, and have raised no objections to the proposals, noting (inter alia) that the majority of the site is within Flood Zone 1 (low risk), with a very small portion in Flood Zone 3 (high risk). On the illustrative layout all residential accommodation is located outside the flood risk area.
- 8.40 The submitted FRA and Sustainable Drainage Report confirms that existing ground levels on site are no lower than 4.88m AOD and a condition to ensure Finished Floor Levels are no lower than 4.9m AOD is recommended.

### **Surface Water**

- 8.41 The site is bound to the north by a ditch flowing from west to east, to the south by residential development. To the west, a ditch flowing south to north separates the site from the adjacent open grassland and Scotts Farm Camping Site. The submitted Drainage Report notes that in terms of the existing situation, in its current condition, the site is given over to arable uses with marginal planting along the borders and close to the watercourse. Therefore, the land is subject to a nature regime of surface water runoff and infiltration where ground conditions permit.
- 8.42 The mapping illustrates the site to generally be at very low risk of flooding from this source. The mapping within the submitted FRA also identifies a poorly connected route along the onsite watercourse, which is noted to be likely due to the vegetation overgrowth affecting the modelling process and a small area of ponding centrally along the southern to south-western boundary. Furthermore, the FRA notes that a review of the topographical survey shows a minor depression in this area, but it is likely connected to the ditch along the southern boundary, so significant flooding is unlikely, and as such the risk of flooding from this source is considered to be low.
- 8.43 In terms of mitigation (surface water), the applicants have confirmed that to mitigate the potential impact from an increase in surface water runoff, a comprehensive surface water drainage strategy has been developed for the scheme. Specific details of this are found in the Sustainable Drainage Report. The strategy aims to restrict surface water runoff to an equivalent greenfield run-off rate, before discharging in a controlled manner to the watercourse along the northern site boundary. However, as the proposed development proposals require a restricted run-off rate, provision of an attenuation feature to 'balance' the excess volume in a safe manner within the site is shown on the illustrative layout in the western part of the site, between the proposed development and the drainage ditch outfall location. In this respect, the attenuation basin would be dry when not in use. Furthermore, it is noted that attenuation would provide ecological value and its design (i.e. sloping sides / vegetation) could be controlled though condition and at the Reserved Matters stage.
- 8.44 Overall, and subject to a condition requiring details of the surface water scheme to be approved to ensure there is no overall increase in flows into the surface water system, no technical objection is raised by the Council's Drainage Engineer. Similarly, no objection is raised by the WSCC's Flood Risk Management Team. With the imposition of appropriate conditions it is considered that the surface water drainage component of the application can be successfully addressed in terms of attenuating flows and controlling the rate of discharge to the local watercourses.

## **Foul Water**

- 8.45 There is an existing 375mm diameter gravity foul sewer flowing in a southerly direction in the west of the site and a 100mm rising main also flowing towards the south along the eastern boundary. Southern Water state that their investigations indicate that they can facilitate foul sewerage disposal (at manhole reference SZ79976701) to service the proposed development (see section 6.9).
- 8.46 Southern Water as the statutory undertaker has not raised any objections to the proposal, stating that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water.
- 8.47 With the imposition of appropriate conditions, it is considered that the foul drainage component of the application can be successfully addressed in terms of ensuring that details of the proposed means of foul sewerage disposal are submitted to, and approved in writing by the Local Planning Authority.

### vi. Ecology and Biodiversity

#### **Protected Species**

- 8.48 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated.
- 8.49 The application site is subject to no particular ecological designation. The applicant's Ecological Impact Assessment (September 2020) details a number of measures to improve the biodiversity of the site. The Council's Environment Officer has assessed the proposals and made a number of recommendations (see 6.19 above) which are recommended to be secured by condition. These conditions include protection of the trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements. Subject to the recommended conditions, there is no ecological reason to resist the application.

#### **Recreation Disturbance**

- 8.50 It has been identified that any development within 5.6km of Chichester and Langstone Harbour, which is residential in nature, will result in a significant effect on the SPA, due to increased recreational pressure causing disturbance to birds. A Bird Aware Strategy came into effect on 1 April 2018. This sets out how development schemes can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy, which is recommended in the Heads of Terms for the S106 Agreement. On this basis, as sufficient mitigation has been provided for potential recreation disturbance, the development is not likely to have a significant effect on the Chichester and Langstone Harbour Special Protection Area and therefore accords with the aims and objectives of the NPPF, Policy 50 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

## vii. Sustainable Design and Construction

- 8.51 The applicant has submitted a Sustainable Construction and Design Statement (February 2021) which proposes a combination of fabric first and Air Source Heat Pumps to reduce energy demand and deliver carbon savings through thermally efficient, well designed and suitably orientated buildings. A further explorative option of Waste Water Heat Recovery (WWHR) is also provided. The exact savings will need to be quantified as part of a detailed assessment undertaken alongside any future reserved matters submission and an appropriately worded planning condition requiring a more detailed Sustainable Design and Construction statement to be submitted with the reserved matters application is recommended, to secure a CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources. The Council's Environment Officer has confirmed that the applicant's approach is acceptable but that more detail will be required at the reserved matters stage to demonstrate the level of CO2 savings.
- 8.52 The submitted statement also confirms that at least 75% of the homes will have Electric Vehicle (EV) charging points installed. The remaining 25% will have electrical layouts designed to ensure straightforward installation of charging points for residents as the expected increase in demand for EVs materialises over time.
- 8.53 Conditions are also attached to the recommendation to secure a maximum water consumption standard of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure which will need to provide passive charging provision across the site and active charging provision as per the requirements of the County Council's Parking standards. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40.

## viii. Other Matters

### **Archaeology**

- 8.54 The heritage statement submitted with the application has reviewed the available evidence and concludes that the site has a moderate/low potential to contain buried remains from all periods, but that any remains which may be present would be of local archaeological value. A condition to secure a written scheme of archaeological investigation is recommended.

### **Contaminated Land**

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

## **Noise**

- 8.56 The application site is set in a relatively quiet location and the Environmental Health Team (EHT), advise that noise should not be an issue for any future residents. However, an industrial estate is located approximately 135m away at the nearest point to the proposed site to the east. Furthermore, heating systems, such as heat pumps or other mechanical plant may be installed as part of the development, and as such a condition is recommended to assess the noise from any external mechanical plant or neighbouring commercial activities. Mitigation measures may need to be presented to demonstrate appropriate noise levels can be achieved to support residential living.
- 8.57 In order to minimise any disturbance to residents and other business users, a condition is also proposed seeking details of a Construction Management Plan, which would include such details as working hours, construction compounds and dust and noise management.

## **Air Quality**

- 8.58 In terms of air quality, the Environmental Health Team consider that the proposal is likely to have an impact on local air quality (from vehicle movement and possible plant (e.g. heating / ventilation units) installed at the site) and recommend that an Air Quality Assessment is carried out, to include a scheme for protecting the existing locale from the effects of air pollution arising from road traffic and/or any other sources of air pollution. A condition is recommended to secure an Air Quality Assessment.

## **Lighting**

- 8.59 A condition requiring details of any future lighting proposals for the site is also recommended to protect the semi-rural character of the environment and to avoid light spillage where lighting is required.

## Significant Conditions

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

## Infrastructure / Planning Obligations

- 8.61 This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters. If planning permission is granted, it will be subject to the completion of an Agreement under Section 106 of the relevant legislation. This section of the report sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.
- 30% Affordable Housing (21 units) in accordance with the required HEDNA mix, with a rent/shared ownership tenure mix as follows: 9 affordable rented mix comprising 4x1-bed; 4x2-bed; 1x3-bed; 6 social rented mix comprising 2x-2bed; 2x3-bed; 2x4-bed; and, 6 shared ownership mix comprising 3x2-bed; 3x3-bed.
  - Off-site highways works:
    - provision of a pedestrian link through north-east corner of open space to link to the existing footway to the north, along western side of Church Road, and;

- delivery of pedestrian crossings facilities at the Site Access, across Church Road to link up with existing footway.
- A Landscape buffer of variable width along the entire length on all site boundaries and provision, management and on-going maintenance of that buffer.
- Amenity open space (954sqm total required of which 220sqm required as equipped play area) provision, management and on-going maintenance.
- Financial contribution of £227,360 payable to Highways England, towards the agreed Local Plan highway mitigation/works on the A27 Chichester bypass.
- Financial contribution (based on the final approved housing mix) towards the Bird aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbour SPA/Ramsar.
- Financial contribution of £1,500 for the audit of the Travel Plan by WSCC
- Provision of a residents' Travel Information Pack to the first occupants of each dwelling
- Section 106 Monitoring Fee of £5,106.

## **Conclusion**

8.62 Government policy in the NPPF requires local planning authorities to demonstrate that they have a rolling 5-year supply of housing. As set out above, the Council is unable to demonstrate that it has a 5-year supply of housing land and therefore the housing policies in the Local Plan are out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on for 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. Paragraph 11d(ii) of the NPPF requires the granting of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.63 The Interim Position Statement for Housing provides an appropriate development management tool for assessing such applications and is a material consideration. The proposed development in this case is considered to meet all the relevant criteria in the IPS (as set out in the report above). Concerns raised by the Parish Councils and contributories have been considered in full above. These concerns for the reasons set out do not, however, significantly and demonstrably outweigh the benefits of the development, which will provide the delivery of much need housing, including 21 units of affordable housing, and will help to address the Council's current housing supply shortfall.

8.64 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 and the recommended planning conditions.

## Human Rights

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

## **RECOMMENDATION**

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

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

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

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

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

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

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

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: PL-01 (Location Plan), 103606-T-005/RevA (Proposed Site Access and Refuse / Large Car Swept Path), LLD1869-ARB-DWG-003/Rev0 (Tree Retention and Protection Plan), LLD1869-ARB-DWG-001/Rev01 (Tree Constraints Plan 1/2), LLD1689-ARB-DWG-002/Rev01 (Tree Constraints Plan 2/2), and PL-06/RevA (Landscape Parameter Plan).

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

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

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

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

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

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

6) **Notwithstanding any details submitted, no development shall commence**, until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any

dwelling, shall take place until the approved details for that dwelling have been completed. The foul drainage system shall be retained as approved thereafter.

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

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

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

8) **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; a schedule for the investigation, and the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

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

9) **No development shall commence** on the site, including demolition, until protective fencing has been erected around all trees, hedgerows, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, hedgerows, shrubs and other natural features to be retained are adequately protected from damage to health and stability.

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

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

11) If the Phase 1 report submitted pursuant to Condition 10 above identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

12) If the Phase 2 report submitted pursuant to Condition 11 above identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

13) No development shall commence, until an updated Water Vole Survey has taken place within Ditch D1, as detailed within the submitted Water Vole Survey (October 2019), by The Ecology Partnership. If water voles are found, no works can commence until a mitigation strategy has been agreed in writing with the Local

Planning Authority; and the development subsequently carried out in accordance with the approved details.

Reason: In the interests of ecology.

14) No development shall commence, until a badger survey has been undertaken to ensure badgers are not using the site. If a badger sett is found on site, Natural England should be consulted and a mitigation strategy produced and carried out in accordance with the approved details.

Reason: In the interests of ecology.

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

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

16) **No development shall commence above ground level**, until an air quality assessment has been carried out for the proposed development and a scheme for protecting the future residential occupiers of the dwellings from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10) arising from road traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to first occupation of the dwellings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed dwellings in respect of atmospheric pollution.

17) **No development shall commence above ground level**, until the developer has provided details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) in respect of the provision of Electric Vehicle (EV) charging facilities. These details shall be approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) and no dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

Reason: To accord with current parking standards and the sustainable development objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

18) A more detailed Sustainable Design and Construction statement, demonstrating how CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources, are to be met for the approved use in accordance with the IPS, shall be submitted with the **first application for reserved matters** and any subsequent applications for reserved matters shall demonstrate how the proposal complies with the approved details. The statement shall also include the proposed location, form, appearance and technical specification of the air source heat pumps (including acoustic performance). The development thereafter shall be carried out in accordance with the approved details.

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

19) Notwithstanding the illustrative landscaping details submitted with the application **no construction of any dwelling above ground 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 demonstrate substantial compliance with the approved Landscaping Parameter Plan (ref. PL-06/RevA) and 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 and boundary fencing shall include gaps underneath to enable the passage of small mammals. 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.

20) A scheme for protecting the proposed development from noise; including noise from external mechanical plant and neighbouring commercial activities, shall be submitted with the **first application for reserved matters** and any subsequent applications for reserved matters shall demonstrate how these details are to be implemented, in accordance with an approved noise mitigation scheme. Any site wide noise mitigation measures shall be implemented **prior to first occupation of the site** and any noise mitigation specific to an individual dwelling shall be implemented **prior to the first occupation** of that dwelling, unless alternative implementation

arrangements are agreed. The noise mitigation measures shall be maintained as approved thereafter. The applicant's attention is drawn to the attached informative which offers clarification with regard to the specific requirements of this Condition.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life as a result of the new development.

Note: External mechanical plant can include existing neighbouring plant as well as new plant to be installed as part of the development. Commercial activities include vehicle movements on private land and deliveries to commercial units.

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

Reason: To ensure the development benefits from appropriate infrastructure.

22) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Site Access and Refuse / Large Car Swept Path' (plan no. 103606-T-005/RevA).

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

23) **No part of the development shall be first occupied** until visibility splays have been provided in accordance with drawing number 103606-T-005/RevA. 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.

24) 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.

25) **Before first occupation of any dwelling** details of any proposed external lighting of the site shall be submitted to and be approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming

angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

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

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

**26) 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.

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

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

**28) Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use**, until a scheme of ecological mitigation based on the recommendations of the submitted Preliminary Ecological Appraisal (by the ecology partnership, April 2019), the submitted Ecological Impact Assessment (by the ecology partnership, September 2020) and the comments of the CDC Environmental Strategy Unit (dated: 04.11.2020); together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

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

- Wetland area for the benefit of water voles.
- Flower rich margins

Thereafter the strategy shall be implemented fully in accordance with the approved details and timescale.

Reason: To ensure that the protection of the species is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

**29) No part of the development hereby permitted shall be first occupied**, until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. 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.

Reason: To encourage and promote sustainable transport.

**30) No dwelling hereby permitted shall have a Finished Floor Level lower than 4.9m AOD.**

Reason: To reduce the risk of flooding to the proposed development and future occupants.

**31) The implementation of this planning permission shall be carried out strictly in accordance with the mitigation and enhancement strategy detailed in the submitted Great Crested Newt Survey (October 2019) and the Reptile Presence/Likely Absence Survey (October 2019), by the Ecology Partnership.**

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

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

## INFORMATIVES

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

2) S106

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

3) **278 Agreement of the 1980 Highways Act - Works within the Highway**

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

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

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

6) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,
- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

**The onus is therefore on you** to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

7) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird

intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

8) The developer is directed to the comments made by the CDC Environmental Strategy Unit (dated 04.11.2020). At the Reserved Matters stage due consideration should be given to requirements of Condition 28.

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

10) With regard to Condition 20, a scheme, shall be submitted, that details measures to secure internal sound levels within all habitable rooms that do not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms that do not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F]max shall not be exceeded on a regular basis (10 times) during night-time (23:00-07:00) within bedrooms. Where it is evident that windows shall be required to be closed, to achieve these internal sound level criteria, all practicable measures shall be explored as viable alternatives. Practicable measures include the orientation of buildings, the siting of rooms and physical screening. Where all other means have been exhausted, and windows are required to be closed, adequate ventilation shall be specified. The scheme shall be assessed in accordance of BS4142:2014+A1:2019 "Methods for Rating and Assessing Industrial and Commercial Sound". A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

11) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.

12) The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

13) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

14) The developer is required to undertake best endeavours to secure a link between the development to the south ('Sandpiper Walk' / 'Turnstone Close') and the permitted development; and, incorporate details of discussions and any agreed links with the relevant Reserved Matters application(s).

15) The applicant is advised that should an application be submitted in the future for the wider land parcel (within the same ownership), the Council will consider the necessary infrastructure provision for the whole parcel, including this application site.

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

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QHKX6UERGX600>