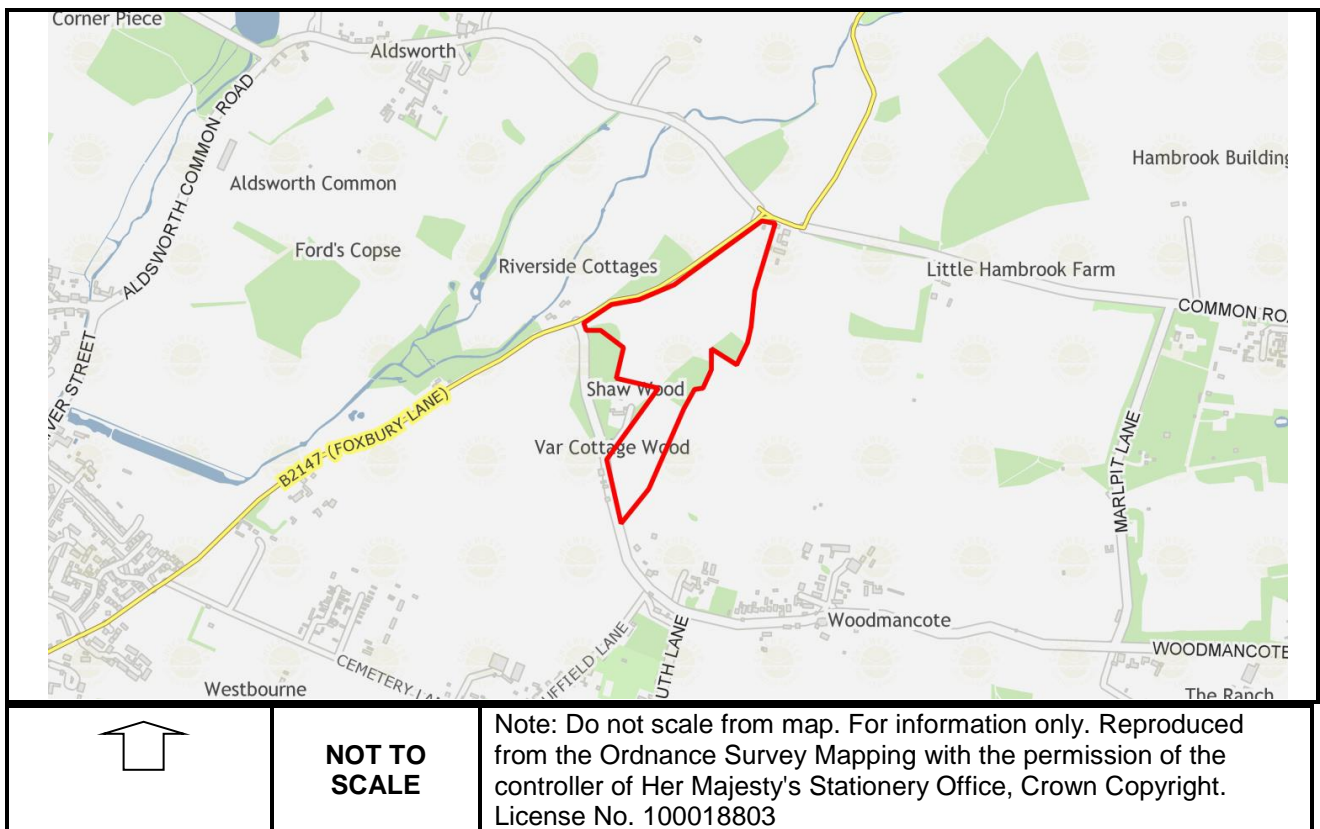


Parish: Westbourne	Ward: Westbourne
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WE/20/01569/FUL

Proposal	Erection of 1 no. dwelling and associated landscaping.		
Site	Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG		
Map Ref	(E) 477329 (N) 108253		
Applicant	Mr and Mrs Gilraine	Agent	Mr Rob Hughes

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT, SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND



1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit

The application was deferred at the Planning Committee meeting on 09.06.21 to allow for a site visit by the Planning Committee to be completed.

2.0 The Site and Surroundings

- 2.1 The application site forms an irregular shape and measures approximately 9.7ha and is located within the Rural Area as defined by policy 2 of the Chichester Local Plan (CLP).
- 2.2 The application site is bounded by Foxbury Lane (B2147) to the north, ancient woodland to the west and south, with Common Road to the north. Dell Cottages is located to the south of the site, and Little Hambrook Farm to the north east. Woodland is located to the east of the proposed dwelling and a public right of way runs along part of the eastern edge of the site, linking Common Road with Woodmancote Lane. The site is located within the area covered by the Chichester Local Plan, and is adjacent to the boundary with the South Downs National Park, which runs along Foxbury Lane and Common Road.

3.0 The Proposal

- 3.1 The application seeks planning permission for a detached dwelling, put forward as being of exceptional quality of design under paragraph 79(e) of the National Planning Policy Framework (NPPF), and associated landscape enhancements.
- 3.2 The proposed dwelling is shown to be located broadly centrally within the site, between two areas of woodland. The dwelling would comprise nine bedrooms, set over two floors with a central parking and turning area within a northern courtyard and a garden area within the southern element of the enclosure. The contemporary design approach picks up on flint being a defining characteristic of the area and the building typology is informed by loose courtyard farmsteads and large modern agricultural sheds. The proposed dwelling and garden area are inward facing, forming an enclosure, designed with a softer, rounder white surface for the interior and a hard, angular dark surface externally, and resembling the characteristics of flint
- 3.3 The proposed dwelling is shown with the external finish of the enclosure to be dark snapped flint, powder coated extruded aluminium panels, Ethylene Propylene Diene Monomer (EDPM) rubber membrane roof, zinc coated standing seam steel window reveals which are inset from the main walls and aluminium framed triple glazing. The finishes of the external surfaces within the enclosure are shown to be white render, cobbled flint and field flint walls.
- 3.4 The proposed dwelling would be served by an existing access onto Woodmancote Lane, at the south western corner of the site.

4.0 History

18/00082/FUL	WDN	1 no. dwelling and landscape enhancements and associated works.
19/01326/PRESS	ADVGIV	1 no. new dwelling and landscape enhancements and associated works (under planning performance Agreement).

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Westbourne Parish Council objects to the planning application, having reviewed the application documents and giving particular attention to the Design and Access Statement, the Design Review Panel Statement and the Energy and Innovation Report. The site is located in an open countryside setting and would be contrary to the long-established policies of resisting such development in the Chichester District Local Plan, in particular Policy 45. It is also contrary the Westbourne Village Design Statement and to Policy QA1 of the Westbourne Neighbourhood Plan which seeks to prevent development outside the established settlement boundary.

The development is not in keeping with the local area and would be an unacceptable intrusion into the attractive pattern of fields and woodland that surround the village of Westbourne and help to define its local distinctiveness. As such it would be contrary to the Westbourne Neighbourhood Plan policies LD1 and LD2 and could encourage further similar intrusions that would be difficult to resist and would erode the qualities that the Neighbourhood Plan seeks to protect.

The proposal does not satisfy the stringent tests of the National Planning Policy Framework (NPPF) paragraph 79 which allows for exceptions into the normal policy of restricting development in open countryside outside settlement boundaries. It is unrelated to the village of Westbourne, the design is neither truly outstanding nor innovative, it does not enhance its surroundings and it is not sensitive to the defining characteristics of the local area as described in the Westbourne Neighbourhood Plan.

The only basis upon which the scheme could be considered favourably is if it were to comply with paragraph 79 of the NPPF which can be used to justify new isolated dwellings in the countryside if one or more of a list of criteria apply. Of the five criteria only one is relevant in this case and that is (e). This requires the scheme to be truly outstanding or innovative and reflecting the highest standards of architecture and that it would help raise the standards of design more generally in rural areas.

The extent to which any scheme is truly outstanding or innovative is a matter of judgement and opinion and even the views of experts in design will differ.

It is accepted that the design has been well considered and developed but that does not necessarily make it truly outstanding or innovative - the bar is set very high to achieve either of these criteria. The section of the Design and Access Statement dealing with how this scheme satisfies criteria (e) states that the proposal is both truly outstanding and innovative even though it only needs to be one or the other to meet the test.

The submission includes the views of the design panel to substantiate that it meets both criteria but there is nothing specific to demonstrate why it is truly outstanding and nothing specific to demonstrate that it is innovative. The Design and Access Statement identifies the energy system as being innovative but on reading the submitted energy and innovation report the system relies on:

- Fabric first principles
- Passive solar gain
- Photo voltaic power generation
- Wood burning stove
- Seasonal energy storage
- Tesla power wall

All of these principles and technologies are not new. The claim for innovation is that they are integrated into the energy solution of a single dwelling which it is claimed has not been done before.

As for the final element of the paragraph 79 requirement that it will help raise the standards of rural design this is a questionable issue. It is a largely private scheme that will not be visible from the outside site and its design solution is very specific to its surroundings.

Therefore, the Parish Council does not agree that it satisfies the test set by paragraph 79(e) of the NPPF.

Other considerations

The Parish Council is concerned about the impact of the proposed development on surface water drainage issues on Woodmancote Lane. This particular area has a high water table in the winter months and the road is often flooded after any period of rainfall. The applicant has outlined proposals to mitigate the risk of flooding but the Parish Council does not consider these to be adequate.

The access to the site is located at the junction of Foxbury Lane and Woodmancote Lane and is immediately adjacent to a section of Foxbury Lane (to the north east) that is narrow with embankments on each side, has limited forward visibility and no verges. As such the use of this access point would create serious danger to other road users.

Additionally, the Parish Council is concerned about the potential for an access point for the development being created at an existing agricultural gate that gives access to the site from the junction of Foxbury Lane and Common Road. If the District Council is minded to grant permission for the development proposed, it is requested that a condition be imposed requiring the access gate to be permanently closed and not used for any purposes associated with the proposed development.

Furthermore, the Parish Council considers the location of the proposed development is unsustainable given its distance from the existing settlement of Westbourne.

The Parish Council seeks to represent the views of the local community and it notes that to date there are 11 letters of objection from residents of Woodmancote who would be most affected were planning permission to be granted. Of the 14 letters of support, none live in Woodmancote and five do not even live in the Parish of Westbourne.

6.2 WSSC Highways (summarised)

This application is for the erection of a 9-bedroom (plus two-study) dwelling on land south of Foxbury Lane. The site is located off of Woodmancote Lane, an un-classified road subject to a speed limit of 60mph.

The site will be access via the existing field gate to the north west of the site on Woodmancote Lane. The submitted access proposal documents indicate that the existing access will be widened to 5m in width, allowing two vehicles to pass in the access at slow speed. The access will be formalised to WSSC standards - the applicant should be aware that this would be subject to a licence from the area engineer. The access will be gated at 5m back from the carriageway edge, to enable a vehicle to wait clear of the highway whilst the gate is operated. The access will be constructed of a hardbound material for at least 5m back into the site to prevent overspill of loose material into the highway. The gate will be 3.5m in width which is sufficient width for one vehicle to pass through.

Visibility splays of 2.4m x 45 have been demonstrated to the south and 2.4m x 18m to the north. As stated in the LHA's response to WE/18/0082/FUL, whilst the visibility splays in the leading direction have been drawn to the far edge of Foxbury Lane instead of the *nearside edge* of the carriageway, the LHA appreciate that approximately 13m is achievable to the junction. This would equate to a Stopping Sight Distance speed of 12mph. The LHA would consider that vehicles turning into Woodmancote Lane would be travelling at low speed. The LHA note from local mapping and the pre-application site visit that the verge to the north is banked and therefore to maintain those splays in perpetuity it may require cutting into.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the junction of Woodmancote Lane and Foxbury Lane or within the vicinity of the site access. There is no evidence to suggest that the existing access and junction are operating unsafely.

The internal access road will be a 3.7m wide chalk track with 900m grass verge in the middle and will provide two passing places for vehicles travelling in opposing directions to pass each other.

The applicant has demonstrated swept path tracking for emergency vehicles entering the site from Foxbury Lane. Ideally this tracking would demonstrate an appliance entering from both directions and exiting in both directions. However, it appears that the access is of sufficient width geometry and width to enable access and egress for a fire appliance from all directions. A dedicated turning head is provided to the front of the interior entrance gates, enabling fire appliances access within 45m of the furthest point of the dwelling and space to turn and operate.

Refuse collection will take place to the south of the site, utilising the existing refuse access arrangements as those for The Dell Cottages. The applicant should be aware that would exceed the maximum recommended carry distances for residents, although this would be an amenity issue to be considered by the LPA.

The plans indicate that six parking spaces would be provided for the proposed dwelling, the LHA does not have a parking standard for a 9-bedroom dwelling. However, given that four bedrooms are proposed as guest rooms/suites, it is anticipated that at least one space per guest room would be required, although acknowledged this is unlikely to be required on a daily basis. Three guest parking spaces are proposed and three garage parking spaces are proposed for the residents. This is considered likely to be sufficient for the proposal. There appears to be sufficient space on site wider site for overspill parking to be accommodated if required, although the LPA would be advised to consider the visual and amenity impact of overspill parking outside of the site's interior gates. A turning circle will also be provided on site, enabling vehicles to exit onto the public highway in a forward gear.

Four cycle storage spaces are proposed within the garage to encourage sustainable transport methods and provide an alternative to the private car. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application conditions and informative should be applied.

6.3 WSCC Fire and Rescue Service (summarised)

Conditions required to secure a hydrant or stored water supply to be installed prior to first occupation.

6.5 Forestry Commission (summarised)

No objection - Standing advice provided.

6.4 South Downs National Park Authority

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- **Purpose 1:** To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- **Purpose 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- **Duty:** To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

This consultation response relates to planning application WE/20/01569/FUL for a new dwelling in the rural area, which has been put forward on the basis that it is an exceptional quality in that it is truly innovative or outstanding and would significantly enhance its immediate setting in line with Paragraph 79 of the National Planning Policy Framework. The SDNPA does not wish to offer an opinion on whether the dwelling itself is in compliance with Paragraph 79 of the NPPF but, given the setting of the site immediately adjacent to the South Downs National Park, we would suggest that tests of exceptional quality should extend to the landscaping proposed for such a scheme.

The SDNPA has commented on previous proposals for this site (WE/18/00082/FUL – subsequently withdrawn) - and, in line with the reasoning set out above, those comments focused on the Landscape Masterplan. The below comments build on that previous response.

Whilst the proposals do include naturalistic planting, the following comments draw out the evidence that would be needed to ensure that the detail of the scheme's mitigation measures are characteristic of the landscape in which it sits, in order to attempt ensure that the scheme does not generate a negative impact upon the setting of the SDNP and in order to test any compliance with Paragraph 79 of the NPPF.

The site falls within a continuation of the Ems Valley Landscape Character Area (LCA) within the South Downs Integrated Landscape Character Assessment. This is an asymmetrical valley with a shallow west facing slope and a steeper east-facing slope. Wooded hangers are characteristic on the steeper slopes, but overall the LCA is a pastoral landscape with hedge-lined fields so significant tree planting would not be characteristic. Similarly, woodlands follow the contours in a linear form. Some smaller woodlands do exist as small copses - such as those in/around the site which have developed on old chalk pits, but the proposed woodland planting is designed primarily as a screen. We previously suggested that linking up the two areas of ancient woodland (Var Cottage Wood and Foxbury Dell) would be positive - but not to the extent proposed in 2018. The current scheme reduces the extent of woodland, although it does not follow contours as per our previous suggestion. We would not have an objection to the small copse proposed in the north-eastern corner of the site (at the junction of Foxbury Lane with Common Road). In areas to be planted all species should be locally characteristic (i.e. species list gleaned from existing woodlands), native and of local provenance.

Historic mapping shows that the site was formerly divided into three fields, with Historic Landscape Characterisation indicating this is a result of enclosure from the 1800s onwards. We are pleased to see the inclusion of a new shaw hedgerow (as previously recommended by the SDNPA) to re-introduce the former field pattern to the north of the site. It is also pleasing to see hedgerow planting along more of the footpath from Little Hambrook Farm which will maintain an agricultural feel for users of this footpath.

As previously encouraged by the SDNPA, the application proposes the placing of overhead electricity lines that run through the site underground. We would therefore welcome this, although would advise the District Council to seek confirmation whether there is a conflict where an element of this underground cable runs through the proposed woodland planting as this may require a clearway to be maintained.

Maintaining the rural character of the adjacent roads will also be important, and so we would encourage a sensitive understated driveway entrance (not pillars, ornamental gates, etc.), with minimal engineering.

Conservation grazing would be a positive benefit to the fields restored through the application (currently some of these appear to be used for equestrian grazing). High quality, well-managed grassland is a dwindling resource and habitat.

Our Landscape Officer made a number of detailed suggestions prior to the current application being submitted in order to steer the applicants towards achieving an exemplary landscape scheme, and it is pleasing to note that each of these suggestions have been taken on board - to a greater or lesser extent – in the submitted Landscape Management Plan. Given that this landscape management forms such a key element of the proposals, we would wish to see this ensured via condition or other means as appropriate if permission were to be granted.

An important consideration is the impact of the proposed development on surrounding protected habitats within, and adjacent to, the National Park. The potential impact of the development on protected habitats and their species, both during the construction phase, and also post-construction, needs to be determined in order to ensure the wildlife and natural beauty of the National Park is conserved and enhanced. Your ecological advisor should be consulted and should be able to advise you further on this.

The SDNPA has been successful in achieving Dark Skies Reserve status for the South Downs National Park - only the second such Reserve in England. For further information, please see <https://www.southdowns.gov.uk/enjoy/dark-night-skies/>. In order to protect the dark night skies within the National Park, development within its setting should also be sensitive and positively respond to this constraint. If minded to approve the application, the SDNPA recommend that full details of any external lighting (both during and after the construction period) are secured by an appropriate planning condition with the intention of limiting light pollution. External lighting should also be minimised in order to reduce the impact on local wildlife - including bat commuting areas, the dark skies and night landscape character.

6.5 CDC Conservation and Design

Additional comments (received 11/11/2020)

I am of the view their responses have addressed my initial queries. I think with regards to the roof EDPM it could be done successfully and is likely to look better than any other flat roofing material in terms of tying in with the tone of the cladding and flint. I think the roof is likely to have limited visibility apart from perhaps in distant views at a higher level. However in those views I think the only better approach would be to go for a green roof but this would likely require the height of the building to be increased to accommodate the increased roof depth and could be visually out of keeping with the design of the building overall in terms of being flint inspired.

Original Comments (received 28/08/2020)

The proposed design is clearly bespoke and is considered to be of very high architectural quality that has developed through a thorough understanding of the development site and its setting providing a design rooted in its context.

The selected location for the proposed house is considered successful; it positions the mass of the building within the clearing of the mature woodland providing a dense backdrop. It is considered that the concept of the design as a sculptural object inspired by flint has clearly been carried through from the concept stage in both the development of the form and material selection. The use of various types of flint wall within the building and garden provides a clear reference to its locality both to existing structures and flint found within local fields. The use of flint in a contemporary manner is welcomed providing a visual connection to its setting whilst avoiding a pastiche design. The other proposed materials including render, dark corrugated metal cladding, and standing seam metal around the windows are considered appropriate. It is clear these materials reference the continued narrative of the flint inspired design with the render representing the often smooth outer layer and the two metal claddings the sharper fractured appearance and varied tones found inside snapped flint.

There does not appear to be a roof plan provided with the application and therefore sufficient information to understand the positioning, extent and potential visibility of the solar panels. I have some concerns about the proposed use of EDPM roofing as to whether this would achieve the continued high quality appearance of the rest of the material palette in locations that it is visible. It is acknowledged that viewing elevation drawings can make aspects of the design appear as though they would be visible but in reality due to building depth etc they would not. However it is considered that it is important to request clarity on this and vital that a roof plan is provided and assessed.

The arrangement of the building around courtyards is considered to be beneficial in two ways. Firstly the visual containment of vehicles and the residential amenity space should help to prevent the spill of domestic paraphernalia into the wider site and rural setting. The plan form also relates to historic farmsteads which are often in courtyard arrangements with the more open exposed elements of the building being concealed and protected by the outer walls. Within the design of the dwelling this enables the larger expanses of glazing and the lighter toned field flint and render to be more greatly concealed. This will result in the darker material façades being visible in the backdrop of the mature woodland providing less visual contrast throughout the year.

The fabric first approach to securing a sustainable house is considered entirely appropriate as this should reduce the demands of the house on resources well into the future. This should also reduce the required input from other means particularly for heating the dwelling. The systems proposed over and above the fabric first approach are considered to be above and beyond those currently expected of a standard new build house. Whilst the individual components may not be innovative to this specific house it is understood that the combination of the system is. The technologies proposed within the design are clearly not currently mainstream and it is therefore considered likely there is a learning opportunity that could result. If shared this learning could help to progress sustainable design contributing to improved understanding and energy efficiency standards. In this way it is considered the dwelling could help to raise the standards of design not just in rural areas but within knowledge that can be used to inform other rural and urban developments. It is not clear how the post occupancy learning benefits of the dwelling can be secured through the application. However it is considered that an approach should be set out and conditioned to ensure the learning can inform further sustainable designs more widely.

Outside of the building the proposals to reinstate lost historic field patterns and conceal the existing overhead power lines will have clear benefits in terms of the setting. There are a number of unfortunate features within the site currently which the proposal seeks to address and are considered to bring with them enhancements to the visual amenity of the site.

The proposed dwelling is large and not of a vernacular design however it is considered unlikely that a proposal that replicated vernacular design would have been capable of being truly outstanding or innovative. Despite not aesthetically conforming to a vernacular design it is considered that the design is reflective of its setting and has evolved into the current proposal as a result of understanding its context. This is reflected in the proposed material palette, the siting of the dwelling within the land parcel, the use of flint as design inspiration and the relative simplicity of more public facing elements reflecting the facades of an agricultural building. The design is considered to be of high quality architecture, to reflect characteristics of the locality and enhance its immediate setting.

The material samples provided with this application are limited currently. It is considered that clarity should be sought regarding whether the corrugated metal cladding profile is still proposed to match that submitted during the pre- application submission. It is considered that on site sample panels of the various flint wall types should be conditioned and approved prior to the flint work commencing to ensure these achieve the visual quality expected of a high quality piece of architecture. It is also not currently clear what the proposals are for the flint gated opening to the parking courtyard if clarity on this is not yet possible it is considered that details should be provided for assessment by condition. There is limited information provided regarding external surfaces both for the access route and within the courtyard spaces it is considered additional information should be provided or secured by condition.

6.6 CDC Environmental Strategy Officer

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.

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.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground. We also require that a bat box is installed on a tree within the grounds of the property.

Reptiles

Following submission of the Mitigation Statement (May 2017), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Badgers

Following submission of the Mitigation Statement (May 2017), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

Nesting Birds

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

We would like a swift box to be installed on the building/ and or tree within the garden of the property.

Recreational Disturbance

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

Nutrient Neutrality

Due to the impacts of nutrients on Chichester and Langstone Harbour SPA and guidance from Natural England relating to the requirement for nutrient neutrality, a nitrogen assessment for the site will be required as part of this planning application. Current maps of Chichester show that this site will discharge to Thornham which goes into Chichester and Langston Harbour SPA. The assessment will need to calculate the nitrogen budget for the new development that would result in a net increase in population served by the wastewater system.

This assessment will need to demonstrate that either the new development will avoid harm to Chichester and Langstone SPA or provide the level of mitigation required to ensure that there is no adverse effect.

Policy 40

We are satisfied that the requirements within the Local Plan Policy 40: Sustainable Construction and Design, for sustainability statement are met within the Energy and Innovation document. A condition should be used to ensure this takes place.

6.7 CDC Environmental Health

Thanks for the opportunity to review and comment on this application. This is clearly a high end development of one large house and surrounding land. I have no concerns about the impact of traffic related, or other environmental noise, on this development given both the location and the high spec design. There is mains foul drainage just beyond the south of the site but the applicant is opting for onsite waste water treatment with an associated attenuation pond, to reduce additional impact on the local sewerage system. The Environment Agency should be given the opportunity to comment on the suitability of this scheme for foul drainage with due consideration to the Special Protection Zone.

6.8 CDC Drainage Engineer

Surface Water Drainage:

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures and/or the use of SuDS features (such as an attenuation/infiltration swale). Either of these approaches would be acceptable in principle, as they follow 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 be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures. 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 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. Therefore the swale proposals would be preferable to standard soak-away structures.

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.

Given the nature of the development, to bring it in line with current guidance, 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.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Flood Risk:

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

Surface Water Drainage Proposal Checklist

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 councils expectations and requirements for Surface Water Drainage Proposals. If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

6.9 Environment Agency

No comments received

6.10 Third party objection comments

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

- a) Size, scale and design
- b) Out of character with the area
- c) Highway safety
- d) Would not meet the tests of NPPF paragraph 79(e)
- e) Isolated location
- f) Unsustainable location
- g) Increased risk of surface water flooding
- j) Would be visible from adjacent footpath
- h) Would not enhance the setting
- i) Impact on ecology
- j) Impact on ancient woodland and trees
- k) Potential for damage to existing pipelines
- l) Would be visible from the South Downs National Park
- m) Impact on air quality
- n) Impact on tranquillity
- o) Contrary to neighbourhood plan
- p) Risk of ground movement

6.11 Third party support comments

Fifteen third party representations of support have been received citing the following reasons:

- a) Building modern innovative buildings helps mass design housing move forward
- b) interesting, bold and innovative
- c) Ecological benefits and environmentally aware
- d) Would not be detrimental to the local built or natural environment
- e) Would enhance and diversify local flora and fauna.
- f) Would be an enhancement to the area
- g) The benefits of a bespoke renewable energy system

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Westbourne Neighbourhood Plan is not made at this time; however it has passed examination and therefore carries limited weight.

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 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 45: Development in the Countryside

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Westbourne Neighbourhood Plan

7.3 Following receipt of the Examiner's report into the Westbourne Neighbourhood Plan, the Council's Decision Statement was agreed by Cabinet on 4 May 2021 and has been published. The Neighbourhood Plan is now able to move forward to the next stage, which is referendum. To gain full weight the Neighbourhood Plan will need to pass the referendum stage and then be made by Cabinet and Full Council, and as such the Westbourne Neighbourhood Plan carries limited weight at this stage.

7.4 The policies of the Westbourne Neighbourhood Plan relevant to this application are:

Policy OA1: Sustainable Development

Policy LD1: Local distinctiveness

Policy BD2: Natural Environment Policy

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

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

Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted during 2023.

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

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development

S2 Settlement Hierarchy

S3 Development Hierarchy

S4 Meeting Housing Needs

S5 Parish Housing Requirements

S6 Affordable Housing

S12 Infrastructure Provision

S20 Design

S23 Transport and Accessibility

S24 Countryside

S26 Natural Environment

S27 Flood Risk Management

S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

DM2 Housing Mix

DM8 Transport, Accessibility and Parking

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM22 Development in the Countryside

DM28 Natural Environment

DM29 Biodiversity

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

DM31 Trees, Hedgerows and Woodlands

National Policy and Guidance

7.7 Government planning policy now comprises the revised National Planning Policy Framework (~~NPPF 2019~~ **NPPF 2021**), which took effect from ~~19 February 2019~~ 20 July 2021 and related policy guidance in the NPPG.

A revised version of the National Planning Policy Framework was published on 20 July 2021 (NPPF 2021).

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

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

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

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

or

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

7.9 The following sections of the revised NPPF are relevant to this application: 2, 5, 8, 9, 11, 12, 14 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.10 Other documents that are material to the consideration of the application include:

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

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:

- Support communities to meet their own housing needs
- 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 application are considered to be:

- i. Principle of development and the policy position
- ii. Design, layout and impact on the character of the area
- iii. Residential amenity
- iv. Highway impact
- v. Impact on trees
- vi. Ecological considerations
- vii. Sustainable design and construction
- viii. Surface water drainage and foul disposal
- ix. Nutrient neutrality

i. Principle of development and the policy position

Following the Planning Committee meeting on 9 June 21 the National Planning Policy Framework has been revised, by an updated version published on 20 July 2021 (NPPF 2021).

The NPPF 2021 is consistent with the previous NPPF in that still contains a section setting out exceptions for when an isolated home in the countryside would be acceptable. This is now in paragraph 80 of the NPPF.

Paragraph 80 (e) of the NPPF 2021 is identical to paragraph 79 (e) of the previous NPPF with the exception that the previous requirement for a dwelling to be “*truly outstanding or innovative*” has been amended to omit “*or innovative*”.

Any reference in this report to paragraph 79 (e) of the NPPF should now be considered against the relevant paragraph of the NPPF 2021, which is paragraph 80 (e). Paragraph 80 (e) states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The 2021 NPPF maintains at paragraph 133 that Local Planning Authorities should have regard to the outcome of design advice and review panels and therefore this is a material consideration. This was previously referred to in paragraph 129 of the NPPF.

For the reasons set out in this officer report the changes to the NPPF are such that they do not alter the previous conclusion regarding the principle of development and therefore the proposal is considered to satisfy the criteria of paragraph 80 (e) of the 2021 NPPF.

- 8.2 The site is located outside of any defined settlement boundary, within the countryside, where typically new housing would be considered to be contrary to policies 2 and 45 of the Chichester Local Plan where it would constitute additional residential development in the countryside or Rest of Plan Area and would not meet an “essential, small scale and local need” (policy 45). The emerging Westbourne Neighbourhood Plan carries limited weight at this stage. Policy OA1 (Sustainable Development) sets out that development proposals outside of settlement boundaries will not normally be considered appropriate or sustainable unless they comply with several criteria, which residential development in this location would not satisfy.

8.3 Notwithstanding the development plan policy position above, the National Planning Policy Framework (NPPF) sets out exceptions in paragraph ~~79~~ **80** for when an isolated home in the countryside would be acceptable. The application has been put forward as an exception under paragraph ~~79(e)~~ **80 (e)** of the NPPF which states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(e) the design is of exceptional quality, in that it:

- is truly outstanding ~~or innovative~~, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

8.4 For the reasons fully detailed set out in the following section, officers consider that the proposal meets the requirements of paragraph ~~79(e)~~ **80 (e)**, being a design of exceptional quality, and therefore the principle of the proposal in this location would be acceptable.

ii. Design, layout and impact on the character of the area

8.5 The current application follows on from a previously withdrawn scheme. The applicants have sought pre-application advice and have positively responded to design advice from the Local Planning Authority. The scheme presented at pre-application stage was accompanied by responses from The Design Review Panel, an independent design review panel, supporting the scheme. Paragraph ~~129~~ **133** of the NPPF confirms that Local Planning Authorities should have regard to the outcome of design advice and review panels and therefore this is a material consideration. The Council's Conservation and Design Team have been heavily involved at pre-application stage and have provided detailed comments on the application proposals. The proposal is considered to be in line with the exceptions of paragraph ~~79(e)~~ **80 (e)** of the NPPF and the criteria for meeting this exemption are examined in detail below.

Truly outstanding ~~or innovative~~, reflecting the highest standards in architecture

8.6 The proposed design is clearly bespoke and is considered to be of very high architectural quality that has developed through a thorough understanding of the development site and its setting and local materials, providing a design rooted in its context.

8.7 Paragraph ~~79(e)~~ **80 (e)** requires proposals to be truly outstanding ~~or innovative~~, and as the proposal is considered to meet the test of being truly outstanding, there is no requirement for it to be innovative to meet the policy requirements. Notwithstanding this, the systems proposed to secure a sustainable dwelling over and above the fabric first approach are considered to be above and beyond those currently expected of a standard new build house. Whilst the individual components may not be innovative to this specific house it is considered that the combination of the system is.

Help to raise standards of design more generally in rural areas

- 8.8 The technologies proposed within the design are clearly not currently mainstream and it is therefore considered likely there is a learning opportunity that could result. If shared this learning could help to progress sustainable design contributing to improved understanding and energy efficiency standards. In this way it is considered the dwelling could help to raise the standards of design not just in rural areas but within knowledge that can be used to inform other rural and urban developments. Post-occupancy learning benefits of the dwelling can be secured through condition to ensure the learning can inform further sustainable designs more widely. In addition, the proposed ecological enhancement and landscaping works far exceed the ordinarily for a new dwelling, and it is considered that in this respect the proposal would help to raise standards of design.

Would significantly enhance its immediate setting

- 8.9 Outside of the building the proposals to reinstate lost historic field patterns and conceal the existing overhead power lines will have clear benefits in terms of the setting, and therefore it is considered that this requirement would be met.

Be sensitive to the defining characteristics of the local area

- 8.10 It is considered that the concept of the design as a sculptural object inspired by flint has clearly been carried through from the concept stage in both the development of the form and material selection. The use of various types of flint wall within the building and garden provides a clear reference to its locality both to existing structures and flint found within local fields. The use of flint in a contemporary manner is welcomed providing a visual connection to its setting whilst avoiding a pastiche design. The other proposed materials including render, dark corrugated metal cladding, and standing seam metal around the windows are considered appropriate. It is clear these materials reference the continued narrative of the flint inspired design with the render representing the often smooth outer layer and the two metal claddings the sharper fractured appearance and varied tones found inside snapped flint.
- 8.11 The proposed dwelling is large and not of a vernacular design however it is considered unlikely that a proposal that replicated vernacular design would have been capable of being truly outstanding or innovative. Despite not aesthetically conforming to a vernacular design it is considered that the design is reflective of its setting and has evolved into the current proposal as a result of understanding its context. This is reflected in the proposed material palette, the siting of the dwelling within the land parcel, the use of flint as design inspiration and the relative simplicity of more public facing elements reflecting the facades of an agricultural building. The design is considered to be of high quality architecture, to reflect characteristics of the locality and enhance its immediate setting.
- 8.12 Given the above officers consider that the proposal satisfies the criteria of paragraph 79 (e) 80 (e) of the NPPF.

- 8.13 In terms of the landscape impact and character of the area, the proposed dwelling is shown to be located broadly centrally within the site, between two areas of woodland. As has been demonstrated by the supporting Landscape and Visual Impact Assessment the dwelling has been positioned and orientated to minimise views from outside of the site and to be mindful of sensitive viewpoints given the proximity to the South Downs National Park and the Racton Monument.
- 8.14 The position of the dwelling would mean that it would not be prominent, and when seen from wider views, and from the public right of way adjacent to the site, it would be read in the context of the woodland setting. Furthermore, the significant landscape enhancements proposed, including reinforced hedging, new woodland and the new woodland shaw (a natural strip of woodland), in combination with removing overhead powerlines would enhance the appearance of the site.
- 8.15 The access and access track would be the most prominent aspect of the proposal and the submission advises that the scheme would include a long chalky track from the existing access point. Details of gates and hard surfaces would be secured by condition, and permitted development rights removed for any further gates or means of enclosure, to ensure an agricultural character is maintained in the interests of protecting the character and appearance of the surrounding area.
- 8.16 Overall the design, materials, detailing and appearance of the development would result in an exceptional scheme that would be appropriate to its rural context and surroundings, and would not adversely impact on the character of the area, such that the proposal would comply with paragraph 79 **80** of the NPPF and local plan policies 48 and 49 which seek to protect and enhance local landscape and the biodiversity value of a site.

iii. Residential Amenity

- 8.17 Given the isolated location of the site and the position of the dwelling within the site, there would be no adverse impact on amenities enjoyed by occupiers of neighbouring properties in terms of overlooking, or the development overshadowing or appearing overbearing.

iv. Highway Impact

- 8.18 The proposed dwelling would be served by an existing field gate at the north west of the site onto Woodmancote Lane. The proposals show the access to be widened to 5m, allowing two vehicles to pass. The access slopes up from the highway, and further information has been provided during the course of the application to demonstrate that access can be achieved for the proposed dwelling following the topography of the field, without the need for land level alterations.
- 8.19 The Local Highway Authority raised no highway safety concerns with the previously withdrawn application at this site, and also visited the site as part of the pre-application assessment. Visibility splays of 2.4m x 45 have been demonstrated to the south and 2.4m x 18m to the north. The LHA appreciate that approximately 13m is achievable to the junction and that this would equate to a Stopping Sight Distance speed of 12mph. The LHA considers that vehicles turning into Woodmancote Lane would be travelling at low speed. The LHA have commented that there is no evidence to suggest that the existing access and junction are operating unsafely.

- 8.20 Three guest parking spaces are proposed and three garage parking spaces are proposed for the residents. This is considered likely to be sufficient for the proposal.
- 8.21 The submission shows that waste collection would be from an existing access point at the site onto an access serving Dell Cottages. CDC Waste Collection Services have confirmed that they would have no problems emptying additional bins from the location specified, and this arrangement is considered to be acceptable.
- 8.22 The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph ~~409~~ 111), and that there are no transport grounds to resist the proposal. Therefore access, parking and turning arrangements proposed are considered to be acceptable, subject to securing them through conditions.

Paragraph 109 of the previous NPPF is now replaced by paragraph 111 of the 2021 NPPF however there are no changes in this to alter this conclusion.

v. Impact on trees

- 8.23 This application is supported by a Tree Survey Report and Constraints Plan and a follow up Arboricultural Impact Assessment. No trees are proposed to be removed to facilitate the construction of the dwelling.
- 8.24 Government guidance on protecting ancient woodland from development states 'for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.' The location of the proposed dwelling is outside of that buffer zone, having a distance of approximately 35m from the ancient woodland at the closest point. Protective fencing is shown and can be secured by condition.
- 8.25 The position of the existing access point means that it is within 15m of ancient woodland and some works would be required within this area to provide the surfacing. Details of this can be secured through an Arboricultural Method Statement. Paragraph ~~475~~ 180 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 8.26 The proposal would not result in the loss or deterioration of Ancient Woodland and as part of the proposed works mitigation measures to protect the Ancient Woodland can be secured. As such the proposal is considered acceptable with regard to impact on trees subject to conditions.

Paragraph 175 of the previous NPPF is now replaced by paragraph 180 of the 2021 NPPF however there are no changes in this to alter this conclusion.

vi. Ecological considerations

8.27 The application is accompanied by a Mitigation Statement detailing protection measures for bats, reptiles, nesting birds and badgers, as well as enhancements. The Landscape Management Plan details significant enhancements to the wider site, which can be summarised as follows:

- boundary hedgerows reinstated and gaps reinforced to provide wildlife corridors
- new woodland/ new woodland shaw to link existing woodlands
- replacement of horse paddocks with spring and summer flowering and field margin grassland
- wetland grassland
- provision of four bat boxes, five bird boxes and ten timber piles.

The Council's Environment Officer has raised no objections to the proposals and commented providing suggested conditions. Subject to the recommended conditions the proposal would result in a net gain in biodiversity

8.28 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent Scheme is required in order to mitigate recreational disturbance as a result of the proposal. This contribution would be a tariff of £940 for a dwelling of 5 bedrooms or more. A completed S106 agreement is required to secure this contribution. Subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

8.29 For the reasons set out above the proposal would be considered acceptable in terms of on-site ecological considerations and the recreational disturbance.

vii. Sustainable Design and Construction

8.30 The supporting Energy and Innovation document details that the proposal clearly satisfies the requirements of Policy 40 of the CLP. The statement demonstrates that the development would meet this through a combination of a fabric first approach, with a proposed minimum of 300mm wall and roof insulation will trap heat within the building, with a high airtightness level, high performance triple glazed windows will be installed, a Mechanical Ventilation Heat Recovery (MVHR) system will be incorporated in the design which will recover over 90% of the heat from the 'stale' air. The proposal has been designed to harness solar gains and incorporates 60 solar photovoltaic thermal panels (PV-T) on the roof. The PV-T panels would harness the solar energy and store it as both heat and electricity. The Earth Energy Bank harnesses and stores enough solar energy in the Summer months to provide all thermal energy requirements in the Winter. The TESLA powerwall is a scalable battery system with an internal inverter built in. The inverter manages the direct current (DC) input from the PV-T and manages its storage in DC batteries. The unit then converts this DC stored energy into alternating current (AC) to power domestic power loads from electric consumables. Once the batteries are fully charged the powerwall is able to divert excess energy to charging the electric vehicle and the heat store which will manage the heat until it is needed.

8.31 Conditions are recommended to secure the details provided. It is considered that secured in this way the development meets the requirements of Local Plan policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

viii. Surface Water Drainage and Foul Disposal

8.32 With regard to flood risk, the site is in Flood Zone 1 and at the lowest risk of flooding. The Council's Drainage Engineer has confirmed the team has no additional knowledge, or records of the site being at significant flood risk, therefore subject to satisfactory drainage no objection is raised to the proposed use, scale or location based on flood risk.

8.33 The application proposes that any hard surfaced areas including the access track will have permeable surfaces with a porous sub-base to a minimum depth of 210 to 240 mm. This includes a porous natural aggregate access track to the dwelling.

8.34 The application details that surface water run-off will be managed to limit the run-off to the equivalent or less than the current green field run-off rate. The submitted Flood Risk Assessment advises that this could either be through a swale 170 metres in length, which would be 0.3 metres deep and 0.5 metres wide at the base, with side slopes of 1 in 5, or through a shallow soakaway which has been designed using a conservative infiltration rate. The soakaway would need to be 10 metres x 12 metres by 0.8 metres deep using storage crates with a 95% storage capacity. This will provide approximately 91 cubic metres of storage but an on-site infiltration test will be required to confirm this solution is viable.

8.35 The Council's Drainage Engineer has confirmed that either of these approaches would be acceptable in principle, as they follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. They have also advised that 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.

8.36 Subject to the surface water drainage scheme being secured by condition in line with the Council's Drainage Engineer's comments, the proposal is considered acceptable in this regard and would not increase flood risk.

8.37 Foul Water is to be will be treated with an on-site proprietary water treatment plant with secondary filtration achieved by means of natural filtration within wet grassland and seasonally wet marginal planting associated with the attenuation pond. The Environment Agency was consulted on the proposals and they have not commented to raise any concerns.

ix. Nutrient neutrality

- 8.38 The proposal comprises new development with overnight accommodation, within the Chichester Harbour catchment area and therefore the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.
- 8.39 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the LPA via an Appropriate Assessment to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.
- 8.40 The applicant has followed the methodology provided by Natural England 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' based on the use of an onsite Package Treatment Plant, and established the nitrate calculations for this proposed development. This calculation has informed an Appropriate Assessment. Natural England's methodology sets out how to achieve nutrient neutrality and thereby address the existing uncertainty surrounding the impact of new development on designated sites. Specifically Natural England's advice sets out the methodology on how to calculate the nutrient budget generated from the development.
- 8.41 Based on the full calculations there is a deficit in total nitrogen from the development, in that the change in land use would generate less nitrogen load than the current land use, and as such no mitigation would be required.
- 8.42 In order to ensure that the development does not increase nitrogen load, the change in use of land must be secured so that the areas of meadow, (as opposed to 'grazing meadow') form the mitigation land, does not revert over time to grazing. This is to be secured by way of a section 106 agreement.
- 8.43 Subject to no objection from Natural England regarding an Appropriate Assessment the proposal is considered acceptable in this regard.

Conclusion

- 8.44 Based on the above it is considered that the proposal meets the requirements to be considered as an exception under the circumstances identified by paragraph ~~79(e)~~ **80 (e)** of the National Planning Policy Framework, and as such the principle of the development is considered acceptable. There is no conflict with the NPPF, the proposal complies with development plan policies, and there are no material considerations that would justify refusing the application. Therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND and subject to the following conditions and informatives:

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

3) Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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.

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

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

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

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

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

6) No development shall commence until details showing the approximate location of one fire hydrant (in accordance with West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

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

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

7) No development hereby permitted shall take place until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of the Arboricultural Impact Assessment reference SY16-111-09-02. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No materials shall be stored in the root protection area of trees to be retained. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

8) No works to the driveway/access shall commence on site unless and until an Arboricultural Method Statement including a program for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

9) Notwithstanding the landscaping details submitted with the application no construction of any dwelling above slab level shall take place unless and until a detailed scheme of hard landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been undertaken in accordance with the approved details.

Reason: In the interests of amenity.

10) Notwithstanding the landscaping details submitted with the application no construction of any dwelling above slab level shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and be in accordance with the submitted Landscape Management Plan. 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.

11) The dwelling hereby permitted shall not be first occupied until the ecological enhancements have been provided in accordance with the details and timetable within the submitted Landscape Management Plan reference SY16-111-LMP (20)-06 01 JUNE 2020.

Reason: In the interest of conserving and enhancing biodiversity and to accord with the terms of the application.

12) Notwithstanding any details submitted no development shall commence to construct the dwelling until a full schedule of all external materials and finishes for all buildings and structures, with samples where required by the Local Planning Authority, have been submitted to and approved in writing by the Local Planning Authority.

This must include sample panels of the flint wall types, and the flint gated opening to the courtyard to ensure these achieve the visual quality expected of a high quality piece of architecture.

The development shall be carried out in accordance with the approved schedule of materials and finishes and samples, unless otherwise agreed in writing by the Local Planning Authority.

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

13) The dwelling 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 dwelling and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029

14) Before first occupation of the 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

15) 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 and 1st October). If works are required within this time an ecologist must check the site before any works take place (within 24 hours of any work).

Reason: In the interest of ecology.

16) The dwelling hereby permitted shall not be first brought into use until the measures detailed in the submitted Energy and Innovation section within document 203_DO_PN_3001 APRIL 2020 have been implemented. These measures shall be maintained and kept operational in perpetuity.

Reason: To ensure the development delivers a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014- 2029 and to accord with the terms of the application.

17) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the Mitigation Statement (dated 19th May 2017)

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

18) The proposed hard surface/s hereby permitted shall either be made of porous materials and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

19) The covered and secure cycle parking spaces hereby permitted shall be provided fully in accordance with the plans and details as submitted with this application and made available for use prior to first occupation of the dwelling. Thereafter the cycle parking shall be retained for that purpose by occupiers of the associated residential development in perpetuity.

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

20) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

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

Reason: To provide car-parking space for the use

22) No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

23) No part of the development shall be first occupied until visibility splays of 2.4 x 45m to the south and 2.4 x 18m to the north have been provided at the proposed site vehicular access onto Woodmancote Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.9 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

24) The dwelling hereby permitted shall not be first brought into use until a scheme detailing the monitoring and recording of post-occupancy learning benefits of the dwelling, including a timetable, has been submitted to and agreed in writing by the Local Planning Authority. These measures shall be maintained in accordance with the agreed scheme.

Reason: To ensure the development accords with the terms of the application.

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

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

26) Notwithstanding any indication on the submitted Addendum: Highways Access Proposals, no gate shall be installed serving the access onto Woodmancote Lane until full details of the appearance, location and materials of the gate have been submitted to and agreed in writing by the Local Planning Authority. Development shall proceed in accordance with the agreed details.

Reason: In the interests of highway safety and the character of the area.

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, no extensions or alterations shall be constructed or made without a grant of planning permission.

Reason: To accord with the terms of the application as an exception under paragraph 79(e) of the National Planning Policy Framework

28) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established.

Reason: To accord with the terms of the application as an exception under paragraph 79(e) of the National Planning Policy Framework

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location Plan	001		23.06.2020	Approved
PLAN - First Floor Plan	203_PN_P1_3 130		23.06.2020	Approved
PLAN - Ground Floor Plan	203_DR- PL_2001		23.06.2020	Approved
PLAN - External East and West Elevations	203_DR_PL_2 000		23.06.2020	Approved
PLAN -	203_DR_PL_2 200		23.06.2020	Approved
PLAN - South Elevations	203_DR_PL_2 203		23.06.2020	Approved
PLAN - North Elevations	203_DR_PL_2 204		23.06.2020	Approved
PLAN -	203_SiteAccess_210427		30.04.2021	Approved
PLAN -	Nitrate Mitigation _1_1250_A3_210222		01.03.2021	Approved
PLAN -	20_Roof Plan_201012		28.10.2020	Approved

INFORMATIVES

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

2) S106

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

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

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

4) The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

For further information on this application please contact Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCUEXERKQJ00>