

2.0 The Site and Surroundings

- 2.1 The 1.31ha irregular shaped site, is located on the north side of Main Road (A259) and comprises a former plant nursery (previously known as Chas Wood Nurseries). The site lies within the Rest of the Plan Area (i.e. outside any defined Settlement Boundary), within the Parish of Chidham and Hambrook. The application site lies approximately 0.7km to the east of the Settlement Boundary of Nutbourne and approximately 1.4km west of the Settlement Boundary of Broadbridge. Nutbourne and Broadbridge are described as 'Service Villages' in the Chichester Local Plan (CLP), with a reasonable range of everyday facilities and reasonable road and public transport links, including on-road cycle lane east-west along Main Road.
- 2.2 The site is set (approximately 65m) back from Main Road by existing residential development, with access to the site gained via a shared accessway. Far Close and Oaklands are situated on the west and east sides of the access respectively, and Avenue Cottage is located directly at the end of the access road. All of which comprise detached dwellings set within generous plots.
- 2.3 The site lies (approximately 80m) to the north of the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which runs along the southern side of Main Road. The site is well contained, relatively flat and lies within Flood Zone 1.
- 2.4 The site itself includes several derelict structures; however, most of the site has been cleared. There are a number of trees and bushes within the site, the majority of which are situated on the boundaries.
- 2.5 To the east of the site are a mix of buildings and uses. These include Cockleberry Farm which has a number of commercial uses and is the subject of a separate planning application (ref.21/02361/FUL). Beyond Cockleberry Farm are existing care homes, a car showroom and vehicle repair garage and further individual dwellings. To the west of the application site is the grade II listed Bosham Inn Public House and its car park, an existing caravan storage site and a touring caravan site, to which a separate planning application relates (ref.21/02303/OUT). Directly opposite the site to the south are agricultural fields and the Chichester Harbour AONB. To the north is an existing field, beyond which lies the east-west main railway line.
- 2.6 The site lies within an area where new development may impact upon multiple sensitive ecological sites including the Chichester Harbour SSSI, Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), and the Singleton and Cocking Tunnels SAC. The south-west corner of the site also falls within a proposed Strategic Wildlife Corridor.

3.0 The Proposal

- 3.1 This Outline application seeks approval for the principle of development for 26 dwellings, 31% (8) of which would be affordable, with only 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, ecological mitigation and area of public open space.

3.2 The primary access to the site would be taken from the A259 (Main Road), to the south of the site. The simple priority T-junction would measure 5.5m wide (for the first 4.5m and then narrowing to 4.8m wide) with a 6m radii at the bellmouth of the new junction and will achieve suitable visibility splays commensurate with the 40mph speed limit in force at this location; and, with the speed limit of 60mph to the east and 50mph to the west. A 1.5m wide footway would be created to the western side of the new access, with pedestrian movement across the access facilitated by an uncontrolled crossing in the form of dropped kerbs and tactile paving. Dropped kerbs and tactile paving would also be provided at the existing gateways serving Far Close and Oaklands.

3.3 The application seeks approval for the principle of a housing development on the 1.31ha site with an overall mix comprising:

Size	Market Housing Mix	Affordable/ Social Rented Mix	First Homes	Shared Ownership	Total
1-bed	2	2	0	0	4
2-bed	6	2	2	0	10
3-bed	7	1	0	0	8
4-bed	3	1	0	0	4
Total	18	6	2	0	26

3.4 The proposal indicates the provision of 18 (69%) open market dwellings and 8 (31%) affordable dwellings, in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. Based on the site area the overall density of housing equates to approximately 20dph.

3.5 Layout, scale, appearance and landscaping are all reserved matters, but the applicant has provided an illustrative layout, showing how the development of 26 homes might be delivered. Key features to note in plan, which are required to be secured through the S106 Agreement and will be carried forward into any reserved matters submission are: the inclusion of a community orchard within the proposed Strategic Wildlife Corridor to the south-west corner of the site and the provision of Public Open Space (POS) to the north-east of the site. Drainage ditch buffers with maintenance access are also shown on the illustrative layout and are recommended to be secured by condition.

3.6. Amended plans have been received during the course of the application, which resulted in the quantum of development increasing by 7no. dwellings (i.e. was previously 19 dwellings and now 26). Other amendments include alterations to the layout, such as the provision of a community orchard. Considering the amendments, a full 21-day re-consultation was carried out for the application. Further clarification was also sought regarding land ownership matters. The applicant confirms all land is within the applicant's ownership and has re-submitted plans to ensure the 'red-line' is correct.

3.7 As noted above, there are other applications in close proximity to the site which are considered relevant. These are as follows:

21/02303/OUT: Caravan and Camping Site, Orchard Farm, Drift Lane, Bosham - Outline Application (with all matter reserved except Access) for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstandings and erection of 6 no. 3 bed chalet bungalows and 3 no. 2 bed bungalows. Pending consideration.

21/02361/FUL: Cockleberry Farm, Main Road, Bosham - Demolition of existing warehouse buildings, B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations. Pending consideration.

4.0 History

17/03626/OUT REF Construction of 10 no. dwellings.
Appeal dismissed in February 2019 (PINS ref: APP/L3815/W/18/3208546).

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

Further comment received 11.05.2021

We have looked in detail at the proposed new layout and increase in houses and our initial submission still stands with these additional comments:

1. We consider the addition of seven dwellings to be overdevelopment of the site resulting in insufficient public open space or amenity.

2. The access road has been widened and fences erected on either side. There seems to be some dispute over the possible encroachment on to the two neighbouring properties. Both houses are currently empty, one being the subject of Probate and the other with the owners abroad. The Executor of 'Far Close' has claimed that there has been encroachment on the southern and eastern boundaries which puts the footway in question. This needs to be investigated before any permission is granted. The ability to provide a footway would be crucial for any development.

3. The CDC Coastal & Drainage Report advises that a 3-metre buffer would be required on the southern and western boundaries to ensure maintenance could be carried out to the watercourse. This would result in the gardens of those properties being unacceptably small.

4. The revised ecology report from Kingfisher, dated March 2021, is for 19 houses not 26. It confirms what we know to be the case with this site - that vegetation has been significantly cleared thereby destroying potential habitat for protected species. This has happened between June 2020 and March 2021. The site was also cleared of scrub and vegetation prior to the last planning application for ten homes in 2017, leaving bare earth and destroyed habitats. It is essential that surveys are carried out between March and August to survey bird breeding on the site. There is also no mention of the stream on the western boundary.

5. There is now a proposal for an orchard in place of a tennis court. Orchards require significant maintenance but there are no details as to how this will be achieved or who will manage it.

6. There is no nitrate neutrality strategy. The calculations submitted are based on 19 houses, not 26.

Further comment received 15.12.2020

In October 2020 Chichester District Council formally adopted its Interim Position Statement on Housing, against which planning applications will be judged.

We believe that this application is contrary to many of its criteria which guide development.

1. The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it). Where a proposal is separated from the settlement boundary by road, railway line, cycle path or pedestrian footpath, it will meet this criterion where it is shown to be sustainable and integrated with the settlement it adjoins.

The site is at least 700m from the settlement boundary and is not contiguous with any part of it. It is not integrated within the settlement. The nearby built environment is of a few houses sporadically located going east towards Bosham. Development here would have implications for the settlement boundary.

2. The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development.

Hambrook and Nutbourne may be classified as a service village but it has a poor range of facilities. The site is within walking distance of the Primary School, pub, 700 bus service (which is the only one) and the train station with an hourly train. However, the nearest convenience store is just over a mile away and there are no medical facilities. There are few employment opportunities with the village. It would therefore be necessary for anyone wanting to access necessary services to do so by car.

5. Proposals should demonstrate that development would not have an adverse impact 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.

Although the site is not in the AONB of Chichester Harbour it is a very short distance away and separated only by Main Road.

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.

The site is immediately adjacent to the proposed wildlife corridor essential for maintaining the movements and habitats of our all-important wildlife. There is no doubt that a development of this size and the human activity from 19 households will have a damaging impact. The Supporting Statement asserts that the remaining vegetation has little ecological value. We would like to see the evidence for this especially as the site was virtually cleared of all trees and vegetation prior to the last application.

7. 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 opportunities for pedestrian links are compromised by there being no access to the site unless shared with vehicles.

11. 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.

This has not been demonstrated. There is no strategy as to how nitrate neutrality could be achieved either directly or indirectly.

Original comment received 21.09.2020

This is an opportunistic application submitted prematurely. A previous application was refused in 2018 and the numbers have effectively doubled and the circumstances around the development site haven't changed. This is a significant number of houses and in our opinion is over development.

- The site is well outside the settlement boundary and extends it to the East.
- The main access from Main Road is a single lane track and comes out onto Main Road where the transition from 40mph to 60mph is 100 m to the east. Traffic often does not slow down when coming west. The width of the access is 5.1 m and there would not be adequate width for a footway in or out of the development. This would be hazardous for pedestrians if vehicles were turning into the development.
- The mix of housing is not appropriate. The parish housing stock is heavily skewed towards larger 4+bed housing and there is a need for smaller units. The 5 bed in particular is not housing that is required for local people. There are no 1 bed units.

- There is no detail on the market and affordable housing mix or the tenure.
- There is no evidence that a tennis court is needed in the Parish. This would be high maintenance and if it were adopted by the Parish would be a high financial burden. Alternatively, if it were managed by a company it is doubtful that the residents of 19 houses would be willing to foot the bill for a public amenity of this nature.
- There are no details on nitrate mitigation or how this would be managed.
- There would be Impact on the AONB and the wildlife corridor which is in close proximity.
- Street lighting is at odds with the Parish Council's commitment to low level lighting in areas adjacent to the AONB through the Dark Skies policy.

6.2 Natural England

Further comment received 03.11.2021

Summary of Natural England's advice.

No objection - subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Solent Maritime Special Area of Conservation (SAC).
- Damage or destroy the interest features for which Chichester and Langstone Harbours Site of Special Scientific Interest Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Financial contributions to the Bird Aware Scheme.
- The conversion of the 1.25ha of arable farmland at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) to woodland, with trees planted at a density of 100 trees per hectare.

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

Further comment received 10.06.2021

Summary of Natural England's advice.

Further information required to determine impacts on designated sites

As submitted, the application could have detrimental impacts on Chichester Harbour Site of Special Scientific Interest (SSSI) and potential significant effects on Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, as well as Solent Maritime Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. provide a Habitats Regulations Assessment (HRA).
- How the increase in nutrients from the proposed development will be mitigated and how these measures will achieve nutrient neutrality in perpetuity.
- How any likely significant effects arising from an increase in recreational disturbance will be avoided and/or mitigated.

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

Original comment received 13.09.2020

Summary of Natural England's advice.

Further information required to determine impacts on designated sites.

Habitats Regulations Assessment - waste water and recreational disturbance impacts on Solent European sites

As the proposal will result in a net increase in dwellings, could have potential significant effects on the Solent Maritime Special Area of Conservation (SAC) and Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site through increased nutrients and recreational disturbance. Natural England requires further information on the mitigation measures to avoid an adverse effect on the integrity of the sites.

The following information is required:

- Mitigation measures designed to avoid an impact from the 28.33kgTN/year (Nutrient Neutrality Report, July 2020), in combination with other nutrient inputs, on the receiving waters predicted as a result of the proposal.

Any proposed nutrient mitigation measures and measures to avoid recreational disturbance impacts may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

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

6.3 Environment Agency

Further response received 28.09.2021

On the basis that the proposed development will connect to the mains foul drainage system, we remove our objection to the proposal as submitted.

Original response received 31.08.2021

We have reviewed the application and request further clarification on the points below before submitting our formal response to the proposal.

- Please could we see evidence that a formal application for connection to public foul sewer has been made by the applicant and that Southern Water are able to accept the proposed flows.
- Please confirm SUDS developments will be maintained to minimise flows into public foul sewers and to prevent any pollution or nutrient enrichment entering the Harbour.
- Please confirm mitigation measures will be put in place during site development to prevent sediment pollution entering the local watercourse and potentially impacting on the harbour.

6.4 National Highways

Further comment received 18.10.2021

National Highways previously responded to this planning application on 1/12/2020 and 30/4/2021. In both responses we offered no objection provided that the applicant makes a relevant contribution to the A27 mitigations required in the Chichester Local Plan.

This proposal will add to the cumulative impact of the Local Plan allocations on the A27 especially at the Fishbourne roundabout and so should make a contribution towards junction improvements. We consider that the additional impact can be mitigated with relatively straight forward modifications to the Local Plan schemes. Accordingly, this development should make a contribution of £46,878 (26 x £1,803) (index linked) in line with Chichester District Council's SPD Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass.

Further comment received 30.04.2021

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'. As the development would fall within the 'Southbourne development zone' allocation, it would be required to make a contribution of £46,878 (26 x £1,803).

Original comment received 01/12/2020

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'. As the development would fall within the 'Southbourne development zone' allocation, it would be required to make a contribution of £34,257 (19 x £1,803).

6.5 Network Rail

No objection.

6.6 Southern Water

Further comment received 12.05.2021

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 properties to connect with the current capacity in the network, pending network reinforcement to provide capacity for the remaining properties. 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 waste water network capacity is available to adequately drain the development'*.

The supporting documents make reference to drainage using Sustainable 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 Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

Original comment received 07.09.2020

The exact position of the public sewer must be determined on site by the applicant.

Please note:

- The 150 mm diameter gravity foul sewers requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus.

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.

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.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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 Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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.

6.7 Sussex Police

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

6.8. WSCC Education and Skills Directorate

Further comment received 27.01.2022

A Holding Objection was made to the application on 23 December 2021 in order for the County Council as Local Education Authority (LEA) to complete an assessment of educational provision in the Bourne School Planning Area, which the above application comes under.

The County Council can enter a legal agreement and collect financial contributions for education provision including for the expansion of an existing school, or the provision of a new school. However, if there is not a school in the School Planning Area which can be expanded, or there is no land available for a new school, then education provision cannot be provided to mitigate children from proposed new development. Which means, there may be no local school that the pupils arising from the development can attend. For the LEA the availability of land or expansion potential is as necessary as a monetary contribution from a developer in order to ensure the impacts of the site can be mitigated. We cannot simply take a financial contribution to mitigate the impact of the development if no such possibility exists within the education planning area.

Following the publication of the Interim Position Statement on Housing by the District Council, which aimed to maintain a 5-year housing land supply, a number of windfall applications have been submitted, including in the Bourne School Planning Area. These unallocated sites coming forward for development will increase the need for school places in the area; these have not been planned for through the Local Plan or school place planning process. Therefore, the windfall sites coming forward, in combination with the delay of the Southbourne Neighbourhood Plan, (which identifies a new education facility and provided a solution to the lack of school places available when considering proposed allocations and could potentially have been expanded), has led to the need to complete another education assessment of the area to ensure mitigation could be achieved and if so whether that was through expansion of existing or a further new school, as a result of these windfall applications.

Since December, the County Council as LEA has been investigating whether any primary school in the School Planning Area could be expanded further in order to accommodate the additional children from this application site, and other development sites in the Bourne School Planning Area. This has entailed an assessment of existing school sites, meetings with stakeholders and internal discussions. These have necessarily needed to take place before we could have any confidence that we were able to house the pupils arising from the current development site proposals.

County Council as LEA can now inform Chichester District Council, as determining authority, that a potential way forward has been identified through the expansion of a school in the Bourne School Planning Area, in addition to expansions already planned as a result of allocated housing developments. While it is at an early stage and feasibility,

design and consultation will need to be undertaken, the County Council as LEA, will pursue this solution which can provide education mitigation for the proposed development.

As for other school expansions in Chichester District, the delivery of an expansion will be sought through the CIL process. The County Council will work with CDC through their Infrastructure Business Plan process in order for the mitigation proposal project to be identified, prioritised and funded.

In view of the work County Council as LEA has undertaken in the assessment of education capacity, which has led to a potential solution through the expansion of a primary school in the Bourne School Planning Area, and delivery of the project via CIL, **the holding objection is removed.**

There is now no education objection to the application.

Original comment received 23.12.2021

This site will be CIL liable. CIL will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development. (For the avoidance of doubt, Education covers all children from 0-18 and up to 25 for SEND pupils) School places are limited in the locality so expansion of existing facilities or a new facility are expected to be required to accommodate the development. A new facility is proposed for allocation in the Reg16 Southbourne Neighbourhood Plan, which has yet to be examined however can be afforded moderate weight in decision making. In the meantime, if children cannot be accommodated at existing schools or expansions this or another new facility will be required to accommodate the needs of the development. The developer would be expected to demonstrate how they intend to mitigate against the impact on education.

6.9 WSCC Fire and Rescue Service

No objection, subject to condition to secure fire hydrant.

6.10 WSCC Highways

Further comment received 03.06.2021

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on outline proposals (access only) for 26 x dwellings.

The previous plans and assessment of the site raised no objection from the LHA but was on the basis of 19 x dwellings being provided.

The amended Transport Statement, on the basis of the trip rates identified, reveals that 26 x units could produce an additional 15 x trips in the AM and 14 x trips in the PM peak hours. This is an increase in 4 x trips in the AM and PM peak hours respectively, from the previously commented on trip generation for 19 x units. The LHA does not consider this a 'severe' increase and no road network capacity issues would be raised.

The access geometry and visibility has previously been assessed as suitable for the use and accessibility/sustainable transport has previously been reviewed and commented on.

The Stage 1 RSA has previously been reviewed and signed off by the LHA, please refer to previous comments and advised conditions.

Car and bicycle parking and internal layout details should be provided at reserved matters stage.

Original comment received 09.09.2021

Having examined in full the documents provided with the application, the highway authority has no objection to the proposed use.

Estimated traffic amounts, as stated in Table 5.1 of the transport statement. The authority does not consider that these are likely to have a significant impact on the operation of the A259 and surrounding roads.

The site is adjacent to bus stops with a frequent and extensive bus service. Facilities for pedestrians and cyclists are adequate and allow access to nearby everyday facilities.

Since the application is for access only, we assume that internal layout and parking will be dealt with at the reserved matters stage. There do not appear to be any issues with either that we wish to raise at this point.

The site will be entered by a highway access designed and constructed in line with the Design Manual for Roads & Bridges. Adequate visibility is available. A road safety audit was carried out and does not raise any issues which cannot be overcome at the detailed design stage. However, an issue was raised with regard to the deposition of debris on the road from the site as currently configured, and we have suggested an appropriate planning condition to manage site drainage as a result.

Implementation of the highway access will require a Section 278 agreement. It is the developer's responsibility to apply for this.

An analysis of nearby road traffic collisions does not raise any concerns in relation to the road safety impacts of the proposal.

Recommended conditions

- Access
- CEMP
- Drainage

6.11 WSCC Lead Local Flood Authority

The Flood Risk Assessment/Drainage Impact Assessment for this application proposes that sustainable drainage techniques (soakaways, permeable paving and swales, with a possible discharge to the watercourse) would be used to control the surface water run-off from this development.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

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.

6.12 Chichester Harbour Conservancy

No objection - The planning unit / red-line site is outside the AONB protected national landscape.

Suggested conditional controls -

- approval of all Reserved Matters (appearance of buildings, landscaping of the site, layout of the development, scale of buildings).
- restricting the height of development to 2-storey (eaves line) throughout.
- securing the provision of landscaped space within the development to at least the area illustrated on the indicative layout.
- detail of lighting to the site (for street lighting in particular) shall be subject to planning control in accordance with the Chichester Harbour AONB Joint SPD Dark Skies Policy (notwithstanding the sites location just outside the AONB) as lighting would have an impact on the surrounding land, including within the AONB.
- securing ecological enhancement measures as recommended in the submitted ecological report.
- a legal agreement securing the relevant developer ecological mitigation payment and dwelling home-owner's pack explaining the significance of the Chichester Harbour SPA to mitigate and manage for the likely recreational disturbance that would result within the Chichester Harbour SPA.

6.13 CDC Archaeology Officer

This is a part of the West Sussex coastal plain that has been demonstrated to have been relatively densely settled since late prehistory, and where the archaeological potential of a site is proportionate to its size. In the circumstances it would be prudent to carry out an investigation of the site prior to it being developed in order to identify any significant deposits that might be present and to implement appropriate measures for their preservation. A condition is recommended to secure a written scheme of archaeological investigation.

6.14 CDC Drainage Engineer

Further comment received 13.10.2021

We are satisfied that the revised layout demonstrates that future maintenance of the ditch will not be unsatisfactorily impeded, and therefore we have no objection to the application being permitted.

Further comment received 28.04.2021

We made comments on the application on 16th November 2020, and these comments remain valid in their entirety.

The only additional item which we would like to flag is a potential conflict between the illustrated planting, and property boundaries on the western and southern boundaries of the site. There is a watercourse along both these boundaries and a minimum 3m clear buffer will need to be provided from the top of the bank to ensure future maintenance is not impeded by the development.

Original comment received 16.11.2020

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

Surface Water Drainage: We have reviewed the drainage impact assessment. The proposal is to drain to soakaways (subject to percolation testing) or an attenuated system which discharges to a watercourse. This approach is acceptable in principle.

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore, 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, 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).

Given the nature of the development, 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.

There are watercourses on the western and eastern boundary which the applicant intends to clear. We appreciate that this application is for 'access', but for clarity their layout will need to ensure a 3m clear buffer is left from the top of each ditch bank To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional

impediment following the development completion. No layout should be approved until this is evidenced.

A condition is recommended to secure full details of the proposed surface water drainage scheme and an informative that ordinary watercourse consent for all alterations or discharges to ordinary watercourses will be required.

6.15 CDC Environmental Protection Officer

Further comment received 20.04.2021

The revised layout plan has been reviewed. With respect to predicted additional vehicle movements generated by the development, an air quality assessment is not required; however, measures to mitigate impacts such as dust and noise should be put in place during construction works. The WSCC car parking standards should be applied with respect to cycle parking facilities and electric vehicle charging points in order to encourage the use of sustainable transport.

Original comment received 17.11.2020

Given the former land uses at the site (nursery/orchard) there is considered to be potential for land contamination to be present at the site. The proposed development is considered sensitive with respect to risks to human health therefore conditions should be applied.

If any structures at the site contain asbestos, an informative should be applied to ensure such material is handled and disposed of appropriately.

If any fuel or oil is to be stored at the site, a condition should be applied to prevent future pollution at the site.

Given the proximity to off-site residential properties, a construction management plan should be submitted which covers noise and dust control in particular. This should be agreed prior to commencement of the works and then enforced throughout the development works.

The railway line is located approx. 100 metres from the nearest dwelling on the proposed plans. Given this distance railway noise will likely be audible from the location of the dwellings in this development. However, it is unlikely that this would result in such a high level of noise that would indicate permission should be refused, nor any special sound insulation measures above and beyond Building Regulations standards for dwellings.

6.16 CDC Environmental Strategy Unit

Further comment received 23.09.2021

Additional comments from Environmental Strategy Unit on Dormice Survey and Sustainability Statement. Previous comments on other ecological issues still apply.

Sustainability Statement

Although many of the measures within the sustainability statement are acceptable, within the energy section gas boilers are still being proposed, we would like to see consideration of ASHP or GSHP as an alternative to gas boilers. The proposal for the inclusion of PV to provide 10% of the properties energy requirements will be acceptable.

Dormice Survey

As requested, the updated dormice survey now includes the July survey results. These surveys concluded that no dormice or evidence of dormice were found on the site. However, a precautionary method with regards to dormice should still be conditioned, if planning permission is granted including:

- All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site should be carefully searched for dormouse nests prior to clearance. The vegetation should be removed through a process of phased habitat manipulation, first being cut back to a minimum of 200mm and then to ground level. A careful fingertip search for nesting dormice on the ground will be required at every stage of the phased habitat manipulation.
- In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.
- The enhancements for dormice as detailed within the enhancement strategy should be conditioned and followed in its entirety.
- An ecological management plan will be required to ensure long-term sympathetic management of the suitable habitats for biodiversity within the proposed development and promote increased opportunities for biodiversity.

Further comment received 14.09.2021

Nutrient Neutrality

The proposals suggested within the Nitrate Mitigation Proposal are all very good solutions. A suitable s106 agreement will be needed to secure the mitigation land to this development and ensure it does not revert to agricultural use during the in-perpetuity period.

Bat

As stated within the Bat Transect, Passive Bat Detector Surveys and Arboreal PRF Inspection Report (June 2021), no evidence of bats using the potential roost features was observed during the PRF inspection. However, they are highly mobile, so it is possible that T1 could be used by bats for roosting because of the suitable features within the tree. The current proposal suggests that no trees on site will be affected by the proposed works. A condition should be used to ensure that, if any work is to be carried out on the trees at reserved matters stage, then further surveys will be required. Such surveys would need to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If bats are found to be roosting within any trees mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

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 buildings onsite facing south/south westerly positioned 3-5m above ground.

Reptiles

Following submission of Reptile Survey Report (June 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Breeding Birds

During the survey, three inactive nests were observed along the site boundary; two on the western boundary and one along the northern boundary. Additionally, one active great-spotted woodpecker nest was observed which was located in the mature ash tree on the eastern boundary. Overall, the activity across the site was largely concentrated along the eastern boundary where a mature ash tree is present and along the western boundary close to the small woodland copse bordering the south-west corner of the site.

Following submission of Breeding Bird Survey Report (June 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. 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 bird box to be installed.

Dormice

The Dormouse Survey Report (June 2021) stated that the surveys were undertaken between April to July even though the surveys should be undertaken April to September, as recommended by Natural England. Additionally, even the report -table 1 (page 5 of the Dormouse Survey Report) states that April, June and July are the least optimal months for finding dormice. The July survey results are still to be submitted and confirmation of these results should be obtained in order to confirm the absence of dormice from the site

Invertebrates (including Stag Beetles)

Following submission of Invertebrate Survey Report (July 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. Additionally, due to the limited distribution and reliance of *A. florea* on white bryony it is imperative that white bryony is retained in the hedgerows where possible and incorporated into the planting schemes in the communal orchard and in the proposed area of grassland to the east of the site.

The enhancements as recommended in the Invertebrate Survey Report include the following and should be added to site. A condition should be used to ensure this takes place:

- 1 x loggery within the woodland to the south-west of the site 4.

- 1 x insect box within the woodland to the south-west of the site.
- 4 x bee bricks.

Further comment received 06.07.2021

Nutrient Neutrality

Following submission of the Nutrient Neutrality Report (May 2021) it has been identified that there will be an increase in nitrogen load of 31.5 kg/TN/year from the proposed development. Due to this increase we require that mitigation takes place. Please can the applicant provide their proposed mitigation strategy to deal with this, including the location of the permanent land use change of agricultural land within the Chichester Harbour catchment area.

Bats

The site has moderate potential for foraging and commuting bats and four trees on site including an ash, willow and two mature oak contain potential roosting features (PRFs) for bats. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including an arboreal PRF inspection of the features together with three bat transect surveys and three static bat detector surveys onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If the arboreal PRF inspection located bats themselves or moderate/high potential in the trees on site, further surveys will be necessary and mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

Reptiles

There is moderate potential for reptiles on the site within the ruderal vegetation along the site perimeter and within the spoil heaps in the southern area. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Reptile Presence or Absence survey, prior to determination. A minimum of seven visits will be conducted during the survey and needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

Breeding Birds

The site has high potential for breeding birds within the ruderal vegetation, overgrown hedgerows and interspersed trees and within the small adjacent woodland in the south-west corner. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including a Phase 2 bird survey onsite prior to determination. Three surveys should be completed between March and August by a suitably experienced ecologist who will inspect each habitat for breeding birds and submitted for our approval with the planning application.

Dormice

There is moderate potential for dormice within the site due to hedgerows surrounding the entire site and the woodland edge which makes up the south-west boundary. Therefore, as detailed within the Preliminary Ecological Appraisal (March 2021), further dormice surveys (a phase 2 survey) are required, and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06 we require that these surveys are undertaken prior to determination. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

Invertebrates (including Stag Beetles)

There is high potential for invertebrates, including stag beetles to be present on site where dead wood is present within the hedgerows and spoil heaps on site. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Invertebrate survey, prior to determination. The survey needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

Further comment received 04.05.2021

Bats

The site has moderate potential for foraging and commuting bats and four trees on site including an ash, willow and two mature oak contain potential roosting features (PRFs) for bats. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including an arboreal PRF inspection of the features together with three bat transect surveys and three static bat detector surveys onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If the arboreal PRF inspection located bats themselves or moderate/high potential in the trees on site, further surveys will be necessary and mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

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), even after construction to prevent the hedgerows from being incorporated into gardens, 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. Dark corridors should be incorporated into the design of the site, especially around the boundaries and the wildlife corridor to prevent bats foraging and commuting routes from being lit up and destroyed by artificial light. Conditions should be used to ensure this.

Breeding Birds

The site has high potential for breeding birds within the ruderal vegetation, overgrown hedgerows and interspersed trees and within the small adjacent woodland in the south-west corner. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended including a Phase 2 bird survey onsite prior to determination. Three surveys should be completed between March and August by a suitably experienced ecologist who will inspect each habitat for breeding birds and submitted for our approval with the planning application.

Dormice

There is moderate potential for dormice within the site due to hedgerows surrounding the entire site and the woodland edge which makes up the south-west boundary. Therefore, as detailed within the Preliminary Ecological Appraisal (March 2021), further dormice surveys (a phase 2 survey) are required, and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06 we require that these surveys are undertaken prior to determination. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

Hedgehogs

As detailed within the Preliminary Ecological Appraisal (March 2021), precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.

Any brush piles, compost and debris piles on site 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. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Reptiles

There is moderate potential for reptiles on the site within the ruderal vegetation along the site perimeter and within the spoil heaps in the southern area. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Reptile Presence or Absence survey, prior to determination. A minimum of seven visits will be conducted during the survey and needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

Great Crested Newts

A precautionary approach should be taken with regards to Great Crested Newts, with all vegetation clearance being undertaken whilst supervised by a suitably licensed ecologist,

and a fingertip search of all suitable vegetation being lost. If Great Crested Newts are found during the process all works must stop and Natural England contacted.

Invertebrates (including Stag Beetles)

There is high potential for invertebrates, including stag beetles to be present on site where dead wood is present within the hedgerows and spoil heaps on site. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including a Phase 2 Invertebrate survey, prior to determination. The survey needs to be undertaken by a suitably qualified ecologist and submitted for our approval with the planning application.

Protected Flora

There is potential for protected flora to be found on site, as observed on site visits in 2020, however, during the recent survey in March 2021, the site had been recently cut back so it was difficult to identify the species present. Therefore, as detailed in the Preliminary Ecological Appraisal (March 2021), further surveys are recommended onsite, including three Phase 2 Botanical surveys are completed before works commence in April/May/June and prior to determination.

Hedgerows

This application is within / adjacent to the proposed Strategic Wildlife Corridor in Bosham. The hedgerows should support bats and dormice and if the hedgerow is incorporated into the gardens there will be no control over keeping this vitally important north to south corridor. The homeowner could remove the hedgerow and we would have no control over lighting. In addition to this if the hedgerow supports dormice (they are recorded within 2km of the site) then they would/could be predated by pets, again we would have no control due to the layout of the proposed application. Therefore, a buffer strip (at least 5m) around the hedgerows should be incorporated into the sites design to prevent the removal of these vital corridors.

Additionally, the line of trees with bank or ditch, could possibly be an ancient hedgerow and therefore should be retained and enhanced where possible. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Enhancements

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include:

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

- Two hedgehog nesting boxes included on the site.

Further comment received 18.01.2021

Wildlife Corridors

Due to the sites location within an area identified as a potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper we require that the applicant demonstrates that the proposal will not adversely affect the potential or value of the wildlife corridor. We require that an ecological survey addresses this and any potential impacts on the corridor.

Original comment received 02.11.2020

Biodiversity

Unfortunately, the Preliminary Ecological Appraisal (Dec 2017) which have been undertaken are almost out of date on the 14th November 2020 (three years since the previous walkover survey was undertaken), but also look at the impacts of a development with 10 units rather than the proposed 19 units within this application. Due to the potential for bats, dormice and nesting birds onsite, we require that this survey is updated to reflect the 19-unit application and the impact this would have on the site.

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.

Nutrient Neutrality

Following submission of the Nutrient Neutrality Report (July 2020) it has been identified that there will be an increase in nitrogen load of 28.33 kg/TN/year from the proposed development. Due to this increase we require that mitigation takes place. Please can the applicant provide their proposed mitigation strategy to deal with this.

Sustainable Design and Construction

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. This includes how the site will:

- Protect and enhance the environment.
- Achieve a maximum consumption of 110l of water per day per person.
- Complies with building for life standards or equivalent replacement.
- Sustainable design including the use of re-used or recycled materials.
- Minimise energy consumption through renewable resources.
- Adapt to climate change.
- Historic and built environment protected and enhanced.
- Improvements to biodiversity and green infrastructure.

- Maintain tranquillity and local character.
- Provision of electric vehicle charging points.

6.17 CDC Housing Enabling Officer

Further comment received 16.02.2022

Recent changes to National Planning Policy have introduced a requirement for First Homes on sites subject to full or outline planning permission determination after 28 December 2021 (or 28 March 2022 where there has been significant pre-application engagement).

The First Homes provision is set out in a Written Ministerial Statement which became effective on 28 June 2021. This requires a minimum of 25% of all affordable homes secured through developer contributions to be First Homes. Local authorities should then prioritise securing their policy requirements for social rented properties once they have secured the First Homes requirement. Other tenure types should be secured in the relative proportions set out in local planning policy and supporting evidence.

First Homes must be sold on a freehold basis to first time buyers and key workers at a minimum discount of 30%. First Homes cannot be sold for more than £250,000 after the discount has been applied and can only ever be sold to a household which meets eligibility criteria. Government guidance provides further detail on First Homes and their implementation.

The new First Homes requirement can be incorporated within the existing Chichester Local Plan Area affordable housing tenure requirements which is 70% affordable/social rented and 30% affordable home ownership, currently mostly delivered as shared ownership. It is now appropriate for the affordable home ownership to be delivered as 25% First Homes and 5% Shared Ownership.

The Council has also introduced a local connection requirement which requires that First Homes sales are prioritised for households who have a live, work or family connection to Chichester District.

Further comment received 21.04.2021

Following my original consultation response dated 3 September 2020, the applicant has submitted a revised layout plan increasing the density from 19 dwellings to 26 dwellings. Policy 34 of the Chichester Local Plan requires 30% (7.8 units) to be delivered as affordable housing. 7 affordable units are required to be delivered on site and the 0.8 unit may be delivered as an additional affordable dwelling or a commuted sum calculated in accordance with the Council's Planning Obligations and Affordable Housing SPD. It is not clear from the submitted plan what the tenure split of market to affordable is, so I am unable to comment on whether this application meets these requirements.

The applicant has engaged with planning and housing delivery officers in the interim period between consultations on an acceptable housing mix. The mix above reflects those conversations, albeit one additional 1-bedroom unit has been proposed instead of a 3-bedroom unit. This change is welcomed and will provide smaller accommodation to meet the needs of younger newly forming households.

For the purposes of a section 106 agreement, the number and split of affordable housing needs to be ascertained. From the submitted layout plan, it is not clear what the proposed tenure split is proposed. As required by the Planning Obligations and Affordable Housing SPD, the 30% affordable housing contribution is required to be made up of 70% affordable/social rented and 30% shared ownership housing.

NB - Should the applicant choose to provide a commuted sum for the 0.8 unit instead of an additional affordable unit, a 2-bedroom affordable rented property can be swapped to open market.

Pepper potting and design

Based on the current layout, it appears the 4 no. 1 bedroom dwellings are provided within a single block of flats. Based on previous delivery of affordable flats within the district, registered providers will not want to acquire affordable homes within mixed tenure blocks as this creates maintenance and management difficulties and ownership issues. As such, it is recommended that there is no shared communal / circulation space between the different tenures.

The dwellings should be delivered tenure blind in that the affordable dwellings should not be externally distinguishable from the market dwellings. In accordance with paragraph 4.23 of the Council's adopted Planning Obligations and Affordable Housing SPD, the affordable dwellings should not be clustered in groups of larger than 10. It is not yet clear on the affordable distribution. However, careful consideration needs to be given should the application proceed to reserved matters to ensure that no social exclusion occurs and the affordable are sufficiently integrated within the development.

To conclude, subject to the applicant's agreement to the required tenure split, the Housing Delivery Team raises no objections to this proposal.

Original comment received 03.09.2020

This application seeks to deliver 19 residential dwellings. Policy 34 of the Chichester Local Plan requires 30% (5.7 units) to be delivered as affordable housing. The applicant has indicated within the application form that they will deliver 5 'unknown sized' affordable dwellings, which would meet this requirement. The 0.7 unit may be provided as an additional affordable dwelling or an affordable housing commuted sum. This will be calculated in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. Please note that the current rate of £350 is subject to change as part of the local plan review process.

It is not clear from the proposed mix what, the market and affordable housing mixes are and whether these comply with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2018 requirements. It is noted that Chidham and Hambrook's existing housing stock is weighted towards the larger 4+ bedroom units (46.7%), which are generally less affordable to first time buyers and older persons who may want to downsize. The proposal to provide a 5-bedroom dwelling would not be supported.

The applicant has recognised the need to provide 30% affordable housing but has not indicated a mix or tenure split of the units. As such, we are unable to assess if this complies with the HEDNA and Policy H2 of the Chidham and Hambrook Neighbourhood Plan.

The affordable dwellings should be delivered tenure blind and should not be externally distinguishable from the market dwellings. In line with paragraph 4.23 of the Planning Obligations and Affordable Housing SPD, the affordable units should not be clustered in groups of larger than 10. Careful consideration must be taken to avoid social exclusion and ensure that this development delivers a mixed, balanced and sustainable community. Registered providers should also be engaged at an early stage to ensure the delivery of the required tenure mix.

To conclude, the Housing Delivery Team is not able to support this application until it has been amended to meet the requirements.

6.18 CDC Policy Team

Further comment received 16.02.2022

Housing Land Supply

Under current national planning policy, from 15 July 2020 the adopted Local Plan is now more than five years old and therefore housing supply is assessed against a figure informed by the Government's standard methodology for assessing housing need. In accordance with national planning policy, the Council regularly prepares an assessment of the supply of housing land. The revised assessment of housing land supply, as published on the Council's website demonstrates a housing supply figure of 5.3 years.

Prior to that the Council had brought forward an Interim Position Statement for Housing Development, setting out proactive measures the Council could take to ensure a good supply of housing, and to encourage appropriate housing schemes. The final Interim Position Statement for Housing was approved at Planning on 3 November 2020.

The identified housing need for the Chichester Plan area is significantly higher than the target set out in the adopted local plan, and there is also an ongoing need for affordable housing. Finally, maintaining a 5-year supply of housing for the plan area has a number of benefits, including providing greater certainty to communities. Therefore, when considering planning applications for housing, it is recommended that where appropriate, proposals are assessed against the criteria set out in the Interim Position Statement for Housing Development to consider if the benefits of the scheme indicate it should be permitted.

Waste Water

A Position Statement in relation to waste water in the catchment of Thornham Waste Water Treatment works was agreed with Southern Water and the Environment Agency in November 2021. This Statement is supported by regular monitoring of permissions in the catchment, until the capacity reaches zero at which point a requirement for no net increase in flow will come into effect. The Position Statement and accompanying headroom table are available on the Council website with the Surface Water and Foul

Drainage SPD. At the time of response, the headroom table shows that existing permissions up to 31st December 2021 date reduce the available headroom to 173.

Further comment received 03.09.2021

The previous policy response advised that: Consideration is currently being given to wastewater capacity and water quality issues to inform the Local Plan Review. This work has highlighted potential treatment capacity issues in the catchment within which this site is located. It is therefore recommended that specific advice on wastewater treatment is sought from Southern Water.

Since that advice we have published estimates of remaining headroom as part of the Local Plan evidence base.

This shows that as at 1st Jan 2021 Thornham WWTW had sufficient headroom for around 950 dwellings. However, 566 of that is already accounted for by estimated completions since January 2021 together with extant planning permissions in both Chichester District and Havant Borough. This effectively reduces the remaining headroom available for further applications to 384. Note that this does not take account of any permissions granted since 1st April 2021 which you should also consider, nor any other applications currently under consideration. Allocations in adopted or proposed Local Plans are not counted unless they have planning permission.

Original comment received 27.10.2020 (summarised)

The adopted Local Plan and made Neighbourhood Plan represent the Development Plan and the starting point for the consideration of any planning application. However, taking account of the current position with regard to housing land supply, careful consideration will need to be given to the position of policies in the adopted Local Plan, which will need to be considered in conjunction with national guidance and the revised housing land supply position. Consequently, in the current circumstances, this proposal would help to meet the identified increase in housing need for the Chichester plan area and Planning Policy therefore does not raise an objection to the proposal. However, account will also need to be taken of the criteria set out in the Interim Policy Statement.

6.19 Third Party Representations

51 Third Party letters of objection have been received concerning:

- Increased danger to motorists, cyclists and pedestrians from additional traffic.
- The speed along the road should be reduced to 30mph.
- Cumulative impact of proposal together with all the other previous development and pending planning applications.
- The proposed access is very narrow and could not support a separate pedestrian footway.
- Previous application for 10 dwellings was refused and dismissed at appeal.
- Overdevelopment of the site.
- Impact on air quality.
- Site has been cleared of trees and vegetation.
- No need for a tennis court / who would be responsible for management and maintenance.
- The site is far away from any settlement boundary.

- Proposal is out of keeping with rural location.
- Loss of agricultural land.
- Impact on the AONB and SDNP.
- Impact on SSSI and Wildlife Corridor.
- No nitrate mitigation.
- Should not build on greenfield sites.
- Loss of views.
- Plans show encroachment on land within boundary of Far Close.
- Community orchard would not be successful. Who would be responsible for its management?
- Climate change and flooding.
- Sewage network is at full capacity.
- Lack of amenities / infrastructure for first time buyers and families.
- Site is far away from Chichester and Havant.
- Increased pressure on health care, schools, waste/sewage management, fire/medical facilities.
- Shortage of public transport and shops means reliance on private car.
- Impact on flora and fauna.
- Impact on natural environment and tourism.
- No sufficient green space provided.
- Impact on Dark Sky Area.
- Increase in traffic and parking.
- Unsustainable development.
- Impact on residential amenity.

1 Third Party comment has been received from Chichester and District Cycle Forum and Sustrans concerning:

- The proposed S106 should include a contribution to the construction of a segregated cycle path.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 20th September 2016 and forms part of the Development Plan against which applications must be considered.
- 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 6 Neighbourhood Development Plans
 Policy 8 Transport and Accessibility
 Policy 9 Development and Infrastructure Provision

Policy 33 New Residential Development
Policy 34 Affordable Housing
Policy 39 Transport, Accessibility and Parking
Policy 40 Sustainable Design and Construction
Policy 42 Flood Risk and Water Management
Policy 43 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
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
Policy 52 Green Infrastructure
Policy 54 Open Space, Sport and Recreation

Chidham and Hambrook Neighbourhood Plan 2015

Policy LP1 Requirement for homes
Policy EM1 Management of sea and flood defences, streams and surface water drainage
Policy EM2 Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value
Policy EM3 Protection and enhancement of landscape, habitat and biodiversity
Policy CDP1 The use of S106 Agreements and CIL to support community development
Policy H1 Local occupancy conditions of affordable housing
Policy H2 Diversity of housing to meet the local need
Policy DS1 Development (design standards)
Policy DS3 Retention of areas of natural habitat/biodiversity

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. 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*
- 7.4 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 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.5 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.

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

7.6 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) 2021. 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 July 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 in 2023.

7.7 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

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

S30 Strategic Wildlife Corridors

S31 Wastewater Management and Water Quality
S32 Design Strategies for Strategic and Major Development Sites
AL10 Chidham and Hambrook Parish

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

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 24th November 2021 there is a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings. This results in a surplus of 208 net dwellings which is equivalent to 5.3 years of housing supply.
- 7.9 Notwithstanding the above, to pro-actively manage the 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 3rd 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 10th 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. 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)
- Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)
- CHC Chichester Harbour AONB Management Plan (2014-2029)

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. The Principle of Development
- ii. Highways Safety and Access
- iii. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB
- iv. Residential Amenity
- v. 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 Development Plan, the current application is, in part, considered to be contrary to Policies 2 and 45 of the Local Plan in that it is proposing new housing outside the defined settlement boundary as set out in Map 2 in the Chidham and Hambrook Neighbourhood Plan, 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 In the absence of a five-year housing land supply the Council produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area. The IPS was approved on 4th November 2020. With regard to current housing supply position, the Council acknowledges that as of 24th November 2021, it can now demonstrate a five-year housing supply. However, to ensure that the supply is maintained and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, it remains a useful tool for assessing applications for new housing proposed outside of existing settlement boundaries.
- 8.6 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.
- 8.7 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.
- 8.8 It is relevant to consider each of the IPS criteria in turn:

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

The application site lies approximately 0.7km to the east of the Settlement Boundary of Nutbourne and approximately 1.4km west of the Settlement Boundary of Broadbridge. In consideration of the previous appeal at the application site (PINS ref. APP/L3815/W/18/3208546) the Inspector opined:

'...The protection of the countryside is a central consideration, but it does not mean that land outside settlement boundaries is insulated from any change. The Framework advocates that the countryside's intrinsic character and natural beauty should be recognised, but this does not necessarily mean protecting sites where those qualities are lacking...'

With regard to the material consideration above, it is acknowledged that the site is enclosed on three sides by existing residential and commercial development, resulting in a well-contained plot. As such the development would not encroach further into the

countryside. The location of the site does not meet the requirements of criterion 1 of the IPS; however, as a result of the site being wholly enclosed by existing development it is considered that the proposal would not result in urbanisation of the countryside and therefore it is not possible to identify harm in respect of its location. It therefore complies with the objectives of criterion 1 to locate development in a sustainable location close to existing development.

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

Hambrook and Nutbourne are defined as Service Villages in the Local Plan (Policy 2). In this context the proposed scale of development is considered appropriate in terms of access to local amenities and the criterion is therefore satisfied.

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

The application site is not recognised as an important gap within the development plan, and given it is currently enclosed on three sides by existing development there is no actual or perceived coalescence likely to arise from permitting this development.

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

It is considered that the development meets this point, with an appropriate density achieved (20dph) whilst having regard to the character of the surrounding area.

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.

In consideration of the previous appeal at the application site (PINS ref. APP/L3815/W/18/3208546) the Inspector opined:

'The boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB) runs along the southern side of the A259. The appeal site lies to the North of the A259 and there are intervening land uses such that the site would not have a harmful impact on the AONB. Neither is there any suggestion that the site is subject to any other landscape designation...'

With regard to the material consideration above, it is considered the proposal would comply with the above criterion, given the set-back position of the site and surrounded by development on three sides. As such the scheme would not interrupt any open views

between the South Downs National Park (SDNP) and the Chichester Harbour AONB. Furthermore, Chichester Harbour Conservancy raise no objection to the proposal.

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

The south-west corner of the falls within the edge of a proposed Strategic Wildlife Corridor. The submitted indicative Site Layout Plan details that no built development would occur within the wildlife corridor. Instead, the south-west corner would feature a community orchard with wildflowers for Spring / early Summer flowering. The community orchard is recommended to be secured through an obligation in the S106 Agreement. Natural England and the Council's Environmental Officer raise no objection to the proposal, and as such it is considered, subject to the mitigation proposed, the development would not affect the potential or value of the wildlife corridor.

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

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

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to: - Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use; - Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling; - Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and - Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.

As shown in the later considerations of the scheme, the Council's Environmental Team has confirmed that the proposals within the submitted Sustainability Statement (June 2021) are acceptable in principle. However, if permission were to be granted, it should be conditioned that a detailed sustainability statement be submitted, detailing the specific measures that will be installed to meet the Council's sustainability requirements and SAP (Standard Assessment Procedure) calculations to demonstrate a minimum of 19% improvement on the building regulations through a fabric first approach and then that a further minimum 10% will be achieved through renewable energy measures. Such a

condition is recommended. Water saving measures and Electric Vehicle (EV) charging facilities (in line with WSCC guidance) would also be required and are recommended to be secured by way of condition.

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 increased since the original planning submission, from 19 units up to a 26-unit scheme, to ensure an efficient use of land with an overall density of 20dph. The indicative layout details a good use of green space throughout the site, including in the north-east corner and south-west corner of the site, which would help soften the layout. The revised Site Layout Plan, whilst in indicative form at this stage (with further detail to follow at Reserved Matters stage), is appropriate for a semi-rural 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 site is adjacent to bus stops with a frequent and extensive bus service. Facilities for pedestrians and cyclists are adequate and allow access to nearby everyday facilities.

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.

This criterion is satisfied (refer to Section v. Surface Water Drainage and Foul Disposal below). The site is located within EA Flood Zone 1, as an area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development.

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

An area of land of 1.25ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity, by being planted to woodland, with trees planted at a density of 100 trees per hectare and therefore off-setting can be secured for the lifetime of the development. Natural England raise no objection subject to the woodland planting being secured as mitigation.

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. Whilst the layout is indicative, it has been demonstrated that the proposed development can be accommodated within the site, thus ensuring a smooth transition to a Reserved Matters application. The application site is relatively small in size and the land is within the sole ownership of the applicant. A phasing strategy has been submitted with the application to address the comments raised by Southern Water. The phasing strategy details that first occupation is forecast to be in November 2023, with Southern Water providing any required infrastructure by October 2023, and also highlights that an interim drainage strategy will be sought if the Southern Water reinforcement has not been carried out at the time of occupation. A reduced time limit (2 years) is recommended to be imposed for the submission of the Reserved Matters. This would ensure early delivery of the proposed housing. As such, it is considered criterion 13 of the IPS has been satisfied.

Sub-Conclusion

- 8.9 The proposed development insofar as it is submitted in outline is considered to score well when assessed against the relevant criteria in the IPS. The IPS provides an appropriate development management tool for assessing housing 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.

ii. Highways Safety and Access

- 8.10 Paragraph 111 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. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways.

- 8.11 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.
- 8.12 Currently access to the site is achieved directly from Main Road (A259), to the south of the site. The proposal seeks to utilise this existing access to serve the development, providing both pedestrian and vehicle access. The simple priority T-junction would measure 5.5m wide (for the first 4.5m and then narrowing to 4.8m wide), which is considered to be adequate to allow two vehicles to pass in opposing directions. The visibility splays are also acceptable and meet the requirements for a road with a speed limit of 40mph in this location (and with the speed limit of 60mph to the east and 50mph to the west), in accordance with the Manual for Streets. The proposals allow for all vehicles to enter and leave in a forward gear, including refuse vehicles.
- 8.13 The vehicle trips generated by the proposals would be acceptable in terms of highway safety and traffic levels and have not been found to result in a residential cumulative impact on the road network. In addition, National Highways (previously known as Highways England) raise no objection, provided a contribution of £46,878 is collected, to provide further mitigation of the A27 junctions in Chichester.
- 8.14 In terms of pedestrian access, a 1.5m wide footway would be created to the western side of the new access, with pedestrian movement across the access facilitated by an uncontrolled crossing in the form of dropped kerbs and tactile paving. Dropped kerbs and tactile paving would also be provided at the existing gateways serving Far Close and Oaklands. Matters relating to car and bicycle parking and the internal layout would be considered at reserved matters stage.
- 8.15 Therefore, in relation to highways safety and access, a number of conditions (relating to access, visibility and off-site highway works) as requested by WSCC highways are recommended.
- 8.16 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 (paragraph 111), the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

iii. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB

- 8.17 The NPPF confirms that the purpose of planning is to help achieve sustainable development and that there should be a presumption in favour of sustainable development. Planning policy-making and decision-making should take into account the roles and character of different areas and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by:

- *'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).'*
- *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*
- *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*.

8.18 In addition, Paragraph 176 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

8.19 Policies 33, 43, 45, 48, 49 and 52 of the CLP, support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and SDNP.

8.20 'Layout', 'Scale', 'Appearance' and 'Landscaping' are Reserved Matters on the application; however, the illustrative Layout Plan shows the houses set-back from Main Road, by way of the access track and proposed community orchard. The indicative landscape proposals detail that the existing boundary vegetation would be retained (except for drainage purposes) and strengthened, to filter views and to assist in visually integrating the development.

8.21 The submitted documentation and illustrative elevations provided at this outline stage indicate that the proposals would be of a two-storey scale throughout. 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.

8.22 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.

8.23 In landscape character terms, the application site, is screened and contained in the landscape due to the 'set-back' nature of the site, the existing boundary vegetation, and the existing development to the east, south and west. In consideration of the previous appeal at the application site (PINS ref. APP/L3815/W/18/3208546) the Inspector opined:

'The boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB) runs along the southern side of the A259. The appeal site lies to the North of the A259 and there are intervening land uses such that the site would not have a harmful impact on the AONB. Neither is there any suggestion that the site is subject to any other landscape designation...'

8.24 All new development 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. Furthermore, Chichester Harbour Conservancy has been consulted as part of this application and raise no objection to the proposal.

8.25 With regard to the material consideration above, it is considered the proposal would respect the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and would not interrupt any open views between the South Downs National Park (SDNP) and the Chichester Harbour AONB, in accordance with national and local policy.

iv. Residential Amenity

8.26 The NPPF states at Paragraph 130 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.

8.27 As mentioned above, the indicative landscape proposals detail that the existing boundary vegetation would be retained (where possible) and strengthened, to filter views and to assist in visually integrating the development. As demonstrated on the illustrative layout, it has been shown that a proposal for 26 houses can be delivered on the site whereby the necessary separation distances and retention of the natural screening between the proposal and the existing development 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. Surface Water Drainage and Foul Disposal

Surface Water Drainage

8.28 The site is wholly within Flood Zone 1 (low risk) and the Council has no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage the Council's Drainage Engineer raises no objection to the proposed use, scale or location based on flood risk grounds.

8.29 WSCC in its capacity as the Lead Local Flood Authority (LLFA) and the CDC Drainage Engineer, have both been consulted on the above proposed development in respect of surface water drainage. The submitted 'Interim - Drainage Impact Assessment' (July 2020) proposes to drain to soakaways (subject to percolation testing) or an attenuated system which discharges to a watercourse. This approach is acceptable in principle.

8.30 Due to the form and length of the drainage ditches to the east and west site boundaries, it is proposed to provide 1.5m buffers from the top of the bank and 4no. separate maintenance access points, which will allow for a small mechanical digger to access the ditches, to undertake any necessary maintenance work to the ditches (as detailed on the indicative site layout plan). The Drainage Engineer is satisfied that the revised indicative layout demonstrates that future maintenance of the ditches will not be unsatisfactorily impeded, and therefore raises no objection to the proposal.

8.31 Both WSCC and the CDC Drainage Engineer recommend appropriate conditions to secure full details of the proposed surface water drainage scheme, to ensure the site is adequately drained. These conditions are recommended.

Foul Disposal

8.32 A phasing strategy has been submitted with the application to address the comments raised by Southern Water. The phasing strategy details that first occupation is forecast to be in November 2023, with Southern Water providing any required infrastructure by October 2023, and also highlights that an interim drainage strategy will be sought if the Southern Water reinforcement has not been carried out at the time of occupation.

8.33 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.

8.34 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

8.35 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.

8.36 The application site is subject to no particular ecological designation. The applicant's Preliminary Ecological Appraisal (March 2021) details a number of measures to improve the biodiversity of the site. During the course of the application the applicant has also submitted the following: 'Dormouse Survey Report' (July 2021); 'Reptile Survey Report' (June 2021); 'Invertebrate Survey Report' (July 2021); 'Breeding Bird Survey Report' (June 2021); 'Botanical Survey Report' (June 2021); and 'Bat Transect, Passive Bat Detector Surveys and Arboreal Potential Roof Features Inspection Report (June 2021).

8.37 The Council's Environment Officer has assessed the proposals and made a number of recommendations (see 6.16 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.

Wildlife Corridor

8.38 The south-west corner of the falls within the edge of a proposed Strategic Wildlife Corridor. The submitted indicative Site Layout Plan details that no built development would occur within the wildlife corridor. Instead, the south-west corner would feature a

community orchard with wildflowers for Spring / early Summer flowering. This community orchard is secured by the S106 obligations. Natural England and the Council's Environmental Officer raise no objection to the proposal, and as such it is considered, subject to the mitigation proposed, the development would not affect the potential or value of the wildlife corridor.

Nitrates

- 8.39 An area of land of 1.25ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity (80-120 years) and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of woodland planting, with trees planted at a density of 100 trees per hectare. A programme of monitoring will also be secured through the S106 Agreement. Natural England raise no objection subject to appropriate mitigation being secured.

Recreation Disturbance

- 8.40 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

- 8.41 The applicant has submitted a Sustainable Statement (June 2021) which proposes a combination of fabric first and Photovoltaics to reduce energy demand and deliver carbon savings through thermally efficient, well designed and suitably orientated buildings. A further explorative option of Air/Ground Source Heat Pumps is also provided (email from agent dated 05.10.2021). The exact savings will need to be quantified as part of a detailed assessment undertaken alongside any future reserved matters submission. 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. An appropriately worded planning condition requiring a 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.

- 8.42 The submitted statement also confirms that active Electric Vehicle (EV) charging points will be provided in accordance with WSCC guidance, with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in the future.
- 8.43 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

- 8.44 The site is a part of the West Sussex coastal plain that has been demonstrated to have been relatively densely settled since late prehistory, and where the archaeological potential of a site is proportionate to its size. In the circumstances it would be prudent to carry out an investigation of the site prior to it being developed in order to identify any significant deposits that might be present and to implement appropriate measures for their preservation. A condition is recommended to secure a written scheme of archaeological investigation.

Contaminated Land

- 8.45 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.

Lighting

- 8.46 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

- 8.47 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

- 8.48 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 is important in that it sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.

- 31% Affordable Housing (8 units) in accordance with the required HEDNA mix, with a rent/first homes tenure mix as follows:
 - 6 Affordable/Social rented mix comprising 2x1-bed, 2x2-bed, 1x3-bed, 1x4-bed.
 - 2 First Homes mix comprising 2x2-bed

First Homes to be delivered in compliance with the model template planning obligations set out in the National Planning Practice Guidance, which include freehold tenure at a minimum discount of 30% against market value; the first sale cannot be for more than £250,000 after the discount has been applied and the First Home to be sold to a household which meets the basic eligibility criteria.

Policy H1 of Chidham and Hambrook Neighbourhood Plan states that the needs and access of local people to a range of housing will be reinforced wherever appropriate through the inclusion of a local occupancy clause for any affordable housing. First Homes will also need to comply with the requirement of Chichester District Council (as set out in the Cabinet report 7 September 2021) for a local connection test, applicable for the first 3 months of sale and will apply on all future sales of the First Homes properties.

- An area of land of 1.25ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at Chilgrove Farm, Chilgrove, Chichester (Grid Reference: SU 832 135) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of woodland planting, with trees planted at a density of 100 trees per hectare. A programme of monitoring is also required.
- A community orchard to the south-west corner of the site (within the Wildlife Corridor), provision, management and on-going maintenance of that community orchard.
- Public Open Space (POS) (262sqm total required) provision, management and on-going maintenance.
- Highways England contribution of £46,878 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.
- Section 106 Monitoring Fee of £1,692.

Conclusion

8.49 The Interim Policy Statement provides an appropriate development management tool for assessing housing applications to ensure that the Council's 5 year housing land supply position is maintained in the absence of an up to date local plan and it is a material consideration. The proposed development in this case is considered to score well when assessed against the relevant criteria in the IPS (as set out in the report above). In this context and for the reasons outlined above the 'principle' of housing development is

therefore considered acceptable. The development would deliver 8 units of affordable housing and would help to increase the Council's housing supply. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing, mitigation and other infrastructure.

8.50 Local concerns regarding drainage and sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. On the basis of the consultation response received from Southern Water no formal objection to the application is raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis.

8.51 The application would deliver 26 dwellings, including affordable housing and would help to increase the Council's housing supply. The application is therefore recommended for permission subject to the use of planning conditions and the applicant entering into a S106 agreement to secure the required affordable housing, SPA mitigation and other infrastructures and mitigations as outlined in the sections above.

Human Rights

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

RECOMMENDATION

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

1) (i) Approval of the details of the "layout 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: 1001(Location Plan) and 2006036-10 (Proposed Access Arrangement).

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) 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.

7) No development 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.

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

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

9) **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.

10) 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.

11) 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.

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

13) **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.

14) A 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 PV panels and the air/ground 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).

15) If, as a result of detailed layouts and design, any work is proposed to be carried out on the trees, then further bat surveys will be required. The surveys would need to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and shall be submitted for consideration with **the application for reserved matters which relates to the impacted trees**. If bats are found to be roosting within any trees, mitigation will be required, and a mitigation strategy should be produced and submitted with the relevant reserved matters application prior to determination. Thereafter the development shall be undertaken in accordance with the approved details. Any subsequent applications for reserved matters which relate to the impacted trees shall demonstrate how the proposal complies with the approved details

Reason: To protect the habitat of roosting bats.

16) Details of the ditch maintenance buffers (minimum 1.5m from the top of the banks) and maintenance access points shall be submitted for consideration with **the application for reserved matters which relates to layout**.

Reason: To ensure that future maintenance of the ditches will not be unsatisfactorily impeded by the development.

17) **No occupation of any dwelling** shall take place until the approved off-site improvement works necessary to provide foul drainage for the whole development have been completed or, in the event that the approved off-site improvement works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and shall be implemented in full. The interim on-site measures shall be managed and maintained thereafter in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for foul drainage and to prevent pollution of the environment.

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

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

19) **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.

20) 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.

21) **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.

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

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

23) **No part of the development shall be first occupied** until visibility splays have been provided in accordance with drawing number 2006036-10. 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) **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 Access Arrangement' (drawing no.2006036-10).

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

25) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been laid out and constructed (including drives/garages) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking and turning space for the development.

26) **Prior to the occupation of the dwellings hereby permitted**, cycle storage provision for the development shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and such provision shall thereafter be retained for the stated purpose in perpetuity.

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

27) **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 Kingfisher Ecology Ltd, March 2021) and the comments of the CDC Environmental Strategy Unit; 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.
- Wildlife pond.

- Wildflower meadow planting used.
- White Bryony should be retained in the hedgerows where possible and incorporated into the planting schemes in the community orchard and in the proposed area of grassland to the east of the site.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat (integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground) and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles.
- Log piles provided on site (i.e. within community orchard).
- 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.
- 4 bee bricks
- 1 Insect box within community orchard.

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.

28) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the evaluation and recommendations sections of the submitted: Preliminary Ecological Appraisal (March 2021); Dormouse Survey Report (June 2021); Reptile Survey Report (June 2021); Breeding Bird Survey Report (June 2001); Botanical Survey Report (June 2021) and, Invertebrate Survey Report (July 2021) all produced by Kingfisher Ecology Ltd.

Reason: To ensure that the protection of ecology and 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.

29) Any works to trees or vegetation clearance on site should only be undertaken outside the bird breeding season (1st March - 1st October). If works to trees or vegetation are required within this time an ecologist shall check the site before any works take place (within 24 hours of any work) and any works shall be in accordance with the ecologist's recommendations.

Reason: To protect the habitat of nesting birds.

30) A precautionary approach shall be taken with regards to Great Crested Newts, with all vegetation clearance only being undertaken whilst supervised by a suitably licensed ecologist, and a fingertip search undertaken of all suitable vegetation being lost. If Great Crested Newts are found during the process of vegetation clearance all works must stop and Natural England contacted.

Reason: To ensure that the protection of ecology and 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.

31) A precautionary approach shall be taken with regard to dormice, including:

- All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site should be carefully searched for dormouse nests prior to clearance. The vegetation should be removed through a process of phased habitat manipulation, first being cut back to a minimum of 200mm and then to ground level. A careful fingertip search for nesting dormice on the ground will be required at every stage of the phased habitat manipulation.
- In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.
- The enhancements for dormice as detailed within the enhancement strategy should be conditioned and followed in its entirety.
- An ecological management plan will be required to ensure long-term sympathetic management of the suitable habitats for biodiversity within the proposed development and promote increased opportunities for biodiversity.

Reason: To ensure that the protection of ecology and 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) The maximum height of any dwelling permitted by this development shall not exceed 2.5 storeys.

Reason: In the interests of amenity.

33) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0730 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

34) The proposed hard surfaces hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site 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.

INFORMATIVES

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

2) S106

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

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

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

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

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

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

7) The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

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

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

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=QDXFW5ERLVK00>