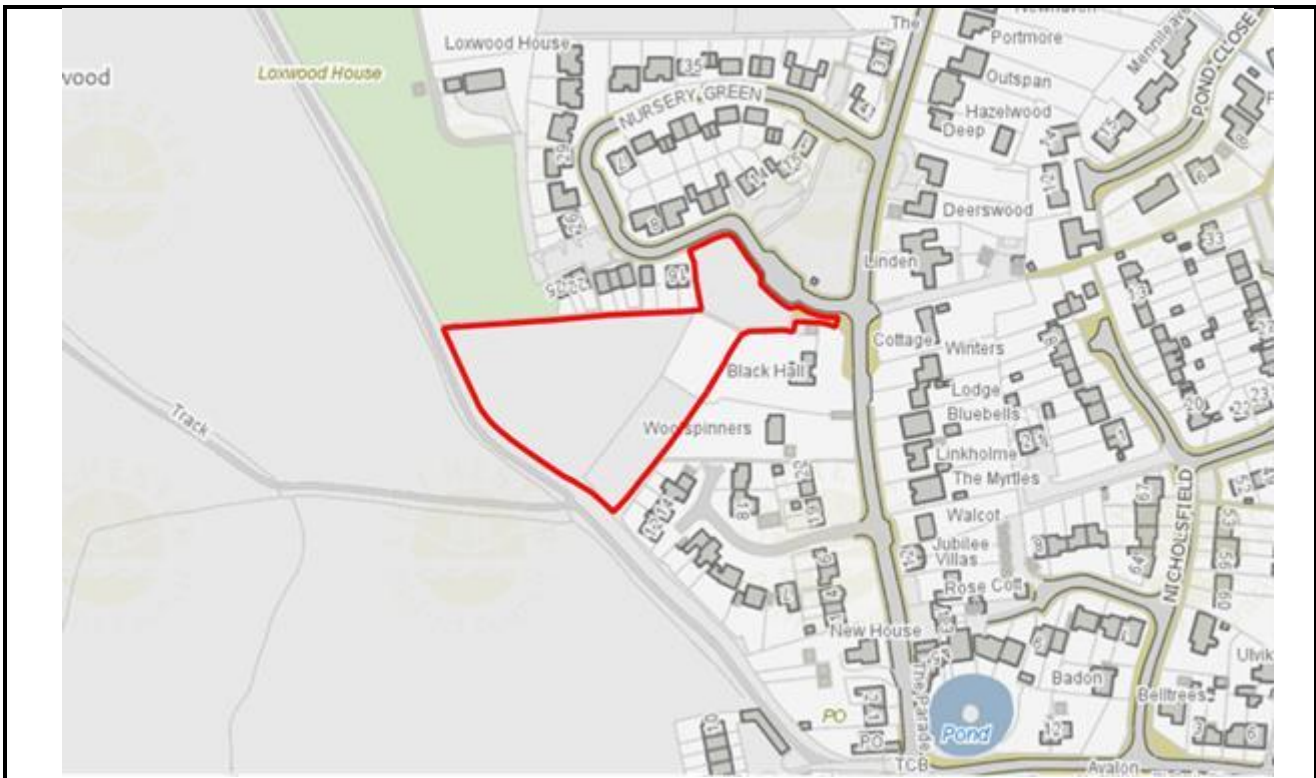



Parish: Loxwood	Ward: Loxwood
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**LX/20/01977/FUL**

<b>Proposal</b>	27 no. residential dwellings comprising 19 market units and 8 affordable residential units; a single retail unit, on-site parking and turning, hard and soft landscaping together with sustainable drainage system and alterations to a public right of way.		
<b>Site</b>	Land West Of Guildford Road Loxwood West Sussex		
<b>Map Ref</b>	(E) 503669 (N) 131671		
<b>Applicant</b>	Antler Homes Plc	<b>Agent</b>	Mr Huw James

**RECOMMENDATION TO DELEGATE TO OFFICERS**



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

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

**This application was considered at the meeting of the Planning Committee on 6th January 2021, where the decision on the application was to Defer for S106 Agreement then Permit. Following the January 2021 Planning Committee meeting work progressed on the S106 Agreement. In May 2021 the S106 Agreement was agreed by all parties and circulating for signatures. On 26 May 2021 it was brought to officers' attention that Natural England could not conclude that water abstraction to serve the Sussex North water supply zone was not causing harm to the designated sites within the Arun Valley. It was considered that this constituted a material consideration which needed to be taken into account by the Council before the application could be determined.**

**In the intervening period the Council has also published its 5 year housing land supply position for 2021-2026 (updated position at 1 April 2021) which now indicates that the Council benefits from a supply of 5.3 years. The implication of this changed position is the need to re-appraise the planning application in this regard.**

**The government has also published a Government written ministerial statement (June 2021) setting out 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 provision of First Homes is therefore also a material consideration for this application.**

## **2.0 The Site and Surroundings**

- 2.1** The application site is situated on the western side of Loxwood village, approximately 180m from the existing village shops which include Loxwood Post Office and store and butchers and is within easy accessibility to other local amenities, include Loxwood Primary School and the Onslow Arms. As set out in the made Loxwood Neighbourhood Plan, the majority of the site is located outside, but adjacent to, the settlement boundary of Loxwood, however, the north-eastern (front) section of the site is located within the settlement boundary.
- 2.2** The 0.93ha application site is located to the west of Guildford Road (B2133) which forms the main thoroughfare through the village of Loxwood. The north-eastern (front) part of the site comprises part of the land allocated in Policy 5 of the Loxwood Neighbourhood Plan for the provision of affordable and market housing and community facilities now known as Nursery Green. The whole allocation site (including this application site) was granted outline planning permission for residential development comprising 43 dwellings, 2no. retail units, access roads, landscaping and village green (ref LX/15/02012/OUT). The indicative plans submitted with the outline application, showed the north-eastern part of the current application site comprising the 2no. retail units, with a combined floorspace up to 300sqm and associated parking provision. Subsequently a reserved matters application was

submitted (ref. LX/16/02284/REM) for 43 dwellings, a village green and estate roads. This reserved matters application omitted the current application site and therefore, whilst the remainder of the allocated site has been fully developed, the north-eastern part of the application site remains undeveloped and closed off by heras fencing. The remainder of the application site (outside the settlement boundary) currently comprises a large paddock and part of the rear ancillary garden land of the residential property Black Hall.

- 2.3** The site is accessed off the main Guildford Road (B2133) via the new access route as approved for the Nursery Green housing development to the north of the site.
- 2.4** The application site is relatively flat with a small sloping gradient ascending from west to east. The application site is bounded by mature trees and hedgerows on the majority of its perimeter, with trees found predominately on the western boundary and a number of low level Blackthorn scrub groups found internally. To the north of the application site is residential development of Nursery Green. Residential development is also located to the east and south-east of the site, with the curtilage of Black Hall, a residential property with an arts and crafts vernacular, located immediately to the south of the application site and the public footpath (ref. 795\_2/1). The western site boundary is defined by a screen of hedging and mature trees including major oaks. Beyond the western boundary and northern boundary (at the western end of the Nursery Green development) are agricultural fields currently in arable use. The northern and north-eastern boundaries of the site adjoin the pavements and the layby provided as part of the Nursery Green development, with the public open space for Nursery Green beyond. The surrounding area is residential in character with a mix of detached and semi-detached properties set back from Guildford Road.
- 2.5** A public right of way footpath (PROW) (ref. 795\_2/1) runs along the southern boundary of the site from Guildford Road, then crosses through the north-western corner of the application site, to run along the northern boundary of the site forming the border with the Nursery Green development. The PROW then connects to the bridleway (ref. LOX/810), which runs along the western boundary of the site.
- 2.6** The site falls within Flood Zone 1, which are areas defined as having a low probability of flood risk. Two parallel drainage ditches run adjacent to the western boundary of the site. The nearest connection to the public sewer is in Guildford Road (B2133), just south of Black Hall.
- 2.7** The site does not contain any Tree Preservation Orders (TPOs) or other designations in terms of landscape or heritage. In terms of heritage assets, there are a number of statutorily listed buildings within Loxwood, predominantly located along Guildford Road. None of these listed buildings are located within close proximity to the application site nor would be directly affected by the proposed development. The dwelling to the east, Black Hall, can be considered to constitute an undesignated heritage asset but is not statutorily listed nor identified on the Council's local heritage list.
- 3.0 The Proposal**
- 3.1** The proposal seeks full planning permission for the erection of 27 no. dwellings and a single retail unit with associated on-site parking and turning and landscaping and alterations to a public right of way. The proposal has been amended during the course of the application and has been reduced from the original submission for 30 dwellings.

**3.1a** Since the consideration of the application by Planning Committee in January 2021, additional information has been provided by the applicant to remove the need for some of the pre-commencement conditions from any future approval and to seek some minor amendments to the proposal:

- **Submission of a Construction and Environmental Management Plan and Traffic management Plan (condition 3); Provision of existing and proposed ground levels (condition 4); details of proposed surface water drainage scheme including the provision of on-site rainwater harvesting scheme (condition 5); details of proposed foul water drainage scheme including the provision of on-site rainwater harvesting scheme (condition 6); submission of a badger survey report (condition 9); submission of a reptile mitigation statement (condition 10), the trees outlined to be felled prior to commencement of development have now been felled following inspection by a suitably qualified professional (condition 11 to be deleted); material schedule and samples (condition 12), landscaping scheme (condition 15); boundary treatments (condition 16) and details of the electric vehicle charging points (condition 17).**
- **Minor amendments to the layout of plots 22-25. The units retain the same floor area, with the ground floor reduced slightly and the first floor increased slightly to provide improved private amenity space and provides a better arrangement for home working. There is no change to the number of the bedrooms in these units.**
- **Minor amendments to the details on the north side elevation of plot 27. Prior to committee the CDC Design Officer stated some concerns with the final design for this elevation which included an oriel window. The applicant is now proposing to remove the oriel window at first floor level and replace it with two tax (false) windows and a brick design feature on the gable end wall of plot 27 to provide a design feature when entering the site.**
- **The layout has also been altered with regards to the visitor space outside plot 19. This has been moved next to the parking bays for plots 20 and 21, which have been re-orientated by 90 degrees.**

**3.2** The proposed development would be accessed by a new vehicular access, via the approved access granted as part of the Nursery Green housing development which comes off the Guildford Road (B2133). The junction bell mouth is 16m wide with 6m kerb radii and the internal access road is 4.8m wide.

**3.3** On the site frontage facing the Nursery Green access road with the public open space beyond, the layout comprises two x two storey buildings with the site access road running between the two buildings. The southern frontage building comprises a retail unit (203sqm) with store/office at ground floor level (55sqm) and 4 x 1 bed affordable flats at first floor level, together with a bin/cycle store for the residential flats and a bin store for the retail unit. The northern building comprises four affordable flats (2x1 bed and 2x2 bed). To the front of the retail unit adjacent to the Nursery Green access road is the relocated loading bay and to the north (side) of the retail unit adjacent to the site access road is a further layby for retail parking. A car park, with 8 spaces for retail use together with a further 4 unallocated residential spaces, is located immediately to the rear of the retail unit. Opposite the car park is a small area of open space (260m<sup>2</sup>). The housing development is located to the rear of the open space and car park, laid out over the remainder of the site. It has a simple cul-de-sac layout with all the dwellings fronting onto the access road. A further landscaped area is located adjacent to the western boundary, at the rear of the site.

**3.4** A total of 10 car parking spaces are shown to be provided for the retail unit, all of which are unallocated. 57 car parking spaces are provided for the residential element, comprising 49 allocated spaces (including 5 single garages) and 8 unallocated visitor spaces.

**3.5** The overall housing mix comprises:

- 6 x 1 bed (6 flats)
- 8 x 2 bed (6 houses, 2 flats)
- 10 x 3 bed (10 houses)
- 3 x 4 bed (3 houses)

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

Unit size	Private (70%)	Affordable (30%)	
		rent	shared ownership
1 bed	0	4	2
2 bed	6	0	2
3 bed	10	0	0
4 bed	3	0	0
TOTAL	19	4	4

**3.7** The application now seeks to deliver 27 residential dwellings. In line with Policy 34 of the Chichester Local Plan, 30% of the housing (8.1 units) is required to be provided as affordable housing. The applicant is proposing 8 units on site. The fraction of the unit is required to be provided as an affordable housing commuted sum of £1,942.50. Together this meets the affordable housing provision for the site.

**3.8** Based on the whole site area (and including the retail unit and car park) the density of development is approximately 29 dph. The part of the site outside the settlement boundary comprising 19 dwellings has a density of 24.5dph, when including the car park and 27.5dph when excluding it. The predominant appearance of the dwellings will be of a traditional design and materials. The majority of the dwellings are designed over two stories with gable and hipped ends and of brick construction under slate and plain clay tiled roofs. Some of the dwellings will be treated with areas of dark horizontal boarding at first floor level and detailed brick work and chimneys have been provided in a number of prominent locations. The proposed mixed retail and residential building is of scale and design which will create a traditional styled shop front.

**3.9** There is mature boundary trees and hedging to all boundaries which will be retained. New planting is also proposed adjacent to the western boundary and part of the northern boundary.

**3.10** The proposal includes alteration and diversion of the Public Right of Way (PROW) footpath (ref. 795\_2/1). The PROW currently runs along the southern boundary of the site from Guildford Road, then crosses through the north-western corner of the application site, to run along the northern boundary of the site forming the border with the Nursery Green development. It is proposed that that PROW is diverted so that it runs adjacent to the southern/south-eastern boundary of the site until it joins the bridleway (ref. LOX/810) at the western end of the site. An application for the PROW diversion has been submitted to the Council and is being dealt with by Democratic Services. The application will be considered under the PROW diversion order under S257 of the Town and Country Planning Act 1990. The decision on the S257 diversion order would follow the grant of any planning permission.

#### 4.0 History (including Nursery Green site)

15/02012/OUT	PER106	Outline application for proposed residential development comprising 43 dwellings, 2no. retail units, access roads, landscaping and village green.
16/02284/REM	PER	Reserved matters approval for layout, scale, appearance and landscaping for 43 dwellings (excluding retail unit) in relation to outline application LX/15/02012/OUT.
17/02152/FUL	PER	Addition of a post and rail fence to front edge of public open space.
19/01498/FUL	PERS106	Single retail unit on the ground floor and 2 floors of residential accommodation, 4 no. 2 bed and 6 no. 1 bed flats with associated parking and landscaping.
22/00489/DOC	PCO	<b>Discharge of conditions 3 (arboriculture), 4 (CEMP), 5 (surface water drainage scheme) 6, (SuDS scheme), 7 (foul drainage scheme), 8 (protection measures for PROW) of Planning Permission LX/19/01498/FUL.</b>

#### 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 Loxwood Parish Council

##### **Comments received 05/11/2020**

The amended plans had reduced density by three houses and included very small green spaces. The Committee has previously commented the density was too high and the amended density is still high at 25 houses/hectare. The average density over the last 10 years for this area is 18.5/hectare. The Made NP Policy 9 states:

“The density of any new development should be in character with the local surrounding area, respect the semi-rural nature of the parish and be designed to give an impression of spaciousness with uniform houses and plots being avoided.”

The amended plans do not conform with this Policy.

The Committee previously commented that car parking was inadequate for retail and residential purposes. WSCC have responded to the revised plans and calculated what they require. According to WSCC, allocated residential parking is 13 spaces short and retail 9 spaces short. Total short of 22 spaces overall. WSCC are asking CDC to require the applicant to resubmit revised plans. Loxwood Parish Council agree with this comment as the result of lack of parking will create a temptation for cars to be parked on the existing retail area, within Nursery Green or along the B2133.

No detail on sewerage disposal. Southern Water has responded in standard format not taking into account the issues in Loxwood. As per the Thakeham Homes development (20/01481/FUL), the issue of sewerage disposal should be the subject of a planning condition which requires that Southern Water satisfactorily upgrade the infrastructure prior to the occupation of the first house/retail unit.

The applicants flood report does not adequately detail the proposed method of draining the site. The Executive Summary of the report states the following:

“Ground investigation undertaken at the site confirms that underlying soils to be cohesive in nature and therefore unsuitable for infiltration as a means of disposing surface water runoff generated by the development.

Surface water from the development will therefore discharge to the existing land drainage ditch immediately beyond the south-western boundary of the site as currently via overland flows.

It is assumed that the ditch connects to the culverted watercourse north of the site. Further site investigation is required to confirm the ditch outfall.”

Loxwood Parish Councils drainage consultant has investigated the drainage ditches to the South West of the site and found that the ditches do not have any outfall. See attached sketch. It is, therefore not clear how the site will be drained. CDC’s own drainage engineer, Dom Healy has expressed the same concern and has suggested a planning condition which requires the drainage strategy be approved by CDC prior to the commencement of the development. LPC supports this approach and will send our consultants sketch to Dom Healy under separate cover.

WSCC has recognised the Loxwood NP Traffic Calming Policy and have suggested £15K be condition to allow for another VAS. The Parish has a high number of VASs and the Parish Council does not feel this is an appropriate response to their Traffic Calming Policy in this area and would welcome the chance to discuss this with the site proposer and CDC before planning permission is granted.

The Committee discussed the issues and RESOLVED support in principle for the development of the site but they have concerns with this application due to the sewerage connection, drainage, car parking and density issues as detailed above. The retail outlet was supported on the site.

### **Comments received 09/09/2020**

The Parish Council responds to the Planning proposal as set out above. In principle the Parish Council generally supports the development of this site in conjunction with the Commercial site area attached to the Nursery Green development subject to the concerns and comments listed below.

1. The provision of a new village shop on the commercial part of the Nursery Green development is welcomed and the proposed design appears to be of the correct vernacular for the village and offers the opportunity for a size of shop appropriate for both the village and the surrounding area.
2. However, the proposed layout for the Land to the Rear of Black Hall, are deemed to be too cramped in comparison with other developments surrounding it and elsewhere in the village. The density of the Black Hall site (0.76 hectares) and with the proposed 22 no. dwellings on it together with car parking for the new shop is 29 dwellings per hectare (dph). The average density of surrounding developments over the last 15 years in Loxwood is 18.5 dph.
3. If the car park area for the village shop and associated flats is deducted from this site area because they are not associated with the 22 dwellings of the housing development, then the area becomes 0.72 hectares and the density increases to 30.6 dph.
4. The Parish Council believes that this is not an acceptable density for this development and is not in keeping with the existing density of the village. The recently approved application at land to the West of Guildford Road (Thake Ham homes site) for 50 houses on an area of 2.9 hectares has a density of only 17.2 dph. The Nursery Green site adjacent to this site has a density of 22.75 dph by the same developer.
5. The design of the site also does not include any open space which does not lend itself to the requirement for maintaining the rural nature of the village as defined in Neighbourhood plan policy 10 g; h; and j. The contention by the developer, Antler Homes Ltd., that they could include the green space allocated at the front of the Nursery Green development as part of their density calculation lacks credibility and is incorrect as this land was part of the design for the Nursery Green residential development and not this development (see LX/15/02012/OUT and LX/16/02284/REM which define the site layout and content for the Nursery Green Development).
6. There is insufficient provision for car parking for the proposed new retail shop and associated flats/apartments to be built on the commercial part of the site which has a current planning consent LX/19/01498/FUL, now superseded by this planning application, and which extends into the Black Hall site. There are insufficient parking slots assigned for a retail unit of 2195 sq ft (204 sq m) shop floor space (2787 sq ft/259 sq m overall including store and office). CDC's Planning Guidance Note 5 - Parking Standards document requirement for food retail shops is 1 space per 14 sq m. This equates to 15 spaces for the retail unit itself let alone the requirement of 4 additional spaces for the 4 flats above.
7. Residents have also expressed concern over the relocation of the existing PROW which currently runs to the northern boundary of this proposed development. Loxwood Parish council believes the PROW could essentially remain where it is with a little redesign of the site.
8. Loxwood Parish Council would also like to bring to the attention of the planning officers the need for an acceptable permanent foul and surface water solution given the issues recently experienced with the adjacent Nursery Green development where the design of the temporary waste water solution is not fit for purpose causing Southern Water to require infrastructure improvements before they will consider adopting this scheme. A repeat of this situation would be unacceptable for this or any other new development within Loxwood.



Loxwood Parish Council urges the Planning Officers to take note of these concerns in their determination of this application as, if allowed in its current layout, it does not meet the requirements of both CDC and LPC. Also, policies 7; 8; 9; 10; 15; 16; 17 and 18 of the current Loxwood Neighbourhood Plan apply.

## **6.2 Southern Water**

### **Comments received on 24/03/2022**

**No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.**

**The developer is currently in consultation with Southern Water with regards to Section 104 agreement for adoption of sewers. On site drainage should be constructed as per details to be agreed with Southern Water under Section 104 of the Water Industry Act.**

**All other comments in our response dated 04/12/2020 remain unchanged and valid.**

### **Comments received 04/12/2020 (where they differ from those received on 03/09/2020)**

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water 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.

### **Comments received 03/09/2020**

The applicant has not stated details of means of disposal of foul drainage from the site. Should planning approval be granted, Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded

through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that outline planning approval has been granted.

Where a SuDS scheme is to be implemented, the drainage details submitted to the LPA should specify the responsibilities of each party for the implementation of the SuDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. The design of the drainage should ensure that no groundwater or land drainage is to enter public sewers. Investigations indicate that Southern Water can facilitate water supply for the development and will require a formal application for a connection. 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.

A condition and informative are requested.

### **6.3 Environment Agency** No objection.

#### **6.3a Natural England**

**Comments received on 21/04/2022 (in response to the HRA)**

**No objection – subject to appropriate mitigation being secured.**

**We consider that without appropriate mitigation the application would:**

- **As submitted, the applications below could have an adverse effect on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (together the Habitats Sites).**

**In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:**

- **Securing of onsite and offsite water efficient fixtures and fittings and greywater harvesting as detailed in the water neutrality mitigation letter of 15 March. We advise that an appropriate planning condition or obligation (please see below) is attached to any planning permission to secure these measures.**

### **HRA Conclusions**

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. From the evidence provided above, the appellant is able to demonstrate that water neutrality can be achieved via securing a combination of onsite and offsite water efficient fixtures and fittings and rainwater harvesting.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures in the water neutrality mitigation proposals (15 March 2022) are appropriately secured in any planning permission given. The applicant states that all mitigation measures will be controlled by way of a S106 agreement. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that mitigation measures can be fully implemented and are enforceable until such time as an alternative water supply is operational within Sussex North. Conditions will need to provide a sufficient degree of certainty to pass the Habitats Regulations.

Comments received on 13/09/2021

This development falls within the Sussex North Water Supply Zone. As it cannot be concluded that the existing abstraction within the Sussex North Water Supply zone is not having an impact on the Arun Valley site, we advise that developments within this zone must not add to this impact.

Water neutrality – developments within Sussex North must therefore, not add to this impact and one way of achieving this is to demonstrate water neutrality.  
Strategic approach – NE has advised that water neutrality across the Sussex North Water Supply Zone needs to be resolved in partnership through Local Plans across the affected authorities. NE is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. We advise that whilst the strategy is evolving, decision on planning applications should await its completion.

Extant permissions – the application has the benefit of an extant planning permission. However this application seeks to increase the number of dwellings. We advise therefore that the extant permission is used as a baseline for calculating a water budget and that the development must demonstrate water neutrality for anything above this baseline.

NE notes that your authority has undertaken an appropriate assessment of the proposal, which concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment and the measures proposed to mitigate for any adverse effects, NE concurs with the conclusions you have drawn.

Natural England advise that either the application is revised to achieve this in line with our Position Statement (September 2021) or awaits completion of the strategic approach.

## 6.4 Police

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

- Commercial - securing of cycles left unattended must be considered within the design.
- Retail unit and residential flats - there needs to be clear segregation of the residential from the retail element of the development. Access control will need to be implemented into the design and layout to ensure control of entry into the apartments. Postal arrangements for the flats should be through the wall or externally mounted secure post boxes.
- Parking - communal parking must be within view of an active room within the property (eg. kitchens and living rooms).
- Footpath – secure by design recommends that public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. Where this is unavoidable, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible, wide, well lit, devoid of potential hiding places, overlooked by surrounding buildings and well maintained so as to enable natural surveillance.
- Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.

## 6.5 WSSC Highways

### **Comments received on 05/11/2021**

**Car Parking - Retail spaces now clearly marked including 1 x space with additional hatching for disabled parking. Spaces outside the shop are also marked for retail use. EV parking plan already provided and acceptable.**

**Cycle Parking - All plots now shown with cycle parking and from memory plots 16-18 have garages so cycle parking can be within these. You may wish to ask for finer detail (facility size, secure/covered etc,) though LHA consider it has been demonstrated that each plot plus shop will be provided with cycle parking.**

**Construction Environmental Management Plan (CEMP) - Whilst tracking hasn't been provided it is anticipated that there is sufficient space within the site for turning of construction vehicles. It is considered the above conditions can be worded as details approved as the detail is now sufficient from a highway safety point of view.**

**Travel Plan Statement – Fee of £1500 for monitoring to be secured through a s106 agreement/ Unilateral Undertaking, as is now our process.**

### **Comments received 01/06/2021**

**In comments dated 16th December 2020 the LHA raised no objections subject to conditions. The conditions included that car parking, cycle parking, construction management plan (CMP) details be provided. The LHA also advised on 17th December 2020 that a Travel Plan Statement (TPS) be secured. It is understood that amended plans and details have been provided to address some of these matters and negate the need for some pre-commencement conditions.**

**Car Parking** - The latest site plan still shows the 2 x retail spaces as U8 and U9 and the residential only spaces within the retail car parking area have not been clearly marked. As per previous comments it is also advised that 1 x retail parking bay is marked with additional side and rear hatching as a disabled bay. Details of electric vehicle charging points should also be provided. The LHA therefore advise that car parking as details to be provided is still secured as a pre-commencement condition, or additional details should be provided at this stage.

**Cycle Parking** - Whilst it is noted that the plans give some indication of cycle parking areas, for example in and outside the retail unit, further detail for residential and commercial cycle parking is still required and thus the LHA advise this is still secured as a pre-commencement condition, or additional details should be provided at this stage.

**Travel Plan Statement** - The TPS has not yet been provided. The LHA advise that the TPS is secured through a s106 agreement/ Unilateral Undertaking and a fee of £1500 for monitoring and auditing of the Travel Plan Statement is secured.

**Construction Environmental Management Plan (CEMP)** - The relevant points of the CEMP have been reviewed and comments as follows:

- the anticipated number, frequency and types of vehicles used during construction - will vary but on average 10 material deliveries per week - some articulated but mainly rigid, 8 skip trucks per week and 15-20 subcontractor / LGV movements per day. Swept path tracking for the construction vehicles anticipated, including articulated HGV, should be provided, including demonstration that these can turn within the site.
- the location and specification for vehicular access during construction - access will be via Nursery Green and Guildford Road. The applicant should apply for a s278 application for the access through Nursery Green as per previously advised informative. The engineer reviewing the access application will be able to confirm at which stage of construction the access will be suitable to use
- the provision made for the parking of vehicles by contractors, site operatives and visitors - within the site and shown on layout plan.
- the loading and unloading of plant, materials and waste - designated areas within the site as shown on the plan, turning space within site and banksmen to be used to supervise turning manoeuvres. As per comments above, tracking for construction vehicle including articulated should be provided.
- the storage of plant and materials used in construction of the development - within the site and shown on layout plan.
- the erection and maintenance of security hoarding - shown on layout plan, the CEMP states this will not obstruct visibility for pedestrians or vehicles.
- 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) - wheel washing to be located near site entrance, road cleaning/ sweepers to take place where required.

**Conclusion** - The Car Parking, Cycle Parking, CEMP and TPS require further information as set out above.

**Comments received 16/12/2020**

No objection.

## Parking

Spaces U8 & U9 have been marked as 2 no. Retail Spaces yet as they are still marked U8 & U9 they could be mistaken for unallocated spaces for residents. It is advised the plan is updated to remove reference to U8 & U9. The unallocated spaces within the retail car park haven't been marked for residential only - the LPA may wish to seek these small amendments or condition it as details to be provided for parking.

Whilst it is noted that 3.1D of the DR sets out that the layby parking will be of additional space suitable for disabled use but won't be marked up as such, the LHA still advise that one parking bay is properly marked up for disabled use, with additional hatching etc - details of this can be secured via a parking condition.

A single additional unallocated space for residents has been provided south of the turning head. This brings the total number of residential unallocated spaces to 8 no. with no additional allocated spaces (46.5). The shortfall in residential parking is therefore 11.5 spaces (where garages count as 0.5 space). The LHA consider there may be a benefit to providing additional spaces for example for the larger plots and 3-bedroom dwellings where the shortfall is most significant. Nevertheless, it is considered that some overspill parking could occur within the site. Double yellow lines are proposed at the new junction via a Traffic Regulation Order (TRO) and thus the LHA does not consider that overspill parking could occur in locations that would be detrimental to highway safety. The LPA may wish to consider the shortfall from an amenity and street-scene point of view and a detailed breakdown of where the shortfall lies can be provided if required.

## RSA

Whilst an updated RSA document has not yet been provided, an updated DR has and the LHA consider this is sufficient at this stage to review the issues detailed within. The updated report covers the amended proposals for site access, linking footway, access crossing, layby relocation on Nursery Green and the proposed internal road layout. The previous and any new issues are summarised:

- 3.1A - referred to taper of loading bay within the site which was advised to be lengthened (previous issue). The loading bay is now proposed from Nursery Green and swept path tracking plans have been provided for servicing vehicles showing this is suitable. The layby within the site will be re purposed for retail unit car parking. The auditor has confirmed that this addresses issue as servicing will no longer be from within the site - no further action required.
- 3.1B - referred to the internal layby not having dropped kerbs to facilitate loading operations (previous issue). Whilst the loading bay will now be from Nursery Green the auditor has confirmed that the problem has been addressed by the DR confirming that dropped kerbs will be detailed at Stage 2 RSA. The LHA consider that review for dropped kerbs at both internal parking layby and servicing layby on Nursery Green can be addressed at Stage 2 RSA - no further action required at this stage.
- 3.1C - referred to service vehicle manoeuvres within the retail car park access leading to risk of pedestrian collision (previous issue). The loading bay is now proposed from Nursery Green, an improvement over the previous arrangement, and omits the need for a servicing vehicle to turn within the retail car park access. The auditor notes that cars may still turn in this area and thus the point has been retained and a footway should be provided. As per previous comments the DR disagrees stating that the diverted PROW rear of the bays will provide a route for pedestrians. The LHA agree with DR and note that any dropped kerbs from the car park to retail unit can be

explored at detailed design stage. An additional point has been raised by the auditor regards loading bay on Nursery Green which will remove parking on the side of the road nearest to the shops. Auditor states that pedestrians may park on site road and cross to the shop and thus a crossing point should be provided. The DR argues that a TRO will be secured for double yellow lines in this area preventing parking outside of dedicated bays, reducing the likelihood of a pedestrian needing to cross the main site access road at this location. This point can be further reviewed at Stage 2 RSA. The LHA agree with the DR and that any future crossing issues for pedestrians visiting the shop can be addressed at Stage 2 RSA.

- 3.1D - referred to the retail car park wheelchair access to the footway (previous issue). The auditor has reviewed the DR for this point and confirmed that it addresses the issue. A dropped kerb will be provided for access from parking area to shop and from parking layby to shop and detailed at detailed design stage to support the Stage 2 RSA. The LHA agree that no further action is required at this stage but still advise that a bay marked up specifically for disabled use is provided, and can be secured via condition.
- Point labelled N/A - refers to pedestrian crossing at retail unit car park access (new issue). The auditor states that the crossing should be aligned with the footway on the shop side. The DR disagrees, stating that it has been provided in the only location where it can be aligned to retail car park access. The LHA agree with the DR and consider there is sufficient space after the crossing to reach the shop - without being directly placed in to the parking layby.

The LHA consider all RSA issues have been addressed at this stage and further review on some of the points can be include at Stage 2 RSA. Completed DR has been sent to the LPA under separate cover.

### Conclusion

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

**Previous comments also received 08/12/2020, 30/10/2020 & 17/09/2020; requesting further information on matters including internal layout, matters within the Road Safety Audit, parking, loading and pedestrian crossing points.**

### **6.6 WSSC Fire and Rescue**

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

### **6.7 WSSC Lead Local Flood Authority**

**Comments received 13/10/2021**

**Further discussions and correspondence have taken place and we support the latest comments provided by the District Drainage Engineer.**

### **Comments received 14/09/2020**

Current surface water flood risk based on 30year and 100year events - Low Risk  
Modelled groundwater flood hazard classification - Moderate Risk  
Ordinary Watercourses nearby? - No  
Records of any flooding within the site? No

## **6.8 WSSC Public Rights of Way Officer**

### **Comments received 24/09/2020**

I wish to withdraw my objection to this proposal having had the opportunity to fully review the submission.

In place I wish to advise that should the Planning Authority agree that a diversion is required under S.257 of the Town and Country Planning Act we will expect a minimum 2m wide Footpath, surfaced according to our specification which can be obtained on request. It should be noted that Hoggin is not acceptable.

The development must not commence until the S.257 diversion has been secured / confirmed and WSSC will a consultee as part of the objection process. This is also important as a closure of the existing footpath, which will be required when development begins, cannot be instigated unless the above process has been completed. An application to close the existing Footpath, once work on the site begins, will be required and details found on the WSSC PRoW website, a minimum of 6 weeks is required to consider the application.

No new structures can be added to a Public Right of Way without the permission of WSSC as Highways Authority.

We would encourage the applicant and Planning Authority to consider the boundary of the PRoW and materials used. High close board fencing for example can create a tunnel-like environment and potential social misuse issues causing a nuisance for residents and reduce the appeal of the Footpath.

Where the ground levels adjacent to the PRoW are to be raised above existing ground levels, this could increase the risk of flooding. A suitable drainage system must be installed adjacent to the path and likewise no drainage should expel directly onto the PRoW surface itself.

### **Comments received 18/09/2020**

#### **Objection**

The existence of a Public Right of Way (PROW) Footpath 795\_2 is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSSC), as highway authority, and possibly also a legal Order process by Chichester District Council as the local planning authority.



It is unclear from the proposal how the applicant intends to lawfully divert the Public Footpath and how such a diversion would be a 'benefit to all Loxwood residents' as stated in the application would be achieved. Indeed by doing so connectivity is lost from adjacent Footpath 795\_1 causing an inconvenience to users who would be diverted along the Highway before able to re-join the PRoW. (See map below). A diversion also moves the Footpath away from the development to the North and the convenience store.

As Highway Authority we would seek not only to upgrade the surface of Footpath 795\_2 but also to take this opportunity to upgrade the status to Bridleway, thus allowing for a wider variety of users including cyclists and equestrians. This would increase the local amenity and provide a safe off-road alternative linking to existing Bridleway 810 to the West of the site.

Upgrading the route to Bridleway would not only benefit residents of the new development and their guest but also to the wider community and visitors to Loxwood Parish.

We would seek to maintain the route on its existing alignment and secure an upgrade to Bridleway status. As such the route will require a minimum 3m width and surfaced to WSCC specification.

## 6.9 CDC Housing Enabling Officer

### **Comments received 28/03/2022**

**Following previous Housing Delivery Team comments dated 17 December 2020 and 22 October 2020, 8 affordable dwellings are being provided on site and the 0.1 unit is being provided as an affordable housing commuted sum.**

**The overall housing mix comprises:**

- 6 x 1 bed (6 flats)**
- 8 x 2 bed (6 houses, 2 flats)**
- 10 x 3 bed (10 houses)**
- 3 x 4 bed (3 houses)**

<b>Unit size</b>	<b>Private (70%)</b>	<b>Rent</b>	<b>Affordable (30%) Shared Ownership</b>
<b>1 bed</b>	<b>0</b>	<b>4 (flats)</b>	<b>2 (flats)</b>
<b>2 bed</b>	<b>6</b>	<b>0</b>	<b>2 (flats)</b>
<b>3 bed</b>	<b>10</b>	<b>0</b>	<b>0</b>
<b>4 bed</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>10</b>	<b>4</b>	<b>4</b>

**We would typically require an element of First Homes as part of the affordable housing provision reflecting a Government written ministerial statement (June 2021) 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).**

**It is understood that ongoing planning engagement for the scheme, amended during the course of the application, is continuing beyond 28 March 2022 and there is potential for late changes to impact development delivery and the required tenure split. The Housing Delivery Team is aware that there are**

**additional elements in this particular case to consider in the round, namely the challenges overcome in having secured a registered provider to acquire, manage and maintain the 4 x 1 bed affordable rented flats above the new retail premises.**

**On this occasion only, a departure from the First Homes ministerial statement is acceptable.**

#### **Comments received 17/12/2020**

The applicant has submitted revised plans. 8 affordable dwellings are being provided on site and the 0.1 unit is being provided as an affordable housing commuted sum. In line with the Council's adopted Planning Obligations and Affordable Housing SPD, we would typically require a commuted sum of £133,875. However, the Housing Delivery Team is aware that there are a number of additional elements in this particular case to consider in the round, namely the provision of a policy compliant shop. On this occasion only, a departure from the SPD is acceptable and a commuted sum of £1,942.50 is required. This has been calculated as follows:

#### Affordable housing commuted sum calculation

$444 \text{ m}^2 \text{ (Onsite A/H GIFA)} / 8 \text{ (A/H units onsite)} = 55.5 \text{ m}^2 \text{ (average A/H unit size)}$

$55.5 \text{ m}^2 \times 0.1 \text{ (A/H remaining fraction)} = 5.55 \text{ m}^2$

$5.55 \text{ m}^2 \times £350 = £1942.50$

#### Proposed housing mix

No changes have been made to the affordable size and tenure mix which was previously agreed. The market mix varies from my previous recommendations by proposing 1 additional 4 bed in lieu of a 3 bedroom dwelling. It is recognised that this is a minor departure from my previous comments in that it provides 1 additional 4 bedroom dwelling in lieu of a 3 bedroom. On review, the provision the additional 4 bed is within the tolerances of the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2020 market mix requirements. As such, the market mix is acceptable. To conclude, the Housing Delivery Team raises no objections to this proposal.

#### **Comments received 22/10/2020**

The application now seeks to deliver 27 residential dwellings. In line with Policy 34 of the Chichester Local Plan, 30% of the housing (8.1 units) is required to be provided as affordable housing. The applicant is proposing 8 which meets this requirement. The fraction of the unit is required to be provided as an affordable housing commuted sum of £133,875, calculated in accordance with the Planning Obligations and Affordable Housing SPD.

#### Market Housing Mix

The proposed market mix is not in line with the Chichester HEDNA 2018 requirements in that it provides a disproportionate amount of 3 beds in lieu of other dwelling sizes. Previously this was acceptable, as it was not a significant departure away from the required need (5% 1 bed, 25-30% 2 bed, 40-45% 3 bed and 25% 4 bed). Taking this into account along with existing housing stock, we would require the following market mix to be delivered:

6 x 2 bedroom; 11 x 3 bedroom, 2 x 4 bedroom

### Affordable Housing Mix

Antler Homes and their agent have been in continuous discussions with the Housing Delivery Team over the disposal of the affordable dwellings to a registered provider. Only 1 of the registered providers provided an offer, based on the following mix:

Affordable rented – 4 x 1 bedroom

Shared ownership – 2 x 1 bedroom and 2 x 2 bedroom.

Whilst this is a departure away from the Planning Obligations and Affordable Housing SPD requirements of 70% affordable rent and 30% shared ownership, it is acknowledged that this is made necessary by a lack of registered provider interest. The resultant mix will still ensure the delivery of 4 affordable rented units which will contribute to meeting the identified need within Loxwood Parish. Therefore, on this occasion this is acceptable.

### Pepper potting and design

All 8 affordable units are clustered together towards the entrance to the site. This is compliant with the Planning Obligations and Affordable Housing SPD and therefore acceptable. The development should be delivered tenure blind and the affordable dwellings should not be externally distinguishable from the market dwellings.

To conclude, the Housing Delivery Team is unable to support this application until the market mix has been amended to meet the above requirements.

### **Comments received 01/09/2020**

This application seeks to deliver 30 residential dwellings. Policy 34 of the Chichester Local Plan requires 30% (9 units) to be delivered as affordable housing. The applicant is proposing 9 affordable dwellings which meet this requirement.

### Market Housing

The proposed market mix is not in line with the HEDNA requirements in that it provides greater number of 3 beds in lieu of 4 beds. On this occasion a departure away from the HEDNA required mix is acceptable as the existing stock within Loxwood is weighted towards the larger, less affordable 4 bedroom dwellings (43.4%). The proposal to provide more 3 beds will provide a more affordable option for younger newly forming households and those wanting to downsize, freeing up larger accommodation elsewhere.

### Affordable Housing

It is noted that the provision of flats makes it more difficult to provide a policy compliant mix. As such, the provision of mainly smaller units is acceptable. However, I have concerns that the provision of 4 x 1 bed affordable rented flats above the retail unit will be unattractive to a registered provider to acquire. In our experience, RPs will refuse to take these types of units on due to the management and maintenance difficulties it provides. Consequently, this may result in the required tenure split not being deliverable. As demonstrated by the Chichester Housing and Economic Development Needs Assessment, there is a greater demand for affordable rented accommodation to come forward with 2,706 homes needed between 2016 and 2036 (2.5 times larger than low cost home ownership at 1,082). It is recommended that the applicant should engage with the Council's registered provider partners to ensure that the required mix can be delivered.

### Pepper Potting

The affordable units are located towards the north eastern boundary of the site abutting the entrance. The location of all 9 units together is consistent with the Planning Obligations and Affordable Housing SPD requirement on pepper potting i.e. no more than 10 units clustered together. The affordable units should be delivered tenure blind and should not be externally distinguishable from the market dwellings.

To conclude, until further clarity is sought on whether a registered provider would be willing to take on the required tenures of affordable housing, the Housing Delivery Team is unable to support this application.

## **6.10 CDC Design Officer**

### **Comments received 17/12/2020**

#### **Layout**

The site is constrained due to both shape and access which has made achieving an acceptable layout more challenging. The density of the proposals has been reduced during the application and is now at a level which is considered to enable the spacing of the properties and layout to better relate to the more rural character of Loxwood and provide more meaningful areas of landscaping / frontage to the proposed dwellings. This has also resulted in improvements to the layout removing aspects of the scheme which it was considered had the potential to appear as back land development.

It is considered that the positioning and variety of parking types throughout the development is sufficiently varied to prevent parked cars becoming dominant within the street scenes. The parking in front of plot 21 has been revised in the latest set of drawings. Whilst the same number of spaces are proposed in this area it is considered that the repositioning is likely to result in a cramped relationship and outlook for plot 21.

The western edge of the site borders open countryside. Except for the retention of the row of mature trees to this boundary it was not initially considered that the development had given adequate consideration to softening this edge of the development. However over the course of the application improvements have been made to soften this edge securing larger landscaped areas and setting the built aspects of the development back particularly from the North West corner which provides a greater buffer zone to the countryside and a more suitable setting for the PROW.

The existing PROW is proposed to be diverted which results in the path passing between the rear of both the existing and proposed housing. Throughout the application process this has been raised as a concern and does not align with the aims of BLF12 which suggests pedestrian routes passing to the rear of homes rather than to the front should be avoided. It is acknowledged that the existing PROW passes to the rear of housing however it is open to the existing site on one side. As proposed the resulting path would be of a substantial length and would lack passive surveillance which is likely to reduce the sense of security for both users of the path and occupiers of the existing and proposed dwellings. During the application it was indicated that the positioning of the path or the houses should be reconsidered however this aspect of the scheme remains unresolved.

## **Appearance**

The proposed development has taken a traditional approach to its appearance which is considered appropriate for the setting. Given the closeness in age and adjacency of the proposals to the existing Loxwood Green development throughout the application it has been suggested that greater consistency should be provided between the two developments particularly in terms of materiality. Concern remains regarding the use of darker cladding boards and windows on some properties and the contrast this creates with the white fenestrations within the rest of the development. However it is considered there has been improvement in this regard through the reduction in the extent of dark cladding proposed. The houses with the dark boarding are now proposed to have brick walls to the ground floor which will visually link them with other properties within the development and therefore goes some way to mitigating the strong contrast proposed previously.

The design and scale of the proposed mixed retail and residential building is considered more appropriate than the current approval. The approach to create a traditional styled shop front is considered successful. Throughout the development it is considered for the most part that visible side elevations and corner turning plots have been appropriately detailed and fenestrated for their level of visibility within the street scene. The flat block plots 5-8 remains an example for which it is considered a more appropriate fenestration and detailing design could have been developed for the rear façade given its public visibility within the street scene. It is disappointing that the opportunity has not been taken to improve this even if this only resulted in the continuation of the brick detailing around the corner along this elevation.

In keeping with the traditional design of the housing chimneys have been provided in a number of prominent locations within the development. It remains considered that additional chimneys would have been beneficial in certain locations such as to break up ridge line of the terrace of 4 houses plots 22-25.

In terms of external enclosures / boundary treatments close boarded fencing is generally proposed throughout with a very limited number of brick walls proposed in key locations. It is considered that there are fences proposed in locations that will be clearly visible in the street scenes for which it would usually be expected that brick walls would be proposed particularly to protect the ongoing appearance and or consistency of boundary treatments. These include plots 14, 15, 60, 27 and those with boundaries adjacent to the PROW. It is considered there are potential discrepancies within the external enclosures plan drawing with the refuse access paths to the sides of plots 22 and 25 appearing to be open for access directly from the PROW. It is also not clear what is proposed along boundaries covered by the red site line on the external enclosures plan. For plots such as 18, 17 and to a lesser extent 16 it is considered that close boarded fencing is unlikely to create an acceptable boundary with the countryside and a softer landscape approach such as stock proof fencing with vegetation to create enclosure and privacy would be more appropriate. It is not considered that currently the external enclosures are adequately resolved and it is therefore recommended that these are negotiated through condition.

It is not clear what is proposed for the verge details however it is considered that the development should avoid the use of dry verge caps which look overly chunky and appear to fade with time. It is considered that details for the verges could be secured by condition.

## **Comments received 29/09/2020**

### **Layout**

The site is constrained due to both shape and access. It is understood that this makes the layout more challenging. The proposals appear to be higher in density than both the more recent and older residential properties, the density is not considered appropriate for the more rural character of Loxwood. Many of the houses have very limited / no landscaped frontage in front of the properties which is considered out of keeping with the area. Whilst it is understood there is an area of open space near to the site it is considered a small area of shared green space would provide visual relief and help provide a focal space / greater greenery within the development itself.

The back to back distances of some of the plots appear overly close to the existing houses which share the Northern boundary with the site, in particular plot 9 and 10. These do not appear to have sufficient distance to protect the privacy/overlooking of occupiers of both the existing and proposed housing.

The positioning of the building for plots 5-8 is not considered to respect the existing staggered building line of the road it faces to the North of the plot. The position of the building would result in a greater sense of enclosure at the entrance to the existing housing development which is currently laid out in a manner which gradually decreases the openness as the built area is entered.

The western edge of the site borders open countryside. The retention of the row of mature trees to this boundary is welcomed. It is not considered that other aspects of the design have given appropriate consideration to softening the edge of the development adjacent to this boundary. This includes the heights and density of the buildings, the positioning of plot 20 (this plot also appears very cramped) and the close proximity of the parking for plots 21-24 without a landscaping buffer zone. It is considered this boundary should be softened to reflect its position adjacent to open countryside and its contribution to the setting for the PROW.

The existing PROW has been diverted. This results in a path passing between the rear of both the existing and proposed housing. As per the aims of BLF12 this should be avoided with pedestrian routes passing in front of homes rather than to the rear. As proposed this path would be of a substantial length and would lack passive surveillance this is likely to reduce the sense of security for both users of the path and occupiers of the existing and proposed dwellings. The positioning of the path or the houses should be reconsidered.

It is considered that plots 13-14 are likely to appear as back land development and their setting / outlook is unlikely to be satisfactory. Where the provision of a true cul de sac with a number of houses is not possible the positioning of one or two properties behind other housing should be avoided due to both outlook and appearing disconnected to the rest of the development. It is considered this layout should be reconsidered. It is not clear what is proposed for all plots in terms of recycling and waste storage and access to relocate bins for collection. It is considered that if access routes are not made clear / easy to use that bins are likely to be left in the street between collections causing harm to the visual amenity of the development and the rural character. It is considered greater clarity should be sought to understand this aspect of the development.

## **Appearance**

The proposed development has taken a traditional approach to its appearance which is considered appropriate for the setting. Given to the closeness in age and adjacency of the proposals to the existing Loxwood Green development it is considered that greater consistency should be provided between the two developments particularly in terms of materiality. The proposals represent a small development for which that the current varied palette of materials seems excessive and is likely to lack a visually consistent approach. It is not considered that the material distribution within the proposals currently shows a particular logic/strategy, for example limiting feature materials to key buildings on principle corners for example. It is considered the approach to materials should be reconsidered and more closely reflect that of the adjacent development.

The design and scale of the proposed mixed retail and residential building is considered more appropriate than the current approval. The approach to create a traditional styled shop front is considered successful. It is likely to be visually beneficial for this approach to be expanded to add additional interest to the remainder of the North and East facing principle facades.

It is not clear what is proposed to the East elevation with the step in the roof adjacent to the gable, this is shown on the elevations but not on the roof plan. It is considered it would be visually beneficial for the roof to continue without stepping. Given the very traditional appearance of the shop frontage and the building overall it is considered the proposed rooflight could appear out of keeping. It is suggested a reduction in the size of the proposed rooflight and using a conservation style rooflight would improve the current proposal. The roof form to the southern and western ends of the building appears overly complicated. Could this be revised to a simpler form such as a barn hip removing the additional gablet form above? It is considered that this would better reflect the roof forms in the local area.

The proposed lean to single storey area to the Southern end of the proposed retail unit is considered an appropriate form. So that this lean to is read as an addition which is what buildings of this form would traditionally be it is considered it would be more appropriate for this to be slightly set back from the principal East elevation and the brick detailing not to be continued into the East face of the lean to.

The form to the rear of the building is unfortunate. It is understood that this is likely to be the result of necessary service areas for the retail and the provision of access for the residential units. Not combining these areas into the main traditional form of the building is advantageous in terms of minimising the bulk of the mixed use building from the principal public vantage points and distant views. Whilst not visible at a distance the rear elevations would have some public visibility due to PROW which would run immediately adjacent to the two storey flat roof element. Therefore if possible it would be preferable for the design of this area to be softened / become more in keeping with the rest of the building and the rural setting.

Overall it is considered that the development would visually benefit from a greater number of chimneys given the traditional approach to the development and that chimneys are a dominant feature of the existing area.

Within the development gable end roofs are the most dominant roof form compared to the adjacent housing development which is characterised by predominantly hipped roof forms with feature gables. It is considered that whilst similar 2 storey depths and heights exist in the Loxwood Green development this is likely to leave some of the proposed house types in this development appearing narrower and taller, for example the Sunningdale house type. It is acknowledged that gables are present within the local area however it is considered the use of a hip or barn hip could help alleviate the vertical emphasis some plots appear to have.

Notwithstanding comments relating to density / layout above the comments on individual plots below are provided for guidance for future revisions.

Plot 5-8 – On the North elevation window appears much larger in elevation than on the plan drawings. It is considered that this elevation is not adequately fenestrated for its level of visibility in the street scene. As previously mentioned there are layout concerns with this plot as existing and how it relates to the existing building lines.

Plot 30 - The East elevation of this plot will have a high level of visibility on the approach into the development and from the adjacent public parking area. Whilst for privacy of the occupiers additional fenestration may not be an appropriate option here it is considered the elevation is currently overly plain for its level of visibility.

Plots 25-28 – It is considered that visually the terrace would be improved by handing one half of the houses so the frontage was symmetrical creating more of a central/ focal feature with two porches adjacent to each other. The ridge line of this length of terrace house is also unbroken. It is considered that chimneys would be visually beneficial.

Plot 21 – The North side elevation of this plot would be a principal elevation in the street scene and is not currently appropriately detailed / fenestrated for its level of visibility. In general where side elevations are publicly visible these will be expected to be given greater attention in terms of detailing / fenestration.

## **6.11 CDC Drainage Officer**

### **Comments received on 28/10/2021**

**Following receipt of the construction details “I’m now satisfied that the submitted details are acceptable”.**

### **Comments received on 21/10/2021**

**I note all of the following:**

- 1. The appropriately amended title and drawing number of the attached drawing AH283-CIV-108 PO6.**
- 2. Your (*applicant*) comments relating to drawing number AH283-CIV-111 PO3 (and the instruction to disregard any previous revisions of that drawing).**
- 3. The fact that further construction details are to follow in due course.**

**For clarity my comments relating to non-prejudice off-site drainage improvement works were just meant to highlight that if there had been any further agreement reached between Antler and the Parish Council about further/different works, then that should be reflected in drawing AH 283-CIV-112 Rev P01. Unfortunately, I was not party to the aforementioned site meetings/discussions on the 5th July, so I was unaware of the outcome/situation. I was not suggesting that there was a requirement for Antler to commit to/undertake further non-prejudice works, just that if such an agreement had been reached that changes to the aforementioned drawing would be prudent.**



**I can confirm that subject to the submission of acceptable construction details that we have no objection to the proposed development on Surface Water Drainage grounds.**

#### **Comments received on 27/09/2021**

**I reiterate my comments made in June 2021. My understanding is that the applicant wishes to avoid pre-commencement conditions relating to surface water drainage. If that is the case I suggest the applicant contacts us to discuss the matters outlined to ensure that any subsequent submissions address our concerns. Alternatively if the applicant is now prepared to agree pre-commencement conditions those suggested in August 2020 could be applied.**

#### **Comments received on 16/06/2021**

**There have been some further investigations into the off-site path and the surface water drainage discharge from this site. It is now apparent that a small diameter culvert exists that appears to convey the flow from the ditch that this proposed development is to discharge its surface water into, to the west through a further series of ditches and ultimately into the Wey and Arun Canal (rather than via the previously assumed path to the north-east). This discovery is encouraging as this route takes flows away from the Loxwood Stream; a watercourse that has a history of flooding. However this flow path is reliant on the aforementioned small diameter culvert, located under a field to the west of the proposed development.**

**Ideally we (and Loxwood Parish Council) would like to see that small diameter culvert up-sized to increase its capacity and reduce the likelihood of it blocking in the future, which could have impacts upon this proposed development. Loxwood PC has therefore sent out invitations of a meeting to CDCs Land Drainage Team, WSCC Flood Risk Management Team, Antler Homes, the owner of the land through which the culvert passes and the proposers of the land at Loxwood House (as that proposed development would also utilise this flow route). It is our understanding that the PC hope this meeting so the two developers will agree to some further without prejudice off-site drainage improvements, specifically the up-sizing of the aforementioned culvert. The developer has already committed to deliver some off-site improvements to the local surface water drainage network.**

**I also made some comments about the ambiguity about the naming and numbering of a few of the submitted plans. These matters should be addressed by the applicant to ensure there is complete clarity about which plans are ultimately approved.**

#### **Comments received on 27/11/2020**

**Following our concerns regarding connectivity of the ditch network, the applicant and their consultant offered to attend a ditch walkover, which was undertaken on the 18th November 2020. The attached plan shows the findings of this visit.**

**As per our earlier comments on the application, the applicant has submitted a scheme which should adequately drain the development, and therefore we have no objection to the application being approved, but still recommend that detailed design is conditioned.**

Our remaining concerns have now also been addressed in respect that we have now identified a positive outfall and found additional connectivity between the local ditches. However the downstream system would benefit from some "maintenance". Although this is not the developers responsibility, except on their boundary, they have offered to undertake additional clearance and to investigate/expose connectivity to improve the local drainage and ensure their scheme works effectively. Should the application be approved this will be picked up further as part of the detailed design and ordinary watercourse consent application, which will be required for the discharge to the watercourse.

#### **Comments received 09/11/2020**

The proposed drainage scheme remains the same as that which we have previously comments on. Therefore we have no further comments to make on the principle of the scheme. You will see we raised some concerns re the final discharge point in our comments on 24th August, these concerns remain and the Parish have shared their records of the local drainage which do not show an ultimate positive discharge from the network. This is essential to demonstrate that the site can be adequately drained and you will need to decide whether you are happy for this to wait until detailed design stage, or whether this should be resolved before permission is given.

#### **Comments received 01/09/2020**

In our comments on the 24th August 2020, we stated that the proposed (as shown on the drainage layout) discharge of 2.5l/s was acceptable. The applicant has confirmed that this was a "typing error" and instead the flow will be restricted to 4.8l/s. They have confirmed that the rate of 4.8l/s is based on the greenfield rate of the area which will subsequently drain to the SuDS system, therefore we have no objection to this approach/rate subject to detailed design.

#### **Comments received 24/08/2020**

Flood Risk / Surface Water Drainage: The proposal is wholly within flood zone 1 (low risk) however we are aware of localised flooding, so the surface water drainage will need to be designed and constructed carefully to ensure there is no increase in flood risk. Subject to satisfactory surface water drainage we have no objection to the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The proposal is to drain surface water to the adjacent watercourse at a restricted rate (2.5 l/s), with excess water up to the 1 in 100 yr event + 40% retained in storage beneath the roads. This approach is acceptable in principle as infiltration has been shown to not be viable. We have limited information on the receiving watercourse and do have some concerns over its ability to receive water from a housing development. The flood risk assessment states "it is assumed the ditch connects to the culverted watercourse north of the site. Further site investigation is required to confirm the ditch outfall". This is essential to demonstrate that the site can be adequately drained and you will need to decide whether you are happy for this to wait until detailed design stage, or whether this should be resolved before permission is given.

## 6.12 CDC Environmental Health Officer

### **Comments received on 20/05/2021**

**The majority of our previous comments still stand i.e. those relating to land contamination and noise.**

**A CEMP has been submitted (May 2021). The plan has been reviewed and it complies with the majority of items within the suggested condition relating to CEMPs however further details on noise control are requested (see section 1.2(1) of CEMP.**

### **Comments received 10/09/2020**

No objection to the proposed development, in principle, however conditions are recommended.

Contaminated Land: Consideration has been given to enzygos geo environmental report Ref: CRM.1023.032.GE.R.002.A, June 2020. No contaminated land issues were identified. Condition recommended.

Noise: It is noted that the proposed retail unit shall share separating structures with neighbouring residential dwelling or dwellings. A condition is recommended. It is likely that external mechanical plant or externally venting plant will be part of any retail development. Due to the close proximity of proposed neighbouring dwellings a condition is recommended. Due to the mix of a retail unit and residential dwellings deliveries shall be restricted to 08:00 to 18:00 Monday to Saturday and 10:00 to 16:00 Sunday, Public Holidays and Bank Holidays and Construction Management Plan condition recommended.

## 6.13 CDC Environmental Strategy Officer

### **Comments received 28/09/2021**

**Further to our initial comments a Reptile Mitigation Strategy and Badger Survey have been provided. The reptile mitigation strategy is acceptable and should be conditioned and implemented in its entirety, should planning permission be secured. The badger survey identified an inactive sett on-site. Therefore the mitigation strategy as provided within section 7 of the report is acceptable and should be conditioned and implemented in its entirety, should planning permission be secured.**

### **Comments received 18/12/2020**

The detail of all the SAP calculations is not in there but we would not expect that at planning stage design. Overall the measures proposed as fabric improvement are clear and a 19.6% reduction is proposed when averaged across all the residential units, so I can confirm that the proposal meets the requirements of Policy 40 and the IPS.

### **Comments received 24/11/2020**

Policy 40 - Following submission of the Sustainability and Energy Statement (Oct 2020) we are disappointed to see that there is only a 7.6% improvement above the baseline CO2 emissions through a fabric first approach. As detailed within the Interim position statement for housing (IPS) point 8 we require the following criteria is met “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 and ventilation systems of the dwelling. Further information to be provided to demonstrate how this will be met.

We are pleased to see that there will be a 25.2% reduction in CO2 emissions from the installation of PV panels onsite. We are pleased to see the commitment by the application to install electric car charging points also within the site. As part of the condition, further information relating to the number and location of charging points will need to be provided.

### **Comments received 05/10/20**

Reptiles - Following submission of the Reptile Mitigation Strategy (Sept 2020) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

### **Comments received 06/09/20**

Bats - Following an email sent from Lizzie Withall of ECE Planning on 25.08.2020 we are satisfied that prior to works taking place to the trees they will be inspected by a licensed ecologist before felling works in line with the recommendations within the PEA. Please can a condition be included to ensure this takes place.

Reptiles - As detailed within the Reptile Survey Report (July 2020) there are reptiles onsite and mitigation is required. Unfortunately no mitigation has been included within the report. We require that prior to determination a mitigation strategy is submitted which includes details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works.

### **Comments received 17/08/20**

Bats - The mature pedunculate oak, maple and English elm have potential to support roosting bats. Due to this these trees should be retained onsite and protected from harm. However the oak has several damaged limbs that may require some remedial tree works and the English elm and maple are close to the proposed new access road and therefore tree works or removal may be required. If this is the case further survey works for bats will be required.

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

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that bat bricks are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.

Reptiles - As detailed within the Reptile Survey Report (July 2020) there are reptiles onsite and mitigation is required. Unfortunately no mitigation has been included within the report. We require that prior to determination a mitigation strategy is submitted which includes details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works.

Great Crested Newts - A precautionary approach should be taken for Great Crested Newts and a precautionary method statement will need to be created for this proposal including removing grassland sensitively and it being checked for GCN immediately beforehand by an ecologist. Should any GCN be found at any time, all works must stop, and a suitably qualified ecologist contacted. A condition should be used to ensure a copy of this precautionary method statement is submitted to us prior to start on site.

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

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work). We would like a selection of bird boxes to be installed on the buildings and / or trees within the site.

Enhancements - Require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These should include:

- Any trees removed should be replace 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 (as detailed above)
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Gap to be included at the bottom of the fences to allow movement of small mammals across the site
- Two hedgehog nesting boxes included on the site

Policy 40 - Following submission of the Sustainability and Energy Statement (July 2020) we are satisfied that the criteria for renewable energy and a fabric first approach to reduce CO2 emissions within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction

in CO2 emissions of 20%. This will be achieved with a fabric first approach and through installing PV onsite. We are pleased to see the commitment by the application to install electric car charging points also within the site. As part of the condition, further information relating to the number and location of charging points will need to be provided.

## 6.14 Third Party Representations

### 2 - objection

- Endless attempts to build houses which do not come to fruition, causing uncertainty
- Should build on brownfield sites rather than greenfield sites. They already have the infrastructure.
- Loxwood has no transport, roads, or mains services to support all these developments.
- Object to the principle that the longstanding PROW will be diverted. The developer could retain the PROW as it is. The diversion will actually take walkers out of their way.

**In April 2022 a further 24 letters have been received raising concern over the lack of a shop in the village. It is understood the existing post office and shop is due to close in September and concern is raised over the time it is taking for approval of the new shop.**

### 21 - support

- Will provide a much needed village shop
- Size and design of shop in keeping with the village and its residential setting
- Design of housing in keeping with houses already built at Nursery Green
- Shop and housing meet requirements of village
- Density high but achieved by increasing number of 2 and 3 bed houses
- Density of approved Marda/Coop application (19/01498/FUL) was 69dph
- Car parking appropriately located to rear of shop, with no need to cross the road
- Levels of parking appropriate with 19 spaces available
- Lack of open space on site should be compensated by large green provided as part of the Nursery Green development
- New route of PROW will be wider than existing, will link with existing paths and have a better surface than existing which will provide accessibility for anyone using a wheelchair or pushing a buggy
- Meets requirements and policies of Loxwood Neighbourhood Plan.

## 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 Loxwood Neighbourhood Plan 2013 - 2029 (LNP) was made on 14 July 2015. It was subject to a High Court legal challenge in 2016 partly on the grounds that the Council had not given adequate or intelligible reasons for concluding that

the LNP should allocate land for only 60 new dwellings. The challenge was unsuccessful (on all grounds) and the judge dismissed the appeal. The LNP forms part of the Development Plan against which applications must be considered.

**7.2** The principal policies of the Chichester Local Plan relevant to the consideration of this application are as follows:

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

Policy 1 Presumption in Favour of Sustainable Dev

Policy 2 Dev Strategy and Settlement Hierarchy

Policy 4 Housing Provision

Policy 5 Parish Housing Sites 2012 - 2029

Policy 6 Neighbourhood Development Plans

Policy 8 Transport and Accessibility

Policy 9 Development and Infrastructure Provision

Policy 25 Development in North of the Plan area

Policy 33 New Residential Development

Policy 34 Affordable Housing

Policy 39 Transport, Accessibility and Parking

Policy 40 Carbon Reduction Policy

Policy 42 Flood Risk and Water Management

Policy 45 Development in the Countryside

Policy 47 Heritage and Design

Policy 48 Natural Environment

Policy 49 Biodiversity

Policy 52 Green Infrastructure

Policy 54 Open Space, Sport and Recreation

**7.3** The policies of the made LNP relevant to this application are as follows:

**Loxwood Neighbourhood Plan 2013 - 2029**

Policy 1: Housing Allocation - a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary

Policy 2: Settlement Boundary

Policy 3: Site Assessments and Allocation of Sites

Policy 7 - Street Lighting

Policy 8 - Infrastructure Foul Water

Policy 9 - Built Environment - Housing Density

Policy 10 - Built Environment - Vernacular

Policy 15 - Telecommunications and Connectivity

Policy 16 - Traffic Calming

Policy 17 - Environmental Characteristics

Policy 18 - Flood Risk

**7.4** Work on reviewing the current LNP by the Loxwood Neighbourhood Plan Steering Group is underway in response to the Local Plan Review's Preferred Approach proposed allocation of 125 homes for the parish (draft policy S5). From an initial 'Call for Sites' a shortlist of 8 potential housing sites were set out in a questionnaire and the residents of Loxwood were invited to give their views on where the additional housing should be allocated in the event that the proposed allocation of 125 new homes was confirmed as part of the Local Plan Review. The current application site was 1 of the 8 proposed sites. The Revised Loxwood Neighbourhood Plan 2019 – 2037 (revised LNP) was formally

submitted to Chichester District Council on 8th December 2020. **However, the issue of water neutrality raised by Natural England has meant this process is now delayed.** Although they have limited weight, the following policies in the revised LNP, relevant to this application, are:

- Policy 1 – Housing Allocation Policy
- Policy 2 – Settlement Boundary Policy
- Policy 3 – Site assessments and Allocation of Sites Policy
- Policy 5 – Commercial Land at Nursery Green
- Policy 8 – Land to the rear of Black Hall

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

**7.5** Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) **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, **significant work has been identified. The Local Development Scheme timetable anticipates that the Local Plan will be submitted to the Secretary of State for Examination in Summer 2022 and it is currently anticipated that the new Local Plan will be adopted in Spring 2023. This timetable is currently under review.**

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

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

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Hierarchy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements
- S6 Affordable Housing
- S12 Infrastructure Provision
- S19 North of the Plan Area
- S20 Design
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S29 Green Infrastructure

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

- DM2 Housing Mix
- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM22 Development in the Countryside
- DM28 Natural Environment
- DM29 Biodiversity



DM31 Trees, Hedgerows and Woodlands

DM32 Green Infrastructure

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

### National Policy and Guidance

- 7.7** Government planning policy now comprises the revised National Planning Policy Framework (NPPF **2021**), which took effect from **July 2021** and related policy guidance in the NPPG.
- 7.8** Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
    - or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.9** The following sections of the revised NPPF are relevant to this application: 2, 5, 6, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.10** Paragraph 48 of the NPPF advises on the weight which may be attached to relevant policies in emerging plans according to their stage of preparation and the degree of consistency to the policies in the Framework. The more advanced in preparation emerging plans are and the closer their policies align with the Framework, then the greater the weight that may be given. Paragraph 30 provides that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing nonstrategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

### Other Local Policy and Guidance

- Interim Position Statement for Housing Development
- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- Loxwood Village Design Statement 2003

### **Interim Position Statement for Housing Development**

- 7.11** In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five Year Housing Land Supply **was published on 24 November 2021 and provides the updated position as at 1 April 2021. The assessment identifies 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 (equivalent to a requirement of 666 homes per year). This results in a housing surplus of 207 net dwellings, equivalent to 5.3 years of housing supply. Notwithstanding the benefit of having a housing supply which is considered to be robust, the Council nevertheless recognises the importance of maintaining and where appropriate reinforcing the supply with appropriate new development.

**7.12 To help pro-actively manage the Council's housing supply and ensure that it maintains in a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5 year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with immediate effect. Whilst the Council, with a 5 year housing supply, can rely on the provisions of the development plan for decision making up until a new plan is adopted, speculative new housing proposals such as this application will also continue to be considered under the IPS and 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 in the determination of relevant planning applications. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant and where there is no conflict with relevant policies in the development plan are likely to be supported by officers.**

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

- Maintain low levels of unemployment in the district
- 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
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## 8.0 Planning Comments

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

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

i. Principle of development and the policy position

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

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

8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. When assessed against the policies of the adopted Local Plan, the current application is, in part, considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for Loxwood in the countryside or Rest of Plan Area and would not meet an "essential, small scale and local need" (policy 45). The site is not one of the allocated sites identified in the made Loxwood Neighbourhood Plan and so it conflicts with policies 1 and 2 of that Plan. Prima facie therefore, and following a s.38(6) development plan approach, this application is contrary to policy.

8.4 **The Council is progressing work through the Local Plan Review process to identify parish allocations for the Local Plan Review period up to 2037. The housing numbers stated in the Local Plan Review indicate the proposed direction of travel, the 'preferred approach' but they are not confirmed. The provisional allocation for Loxwood is 125 new homes (policy S5). As part of that review process the Council produced its Housing and Economic Land Availability Assessment (HELAA) in March 2021. The purpose of the HELAA is to identify a future supply of land which is suitable, available, and achievable for housing and economic development. The HELAA forms a component of the evidence base that will inform the Chichester Local Plan Review. The conclusion of the HELAA was that Land to the rear of Black Hall, Loxwood (HELAA ref. HLX0005a) was potentially suitable subject to detailed consideration including on matters of access, was available, achievable and deliverable during the Plan period for an estimated 25 dwellings. However, the HELAA is a background technical study and is not a policy document and consequently in terms of the decision-making process, the emerging policies and background documents cannot therefore be afforded any weight in decision making on the current application.**

**8.5 The Council has previously acknowledged that the Local Plan in terms of its housing policies for the supply of new housing are out-of-date but this is now balanced out by the fact that the Council has enough housing to demonstrate a 5 year housing supply. In order to ensure that this housing supply is maintained on a rolling year on year basis, the Council has committed to using the Interim Position Statement for Housing Development (IPS). It is relevant to consider the application against 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 north-eastern (front) section of the site is located within the settlement boundary. The remainder of the site is located adjacent to the northern boundary of the existing settlement boundary for Loxwood. This criterion is therefore satisfied.

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

Loxwood is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2). In this context the proposed scale of development is considered appropriate and the criterion is therefore satisfied.

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

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

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

Based on the whole site area the proposals achieve a density of 29 dwellings per hectare. The site comprises a large paddock and part of the rear ancillary garden so there is no artificial sub-division and in the context of the rural edge of settlement location and the pattern of existing housing this level of development is considered acceptable. The proposal meets this criterion.

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

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

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

Not applicable in this instance.

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

It is considered the proposal would meet the above criterion. Wastewater disposal will be through the statutory undertaker, affordable housing, open space, and highways improvements will be secured through the Section 106 agreement and/or by planning conditions. **The development has demonstrated that it is water neutral and the mitigation will be secured by S106 Agreement.**

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.

Following submission of the an addendum letter dated 15<sup>th</sup> December, the applicant has amended the sustainability measures through fabric improvements, combi boiler with waste water heat recovery and whole house mechanical ventilation system with heat recovery, so that when averaged across the whole residential site the dwelling emissions are shown to achieve a 19.6% reduction below the baseline emissions. This is an improvement from the 7.6% proposed through a fabric first approach in the Sustainability and Energy Statement (October 2020) and now meets the requirement of "minimising energy consumption to achieve at least a 19% improvement". In addition the applicant is proposing 44kWp of PV panels (equating to 134no. 330W panels) which will result in a further carbon reduction of 25.2%. In the Sustainability and Energy Statement (October 2020) the applicant has committed to install 23 electric car charging facilities in the garages of all properties that have them or to the side of dedicated parking spaces. A condition is recommended requiring details of the number, location and technical specification of the electric vehicle charging point facilities and for the applicant to demonstrate how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020) in respect of the provision of Electric Vehicle (EV) charging facilities, which for construction in 2021 requires 33% of spaces to have active EV charging facilities. A maximum 110 litres per person per day water use will also be conditioned. These sustainability measures meet the requirements of this criterion.

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

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

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

The site has various amenities and services within walking distance, such as the primary school, post office and village hall. Furthermore, by providing a retail unit within the site residents may not be reliant on the private car for all daily journeys. There are also PROW links within the immediate area which provide an alternate route for pedestrians. Whilst some amenities are within cycling distance, the nearest Train Station is 10km away at Billingshurst, however, the station does feature car parking and thus travel by rail could make up part of a journey, for those travelling further afield. It is considered that whilst many journeys for commuting and travelling further afield may be reliant on the private car, there are some limited options for public transport. This criterion is met.

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

This criterion is considered to be satisfied (refer to the assessment below). The site is located within EA flood zone 1, 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.

Not applicable in this instance.

**13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.**

The development is submitted in detail. As outlined above water neutrality has now been addressed and there are no further significant abnormalities that would otherwise restrict or delay implementation of the development in the event that planning permission were granted. The applicant (Antler Homes) has confirmed that the site has been cleared and security fencing effected around its perimeter in preparation for its development. It remains the intention of Antler Homes to construct buildings on the land. A reduced time frame of 2 years to implement the full permission is accepted by the applicant. As such, it is considered criterion 13 of the IPS would be satisfied.

**8.6** The proposed development is considered to meet all the relevant criteria in the IPS. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above and in the subsequent assessment the 'principle' of housing development on this site is considered acceptable.

ii. Highway Impact

**8.7** Access to the site is via Nursery Green estate road. The access to the will take the form of a priority junction of 5m width and 6 metre kerbed radii. A footpath is proposed on the southern side of the access road (adjacent to retail unit) which will link in with both the footpaths along the Nursery Green estate road and the car park to the rear of the retail unit, where it will then transition into shared surface. A layby with 2 retail car parking spaces is proposed on the southern side of the access road. The loading layby at the front of the retail unit, off the Nursery Green estate road, will be slightly repositioned. To the rear of the retail unit, the access road will become shared surface with a width of 4.8m. The section of road providing access to plots 19-20 is 4.2m wide. Swept path tracking plans illustrate that a refuse vehicle can access the site from Nursery Green and manoeuvre within the site in order to exit to the public highway in a forward gear. The LHA has confirmed that the street widths and service and emergency vehicle tracking plots are acceptable.

**8.8** In terms of traffic movements, the residential element is forecast to generate some 23-24 peak hour vehicle movements. The trip generation for the retail unit was considered under the extant planning permission (ref 19/01498/FUL) and were not considered to be 'severe'. The trip rates agreed under the original application have been applied to this proposal and found that peak hour movements could range between 28-43 vehicle movements in the AM and 24-48 vehicle movements in the PM peak. A more up-to-date assessment has also been undertaken which found a reduced daily vehicle movements of 13-22 vehicles in the AM and 26-27 vehicles in the PM peak. It is also expected that standard AM/PM peaks would not apply and therefore that trips would be spread throughout the day. It is the view of WSCC as Local Highway Authority (LHA) that in light of the existing number of trips expected from the Nursery Green development and on the nearby local road network, the LHA does not anticipate a capacity issue as a result of these additional vehicular trips. The LHA is satisfied that in terms of the relevant policy test in NPPF at paragraph 109, that the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

- 8.9** In terms of retail parking provision, as amended the application proposes 8 retail spaces in the car park and two further spaces in the layby adjacent to the access road. A condition is recommended requiring one of these spaces to be marked up for disabled access and all retail spaces to be marked for their proposed use. The LHA has confirmed that on the basis of a 232sqm retail unit, the WSCC parking guidance requires a total of 17 spaces (1 space per 14sqm). Although this application has an overall shortfall in spaces, it is acknowledged that the retail unit is located within a new residential development and in a village location and on this basis it is expected that a higher number of trips will be made by foot/cycle. In addition there is the possibility for parking in the layby on the Nursery Green estate road (north-east side of Nursery Green estate road and outside the application site). Furthermore, the extant planning permission (ref. 19/01498/FUL) granted a retail unit (377sqm) and 14 x car parking spaces (including 1 x disabled space), where the parking calculator showed a demand of 27 spaces. On this basis the reduction in retail parking provision is acceptable.
- 8.10** With regard to the residential parking provision, as amended a total of 49 x allocated spaces (46.5 when using WSCC methodology where the garage spaces are 0.5 space) will be provided for the development together with 8 x unallocated spaces. The WSCC parking guidance requires a total of 66 spaces and therefore there is a shortfall of 11.5 spaces. Double yellow lines are proposed at the new junction via a TRO and on this basis the LHA does not consider that overspill parking could occur in locations that would be detrimental to highway safety. Officers have considered the need for additional parking spaces against the amenity of the site and the impact on the proposed landscaping and rural edge and on balance, as amended, consider the parking provision has been designed in a sympathetic manner, so as not to dominate the street scene and the shortfall in parking provision is acceptable.
- 8.11** Policy 16 of LNP requires that contributions toward traffic calming measures are provided for developments greater than one house in size. In order to meet this policy requirement, a financial contribution of £15,000 is required. Loxwood Parish Council has indicated that they would prefer not to have an additional Vehicle Activated Sign sign. Discussions between the Council, WSCC and the Parish Council are therefore suggested with regard to the precise traffic calming measures. The S106 Agreement also requires the applicant to apply for a Traffic Regulation Order, prior to occupation, for double yellow lining to prevent on street parking in the identified areas and to ensure the relocated layby at the front of the retail unit on the Nursery Green estate road is for loading only. The applicant is required to pay the cost for this TRO.
- 8.12** Subject to conditions and the S106 obligation, the proposals are acceptable from a highway safety and capacity point of view and no objection is raised.

iii. Design and Layout

- 8.13** The proposed development is serviced by a single access road, which passes through the centre terminating in a cul-de-sac at the western end of the site, with all dwellings fronting onto and positively addressing the road. The development comprises a mix of 2 storey houses, together with a small 2 storey block of 4 flats and a retail unit with 4 flats above. The houses are arranged as a variety of detached, semi-detached and terraced forms. The proposed development has taken a traditional approach to its appearance which is considered appropriate for the setting. The materials palette includes elevations of brick under slate and plain clay tiled roofs. Some of the dwellings will be treated with dark



horizontal boarding at first floor level and detailed brick work is also included. The dwellings are designed with both hipped and gable ends and chimneys have been provided in a number of prominent locations within the development. The design and scale of the proposed mixed retail and residential building is considered more appropriate than the extant planning permission and the approach to create a traditional styled shop front is considered successful. With regard to the landscaping, over the course of the application improvements have been made to soften the rural edge of the development site through securing larger landscaped areas and setting the built aspects of the development back particularly from the north-west corner of the site which provides a greater buffer zone to the countryside and a more suitable setting for the adjacent bridleway. Details of the proposed enclosures are not currently acceptable, therefore a condition is recommended. **Since the consideration of the application by Planning Committee in January 2021, additional information has been provided by the applicant in relation to the proposed boundary treatments. This information does not, however fully address the comments of the Conservation and Design officer and therefore it is recommended that the condition remains as originally proposed.**

- 8.14** The 8 affordable flats are located within the two frontage buildings, 4 flats at first floor above the retail unit and 4 flats within the block in the northern corner of the site. The distribution accords with the Council's pepper-potting requirements and the homes are tenure blind in terms of design. The affordable housing mix will be secured through the S106 agreement. The proposed housing mix for both the affordable mix and the private market mix meets with the requirements of the Council's Housing Enabling Officer in terms of the HEDNA 2020 and no objection is raised.
- 8.15** The density of the development has been reduced during the consideration of the application, with the whole site area achieving around 29 dwellings per hectare (dph). The part of the site outside the settlement boundary comprising 19 dwellings has a density of 24.5dph, when including the car park and 27.5dph when excluding it. The Parish Council is of the view that the amended density is still high, especially when compared to the average density over the last 10 years for the area which they state is 18.5dph. Acknowledging that the majority of the application site is outside of the settlement boundary and on the edge of the village, as amended the proposed layout/density is now at a level which is considered to enable the spacing of the properties and layout to better relate to the more rural character of Loxwood and provide more meaningful areas of landscaping / frontage to the proposed dwellings. A density of development at the levels stated above is similar to the densities of the developments recently granted planning permission in Loxwood, at Loxwood Farm Place (ref. 20/01617/OUT) and Land West of Guildford Road (ref. 20/01481/FUL) and below the 35dph requirement "broadly considered appropriate by the Council on most greenfield and brownfield development across the District" (paragraph 17.6 of the Chichester Local Plan). There is a careful balance to be struck between seeking a lower density of development and efficient use of land. When considered in the context of the perimeter landscaping and the edge of settlement location, the amount of development proposed is considered to be acceptable.
- 8.15a** **Since the consideration of the application by Planning Committee in January 2021, additional information has been provided by the applicant to seek some minor amendments to the proposal. Specifically:**
- **The terrace of four units (plots 22-25) have been slightly amended with the ground floor reduced slightly and the first floor increase slightly. There is no change to the overall floor area and the number of bedrooms remain the same.**

The applicant has proposed this change to provide improved private amenity space and provides a better arrangement for home working. This amendment is acceptable in design and layout terms.

- The northern side elevation of plot 27, facing the car park, has been amended in terms of the detailed finish of the elevation, removing the oriel window at first floor level and replacing it with two tax windows and a brick design feature on the gable end, which will be visible when entering the site. The Design and Conservation officer previously raised some concern with regard to the oriel window, which due to its off-set nature and form raised some design concerns. This amendment is considered acceptable.
- The layout has also been altered with regards to the visitor space outside plot 19. This has been moved next to the parking bays for plots 20 and 21, which have been re-orientated by 90 degrees. This amendment to the parking layout is considered to be an overall improvement to the layout.

**8.16** Overall the design, materials, detailing and appearance of the development suggest that this will be an attractive, high quality rural mixed use development that it will be appropriate to its rural context and surroundings.

iv. Residential Amenity

**8.17** The layout of the development has been carefully considered to acknowledge and address the relationship between the proposed dwellings and the newly constructed dwellings in Nursery Green. The northern most line of proposed dwellings (Plots 9-10 and 16-18) are set away from the boundary and orientated such that there is an acceptable separation distance between the proposed dwellings and the existing dwellings in Nursery Green. The back-to-back relationship that would result in this instance together with the existing line of tree and hedge planting on the northern boundary itself is considered to satisfactorily address any potential issues of the development resulting in overlooking or the development being overbearing. The existing properties in Hall Hurst Close will have a rear-to-side relationship with the proposed dwellings in the south-eastern corner of the site (plots 20-21), with a separation distance in excess of 15m and again this relationship is acceptable. The two properties, Woolspinners and Black Hall, located to the south-east of the application site are set in excess of 30m from the site boundary.

**8.18** Whilst the marked change to the character and appearance of the site resulting from the development will clearly create a different outlook for existing residents in Hall Hurst Close and Nursery Green, this change does not automatically translate into a development that would be harmful to their established amenity. It is not considered therefore that there are substantive grounds to demonstrate that the development would result in material harm to established amenity.

v. Surface Water Drainage and Foul Disposal

**Surface Water**

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

- 8.20** Ground investigations undertaken at the site have confirmed that the underlying soils are unsuitable for infiltration as a means of disposing surface water runoff generated by the development. It is therefore proposed that surface water from the development will discharge into the existing drainage ditch immediately beyond the western boundary of the site, as currently, via overland flows and attenuated discharge. The outfall will be restricted so that it does not exceed existing greenfield run-off rates.
- 8.21** The Council's drainage officer states that "our remaining concerns have now also been addressed in respect that we have now identified a positive outfall and found additional connectivity between the local ditches. However the downstream system would benefit from some "maintenance". Although this is not the developers responsibility, except on their boundary, they have offered to undertake additional clearance and to investigate/expose connectivity to improve the local drainage and ensure their scheme works effectively. This will be picked up further as part of the detailed design". The Council's drainage officer has confirmed that a surface water drainage strategy based upon these principles would be acceptable and has recommended conditions to secure details.
- 8.22** With the imposition of appropriate conditions, it is considered that the surface water drainage can to be designed to ensure there is no overall increase in flows into the surface water system and its long-term management and maintenance can be secured.

### **Foul Water**

- 8.23** The application documents confirm that the foul water will connect to the public foul sewer in Guildford Road, subject to capacity assessment and necessary network upgrades by Southern Water. As site levels fall away to the west a gravity connection to the public sewerage connection in Guildford Road is not achievable and therefore the application proposes that the foul water from the site will be pumped to the foul sewer outfall in Guildford Road.
- 8.24** Southern Water as the statutory undertaker has acknowledged that there is an increased risk of flooding from the development unless any required network reinforcement is provided. The 'rehabilitation' of the offsite network infrastructure where necessary will be part-funded through Southern Water's New Infrastructure Charge with the remainder funded through its Capital Works programme. The applicant has a 'right to connect' their development to the public sewerage network under s.106 of the Water Act. The timetable thereafter for delivering the connection and any necessary off-site upgrades is a matter for Southern Water to agree with the developer, following the grant of planning permission.
- 8.25** The Parish Council has requested that, "as per the Thakeham Homes development (20/01481/FUL), the issue of sewerage disposal should be the subject of a planning condition which requires that Southern Water satisfactorily upgrade the infrastructure prior to the occupation of the first house/retail unit". The Thakeham Homes condition states that "no occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site 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 implemented in full". A very similar condition is recommended on this application, with the further requirement from Southern Water that the "occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required".

**8.26** Subject to inclusion of this condition, Southern Water raises no objection to the development. Southern Water is committed under its statutory duty to provide a fit for purpose foul drainage system to service the proposed development and is regulated in this regard by the industry regulator OFWAT. Any failings on behalf of Southern Water to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT. **Since the consideration of the application by Planning Committee in January 2021, the applicant has submitted further information in relation to proposed condition 6 requiring details to be submitted in relation to foul drainage. Southern Water has been consulted on these details and has confirmed that they are currently in the process of designing and planning delivery of offsite sewerage network reinforcements. It is not possible to amend condition 6 to a compliance condition as the design works for the off-site foul sewerage are not yet complete. The condition has been amended to allow some initial on-site works to commence prior to discharge of condition 6, specifically the access formation works onto Nursery Green, re-location of the lay-by, the footpath re-location, site clearance and site set-up works, as these do not have a bearing on the foul drainage provision for the site.**

vi. Impact on the Landscape/trees

**8.27** The application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape (NPPF paragraph 170). The application is accompanied by a Landscape and Visual Appraisal. This states that “the scale and nature of the development and its juxtaposition to other existing residential development to the north, east and south will have a medium landscape character sensitivity and the magnitude of change is small; therefore resulting in a level of landscape effect of minor (i.e. not a material change)”. The viewpoints assessed showed that the site is at least partly visible from four of the six assessed and that one of these views can be considered subject to a material change (viewpoint 2 that sits close to the western site boundary). The majority of receptors in the local area can be considered high or medium, (users of PRow or bridleway and road users).

**8.28** Trees are found predominately on the western boundary of the site. The proposed development has been designed to retain the existing trees and hedgerows on the site boundaries, particularly the trees on the sensitive western edge adjacent to open countryside. The retention of the mature landscaping, particularly on the western boundary, together with the site’s flat topography and its relationship to the existing surrounding development, will mean that the development would be discrete in the wider landscape and the site will not be visible from wider views. It is considered that the visual effects of the development would be limited, with only localised harm resulting from the loss of this undeveloped land on the edge of the settlement. The housing would be seen in the context of the existing properties in Nursery Green and along Guildford Road. Whilst it is inevitable that building a development on the rural edge of the settlement would result in a change in appearance and character, the very fact that that change would occur is not in itself a reason for refusing the application.

**8.29** This application is also supported by an Arboricultural Impact Assessment and Method Statement. To accommodate the proposed development, 11 individual trees and 2 groups of trees are proposed to be removed. 10 trees and 2 groups of trees are category 'C' or

'U' trees of reduced landscape value or short-term potential. One tree to be removed, a Norway spruce, is a category 'B' tree. Their removal will not have an adverse impact on the character or appearance of the site or surrounding area. **Since the consideration of the application by Planning Committee in January 2021, the applicant has submitted that this work has taken place, following inspection by a suitably qualified professional and therefore condition 11 is recommended to be deleted.**

**8.30** The landscaping proposals incorporate replacement native tree and hedgerow planting, into the existing vegetation to provide additional filtering of the development. Furthermore conditions are recommended in relation to tree protection measures to protect the existing trees. Finally none of the proposed dwellings or gardens are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure for a tree to be felling or severe pruning. For the reasons outlined above, the proposal is acceptable in terms of its impact on trees. **Since the consideration of the application by Planning Committee in January 2021, additional information has been provided by the applicant in relation to the proposed landscaping. This information also includes the proposed boundary treatments which for the reason outlined above are not supported. It is therefore recommended that the landscaping condition remains as originally proposed.**

vii. Ecology

#### **Protected Species and Trees**

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

**8.32** The mature boundary hedgerows and tree lines provide potentially important wildlife corridors, including bats. Conditions are recommended restricting the lighting on the site, to maintain the integrity of the boundary features used by bats, landscape proposals to provide a foraging habitat and the provision of bat boxes in houses and/or in nearby trees. Inspection by an ecologist is also required prior to any felling works taking place. A condition is also recommended to secure the proposed reptile mitigation strategy, which the Council's Environment Officer has confirmed is acceptable.

**8.33** A precautionary approach is proposed with regard to badgers and great crested newts (GCNs), with a badger survey required prior to commencement of development and a precautionary method statement with regard to the grassland removal in relation to GCNs. **The submitted Mitigation Summary dated 28/09/2021 has confirmed that this work has now taken place, including the creation of a new dedicated receptor area to the north-west on land under the ownership and management of the Wey and Arun Canal Trust with a trapping and translocation exercise being carried out from April – August 2021 followed by a destructive clearance to ensure the site remains unsuitable for reptiles to return in the interim period before and during construction. The reptile exclusion fence and badger mesh and gates are proposed to remain in situ and be subject to monthly checks for the duration of the development.** A condition is recommended to secure a number of ecological enhancements including bird boxes, bat bricks and hedgehog nesting boxes, gaps at the base of fences to allow for movement of small mammals, native planting and replacement tree planting at a ratio of 2:1.

## Water Neutrality

- 8.33a** The need to consider the impact of development located within the Sussex North Water Supply Zone on the Arun Valley Special Area Conservation (SAC), the Arun Valley Special Protection Area (SPA) and the Arun Valley Ramsar Site has arisen as a material consideration, following advice received from Natural England in May 2021. Subsequently, Natural England published a Position Statement for Applications within the Sussex North Water Supply Zone, September 2021 – Interim Approach (the Position Statement).
- 8.33b** This application is located within the Sussex North Water Supply Zone. Much of the water supply in Sussex North is sourced from groundwater abstraction points which drain water from the Arun Valley SAC, SPA and Ramsar Site. Natural England has confirmed that it cannot, with certainty, conclude no adverse effect of abstracting such water on the integrity of the Arun Valley SAC, SPA and Ramsar Site (all designated under the Habitats Regulations). Natural England’s Position Statement confirms that new developments must not add to the adverse impact on the Arun Valley SAC, SPA and Ramsar Site.
- 8.33c** This application, must therefore demonstrate that it would not increase water abstraction. In other words, it must be 'water neutral'. Natural England set out the definition of water neutrality as “the use of water in the supply area before the development is the same or lower after the development is in place”.
- 8.33d** Natural England, in its advice to Councils and in its Position Statement, states: “that this matter should be resolved in partnership through Local Plans across the affected authorities, where policy and assessment can be agreed and secured to ensure water use is offset for all new developments within Sussex North. To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality”.
- 8.33e** Natural England has provided the following interim approach for demonstrating water neutrality, until a strategic solution is available.

### **Minimising water use of new development**

- ***Complete a water budget (based on occupancy)***
- ***Install significant water efficiency measures into the new development. This can be achieved by measures such as grey water recycling, rainwater harvesting and water efficient fixings (such as shower aerators) to demonstrably reduce demand. Such measures would need to be suitably certain.***

### **Water offsetting measures in existing development**

- In addition to the above, water offsetting measures will also be required to reduce water consumption from existing development located in the Sussex North Water Supply Zone. One way to achieve this is retrofitting of council owned properties/commercial buildings located within Sussex North. Examples include grey water recycling, rainwater harvesting and installation of water reduction fittings in Council-owned buildings. It is worth noting that Chichester District Council does not have any appropriate buildings in the Sussex North catchment area and therefore this third option is not available. These measures would need to be implemented and retained until such time as a more sustainable water supply has been secured.***

***The application would need to demonstrate, through an appropriate assessment, the required water neutrality. Any mitigation must be suitably certain in order to comply with the Habitats Regulations and Caselaw.***

- 8.33f** The onus is on developers to demonstrate deliverable water neutrality for their proposals. This application would clearly increase water usage compared to the existing use of the site. Offsetting will therefore be required to mitigate the additional usage on site.
- 8.33g** In response to the advice from Natural England, the applicant has submitted water usage calculations, which shows the total water demand to be offset for the development is 10,510 l/d. This is proposed to be mitigated in 3 ways:
- utilization of the extant development (ref 19/01498/FUL) water demand (3440 l/d).**  
Officers have sought legal advice on the use of the extant planning permission to off-set part of the demand. The legal advice has stated that so long as the permission is extant and unfettered, such that there are no barriers to its implementation, and information has been submitted to demonstrate the extant permission would be built out should the new proposal not be granted permission then the water demand from the extant planning permission can be included in the overall water calculations. This means that all pre-commencement conditions on the extant permission must be discharged to demonstrate there are no barriers to it being implemented. Application 19/01498/FUL remains extant (it expires in August 2023) and the agent has submitted information to demonstrate why the extant permission would be built out should the current proposal not receive planning permission, namely the site is within their ownership, a significant amount of money has been invested in the site already, and the developer has a good track record having delivered the existing housing development adjoining the site. In addition, an application to discharge all the pre-commencement conditions for application 19/01498/FUL was made valid on 21.03.2022 (ref 22/00489/DOC). Consultation responses have been received in relation to conditions 4, 5, 6 and 7 raising no objection. Consideration is still ongoing in relation to conditions 3 (arboriculture) and 8 (PROW). The recommendation for this application is to Delegate to Officers. Whilst the application remains under consideration and no recommendation can be at this time due to the outstanding matters above, given the

previous resolution of the Planning Committee to permit the proposal, the recommendation to delegate to officers would ensure the opportunity remains to determine the application positively without delay provided all the pre-commencement conditions listed in 22/00489/DOC have been discharged and the S106 Agreement relating to the water neutrality mitigation measures has been completed.

- on-site water reduction measures (as per the submitted drainage layout plans – AH283-CIV-107/PO4 and AH283-CIV-108/PO6) - that is rainwater harvesting system for all dwellings with onsite tanks (each unit will have its own tank except for the two blocks of flats that have shared ones), water butts for all dwellings with gardens and rainwater harvesting system for the retail unit
- off-site water reduction measures at Fishers Farm (within the Sussex North water supply zone) to be secured by S106 Agreement and to include:
  - 10,000l above ground Rainwater Harvesting (RWH) system at Fishers Farm washdown bay
  - Replace 3no. WCs with 1 waterless urinal and 2 no. 1.5l flush WCs at Fishers Farm grill together with an above ground 10,000l RWH system
  - Retrofit 2 no. waterless urinals and 3 no. 1.5l flush WCs at Fisher Farm main entrance building

8.33h The three mitigation proposals listed above will result in a water demand offset of 11,352 l/d, which exceeds the total water demand of the proposed development (10,510l/d) by 842l/d. With these water offset reductions, the proposed development would be fully mitigated. The over mitigation of 842 l/d, supports the precautionary approach required by the HRA.

8.33i Natural England has been consulted on the HRA and concluded that they raise no objection, subject to appropriate mitigation being secured. They go on to state that in order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Securing of onsite and offsite water efficient fixtures and fittings and greywater harvesting as detailed in the water neutrality mitigation letter of 15 March. We advise that an appropriate planning condition or obligation is attached to any planning permission to ensure that the mitigation measures can be fully implemented and are enforceable until such time as an alternative water supply is operational within Sussex North.

8.33j All mitigation measures would be controlled by way of a S106 agreement. The S106 agreement will specify that the measures need to be fully operational prior to the occupation of the development.

8.33k For the reasons set out above, the applicant has demonstrated water neutrality. An HRA has been undertaken by the Council which concludes that, with mitigation the proposed scheme would not have an adverse effect on the integrity of the European Protected Site under regulation 63 of the Conservation of Habitats and Species Regulations 2017. Natural England has been consulted on the HRA and concurs with this conclusion.



### viii. Sustainable Design and Construction

**8.34** The applicant's Sustainability and Energy Statement and addendums comply with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The documents confirm that the approach relies on a combination of measures including 'fabric first' construction and solar PV panels. The proposal will result in a 19.6% carbon reduction through the fabric of all 27 dwellings, including low U-Values, good airtightness, combi boiler with waste water heat recovery and whole house mechanical ventilation system with heat recovery. This meets the 19% required by the IPS. Energy efficiencies secured through a fabric first approach are to be supplemented in terms of renewable energy through the use of solar photovoltaic panels (44kWp of PV panels equating to 134no. 330W panels). A further carbon reduction of 25.2% will be achieved through the installation of the PV panels. These reductions resulting from the use of renewable technologies significantly exceeds the 10% requirement in the IPS. In the Sustainability and Energy Statement (October 2020) the applicant has also committed to install 23 electric car charging facilities in the garages of all properties that have them or to the side of dedicated parking spaces and install water efficiency measures.

**8.35** Conditions are recommended to secure the stated energy savings as set out in the Sustainability and Energy Statement and addendums, as well as further details of the photovoltaic panels and electric vehicle charging infrastructure and a water consumption standard of a maximum of 110 litres per person per day. 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.

**8.35** In January 2022 the applicant submitted further technical details in relation to the electric vehicle charging points, as follows:

- **A layout plan to show that EV charging was proposed for 27 car parking spaces (40.3% of overall spaces) which exceeds the provision of active spaces required in the WSCC parking standards (37% of spaces for construction in 2022).**
- **The remaining spaces that do not have charge points are either on-plot where cable ducting could be provided by the plots or within allocated spaces where charge pillars are proposed which could be utilised for additional charging points in the future. The only exception to this is the 3 unallocated spaces opposite plot 15, which are on a non-dig construction surface within the RPA's of the retained trees.**

**The specification details for the EV charging units and the level of EV charging provision is acceptable and therefore condition 17 has been amended to a compliance condition.**

#### Significant Conditions

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

## Section 106 Agreement

**8.37** This development is liable to pay the Council's CIL charge at £200 sqm which will address most of the infrastructure matters. At the time of preparing this report work was progressing on preparing a Section 106 agreement, which the applicants have confirmed they will enter into. The anticipated final heads of terms are:

- 30% Affordable Housing (8 units), with a rent:shared ownership tenure mix as follows:  
Affordable rent:
  - 4 x 1 bedroomShared ownership:
  - 2 x 1 bedroom
  - 2 x 2 bedroomAppropriate management by an approved body and a nominations agreement.
- Affordable Housing Commuted Sum of £1,942.50 for the remaining 0.1 of a unit
- Amenity Open Space (minimum of 267 sqm), provision, management and on-going maintenance.
- Prior to occupation to apply for a Traffic Regulation Order (TRO) for double yellow lines at the Nursery Green/ new development junction; the Guildford Road/Nursery Green junction; within the new site up to retail car park access and on Nursery Green at the 90 degree bend to protect from on-street parking in this area and to secure the Nursery Green layby to be for loading only. The applicant to cover the cost of the TRO which is £7418.
- Financial contribution of £15,000 for traffic calming measures along Guildford Road. The specific measures will be discussed with Loxwood Parish Council.
- **Water neutrality mitigation measures:**

### On-site water reduction measures

- **External rainwater collection tanks (water butts) for all residential units with gardens**
- **rainwater harvesting (RWH) system for all residential units (as per the submitted drainage layout plans – AH283-CIV-107/PO4 and AH283-CIV-108/PO6)**
- **RWH system for the retail unit**
- **On site measures to be fully implemented and operational for each dwelling before that dwelling is occupied. On site RWH system to be fully implemented and operational before first use of the retail unit.**

### Offsite water reduction measures at Fishers Farm

- **10,000l RWH system with above ground tank at Fishers Farm washdown bay**
- **10,000l RWH system with above ground tank at Fishers Farm grill**
- **Replace 3no. WCs with 1 waterless urinal and 2 no. 1.5l flush WCs at Fishers Farm grill**
- **Retrofit 2 no. waterless urinals and 3 no. 1.5l flush WCs at Fisher Farm main entrance building**

- **Off-site water neutrality mitigation measures to be fully implemented and operational and verified by the Local Planning Authority prior to the occupation of any of the new dwellings approved under this application.**
  - **Financial payment of £15,000 to be paid to Fisher Farm by Antler Homes (the applicant) to fund maintenance and operation of the RWH systems for a five year period post installation.**
  - **Water meter readings to be reported to the local planning authority on an annual basis for an agreed period of up to 5 years in order to demonstrate continued water savings against the current benchmark.**
- **Financial contribution of £1,500 for monitoring of the travel plan by WSCC.**
  - **S106 monitoring fee of £2,538.**

### Conclusion

**8.38 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 19 market houses and would help to increase the Council's housing supply. Whilst the application remains under consideration, should the application be recommended for approval it is likely that the following conditions and informatives would be included as well as the Section 106 obligations set out above.**

### Human Rights

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

## **RECOMMENDATION DELEGATE TO OFFICERS**

**Whilst the application remains under consideration, should the application be recommended for approval it is likely that the following conditions and informatives would be included:**

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

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

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

FA-19-1749-010, FA-19-1749-015, **FA-19-1749-100A, FA-19-1749-101C, FA-19-1749-102B, FA-19-1749-104B, FA-19-1749-106C**, FA-19-1749-108A, **FA-19-1749-110C, FA-19-1749-112B, FA-19-1749-114B, FA-19-1749-116B**, FA-19-1749-118A, **FA-19-1749-120C, FA-19-1749-050H**, FA-19-1749-051C, FA-19-1749-060F and DR-T-1007 REV P01

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

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

- ~~(a) the phased programme of demolition and construction works,~~
- ~~(b) the anticipated number, frequency and types of vehicles used during construction,~~
- ~~(c) the location and specification for vehicular access during construction,~~
- ~~(d) the provision made for the parking of vehicles by contractors, site operatives and visitors,~~
- ~~(e) the loading and unloading of plant, materials and waste,~~
- ~~(f) the storage of plant and materials used in construction of the development,~~
- ~~(g) the erection and maintenance of security hoarding,~~
- ~~(h) the location of any site huts/cabins/offices,~~
- ~~(i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),~~
- ~~(j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,~~
- ~~(k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles, water suppression during dusty activities 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,~~
- ~~(p) waste management including prohibiting burning and a scheme for the storage and disposal of waste, providing maximum recycling opportunities,~~
- ~~(q) details of site monitoring and logging of results, and~~
- ~~(r) provision of temporary domestic waste and recycling bin collection point(s) during construction.~~

**3) The implementation of this planning permission shall be carried out strictly in accordance with the Construction Environmental Management Plan (CEMP) dated 28 October 2021 and the Traffic Management Plan (drawing no. AH-EMP-01). Prior to commencement of the development details for the Site Contact Information (section 9 in the CEMP) shall be submitted to the Local Planning Authority.**

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

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

**4) The implementation of this planning permission shall be carried out strictly in accordance with drawing numbers AH283-CIV-105/P02 and AH283-CIV-106/P02.**

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

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

**5) The overall site-wide surface water drainage scheme shall be implemented in accordance with drawings AH283-CIV-101/PO2, AH283-CIV-107/PO4, AH283-CIV-108/PO6, AH283-CIV-111/PO3, AH 283-CIV-112/P01 (in so far as they relate to surface water drainage) unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.**

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

**6) No development shall commence with the exception of access formation works onto Nursery Green, re-location of the lay-by, footpath re-location, site clearance and site set-up works,** unless and until details of the proposed means of foul water sewerage disposal including the proposals for the associated off-site infrastructure improvements have been submitted to and been approved in writing by the Local Planning Authority acting reasonably in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required. No occupation of any part of this development shall take place until the approved off-site works have been completed or, in the event that the agreed off-site 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 implemented in full.

Reason: To ensure that adequate waste water network capacity is available to adequately drain the development. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

**7) No development shall commence above ground floor level** until a scheme of sound insulation building design, for any separating structures between the retail unit and neighbouring residential dwellings, has been submitted to and approved in writing by the Local Planning Authority. The sound insulation performance between the commercial activities and residential dwellings shall provide an improvement over minimum building regulations as much as is practicable. The detail shall include predicted sound insulation performance of the proposed separating structure. Thereafter, the development shall be carried out in full accordance with the approved details and all sound insulation shall be installed prior to the first residential occupation of the development and thereafter retained for the lifetime of the building.

Reason: To safeguard the amenities of future occupiers.

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

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

~~9) **Prior to commencement of the development** a badger survey shall be undertaken to ensure badgers are not using the site. If a badger sett is found on site, Natural England should be consulted and a mitigation strategy produced.~~

~~Reason: In the interest of conserving and enhancing biodiversity. 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) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in “Section 6 - Conclusions and Recommendations” and “Section 7 - Non-licensed Method Statement” of the submitted Badger Survey Report dated March 2021 and the Mitigation Summary letter dated 28/09/2021, both produced by AEWC.**

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

~~10) **Prior to commencement of the development** a precautionary method statement shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the method statement shall include a programme of works for removing the grassland sensitively and outlining the arrangements for the grassland to be checked for Great Crested Newts by a licenced ecologist, immediately prior to its removal. Once approved, the schemes shall be carried out in full accordance with the agreed details and programme. Should any Great Crested Newts be found at any time, all works must stop and a suitably qualified ecologist contacted.~~

~~Reason: To preserve the conservation status of protected species. 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.~~

**10) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in “Section 5 Method Statement for Reptiles” of the submitted Reptile Mitigation Strategy dated 10 September 2020 and the Mitigation Summary letter dated 28/09/2021, both produced by AEWG.**

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

~~11) **Prior to any felling works taking place to any trees**, the trees shall be inspected by a licensed ecologist prior to any felling works taking place, in accordance with the recommendations in the Preliminary Ecological Appraisal (23 June 2020) by AEWG.~~

~~Reason: In the interest of conserving and enhancing biodiversity.~~

~~12) Notwithstanding any details submitted to the contrary **no dwelling shall be constructed above slab level** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls, window/door surrounds and roofs of the building(s) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.~~

**12) The development hereby permitted shall not be constructed other than in accordance with the materials specified in the Schedule of Materials received on 16 June 2021 and submitted samples, unless otherwise agreed in writing by the Local Planning Authority.**

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

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

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



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

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

15) Notwithstanding the landscaping details submitted with the application **no construction of any part of the development above slab level** shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection during the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and shall include:

- tree removal to replace at a ratio of 2:1
- a 5m buffer strip around the hedgerows
- wildflower meadow planting
- filling any gaps in tree lines or hedgerows with native species
- the provision of bat bricks to be installed into the buildings on facing south/south westerly positioned 3-5m above ground
- the provision of a selection bird boxes to be installed into the buildings and/or retained trees on site
- the provision of 2 no. hedgehog nesting boxes to be installed on site
- the provision of log piles on site
- grassland area to be managed to benefit reptiles
- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.

The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development and to encourage ecological enhancement.

16) Notwithstanding the details on the Means of Enclosure plan (drawing number FA19-1749-053C) submitted with the application **no construction of any dwelling or building above slab level** shall take place unless and until detail of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The details shall take into account the Design Officer's comments (dated 17 December 2020) and shall include:

- scaled plans showing the location of the boundary treatments and elevations, and
- details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of visual amenity.

~~17) **Notwithstanding the submitted information, before construction of any part of the development above slab level** the developer shall provide details of the number, location and technical specification of the Electric Vehicle charging point facilities and demonstrate how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020) 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) and no building 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.~~

**17) The implementation of this planning permission shall be carried out strictly in accordance with the Electric Vehicle charging point layout plan (drawing no. AH-VCP-01) and the EV charging specification details (two way pedestal EV and Home Smart EV) received on 6<sup>th</sup> January 2022. No building which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.**

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

18) **Before construction of any part of the development above slab level** the number, location and technical specification of the PV solar panels (min of 44kWp of PV panels equating to 134no. 330W) shall be submitted to and approved in writing by the Local Planning Authority. Furthermore the solar PV panels must be constructed and inserted so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. No building shall be first occupied unless and until the building has been constructed in accordance with the terms of the submitted addendum letter prepared by Impact Sustainability dated 15 December 2020 (19.6% reduction below the baseline emissions) and the PV solar panels for that building have been provided and are ready for use.

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

19) **Prior to the first occupation of the retail unit**, a scheme of noise control shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail make, model and location of all plant. The noise levels of plant in cumulative, maximum operation shall be submitted. Mechanical plant should be assessed in accordance of BS4142:2014 A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound. A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a low impact, dependent on context. Any noise mitigation measures, to be adopted shall be detailed. It shall be a requirement of any scheme that all plant and connected ducts and pipes, are resiliently isolated to reduce the risk of vibration entering the building structure. Thereafter, the development shall be carried out in full accordance with the approved details prior to the first occupation of the retail unit and thereafter retained in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenities of neighbouring occupiers and future residential occupiers of the site.

20) **No dwelling shall be first occupied** until such time as the vehicular access and associated works serving the development have been constructed in accordance with the details shown on drawing titled Proposed Site Access and Visibility Splays and numbered M4331-JNP-66-XX-DR-T-1003 Rev. P04.

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

21) **No part of the development shall be first occupied** unless and until visibility splays have been provided in accordance with the details shown on the drawing titled Proposed Site Access and Visibility Splays and numbered M4331-JNP-66-XX-DR-T-1003 Rev. P04. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the level of the adjoining carriageway or as otherwise may be agreed in writing by the Local Planning Authority following consultation with the Local Highway Authority.

Reason: In the interests of road safety.

22) **Prior to the first residential occupation of the development** details of the methods to demarcate the residential parking spaces from the retail parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the parking spaces shall be provided in accordance with the approved details prior to the first residential occupation of the development.

Reason: In order to ensure adequate parking provision for the future occupiers of the site.

23) **No part of the development shall be first occupied** until the car parking has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. This shall include for amendments to remove reference to spaces U8 and U9 (to be marked for retail use only), appropriate marking of residential only spaces within the retail car park and inclusion of a marked up disabled bay for the retail use. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

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

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

25) **No part of the residential development shall be first occupied** until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport.

26) **No residential unit shall be occupied** until the domestic refuse and recycling storage facilities including provision of green waste bins to service that part of the development have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the domestic refuse and recycling storage facilities shall be maintained as approved and kept available for the lifetime of the residential units.

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

27) **The retail unit hereby permitted shall not be occupied**, until details for the storage and collection of waste generated by the retail unit have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the management of waste generated by both the retail occupier and the provision and management of bins outside the retail unit to deter litter and measures to maximise the recycling of waste where possible. Thereafter there shall full compliance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure that the use of the site does not have a harmful environmental effect.

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

29) **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

30) 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.

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

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.

32) **No part of the development (retail or residential) shall be first occupied** until a scheme for the long-term management and maintenance of the hard and soft landscaped areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be managed and maintained in accordance with the approved details in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality

33) **Prior to the occupation of the retail unit**, a Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. The retail unit shall thereafter operate in full accordance with the approved details. There shall be no amendments to the Servicing Management Plan unless agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity and the operation of the public highway.

34) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. **The development shall not be first occupied until:**

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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.

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.

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

Reason: In the interest of ecology.

~~36) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures set out in the Reptile Mitigation Strategy (10 September 2020), prepared by AEWC and shall be carried out in accordance with these details~~

~~Reason: In the interest of conserving and enhancing biodiversity.~~

37) The retail premises shall not be open for trade or business except between the hours of 07:00 and 22:00.

Reason: To safeguard the amenities of the neighbouring properties.

38) No deliveries shall be taken to or despatched from the retail unit hereby approved outside of the hours of 08:00 and 20:00 Mondays to Saturdays and 09:00 and 16:00 on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties.

39) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the areas marked on approved plan number FA19-1749-100 as 'retail' and 'store and office' shall not be used for any purpose other than retail or post office (including any other uses within class E of the Use Classes Order 1987 (as amended) (or any order revoking, re-enacting or modifying that Order).

Reason: To accord with the terms of the application and with the policies of the Council and to ensure adequate parking provision.

40) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no storage of goods, pallets, packaging or waste outside the building hereby permitted, other than in within the area marked as 'service yard' on plan number 004 Rev. P12. Within the service yard, no goods, pallets, packaging or waste shall be stacked, stored or deposited above 2m in height.

Reason: To ensure that the visual appearance of the area is not adversely affected.

41) 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 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

**42) No part of the development (retail or residential) shall be first occupied until the on-site water neutrality mitigation measures for that unit have been fully implemented and are operational and a verification report for all the on-site water neutrality mitigation measures has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure that the necessary mitigation measures to ensure an alternative water supply is in place prior to occupation of the development. In the interests of biodiversity.**

## INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 3) The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed loading bay/ parking restrictions. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
- 4) The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 5) The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 6) The applicant is advised to discuss surfacing specification for the PROW with WSCC PROW officers. An application to close the existing PROW will also be required and details can be found on the WSCC PROW website. A minimum of 6 weeks is required to consider the application.
- 7) A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)
- 8) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email [landdrainage@chichester.gov.uk](mailto:landdrainage@chichester.gov.uk).



9) In relation to condition 7, the applicant is advised that Building Regulation, Approved Document E, Section 0.8, states a higher standard of sound insulation may be required between spaces used of normal domestic purposes and communal or non-domestic purposes. In these situations, the appropriate level of sound insulation will depend on the noise generated in the communal or non-domestic space. Specialist advice may be needed to establish if a higher standard of sound insulation is required and, if so, to determine the appropriate level. A sound insulation performance between the commercial activities and residential dwellings should exceed minimum building regulation requirements, as much as is practicable, in order to provide appropriate internal residential sound levels.

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

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

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

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEND5FERMF500>