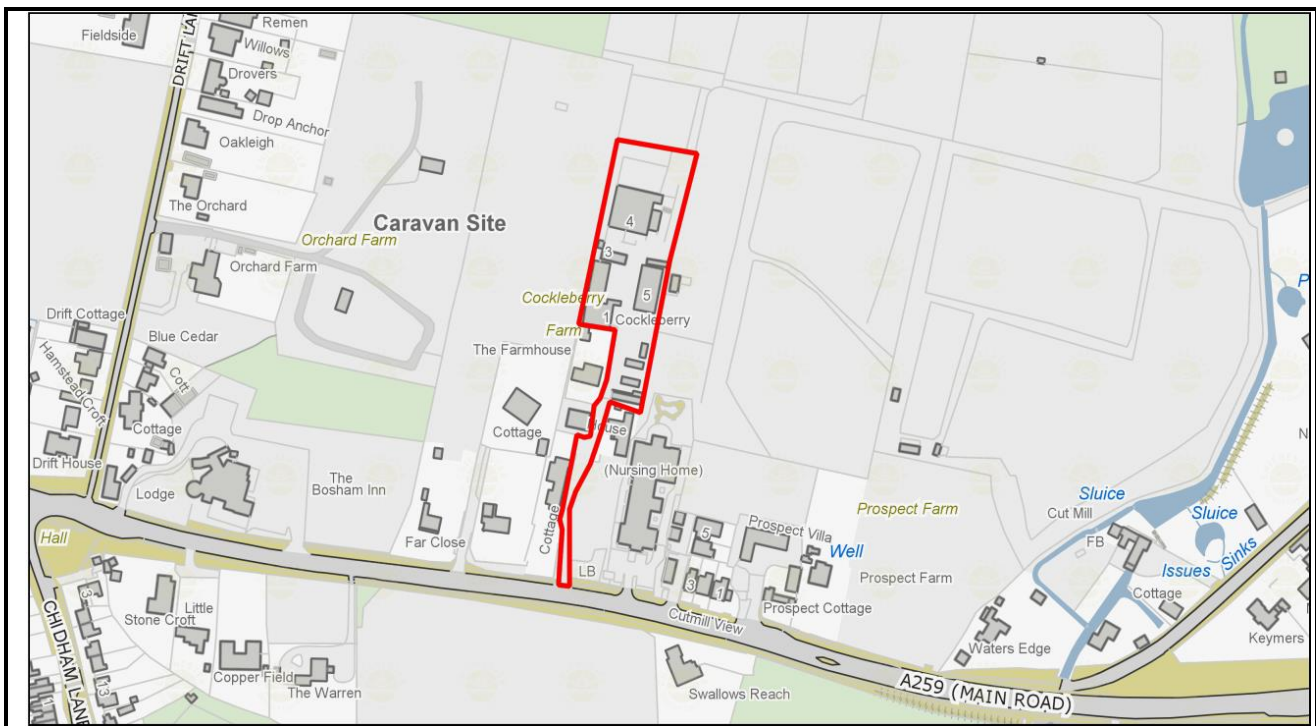



Parish: Chidham & Hambrook	Ward: Harbour Villages
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CH/21/02361/FUL

Proposal	Demolition of existing warehouse buildings, B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations.		
Site	Cockleberry Farm, Main Road, Bosham, Chichester, West Sussex, PO18 8PN		
Map Ref	(E) 479558 (N) 105442		
Applicant	Mr and Mrs A Brown	Agent	Mr Paul White

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



	NOT TO SCALE	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
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends permit

2.1 Site and Surrounds

- 2.1 The 0.56ha irregular shaped site of Previously Developed Land (PDL), is located on the north side of Main Road (A259) and comprises approximately of 1715m² of existing lawful industrial and warehouse buildings (falling within Use Class E), B8 container storage, and 4 no. caravans/park homes and equestrian stables.
- 2.2 The mixed-use site is spread out across the site in 23 buildings, as detailed on the Existing Building Areas Plan (ref. 2119-26A). The principal industrial warehouse uses are located within buildings 1 and 15-18. The storage is located in containers 2-8, 13 and 19. Buildings 9-11 are the stables and 12-14 are the associated sheds. The residential caravans are shown as 21-22, and the park homes are 20 and 23.
- 2.3 The site lies within the Rest of the Plan Area (i.e. outside any defined Settlement Boundary), within the Parish of Chidham and Hambrook. The application site lies approximately 730m to the east of the Settlement Boundary of Nutbourne East, approximately 1.3km west of the Settlement Boundary of Broadbridge, and approximately 1.2km north-west of Bosham. Hambrook/Nutbourne and Bosham/Broadbridge are described as 'Service Villages' in the Chichester Local Plan (CLP), with a reasonable range of everyday facilities and reasonable road and public transport links, including an on-road cycle lane running east-west along Main Road.
- 2.4 The site is set approximately 100m back from Main Road behind existing residential development, with access to the site gained via a shared accessway. Three existing dwellings (The Farmhouse, The Kabin and Cockleberry Farm) are situated to the west side of the access road respectively, with Estrella House set to the east side of the access road. The south-east corner of the application site previously benefited from consent for 2no. residential dwellings to replace 2 existing residential caravans (ref.18/01449/FUL refers), however it is unimplemented (and now time expired).
- 2.5 The site lies approximately 105m to the north of the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which runs along the southern side of Main Road. The site is well contained, relatively flat and lies within Flood Zone 1. There are a number of trees and bushes within the site, the majority of which are situated on the boundaries.
- 2.6 To the east of the site there is paddock/grazing land and a ribbon of development fronting Main Road, including a large nursing home (known as King's Lodge) and a recently constructed residential development on the site of a former Saab garage dealership and further individual dwellings. To the west of the application site lies the former Chas Wood Nursery site (which has been subject to planning application ref. 20/01854/OUT) and individual dwellings, beyond which lies the grade II listed Bosham Inn Public House and its car park, and an existing caravan storage site and a touring caravan site to which a separate planning application relates (ref.21/02303/OUT). Beyond Main Road to the south are agricultural fields and the Chichester Harbour AONB. To the north is an existing horse manege (sand school), beyond which there is paddock/grazing land and the east-west main railway line.

2.7 The site lies within an area where new development may impact upon multiple sensitive ecological sites including the Chichester Harbour SSSI, Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC), and the Singleton and Cocking Tunnels SAC.

3.1 Proposal

3.2 The application seeks full planning permission for the demolition of the existing warehouse buildings (Class E), B8 container storage, residential caravans/park homes and stables and the erection of 9 no. dwellings and associated works including landscaping and access alterations.

3.3 The site is currently accessed via a priority junction from Main Road (A259) to the south of the site. This existing access will be improved by removing a small brick structure (to the west) to widen the access bellmouth. The proposed vehicular access through the site would be by means of a shared surface access road from the widened access. The simple priority T-junction would measure approximately 7 metres wide at the point of access from Main Road and would achieve suitable visibility splays commensurate with the 40mph speed limit in force at this location. A 2-metre wide footway with dropped kerbs would be provided within the site, positioned to the western side of the access road, to serve the development.

3.4 The proposed mix of dwellings includes 3 and 4-bedroom detached houses and 2 pairs of 2-bed semi-detached houses. The layout comprises a simple cul-de-sac with eight dwellings located to the western side of the access road and one dwelling located to the eastern side of the access road. The majority of the dwellings would front onto the 4.8m wide tarmac internal road, with their amenity space positioned towards the rear (west). A total of 23.5 car parking spaces (3 double garages, 6 single garages, 17 on-plot parking spaces and 2 visitor spaces) are shown provided across the site, including single/double garages and on-plot parking. In addition, a minimum of 20% of all parking spaces (approx. 5 spaces) would be provided with 'active' charging points for electric vehicles, with all remaining spaces provided with 'passive' provision.

3.5 The application seeks approval for the principle of a housing development on the 0.56ha site with an overall mix comprising:

Size

2-bed x 4

3-bed x 3

4-bed x 2

Total = 9

3.6 The application proposes the provision of 9 open market dwellings. In this case an affordable housing commuted sum, calculated in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD would also be required.

- 3.7 Based on the site area the overall density of housing equates to approx. 16dph. The maximum height of the proposed dwellings is 2-storey, with a maximum ground to floor ridge height of approximately 8.95m. The style and appearance of the housing utilises hipped and gabled roofs in a mix of plain tiles, over brick elevations, with the use of tile hanging, flintwork and contrasting brickwork. Projecting bay windows and porches would also form part of the design.
- 3.8 The majority of existing mature boundary trees and hedging to the east and west boundaries would be retained and reinforced where necessary. New planting is proposed to the street frontages and rear gardens, together with the provision of a 3m wide landscape buffer to the northern boundary.
- 3.9 In terms of foul drainage the proposal would connect to the existing mains sewage network in Main Road, which in turn would then drain to Thornham WwTW. Furthermore, a 1.5m wide buffer to the existing ditch on the western boundary of the site would be provided, together with a 3m wide maintenance access, both are recommended to be secured by condition.
- 3.10 With regards to the sustainability of the development, the application proposes a combination of fabric first, the installation of air source heat pumps and Zone Control Heating Management System, which together would deliver a 35.86% carbon saving.
- 3.11 Amended plans have been received during the course of the application, which resulted in the quantum of development reduced by 1no. dwelling (i.e. was previously 10 dwellings and now 9). Other amendments include the submission of an AONB Impact Assessment and alterations to the scale and layout, including the provision of a 3m wide landscape buffer adjacent to the northern boundary and drainage ditch buffer. Considering the amendments, a full 21-day re-consultation was carried out for the application. Further clarification was also sought regarding land ownership matters. The applicant confirms the correct ownership certificate has been submitted and the required notice has been served.

4.0 History

93/01741/COU	PER	Continuation of use of building C&D for repair, storage & export of various vehicle parts. B&E for light industrial (similar to existing storage & maintenance of vehicles) A&H for storage. G&F retained as stables.
93/01744/OUT	REF	13 no residential dwellings in the form of a farm courtyard.
02/01639/ELD	PER	Siting of two mobile homes for residential purposes and the parking of a concrete lorry in connection with the lawful activities at the farm.
06/00305/FUL	REF	Erection of detached bungalow with car port/store.

06/01307/FUL	REF	Erection of replacement stables for livery use.
06/01408/FUL	PER106	Erection of detached bungalow with car port/store.
06/03659/ELD	PER	Retention of use of stables for commercial livery.
07/01027/FUL	PER	Replacement stables.
08/00096/FUL	PER	Retention of commercial building as a replacement for commercial use within Building D (unit 4).
08/00749/FUL	PER	Change of use of Building D (Unit 4) from industrial use to commercial livery. Demolition of existing stables and replacement with 4 no. storage units (to replace lawful industrial use of building D).
09/01380/FUL	PER	Demolition of existing stables and replacement with 2 no. storage units to replace lawful industrial use of building D (unit 4). Amended design to unit - Resubmission of CH/08/00749/FUL.
09/03601/EXT	ART25	Application to extend implementation period of existing Planning Permission reference CH/06/01408/FUL, erection of detached bungalow with car port / store.
15/00227/FUL	REF	Retrospective for provision of a separate dwelling (retention of The Chalet).
15/00228/FUL	REF	Temporary stationing of two mobile homes / chalets for two years.
15/02290/PA3P	REF	Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings.
16/01902/PA3P	REF	Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings. Revised application further to CH/15/02290/PA3P.
18/01449/FUL	PER106	Change of use of previously developed land for residential development of 2 no. self-build dwellings and associated works.

Relevant planning history for adjacent sites

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

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

20/01854/OUT: Chas Wood Nurseries, Main Road, Bosham, PO18 8PN - Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access). Refused 30.03.2022. Appeal lodged.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

Further comment received 21.02.2022

The Parish Council reiterates the comments made earlier and objects to the amended plans for the following reasons:

- The amended layout has reduced the number of homes to 9, of those, three are 3-bed and two 4-bed. They are still substantial in size being detached and more akin to 4 and 5-bed, as they incorporate dressing areas and three bathrooms. This is heavily weighted towards large, expensive homes which do not meet an identified need. Furthermore, it means there is no longer any provision for affordable housing where there is an identified need. We note the comments from CDC Enabling Housing Officer but would say that challenges in finding providers for affordable houses should not result in local people losing out while the contribution from the developer is made elsewhere.
- This development is not within, or adjacent to, a settlement boundary. It is in a rural location, and so the proposal is not in line with the guidance to developers in the Council's Interim Housing Position statement.

- The Council is able to demonstrate a 5-year housing land supply. There is no overriding presumption in favour of the development proposal.
- The applicant has provided no evidence that the units, currently registered for business rates are no longer in use or that they are solely used for 'hobbies'.
- The applicant argues that LP1 of the NP supports this development as a windfall site, this is flawed. The Policy states:

'Development of the following will be supported:

- *Affordable units on rural exception sites where this can be demonstrated to meet local needs.*
- *Development of ten units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time the development proposal is made in accordance with development plan policies.'*

• It fails the first part of the policy as these are not affordable units which can demonstrate a local need. It ignores the second part by suggesting that the site is a windfall site of nine units and is thus supported. This sentence was included in the policy because otherwise the windfall element could be used to justify any number of (up to 10 unit) proposals which would then bypass much of the Local Plan policy. The intention of the final sentence was that any windfall proposal would not be supported automatically, but would be assessed for suitability in accordance with the development plan policies in place at the time.

Original comment received 22.10.2021

The Parish Council objects to this application and would comment as follows:

- 1) The site is neither inside nor contiguous with the settlement boundary by some distance. It is also in designated countryside.
- 2) The access to the site is very narrow with no footway. Any vehicles accessing the site from the approach road will be extremely close to the existing houses with no buffer. As you enter the site itself the road narrows considerably. It is difficult to see how a development of 10 houses could result in 109 fewer trips a day, even if the site was further developed for commercial use. The size of the proposed houses would suggest high car ownership.
- 3) Accessing the A259 in this location is difficult with reduced visibility at a point where vehicles are invariably gearing up to the national speed limit.
- 4) We consider that employment opportunities will be lost. Currently, in addition to storage units, there is one full time, established business operating with two employees, servicing classic cars. The owner of the business who we spoke to on a site visit, does not know where he would locate to. Employment opportunities are low in this area and we believe they should be retained where they exist.
- 5) Although three 'affordable' dwellings are included, the other six are very large 3 and 4 bed detached, the inclusion of 'dressing rooms' makes them more akin to 4 and 5 beds. On current house price trends these would market for upwards of £800k which does not meet a local need. Chidham & Hambrook is already over weighted with a large percentage of homes of this size, attracting higher values and putting pressure on smaller sized stock more affordable for young people and those wishing to downsize (2.4 Chidham & Hambrook Housing Need Survey Report)
- 6) Nitrate mitigation will be some distance away in Hampshire (East Dean) therefore there is no benefit to the community.

7) Southern Water has yet to comment but given the very limited capacity remaining at Thornham WWT it would need to be confirmed that all houses could connect for wastewater treatment.

8) The site is very close to the Chichester Harbour AONB but there is no statement on impact of the development through increased recreational disturbance.

9) We understand there is a dispute with residents living on the approach road. We would like assurances that this does not have a bearing on the application.

6.2 Natural England

Further comment received 16.05.2022

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment compared to the original proposal.

Original comment received 23.09.2021

No objection - subject to appropriate mitigation being secured in relation to nitrates

We consider that without appropriate mitigation the application would:

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

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

- Mitigation measures as detailed in the Appropriate Assessment, specifically the planting of woodland at the appropriate density on the proposed parcel of land.

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

6.3 Environment Agency

No objection, subject to recommended conditions relating to contaminated land.

6.4 National Highways

No objection.

6.5 Network Rail

No objection.

6.6 Scottish and Southern Electricity Networks

No objection. Advisory in relation to live cables which currently supply the units.

6.7 Southern Water

Southern Water has undertaken a desktop study of the impact that the 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.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

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

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

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

The submitted drainage details indicates the SuDS to be maintained within private ownership and maintenance.

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

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

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

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

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

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

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

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.

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

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

6.8 Sussex Police

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

6.9 WSCC Education and Skills Directorate

No objection.

6.10 WSCC Highways

No objection.

Access and Visibility

The site is currently accessed by means of a shared surface access from A259 Main Road, a 40mph residential road. This access will be improved by removing the existing brick structure to widen the access bellmouth. Although there are pinch points preventing two-way traffic at certain sections away from the access, a refuse vehicle can pass a car, as demonstrated in Figure P2 of the supplied technical note.

This access will require a s278 agreement.

Visibility splays from a 2.4m setback by 120m in both the directions is achievable. This is in line with the expected visibility sightline standards as set out in DMRB for a road with a 40mph speed limit. Therefore, access geometry and visibility are deemed suitable for the use.

Internal Arrangements

The vehicle tracking diagrams demonstrate a 11m long refuse vehicle can enter the site, safely turn at the top of the site and exit in forward gear. This arrangement facilitates access to each dwelling having regard for the drag / carry distances for waste stated in Mfs guidance.

Swept path diagrams also demonstrate there is intervisibility between a car exiting the site and a refuse vehicle entering the site.

Personal Injury Accident (PIA) Data

There are no recorded personal injury accidents at this location to indicate that the access is or has been operating unsafely.

Parking / Cycle Storage and EV Charging

In line with WSCC Parking Guidance, using the WSCC parking demand calculator, the technical note demonstrates that adequate parking spaces both in allocated parking and within garages are provided for residents and visitors.

Cycle spaces are provided within garden sheds and garages.

WSCC EV charging standards requires a minimum of 20% of all parking spaces to be provided with active charging point. In line with these standards the development proposes 'active' charging point for each home and the remaining spaces to be provided with 'passive' provision.

Therefore, LHA consider that sufficient parking provision has been demonstrated.

Sustainability

The site frontage has continuous footways with good street lighting system favourable for walking. The site lies within 50m walking distance of bus stops along A259 with frequent bus services connecting nearby towns from Littlehampton to Portsmouth.

Nutbourne train station is approx. 15 minutes of walking distance from the site serving hourly train services to Portsmouth and Southsea to the west and Littlehampton via Chichester to the east.

The on-road cycle lane National Cycleway No. 2 runs along the frontage of the site connecting Chichester with Portsmouth.

Therefore, the authority considers the location sustainable.

Trip Generation and Capacity

Trip generation exercise carried out using TRICS for existing and proposed uses demonstrate that the proposed development is likely to generate 11 fewer trips during the weekday peak hours and 109 fewer trips across the entire day. Therefore, no highway capacity issues arise here.

Conclusions

LHA does not consider that this proposal would have any capacity issues and therefore there will be no impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109). Hence, there are no transport grounds to resist this proposal. If the Local Planning Authority (LPA) are minded approving the application, the following conditions should be applied:

Conditions

- Access
- Vehicle Parking and Turning
- Cycle Parking
- EVC Parking Spaces
- CEMP
- Works within the highway - Implementation Team (informative)

6.11 WSSC Fire and Rescue Service

No objection, subject to securing 1no. additional fire hydrant.

6.12 WSCC Lead Local Flood Authority

No objection.

The Surface Water Drainage Report for this application proposes that sustainable drainage techniques (permeable paving and infiltration via soakaways) would be used to control the surface water from this development. Winter groundwater monitoring should be carried out, in conjunction with the District Drainage Engineer, to inform the final detailed drainage designs. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

6.13 Chichester Harbour Conservancy

No objection.

Suggested considerations:

- Securing the provision of landscaped space within the development;
- Detail of lighting to the site (for street lighting in particular) shall be subject to planning control in accordance with the Chichester Harbour AONB Joint SPD Dark Skies Policy (notwithstanding the sites location just outside the AONB) as lighting would have an impact on the surrounding land, including within the AONB;
- Securing ecological enhancement measures as provided in the Landscape Masterplan;
- A legal agreement securing the relevant developer ecological mitigation payment and provision of a dwelling home-owner's pack explaining the significance of the Chichester Harbour SPA to mitigate and manage for the likely recreational disturbance that would result within the Chichester Harbour SPA.

6.14 CDC Archaeology Officer

Any deposits of archaeological interest that this site might contain would likely to have been compromised by the previous development. In the circumstances there is little archaeological reason to require mitigation of impact.

6.15 CDC Drainage Engineer

Further comment received 11.03.2022

The plans now show a minimum 1.5m buffer for ditch maintenance and a 3m wide access point to the watercourse. We are satisfied that this addresses our concerns around future access to maintain the watercourse and therefore have no objection to the application being approved subject to the attached layout being listed with the approval.

Further comment received 02.02.2022

We have no further comments to make on the proposed surface water drainage as this remains unchanged.

We most recently commented on the need to ensure there is a clear 1.5m buffer from the top of the watercourse bank on the western edge of the site, this is the same requirement as for the application immediately to the west of this site.

We have struggled to find a plan which shows the watercourse in question, and which then demonstrates that the 1.5m clear buffer is achieved. There appears to be a gap behind the fence lines on the western boundary, but please could this requirement be clearly demonstrated on a plan.

Further comment received 24.11.2022

We note there is a drainage ditch running along the Western side of the site. To ensure this can be maintained we would advise a buffer of at least 1.5m from the ditch.

Original comment received 17.11.2021

Surface Water Drainage: The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures. This approach is acceptable in principle.

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

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

If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

We suggest that, at the earliest stage, the developer gives due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance. Surface water drainage features should also be designed in a manner that positively affects the amenity of the site. We would like to remind the developer that, open features, such as swales, basins and ponds, when designed correctly, can satisfy all the above aspirations in addition to; being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as plastic crate systems.

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

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100-year critical storm event, plus an additional 40% climate change allowance.

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

1. Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority.
2. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.
3. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage.
4. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.
5. Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Flood Risk: The site falls within flood zone 1 (low risk).

6.16 CDC Economic Development

The Economic Development Service does not support this application.

The loss of this employment and commercial space would be a loss to the overall offer of this village location and the district. We would not support the loss of this employment land use/ commercial space.

Any introduction of non-commercial use in this location needs careful consideration. A full range of alternative commercial operations should be explored and presented before any change of use to residential is considered.

At present the site is being used by number of business activities. There are two classic car racing storage and servicing facilities on site - one who which has been on the same site for thirty years. There is also a props business, other storage units, as well as stables and livery facilities. This is supporting circa 6-8 jobs as well as some casual jobs in the summer when at racing events.

The relocation of these businesses need to be considered and alternative premisses appear to be difficult to find. Demand for workshop, warehousing and storage facilities appears to be high with nearby sites in Funtingdon and Terminus Road at capacity.

In line with Appendix E of the Chichester Local Plan 2014-2029, marketing evidence is required for applications seeking a change of use. Applications *'need to be accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required.'*

Furthermore, para. E.6: information relating to the loss of employment land and use, states:

'In addition to the general criteria above, where a planning application may lead to the loss of an existing site currently in business use class (B1-B8) or similar sui generis uses to alternative uses (without satisfactory provision for replacement land/floorspace or relocation of existing businesses) supporting information will also be required to demonstrate that:

- The site/premises has been vacant for some time and has not been made deliberately unviable;*
- The site/premises has been actively marketed for business or similar uses at a realistic rent/price for a minimum of 2 years or a reasonable period based on the current economic climate;*
- Alternative employment uses for the site/premises have been fully explored; where an existing firm is relocating elsewhere within the District, maintaining or increasing employment numbers will be acceptable; and*
- For proposals involving a net loss of 2,000m² or more employment floorspace, the loss of the site will not result in an under-supply of available employment floorspace in the local area.'*

As far as we can ascertain there has been no extensive marketing campaign or investigation into alternative commercial uses for the site. The site is still in commercial use with high occupancy.

The loss of this commercial space to residential use will be permanent and reduces the economic base of the village/district for commercial and employment space.

6.17 CDC Environmental Protection Officer

Recommended conditions:

- Hours of construction
- Contamination
- CEMP

6.18 CDC Environmental Strategy Unit

Further comment received 26/04/2022

The amount of mitigation land in the HRA will need to be updated to 0.336 ha.

Original comment received 13/09/2021

Bats

The Preliminary Bat Roost Assessment concluded a negligible potential to support roosting bats overall and therefore did not recommend any further surveys. However, the lighting scheme for the site will need to take into consideration the presence of bats in the local area. The scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings, especially around the northern boundary of the property, by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the building / tree onsite facing south/south westerly positioned 3-5m above ground.

Additionally, if the trees are to be retained on site then no further surveys are required on trees T1, T2, T3. However, if they are to be felled or impacted by lighting then further surveys will be required. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for our approval with the planning application. If bats are found to be roosting within the building mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

Hedgehogs

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

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 bird box to be installed on the houses / and or tree within the garden of the property.

Recreational disturbance

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour. Further information will be required on the proposed occupation rates to calculate the contribution based on the guidance.

Sustainable Design and Construction

Following submission of the Sustainable Construction (May 2021) we are satisfied that the criteria detailed 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 35.86%. This will be achieved with a fabric first approach and through installing air source heat pumps onsite.

Nutrient Neutrality

Following submission of the Nutrient Neutrality and Mitigation Report (July 2021) the proposal will cause an increase in nitrogen of 4.9 kg/N/yr. Due to this increase we require that mitigation has been proposed with 0.187ha of land in East Dean being planted with broadleaf trees. This should be secured within the S106 agreement in perpetuity for 85 years.

Enhancements

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

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

6.19 CDC Housing Enabling Officer

The applicant has reduced the density from 10 dwellings down to 9. The applicant has also chosen to provide an affordable housing financial contribution in lieu of the onsite affordable housing previously proposed. This is acceptable and in line with Policy 34 of the Chichester Local Plan. Furthermore, in our experience it has been difficult to find a registered provider to take on small numbers of affordable dwellings which this application now overcomes. An affordable housing commuted sum of £549,710 is required. This has been calculated in accordance with the adopted Planning Obligations and Affordable Housing SPD at 1,570.6 m² (Total GIFA of all net additional dwellings) x £350.

The applicant has consulted with the Housing Delivery Team and now seeks to deliver the following market housing mix:

4 x 2-bedroom houses
3 x 3-bedroom houses
2 x 4-bedroom houses

The above mix is acceptable and provides a range of sizes to meet the needs of newly forming households and downsizers as well as families wishing to move within the Parish.

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

6.20 CDC Policy Team

Further comment received 10.02.2022

The adopted Local Plan seeks to protect existing employment sites where they continue to remain suitable for business and related employment uses. My earlier response stated the site includes units currently registered for business rates and forms part of the Employment Land Audit produced as part of the evidence in the Local Plan Review. Policy 26 does not require the entire site to be in employment uses, the applicants need to demonstrate that the floorspace currently in B8/B1 (now B8/E(g)) is no longer required for such uses and is unlikely to be re-used or redeveloped for employment uses. On the basis that the applicant's agent has still not provided the necessary evidence, as outlined in the supporting text for Policy 26, to satisfy the criteria in Policy 26 detailed in the conclusion of my response of the 17th January 2022, the policy objection still stands.

On a separate note, I understand you have sought an updated comment in relation to the Thornham Wastewater Treatment Works. As previously advised, the Position Statement on wastewater in the Thornham Wastewater Treatment works catchment was agreed with Southern Water and the Environment Agency in November 2021. The Statement is supported by regular monitoring of permissions in the catchment until the capacity reaches zero, at which point a requirement for no net increase in flow will come into effect. The Position Statement and accompanying headroom table are available on the Council website with the Surface Water and Foul Drainage SPD. At the time of response, the headroom table shows that existing permissions up to 31st December 2021 reduce the available headroom to 173.

Original comment received 17.01.2022

The adopted Local Plan and made Neighbourhood Plan represent the Development Plan and the starting point for the consideration of any planning application. The applicants have not provided evidence demonstrating that there is no adverse impact upon the setting and views of the AONB to meet the criteria of the adopted Local Plan Policy 43, Neighbourhood Plan Policy EM3 or the IPS. In addition, evidence as required by CLP Policy 26 and Appendix E in relation to the loss of employment premises on the site and, more specifically, demonstrating that the site is no longer required and unlikely to be re-used or redeveloped for employment purposes, has not been provided. Consequently, therefore, an objection is raised to the application as it is contrary to adopted policy.

However, any proposal for additional housing has the potential benefits...and it is therefore recommended that consideration is given to the potential overall merits of the scheme whilst considering the proposal against the criteria in the Interim Position Statement for Housing when determining this application.

6.21 Third Party Representations

2 letters of objection have been received commenting:

- Too many fragmented applications that individually are contained but together disrupt the natural environment of the AONB.
- Must preserve AONB for future biodiversity and sustainability of our environment.
- The site is not adjacent to the settlement boundary.
- The access is very narrow with no footway.
- Accessing the A259 in this location is difficult.
- Loss of employment space.
- Affordable housing is not affordable.
- Nitrate mitigation is in Hampshire and therefore no benefit to the community.
- Limited capacity at Thornham.
- The site is very close to the AONB and there is no statement of impact.

7.0 Planning Policy

The Development Plan

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1 Presumption in Favour of Sustainable Development
Policy 2 Development Strategy and Settlement Hierarchy
Policy 4 Housing Provision
Policy 6 Neighbourhood Development Plans
Policy 8 Transport and Accessibility
Policy 9 Development and Infrastructure Provision
Policy 26 Existing Employment Sites
Policy 33 New Residential Development
Policy 34 Affordable Housing
Policy 39 Transport, Accessibility and Parking
Policy 40 Sustainable Design and Construction
Policy 42 Flood Risk and Water Management
Policy 43 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 45 Development in the Countryside
Policy 47 Heritage and Design
Policy 48 Natural Environment

Policy 49 Biodiversity
Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 52 Green Infrastructure

Chidham and Hambrook Neighbourhood Plan 2015

Policy LP1 Requirement for homes
Policy EM1 Management of sea and flood defences, streams and surface water drainage
Policy EM2 Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value
Policy EM3 Protection and enhancement of landscape, habitat and biodiversity
Policy CDP1 The use of S106 Agreements and CIL to support community development
Policy H1 Local occupancy conditions of affordable housing
Policy H2 Diversity of housing to meet the local need
Policy DS1 Development (design standards)
Policy DS2 Provision for car parking
Policy DS3 Retention of areas of natural habitat/biodiversity

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
 - or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.5 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the

Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

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

- 7.6 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in 2023.
- 7.7 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S3 Development Strategy
S4 Meeting Housing Needs
S5 Parish Housing Requirements 2016-2035
S6 Affordable Housing
S12 Infrastructure Provision
S20 Design
S21 Health and Wellbeing
S22 Historic Environment
S23 Transport and Accessibility
S24 Countryside
S26 Natural Environment
S27 Flood Risk Management
S28 Pollution
S29 Green Infrastructure
S31 Wastewater Management and Water Quality
AL10 Chidham and Hambrook Parish

Part 2 - Development Management Policies

DM2 Housing Mix

DM3 Housing Density

DM8 Transport, Accessibility and Parking

DM9 Existing Employment Sites

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)

DM22 Development in the Countryside

DM23 Lighting

DM24 Air Quality

DM25 Noise

DM26 Contaminated Land

DM27 Historic Environment

DM28 Natural Environment

DM29 Biodiversity

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

DM31 Trees, Hedgerows and Woodlands

DM32 Green Infrastructure

Interim Position Statement for Housing Development

- 7.8 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 24th November 2021 there is a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings. This results in a surplus of 208 net dwellings which is equivalent to 5.3 years of housing supply.
- 7.9 Following recent appeals (PINS refs. APP/L3815/W/21/3284653 – 'Raughmere' and APP/L3815/W/21/3286315 'Church Road'), the Council now identifies there is a potential housing supply of 3,356 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,350 net dwellings. This results in a surplus of 6 net dwellings which is equivalent to 5.01 years of housing supply. Subsequently, an appeal decision in respect of development at Westhampnett (APP/L3815/W/21/3270721) has found the Council to have a 4.17 year supply. This appeal decision is currently under review.
- 7.10 Notwithstanding the above, to pro-actively manage the situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3rd June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10th July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4 November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing. It is not a document that is formally

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

Other Local Policy and Guidance

7.11 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (July 2016)
- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)
- Chichester Harbour AONB Management Plan (2014-2029) Third Edition

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

- Maintain low levels of unemployment in the district
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

i. The Principle of Development

- 8.2 The Chichester Local Plan (CLP) sets out a clear settlement hierarchy across the Plan Area, with settlement boundaries reviewed through Neighbourhood Plans or the Site Allocations Development Plan Document (Policy 2). The Chidham and Hambrook Neighbourhood Plan (CHNP) is a 'made' plan and forms part of the Statutory Development Plan. Chidham is identified as a service village under CLP Policy 2, capable of accommodating some small-scale housing, consistent with the indicative housing numbers set out at Policy 5 of the CLP.
- 8.3 CLP Policy 5 confirms the indicative housing number for Chidham and Hambrook of 25 units for the plan period 2014-2029. The CHNP states that *'planning permission has already been granted for 86 new homes since January 2014. Accordingly there is no current requirement for the Parish Neighbourhood Plan to identify new sites for major development. However, changing local needs may require the building of new homes later in the period.'*
- 8.4 Previous planning appeals have determined that the mixed uses on the application site are all within a single planning unit, as uses have interchanged between the buildings or new buildings have been erected which reinforce the use of the site. The application site comprises Previously Developed Land (PLD). For the purposes of Policy 45 of the CLP, the site is located outside of the settlement boundary, where development is restricted to meeting specific criteria, including the need for development to require a countryside location and to meet a small scale, local need, which cannot be met within or immediately adjacent to an existing settlement (Policy 45 of the CLP).
- 8.5 The Chidham and Hambrook Neighbourhood Plan does not allocate additional housing due to the fact that recent permissions have met and exceeded the housing requirement for the plan period. The sub-text to Policy LP1 of the Chidham and Hambrook Neighbourhood Plan states that *'there is no current requirement for the neighbourhood plan to identify new sites for major development'*.
- 8.6 Policy LP1 of the Neighbourhood Plan also states that:
- Development of the following will be supported:*
- *Affordable units on rural exception sites where it can be demonstrated that it meets a local needs;*
 - *Development of 10 units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time of the development proposal in accordance with Development Plan policies.'*
- 8.7 The applicant has provided a Legal Opinion in relation to the principle of residential development of the Green Acre Nursery site (16/04132/OUT refers) and the policy considerations concerning Policy LP1 of the Neighbourhood Plan and Policies 2 and 45 of the Local Plan. The Legal Opinion is a material consideration.

8.8 In summary, the Legal Opinion for the Green Acre Nursery Site concluded that:

'(1) The proposal conforms with Policy LP1 of the Chidham and Hambrook Neighbourhood Plan ("the NP"), but not Policies 2 and 45 of the Chichester Local Plan: Key Policies (2014-2029) ("the Local Plan"). That is because the Case Officer is wrong to argue that windfall development can only take place within existing settlement boundaries.

(2) There is a conflict in approach between Policy LP1 and Policies 2 and 45, as Policy LP1 envisages development taking place outside the settlement boundary of Chidham in circumstances not permitted by Policy 45.

(3) In those circumstances, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") Policy LP1 should override Policy 45 as it is the most recently adopted development plan policy.

(4) The location of the development is therefore acceptable in principle.'

8.9 The Legal Opinion concluded that the Green Acre Nursery site did meet the definition of windfall site for the purposes of Policy LP1 of the Neighbourhood Plan, as 82% of the site was Previously Development Land which met the definition contained at Appendix 2 of the National Planning Policy Framework: *'land which is or was occupied by a permanent structure, including the curtilage of the developed land.'* The entirety of the application site is therefore defined as Previously Developed Land.

8.10 Notwithstanding the fact the application site is located outside the settlement boundary, as defined by Policy 2 of the Local Plan, Policy LP1 of the Neighbourhood Plan provides two exceptions where development will be considered acceptable: rural exceptions sites and windfall development. The proposal is compliant with Policy LP1 of the Neighbourhood Plan, being classed as windfall development. Therefore, development of 10 units or less on Previously Developed Land is acceptable in principle in this location.

8.11 In relation to the Examiner's Report of the Chidham and Hambrook Neighbourhood Plan, Policy LP1 was modified by the Examiner to ensure that, in order to be acceptable, windfall development, should also comply with the detailed development management policies elsewhere in the plan (i.e. that it should of high design quality, in a sustainable location and should not harm the landscape and scenic beauty of the AONB amongst other matters). The modification did not therefore mean that windfall development must comply with Policies 2 and 45 of the CLP; rather, that it should comply with other policies of the Development Plan.

8.12 Having regard to Section 38(5) of the 2004 Planning and Compulsory Purchase Act 2004, any conflict between two documents forming part of the development plan must be resolved in favour of the last document to become part of the development plan. The last plan in this case is the Chidham and Hambrook Neighbourhood Plan. Any conflict therefore between Policies 2 and 45 of the Adopted Chichester Local Plan and Policy LP1 of the Chidham and Hambrook Neighbourhood Plan, fall in favour of Policy LP1 of the Neighbourhood Plan. This is referred to at paragraph 7.30 of the Local Plan, which states that *'A Neighbourhood Development Plan and its policies will work alongside, and where appropriate replace, the policies in the Local Plan where they overlap.'*

8.13 The Legal Opinion was previously reviewed by the Council's Principal Solicitor, who agreed with the thrust of the advice given. That is to say a) that the [Green Acre] site could be categorised as a windfall site, b) that there was a conflict between Policy LP1 of the neighbourhood plan and Policies 2 and 45 of the Local Plan and so there was a need to assess the weight to be given to each policy; and c) that as Policy LP1 is a more recently adopted policy it carried greater weight in the assessment of the application.

Loss of Existing Employment Site

8.14 CLP Policy 26 deals with existing employment site and ordinary would be relevant as the application site has some Class E and B8 uses. The policy operates to safeguard existing employment sites to benefit the local economy and only allows alternative uses where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses with evidence of marketing. However, in this case, the single planning unit is not considered to be an employment generator for the purposes of policy 26. The reason being; in the main the activities have been for 'hobby' type uses such as classic car storage, boat storage and collected paraphernalia for car boot sales and other ad hoc storage between the buildings alongside an equestrian use. There are two classic car racing storage and servicing facilities on-site (one of which has been on the same site for thirty years). There is also a props business. These uses are supporting circa 6-8 jobs, as well as some casual seasonal jobs in relating to racing events. The 'hobby uses' all co-exist alongside lawful residential and equestrian stables which are not employment generating uses. It is a mixed-use site in a single planning unit rather than an existing employment site, and as such it is considered that the policy protection afforded to employment sites by CLP Policy 26 does not apply in this particular instance.

8.15 Notwithstanding the fact that it is viewed as a mixed-use site, the applicant has also undertaken a Commercial Viability Report (Strut & Company, May 2022) in support of the development. The report sets out evidence to demonstrate that the current buildings are obsolete and not fit for continued commercial occupation. Furthermore, the report considers the viability of redeveloping the site for alternative industrial and office accommodation. The report confirms that there are no B1 (now E(g)) uses on the site; that it currently has a very low employment level and that it does not make a significant contribution to the local economy; the report also appraises the condition of the buildings and the implications of this on the site's future viability. The result of this commercial modelling demonstrate that the site cannot provide sustainable long-term employment.

8.16 Following careful consideration, officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans, residential development of the site is acceptable in principle.

ii. Access, Highways Safety and Parking

8.17 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways.

- 8.18 Currently access to the site is achieved directly from Main Road (A259), with the access located to the south of the site. The current scheme proposes to widen this existing access to serve the development, providing a shared surface access. The simple priority T-junction would measure approximately 7m wide at the point of access from Main Road. Although there are 'pinch points' preventing two-way traffic at certain sections north of the access, it has been adequately demonstrated that a refuse vehicle can pass a car. The visibility splays are also acceptable and meet the requirements for a road with a speed limit of 40mph (in accordance with Manual for Streets). The proposals allow for all vehicles to enter and leave in a forward gear, including refuse vehicles.
- 8.19 The vehicle tracking diagram demonstrate that an 11m long refuse vehicle can enter the site, safely turn at the top of the site and exit in a forward gear. This arrangement facilitates access to each dwelling having regard for the drag/carry distances for waste stated in Manual for Streets guidance. Swept path diagrams also demonstrate there is intervisibility between a car existing the site and a refuse vehicle entering the site. It is noted that there are no recorded personal injury accidents at this location to indicate that the access is or has been operating unsafely.
- 8.20 The vehicle trips generated by the proposals would be acceptable in terms of highways safety and traffic levels and have not been found to result in a residual cumulative impact on the road network. A trip generation exercise carried out using TRICS for existing and proposed uses demonstrate that the proposed development is likely to generate 11 fewer trips during the weekday peak hours and 109 fewer trips across the entire day. WSCC as the Local Highways Agency (LHA) raise no concern from a capacity perspective. In addition, Highways England (now known as National Highways) raise no objection.
- 8.21 In terms of pedestrian movement across the site, a 2-metre wide footway with dropped kerbs would be provided within the site, positioned to the western side of the road, to serve the development. The site frontage has continuous footways with good street lighting systems favourable for walking. The site lies within 50m walking distance of bus stops along the A259 (Main Road) with frequently bus services connecting nearby towns from Littlehampton to Portsmouth. Nutbourne Train Station is approximately a 15-minute walk away from the site, which provides an hourly train service to Portsmouth towards the west and Littlehampton via Chichester to the east. The on-road cycle lane National Cycleway No. 2 runs along the frontage of the site connecting Chichester with Portsmouth. As such, the LHA considers the location sustainable.
- 8.22 With regard to the above, in determining a previous application at the site for residential development of 2 no. self-build dwellings (ref. 18/01449/FUL), the Planning Officer stated:

'The site is set behind and within an existing pattern of residential development next to a residential care home and residential properties to the west, south and east. The site is related to cycle paths and footpaths and there are shops services in the surrounding area. There are regular bus service with a bus stop just outside the site. The closes settlement of Nutbourne which lies half a mile to the west and Bosham is also one mile to the east. There are more local shops in Bosham than in Nutbourne and Bosham and Nutbourne both have train stations. These could be reach on foot, by bicycle as well as bus or private motor bike/vehicle. On this basis the proposed development would represent an appropriate use of the land, which would also remove an industrial use from this land, which when combined with the sustainable location of the site and contribution to the

pattern of development of this part of Chidham, represents material benefits of this application.'

8.23 In terms of parking, a total of 23.5 car parking spaces are shown provided across the site, including single/double garages and on-plot. The LHA are satisfied that adequate parking spaces, both in allocated and within garages is provided for residents and visitors. Cycle spaces are provided for residents in garages and sheds. In addition, a minimum of 20% of all parking spaces would be provided with 'active charging points for electric vehicles, with all remaining spaces provided with 'passive' provision.

8.24 Therefore, in relation to highways safety and access, a number of conditions (relating to access, visibility, vehicle turning, vehicle and cycle parking, CEMP, EV charging and off-site highway works) are recommended.

8.25 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the proposed junction into and out of the site, the proposed access would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (paragraph 111), the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

iii. Layout, Density, Design and Impact on Visual Amenity and Setting of Chichester Harbour AONB

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

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

8.27 In addition, Paragraph 176 of the NPPF states:

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

their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

8.28 Policies 33, 43, 45, 47, 48 and 49 of the CLP, support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and South Downs National Park (SDNP).

Housing Mix, Density and Affordable Housing Provision

8.29 Based on the site area the overall density of housing equates to approximately 16dph. In the context of the rural edge of settlement location, and the pattern of the existing housing adjacent, this is considered acceptable.

8.30 The proposal indicates the provision 9no. open market dwellings. The applicant has chosen to provide an affordable housing financial contribution in lieu of on-site affordable housing. This is considered acceptable and is in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. Furthermore, in the Council's experience it has been difficult to find a Registered Provider to take on small numbers of affordable dwellings. An affordable housing commuted sum of £549,710 would be required and would be secured through the S106.

8.31 The proposed market housing mix is considered acceptable and provides a range of sizes to meet the needs of newly forming households and downsizers as well as families wishing to move within the Parish. As such and subject to the above, the Council's Housing Delivery Team raises no objection.

Design and Layout

8.32 The layout comprises a simple cul-de-sac with 8 dwellings located to the western side of the access road and one dwelling to the eastern side of the access road. The dwellings set to the western side would front onto the internal road, with their amenity space positioned towards the rear (west). The dwelling to the eastern side would be orientated to the north, with its amenity space to the rear (south). All the dwellings would be accessed from the 4.8m wide internal access road.

8.33 The dwellings comprise an attractive mix of traditional 2, 3 and 4-bed houses, set over 2-storeys, at a site density of 16dph. The 2-bedroom houses are presented as two pairs of semi-detached houses, with the 3 and 4-bed houses provided as detached properties. The material palette includes elevations of stock brick and with occasional tile hanging and brick and flintwork. Roof forms are also varied with a mixture of hipped and gabled ends. The revised layout provides space between buildings and the reduction in quantum and scale is considered to be a successful approach both in breaking up the massing of the development and providing variety.

8.34 The majority of existing mature boundary trees and hedging to the east and west boundaries are retained and reinforced where necessary. New planting is proposed to the street frontages and rear gardens, together with the provision of a 3m wide landscape buffer to the northern boundary.

8.35 Overall the design, materials, detailing and appearance of the development suggests that this will be an attractive, high quality, semi-rural housing scheme, and that it will be appropriate to its semi-rural context and surroundings.

Impact on Visual Amenity, Landscape Character and Setting of the Chichester Harbour AONB

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

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

8.37 All new development would of course involve a change to the character and appearance of that land, but that change in or by itself is not sufficient on its own to warrant refusal. Furthermore, Chichester Harbour Conservancy has been consulted as part of this application and raise no objection to the proposal.

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

iv. Residential Amenity

8.39 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places); and Policy 33 of the CLP requires that new residential development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.

8.40 As mentioned above, the landscape proposals detail that the existing boundary vegetation would largely be retained (where possible) and strengthened, to filter views and to assist in visually integrating the development. As demonstrated on the site layout, it has been shown that a proposal for 9 houses could be delivered on the site whereby the necessary separation distances and retention of the natural screening between the proposal and the existing development would not result in an unacceptable level of overlooking, or an overbearing relationship, that would be harmful to the living conditions of the neighbouring dwellings or the future occupiers of the proposed dwellings.

v. Surface Water Drainage and Foul Disposal

Surface Water Drainage

- 8.41 The site is wholly within Flood Zone 1 (low risk) and the Council has no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage the Council's Drainage Engineer raises no objection to the proposed use, scale or location based on flood risk grounds.
- 8.42 WSCC in its capacity as the Lead Local Flood Authority (LLFA) and the CDC Drainage Engineer, have both been consulted on the above proposed development in respect of surface water drainage. The submitted 'Surface Water Drainage Report' (May 2021) proposes to drain through on-site infiltration via soak-away structures. The surface water would discharge to ground via infiltration at an assumed rate of 2×10^{-5} m/s. The infiltration rate is to be confirmed during the winter period in addition to winter groundwater monitoring. This approach is acceptable in principle.
- 8.43 Due to the form and length of the drainage ditch to the west site boundary, it is proposed to provide a 1.5m buffer from the top of the bank and a 3m wide separate maintenance access point, which would allow for a small mechanical digger to access the ditch, to undertake any necessary maintenance work to the ditches (as detailed on the site layout plan). The Drainage Engineer is satisfied that the revised layout demonstrates that future maintenance of the ditch will not be unsatisfactorily impeded, and therefore raises no objection to the proposal.
- 8.44 Both WSCC and the CDC Drainage Engineer recommend appropriate conditions to secure full details of the proposed surface water drainage scheme, to ensure the site is adequately drained.

Foul Disposal

- 8.45 Southern Water as the statutory undertaker has not raised any objections to the proposal, stating that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water.
- 8.46 With the imposition of appropriate conditions, it is considered that the foul drainage component of the application can be successfully addressed in terms of ensuring that details of the proposed means of foul sewerage disposal are submitted to and approved in writing by the Local Planning Authority.

vi. Ecology and Biodiversity

Protected Species and Trees

- 8.47 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated.
- 8.48 The application site is subject to no particular ecological designation. The applicant's Preliminary Ecological Appraisal and Preliminary Roost Assessment (April 2021) details a number of measures to improve the biodiversity of the site. During the course of the application the applicant also submitted an amended Arboricultural Impact Assessment.
- 8.49 The majority of existing mature boundary trees and hedging to the east and west boundaries would be retained and reinforced where necessary. New planting is proposed to the street frontages and rear gardens, together with the provision of a 3m wide landscape buffer to the northern boundary.
- 8.50 The Council's Environment Officer has assessed the proposals and made a number of recommendations (see 6.18 above) which are recommended to be secured by condition. These conditions include protection of the trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements.
- 8.51 Subject to the recommended conditions, there is no ecological reason to resist the application.

Nitrates

- 8.52 Under the latest (March 2022) guidance from Natural England, an area of land of 0.366ha, currently used for arable farmland would be required to mitigate this application and make the scheme nitrate neutral. The arable farmland (mixture of grade 3 with the majority grade 4) to be off-set will be located at East Dean, Land North of Droke Lane (Grid Reference: SU 92888 12789) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity (80-120 years) and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of the creation of a 'network enhancement zone' (i.e. scrub, tussocky grassland and wildflowers). A programme of monitoring will also be secured through the S106 Agreement. Natural England raise no objection subject to appropriate mitigation being secured.

Recreation Disturbance

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

significant effect on the Chichester and Langstone Harbour Special Protection Area and therefore accords with the aims and objectives of the NPPF, Policy 50 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

vii. Sustainable Design and Construction

- 8.54 The applicant has submitted an Energy and Sustainability Statement which proposes a combination of fabric first and renewable technologies to reduce energy demand and deliver carbon savings through thermally efficient and well-designed buildings.
- 8.55 The proposals address Local Plan Policy 40. This development is targeting 35.86% total reduction in carbon emissions, which exceeds the overall reduction sought in the IPS. The development would meet this criterion through a combination of fabric first and the installation of air source heat pumps and Zone Control Heating Management System. A condition is recommended to secure final details of the sustainable measures. A maximum 110 litres per person per day water use is also recommended to be conditioned.
- 8.56 In addition, a minimum of 20% of all parking spaces would be provided with 'active' charging points for electric vehicles, with all remaining spaces provided with 'passive' provision. It is recommended that a scheme for active and passive EV charging facilities is to be secured by condition, in accordance with WSCC Guidance on Parking at New Developments.
- 8.57 It is considered that the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40.

viii. Other Matters

Contaminated Land

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

Lighting

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

Significant Conditions

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

Infrastructure / Planning Obligations

8.61 This development is liable to pay the Council's CIL charge at £120 sqm which would address most of the infrastructure matters. If planning permission is granted, it would be subject to the completion of an Agreement under Section 106 of the relevant legislation. This section of the report is important in that it sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.

- Affordable housing commuted sum of £549,710.
- An area of land of 0.336ha, currently used for arable farmland will be required to mitigate this application and make the scheme nitrate neutral. The arable farmland to be off-set will be located at East Field, East Dean, Droke Lane (Grid Reference: SU 92888 12789) which falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of agricultural use in perpetuity and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of an 'enhanced network zone' (including scrub, tussocky grassland and wildflowers). A programme of monitoring is also required.
- Financial contribution of £3933 towards the Bird aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbour SPA/Ramsar and provision of a dwelling home-owner's pack explaining the significance of the Chichester Harbour SPA to mitigate and manage the likely recreational disturbance that would result within the Chichester Harbour SPA.
- Section 106 Monitoring Fee of £326 payable to Chichester District Council.

Conclusion

8.62 In summary, the Adopted Chichester Local Plan 2014-2029 and made Chidham and Hambrook Neighbourhood Plan, form the Statutory Development Plan. There is currently a 5-year housing land supply within the Chichester Plan Area. As such, the development falls to be considered using the plan-led approach (NPPF Paragraph 47).

8.63 The proposal is windfall development on Previously Development Land, for a development of 10 or fewer units. Officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans development of the site is, in principle, acceptable. The site is located outside the Chichester Harbour Area of Outstanding Natural Beauty with neighbouring residential development fronting Main Road. The amendments to the site layout, quantum, scale and landscaping scheme, would mitigate the landscape impact to an acceptable degree, subject to the recommended conditions.

8.64 Local concerns regarding drainage and sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. Furthermore, the ongoing headroom monitoring at Thornham WwTW indicates a remaining capacity of 173 households and as such this development of 9 dwellings could be accommodated within the remaining capacity. On the basis of the consultation response received from Southern Water no

formal objection to the application is raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis.

8.65 The proposed development is therefore in accordance with policies of the statutory Development Plan and the plan-led approach. The application is recommended for approval, subject to the planning conditions, obligations and informatives, summarised below.

Human Rights

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

RECOMMENDATION

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

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

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

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

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

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

(a) the anticipated number, frequency and types of vehicles used during construction,
(b) the provision made for the parking of vehicles by contractors, site operatives and visitors,

(c) the loading and unloading of plant, materials and waste,

(d) the storage of plant and materials used in construction of the development,

(e) the erection and maintenance of security hoarding,

(f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway

(g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles

(h) measures to control the emission of noise during construction,

- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter and prohibiting burning.

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

4) 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.

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.

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

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

6) If the Phase 1 report submitted pursuant to Condition 5 above; identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

7) If the Phase 2 report submitted pursuant to Condition 6 above; identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

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

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

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

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

10) Notwithstanding any details submitted, no development shall commence above ground level, until a full schedule of all materials and finishes to be used for external walls (including boundary walls), windows, doors and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority, samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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.

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

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

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

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

13) If pursuant to condition 7 a contaminated land remediation scheme is required **the development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

14) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

15) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

16) **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.

17) 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 or any superseding document). **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.

18) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 1.4/P2.

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

19) **No part of the development shall be first occupied** until visibility splays have been provided in accordance with drawing number 1.4/P2. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

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

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

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

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

22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting on the site other than in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted. Any scheme 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.

23) **The development hereby permitted shall not be first occupied** until a scheme detailing hard and soft landscape (including the provision and maintenance of the 3m wide landscape buffer to the northern boundary) works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion or first occupation of the development**, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. 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 ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

- 24) **Prior to first occupation of the dwellings hereby permitted** the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;
- (a) scaled plans showing the location of the boundary treatments and elevations, and
 - (b) details of the materials and finishes.

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

Reason: In the interests of protecting the amenity of neighbours.

25) **Notwithstanding any details submitted, no dwelling hereby permitted shall be first occupied**, until a scheme of ecological mitigation based on the recommendations of the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021) and the comments of the CDC Environmental Strategy Unit; together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

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

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

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

26) **Notwithstanding the details submitted, no development shall commence above ground level**, until a detailed Sustainable Design and Construction statement, demonstrating how CO2 emissions saving of at least 19% through improvements to the fabric of the building together with at least a further 10% improvement through renewable resources, are to be met for the approved use, in accordance with the submitted Sustainable Construction Supplementary Planning Statement (May 2021). The statement shall also include the proposed location, form, appearance and technical specification of the air source heat pumps (including acoustic performance). The development thereafter shall be carried out in accordance with the approved details.

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

27) The 1.5 metre wide drainage ditch buffer and 3 metre wide access shall be provided in accordance with the approved Site Plan (plan no.2119-05V), to allow for maintenance of the drainage ditch. Thereafter the drainage ditch buffer and access shall be retained for that purpose in perpetuity. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

28) 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.

29) The proposed hard surfaces hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

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

30) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the conclusions, Impacts and Recommendations sections of the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021) including the following ecological mitigation measures:

- a) The hedgerows on site are used by bats for commuting and foraging and will need to be retained and protected during development. A protective buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time. The protective fence shall be retained and maintained for the duration of the construction works, removed only upon the completion of the development.
- b) If any works need to take place to the trees or for vegetation clearance on the site, they 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).
- c) As detailed within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021) precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found, they should be relocated away from the construction area into surrounding suitable habitats
- d) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- e) As detailed within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (April 2021), if trees T1, T2 and T3 are to be felled or impacted by lighting then further bat surveys will be required. These surveys need to be undertaken by a suitable qualified ecologist during the active breeding period (May - September) and submitted in writing to the LPA for approval. If bats are found to be roosting within any trees, mitigation will be required, and a mitigation strategy should be produced and submitted in writing to the LPA. Thereafter the development shall be undertaken in accordance with the approved details.
- f) If bats are found to be roosting within any of buildings on-site, mitigation will be required and a mitigation strategy should be produced and also submitted to the LPA for approval. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: In the interests of protecting biodiversity and wildlife.

31) Notwithstanding any details submitted and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any revoking, re-enacting or modifying that Order) no building, structure, fencing or planting shall be undertaken within the 3 metre wide maintenance access or the 1.5 metre wide drainage buffer of the existing open watercourse (as detailed on plan no.2119-05V), unless it is first demonstrated to the satisfaction of the Local Planning Authority that undertaking such an activity would not impact the current and future access and maintenance of the watercourse and the variation is formally agreed by the Local Planning Authority via a discharge of condition application.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - CONTEXT PLAN	2119-03	C	18.01.2022	Approved
PLAN - LOCATION PLAN	2119-01	F	18.01.2022	Approved
PLAN - BLOCK PLAN	2119-02	C	18.01.2022	Approved
PLAN - SITE PLAN	2119-05	V	18.01.2022	Approved
PLAN - PLOTS 2, 3, 4 & 5 ELEVATIONS	2119-10	D	18.01.2022	Approved
PLAN - PLOT 1 ELEVATIONS	2119-11	C	18.01.2022	Approved
PLAN - PLOT 6 ELEVATIONS	2119-13	C	18.01.2022	Approved
PLAN - PLOT 7 ELEVATIONS	2119-14	C	18.01.2022	Approved
PLAN - PLOT 8 ELEVATIONS	2119-15	D	18.01.2022	Approved
PLAN - PLOT 9 ELEVATIONS	2119-16	D	18.01.2022	Approved
PLAN - EXISTING BUILDING AREAS	2119-26	A	03.08.2021	Approved
PLAN - PLOT 1 FLOOR PLAN & PLOTS 1, 8 AND 9 GARAGE ELEVATIONS AND PLANS	2119-04	E	18.01.2022	Approved
PLAN - PLOTS 2, 3, 4 & 5 FLOOR PLANS AND ROOF PLANS	2119-06	F	18.01.2022	Approved
PLAN - PLOTS 6 AND 7 FLOOR PLANS AND ROOF PLAN	2119-07	G	18.01.2022	Approved
PLAN - PLOTS 8 AND 9 FLOOR PLANS AND ROOF PLAN	2119-08	H	18.01.2022	Approved
PLAN - STREETSCENE	2119-27	G	18.01.2022	Approved
PLAN - 2.4 X 120M VISIBILITY SPLAYS	1.4	P2	01.09.2021	Approved

FROM ACCESS				
PLAN - TREE PROTECTION PLAN	TH/A3/TH2790 B/TPP		18.01.2022	Approved

INFORMATIVES

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

2) S106

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

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

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

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

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

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

These make it an offence to:

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

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

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

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

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

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

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

10) 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.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QX9P3UERLI900>