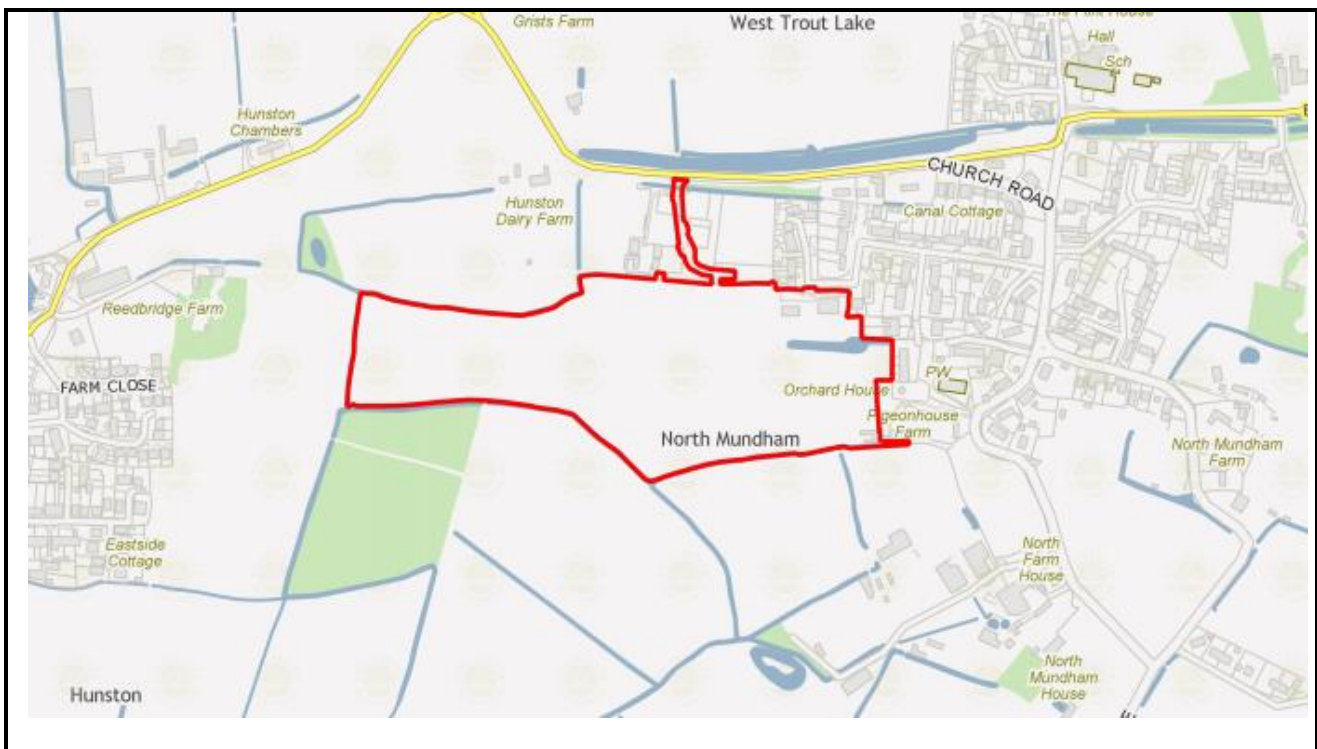



Parish: North Mundham	Ward: North Mundham And Tangmere
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NM/20/02989/FUL

Proposal	Hybrid planning application comprising of full planning permission for 66 dwellings and associated development, including landscape, highways and parking, and outline planning permission with all matters reserved except access for open space (including informal amenity open space, bandstand and community orchard) and provision of new 3.5m wide footway/cycleway link to West Sussex Alternative Provisions College with reconfiguration of existing car parking spaces and relocation of storage facility.		
Site	Land South Of Lowlands North Mundham West Sussex		
Map Ref	(E) 487149 (N) 102192		
Applicant	Sunley Estates Ltd	Agent	Ms Amanda Sutton

RECOMMENDATION 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

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

1.3 This application was deferred at the 8 September 2021 meeting of the Planning Committee for further information on the following grounds:

- **To request attendance at the Committee by National Highways in respect of the wider cumulative impact of development on the A27 and explain any mitigation proposals.**
- **Information from WSCC Education on lack of school places in the area, including a response to their comment on the Hunston Neighbourhood Plan.**
- **Information from WSCC Highways regarding the local highway impact and a response to their comments on the Hunston Neighbourhood Plan and why this application has a different response.**

1.4 In the intervening period the Council has also published its 5 year housing land supply position for 2021-2026 (updated position at 1 April 2021) which indicates that the Council benefits from a supply of 5.3 years. Following recent appeals (PINS refs. APP/L3815/W/21/3284653 – ‘Raughmere’, APP/L3815/W/21/3286315 ‘Church Road’ and APP/L3815/W/21/3270721 - ‘Land north of Madgwick Lane, Westhampnett’), 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.

1.5 The government has also published a Government written ministerial statement (June 2021) setting out a requirement for First Homes on sites subject to full or outline planning permission determination after 28 December 2021 (or 28 March 2022 where there has been significant pre-application engagement). The provision of First Homes is therefore also a material consideration for this application.

2.0 The Site and Surroundings

2.1 The 8.5ha application site is located immediately to the west of the village of North Mundham and within the countryside in policy terms. Part of the eastern boundary of the site immediately abuts the Settlement Boundary of North Mundham, as set out in the adopted Local Plan. Approximately two-thirds of the application site (the eastern portion) lies within the Parish of North Mundham and includes the area of housing and open space. The western portion of the site lies within the Parish of Hunston.

2.2 The application site is located immediately to the south of the former Lowlands Nursery, which itself is located south of the B2166 Lagness Road. The former Lowlands Nursery site has planning permission (ref: 20/01686/FUL) for 39 dwellings, also submitted by the Applicant, Sunley Estates Ltd, and was considered by the Planning Committee in December 2020.

- 2.3 There is existing residential development to the east of the application site, including St Stephens Church, a listed building which is a notable feature from within the site and the grade II listed Pigeonhouse Farm. Agricultural fields surround the remainder of the boundaries. Hunston Copse (SNCI) is located to the south-west of the application site. Vehicular access is proposed from the B2166, utilising the access and internal road proposed in the housing development (the former Lowlands Nursery application ref: 20/01686/FUL) to the north of this site.
- 2.4 The application site itself comprises grassland pasture. Overhead power lines cross over the centre of the site and a foul sewer pipeline runs south-west to north-east across the site. An existing Public Right of Way (PROW) runs through the application site, adjacent to the southern boundary, connecting the villages of North Mundham and Hunston. The site is enclosed on all boundaries by a continuous hedgerow with scattered trees. Drainage ditches flow along the southern, western and part of the northern boundaries of the site. There is also a moat in the north-eastern corner of the site. The site itself is relatively flat in topography but falls to the north of the site towards the existing ditches along the northern boundary.

3.0 The Proposal

- 3.1 The application is a hybrid application which seeks:
- full planning permission for the erection of 66 no. dwellings and associated development, including parking, open space, an equipped area of play, and SuDS (Phase 1), and
 - outline planning permission with all matters reserved except access to the east of the application site for open space (including informal amenity open space, bandstand and community orchard) and the provision of new 3.5m wide footway/cycleway link and reconfiguration of the existing car parking spaces and relocation of storage facility within the West Sussex Alternative Provisions College (Phase 2).
- 3.2 As originally submitted the application included a community hub building (Use Classes E and F) and associated parking (17 spaces) within the outline application area, however following further consideration of this element by North Mundham PC, the Parish Council has decided it no longer wishes to progress with a community hub building in this location. Amended details have also included the addition of a band stand within the eastern open space, amendments to the layout of the southern parcel of bungalows, elevational changes and revisions to the housing mix in line with the Council's Affordable Housing Officer's comments.
- 3.3 The open space area and reconfiguration of car parking and storage facility to facilitate the link on the West Sussex school site have been submitted in outline to enable:
- North Mundham Parish Council to consider the precise layout and specification details for the landscaped area; and
 - West Sussex County Council to decide the specific details of the works required to facilitate the link.
- 3.4 The application comprises 66 residential dwellings occupying 2.44 hectares of the site, 4.33 hectares of open space, 0.62 ha of woodland and community orchard, 0.53 ha as SuDS and 0.19 ha of associated infrastructure (access road and cycle/footpath link into the West Sussex Alternative Provisions College).

- 3.5 The overall housing mix comprises:
- 7 x 1 bed (7 flats)
 - 25 x 2 bed (14 houses, 5 bungalows, 6 flats)
 - 24 x 3 bed (23 houses, 1 bungalow)
 - 7 x 4 bed (7 houses)
 - 3 x 5 bed (3 houses)

- 3.6 In terms of the split between market (70%) and affordable (30%) units, the proposal breaks down as follows:

Unit size	Private (70%)	Affordable (30%)		
		Rent	Shared Ownership	First Homes
1 bed	2	4	0	1
2 bed	17	5	1	2
3 bed	18	4	1	1
4 bed	6	1	0	0
5 bed	3	0	0	0
TOTAL	46	14	2	4

- 3.7 The housing is laid out in two distinct blocks within the centre of the site, with the larger parcel located immediately to the south of the housing proposed in the former Lowlands Nursery application (ref: 20/01686/FUL) and extending over the majority of the central part of the application site. A small parcel of 6 bungalows is located to the south of the main housing parcel, extending to the southern boundary of the site.
- 3.8 The layout of the residential parcels comprises a simple perimeter block structure with most dwellings fronting onto the access road, block paved shared access areas or the cycle/pedestrian link to the north. A few properties front directly onto the open space, with footpath links to shared access areas. The access road through the site has a width of 5.5m reducing to 4.8m where it becomes shared space. The block paved shared access areas have widths varying between 4.8m and 4.1m. No road lighting is proposed, only domestic lighting associated with the dwellings.
- 3.9 The density of the residential component of the development is 27dph. The overall design of the residential is sub-divided into 2 character areas, the Northern Area character area and the southern church view character area. The Northern Area character area is a continuation of that granted under the former Lowlands Nursery application (ref: 20/01686/FUL), with the predominant appearance of the dwellings being traditional materials, presented in a modern vernacular. The fenestration takes a more modern approach, with the size of the glazing and the use of contemporary projected window and porch surrounds. Some of the dwellings will be treated with contemporary tile hanging, or areas of horizontal boarding/Eternit cladding and detailed brick work. The Church View character area proposes a similar palette of materials to the northern area, using a main brick with an alternative feature brick under slate and plain clay tiled roofs and with details including tile hanging and darker muted tones to the window and door framed and soffits and fascia. A more traditional form, however, is proposed for the dwellings in the Church View character area, to reflect their location within the listed church viewing corridor. Building heights within the site are in keeping with the village of North Mundham, with predominately 2 storey dwellings proposed, as well as single storey bungalows to the south.

- 3.10 The grade II* listed St Stephen church is a notable feature from within the site looking eastwards. Its location, together with that of Pigeon House Farmhouse, a Grade II listed building also to the east, have both been taken into consideration within the layout and design approach for the proposal. To reflect this, to the east of the housing, is proposed an area of public amenity open space with a series of mown paths, a bandstand and a community orchard. To the south of the amenity open space is a SuDS pond and an equipped play space. A 1.8m wide cycle/foot path is proposed through this area.
- 3.11 To the west of the housing, is an Ecological area comprising meadow grassland (as informal open space), SuDS features and an area of native woodland. The SuDS comprise attenuation ponds located within the area of public open space in the east and within the ecological area in the west which are connected by a series of swales, crossed on the western side by two boardwalks. The SuDS are proposed to be attenuated and then discharge into the existing watercourse on the northern boundary.
- 3.12 Following the grant of reserved matters application for the open space and ecological mitigation land and its laying out, it is proposed that the open space area to the east of the application site and the ecological area to the west, but excluding the SuDS attenuation ponds and swales, would be transferred to North Mundham PC, together with a maintenance contribution of £200,000, to be ensure the long-term maintenance and management of these areas for a 15 year period.
- 3.13 Access to the application site is proposed to be an extension to the new 5.5m wide vehicular access road off the B2166 Lagness Road, granted as part of the planning permission for the Former Lowlands Nursery (ref. 20/01686/FUL). The pedestrian/cycle route, proposed as part of the Former Lowlands Nursery application (ref: 20/01686/FUL), would be extended into this application site through a dedicated pedestrian/cycle link in the centre of the northern boundary. The 3.5m wide shared pedestrian/cycle link is then proposed to run adjacent to the northern boundary of the site in both an east and west direction. To the east it is proposed to connect through to Alywin Place, via the West Sussex Alternative Provisions College, and to the west it is proposed to go through the ecological area to the western site boundary, to assist in facilitating future cycle connections towards Hunston. A shared pedestrian/cycle link is also proposed through the public open space on the eastern side of the site. Finally, an existing Public Right of Way (PRoW) runs along the southern boundary of the development connecting the Village of North Mundham with Hunston, which is proposed to be upgraded to a 3m wide Hoggin path.
- 3.14 A total of 173 car parking spaces are proposed for the residential dwellings, comprising 111 allocated spaces (including 30 garages and 12 car ports) and 20 visitor spaces. Cycle parking for the houses would be within garages or garden sheds capable of accommodating 2 bicycles while a communal cycle facility would be provided for the flats.
- 3.15 The existing power lines, which currently run across the site in a north-west to south-east direction, are proposed to be diverted and buried within the 6m wide SSE easement, shown to be retained adjacent to the western side of the residential dwellings. This easement is an extension to that included in the Former Lowlands Nursery site to the north. An on-site sub-station has been approved on the Former Lowlands Nursery site to the north and a connection will be made to this sub-station, to serve the residential dwellings and electric charging points within this application site.

3.16 The foul sewer pipeline which currently runs south-west to north-east across the site is also proposed to be diverted and buried, as part of the development proposals, connecting to the existing outfall position on the eastern boundary.

4.0 History

20/01686/FUL	PER	Erection of 39 no. dwellings and associated development, including landscaping, highways and parking.
20/02328/HDG	NORE	Creation of 2 no. gaps in 2 no. hedgerows (1 and 2), with gaps approximately 5m in length and will be replanted with similar native species once the underground cabling has been installed.
20/02527/HDG	NORE	Creation of 1 no. gap in 1 no. hedgerow (3), with the gap approximately 5m in length and will be replanted with similar native species once the underground cabling has been installed.

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 North Mundham Parish Council

Comments received 22/06/2021

North Mundham Parish Council has been involved in ongoing discussions with Sunley Estates Limited, the applicant and prospective developer of this site.

The Parish Council has agreed that it is ready to accept in principle the transfer of ownership of those parts of the site generally as defined in drawing CB 75 217 902 Proposed land to be transferred to North Mundham Parish Council Substitute plan 28/5/21. The Council notes that this will involve taking ownership of the route of the existing public footpath, the route for a potential footway and cycleway link, and an ecological mitigation area together with spaces designated for native woodland and community use.

Such transfer of ownership will be subject to detailed agreement on items such as boundary treatment and support for maintenance costs in the early years, and provision for access to enable the site Management Company to maintain the SUDS features and attenuation ponds which will remain in the Management Company's ownership and its continuing responsibility.

Comments received 11/01/2021

At its meeting on 5th January 2020, North Mundham Parish Council felt that this application was of a high standard; the well-designed site, the spatial relationship to the existing village and the design and appearance of the dwellings are appropriate to the Parish. It was the view of the Council that the site provided a good mix of housing. Specifically, we would support the proposed mix of market housing with some larger houses, noting that this would add balance to the distribution of housing in the Parish where currently all the smaller and affordable housing is in the North Mundham settlement area.

However, the Council are concerned that this development is a very large single development and combined with the adjoining approved development will result in a total of 105 potential new dwellings in the village. The current lack of clear direction on how many houses the LPA are looking to allocate within the parish has made it extremely difficult for the Council to properly scrutinise whether the size of this development is appropriate in the context of new housing distribution in the parish.

The Parish Council also continues to have concerns in relation to the ongoing issues associated with the wastewater flows in the parish and the lack of capacity at the Pagham Water Treatment Works. The Parish Council is aware that new developments in Arun District Council have already exceeded any spare capacity that may have been available. The Parish Council needs to be reassured that Southern Water will be able to handle the flow from this development, taking into account the known excess flow and flooding in North Mundham during periods of heavy rain.

The Parish Council also highlights traffic issues associated with the B2166. This is already a very busy road and the impact of this development and the developments in Pagham will add even further loading.

However, despite these reservations North Mundham Parish Council resolved to make no objection to this application subject to a condition to covenant the open space to prevent any further building on site in the future and a stringent management plan being put in place. This reflects our concern to ensure that the significant amount of open space within the site is maintained to a high standard and the groundwater drainage management solutions are maintained to a standard that ensures that they work as they have been designed. The Parish Council would request that if this application is permitted it is consulted on the Management Plan.

6.2 Hunston Parish Council

Firstly, Hunston Parish Council is extremely concerned that it was not co-consulted on this application, a significant third of this being within the Parish of Hunston.

I am requested to ask that our comments are given the same weight/consideration of those of North Mundham Parish Council given that the application will have a significant affect on the Parish.

Hunston Parish Council objects to this application on the following grounds:

- Approximately one third of this application lies within the Parish of Hunston and yet the Parish Council has not formally been consulted on this application.
- Access to the site is at a narrow point on a busy B road and very close to a blind bend making it dangerous for vehicles turning right out of the proposed development and turning right into the development.
- The development results in further coalescence between North Mundham and Hunston villages.
- The ongoing issues associated with the wastewater flows in both North Mundham and Hunston and the lack of capacity at the Pagham Water Treatment Works given that any spare capacity has already been taken up by developments on Pagham.
- The Flood risk assessment states that part of the site could be at ground level during the wetter winter months. It also indicates that ground and surface water will flow to the north and west of the plot. The field to the West/NW has a small culvert which drains land to the Northwest of the B2145 into the Bremere Rife at Swan Cottage. Any increase in flow of groundwater or surface water from the application site is bound to increase the flow and level of groundwater in the field to the West and thus increase the likelihood on that field flooding and along the B2145 around the area near Hunters Lodge riding stables.
- Although the Parish Council is aware that the developer has agreed to put covenants on the open land/wildlife areas there has been no discussion with Hunston Parish Council on this matter and since much of this area including a substantial part of the SUDS drainage system, falls within Hunston Parish, the Council would expect to be included on any such agreements.

6.3 Southern Water

Comments received 21/06/2021

If the applicant wishes to divert the public sewer, Southern Water requests a formal application for a sewer diversion under S185 of Water Industry Act 1991. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.

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

All other comments in our response dated 22/12/2020 remain unchanged and valid.

Comments received 22/12/2020

The proposed development will lie over an existing public foul rising main, which will not be acceptable to Southern Water. The exact position of the public foul rising main must be determined on site before the layout of the proposed development is finalised. It might be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity and work was carried out at the developer's expense. The 125mm public foul rising main requires clearance of 3m on either side to protect it from construction work and allow for future access for maintenance. No development or tree planting should be carried out within 3m and no soakaways, swales, ponds, watercourses or other surface water feature should be located within 5m. Alternatively the applicant may wish to amend the site layout.

In order to protect drainage apparatus, Southern Water requests a condition is attached to the planning permission that the developer must advise the local authority prior to commencement of development of measures which will be undertaken to divert the public sewer. Should any other sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before further works commence.

Southern Water's desk top study of the impact of additional foul sewerage flows from the proposed development indicate that these additional flows may lead to an increased risk of foul flooding from the sewer network. Southern Water can provide foul sewage disposal to service the proposed development. Any network reinforcement that is deemed necessary will be provided by Southern Water. Southern Water and the developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and extent of network reinforcement required. Southern Water will carry out detailed network modelling which will help establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted but for larger developments this may result in an extension of the 24 month period. Southern Water request a condition requiring occupation of the development to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Where a SuDS scheme is to be implemented, the drainage details submitted to the LPA should specify the responsibilities of each party for the implementation of the SuDS scheme, specify a timetable for implementation and provide a management and maintenance plan for the lifetime of the development. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Request condition is attached stating construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted and approved by LPA in consultation with Southern Water.

6.4 Highways England

Comments received 15/06/2021

The proposed amendments do not alter our position as stated in our previous response.

Comments received 21/12/2020

No objection on the basis that Chichester District Council seeks an appropriate contribution to the A27 Local Plan mitigations in line with the SPD "Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass" of £172,590 (66 dwellings x £2,615/dwelling) index linked.

The application has included a Transport Assessment, provided by i-Transport, which while providing transport modelling of the nearby junctions, did not consider the SRN itself (in this case particularly the A27 Chichester Bypass) and made an assessment based upon 50 dwellings, not the applied for 66 dwellings. Therefore, Highways England has undertaken its own assessments on the advised number of dwellings within the application, and notes that there would be approximately 37 AM (two-way) and 36 PM (two-way) 2 trips onto the highway network. As such we do not agree with the Transport Assessment but offer no objection to the proposals provided Chichester District Council seeks an appropriate contribution to the A27 Local Plan mitigations.

With regard to the outline planning permission for a community hub building, no further information has been provided in terms of transport assessment, trip generation or supporting evidence. Highways England has no objection in principle to the Community Hub, but would expect a full Transport Statement to be included with the reserved matters application in order to determine any impact the Community Hub may have upon the SRN.

6.5 Natural England

Nutrient Neutrality

Further information required to determine impacts on designated sites. Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria. If so, Natural England's advice is that the nutrient content of the discharge needs to be considered, in combination with other nutrient inputs, for impacts on the receiving site.

Officer note: Nutrient neutrality does not need to be considered in the Appropriate Assessment as the development will be draining to Pagham WwTW.

Recreational Disturbance

Further information required. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

6.6 Police

Comments received 8/06/2021

No further comments to make from a crime prevention perspective.

Comments received 03/12/2020

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

- The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked. This development has all but eliminated the need for vulnerable rear garden pathways.
- Where communal parking occurs it is important that they must be within view of an active room (kitchens & living rooms) within the property.
- Access control to the proposed flats should be implemented into the design and layout to ensure control of entry is for authorised persons only.
- Guidance offered to applicant on footpath design.
- Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. The LEAP is situated very closely to the indicative parking area near to the proposed community hub which has the potential to endanger users of the LEAP. I would ask that when consideration is given to the eventual location that it is surrounded with railings with self-closing gates to provide a dog free environment.
- The proposed planting should not be higher than 1 metre with tree canopies no lower than 2 metres, to provide observation throughout the area. Careful planting of the proposed orchard will also be key to ensure natural surveillance within this area.
- No detailed comments to make at this stage, with regards to the outline planning permission that will facilitate a new Community Hub and open space area.
- Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.

6.7 WSSC Highways

Comments received September 2021 in response to questions raised just before and during the 8 September Planning Committee meeting:

- **Can WSSC advise as to whether the latest traffic count information along the B2166, B2145 and Vinnetrow Road (and Marsh Lane if it has any) is showing conformance with the levels used in the Traffic Models which are informing responses to individual applications and the Local Plan Review?**

The traffic count data recorded in surveys undertaken by the developers has been checked against other available traffic count data and is broadly comparable. This is a standard check we do when assessing Transport Assessments and Statements especially in light of the impact of Covid on traffic levels.

In terms of as to whether this traffic count data is comparable to the levels within the traffic models used to inform the Local Plan Review this is not a normal check we would ordinarily undertake. Comparing surveyed traffic flow data with flow data in a strategic transport model would also not be a like for like comparison and therefore we would always check with actual traffic flow data where we can.

- **Can WSSC provide the evidence to show there are safe, convenient and suitable continuous cycle routes between the three current application sites (that we discussed today) in North Mundham Parish and the City and other local services? What current or proposed plans are there to provide new and/or improved cycle connectivity with the City and other local services?**

I am not aware of any new cycle routes planned within this vicinity. Given the Community Infrastructure Levy is in place in Chichester we can only seek that development sites provide site specific mitigation that are necessary to make the development acceptable in planning terms. Through our consultation responses we are seeking that all sites provide site specific mitigation to ensure that there is a safe means of access for all. These improvements include footway improvements to connect into the existing footway network, public transport enhancements such as Real Time Passenger Information signs and enhanced waiting facilities to help encourage the use of public transport and as you are aware, on the earlier Lowlands Fields application, we future proofed the design of the site to enable a potential alternative route for NCN2 via Aylwin Place; should this come forward in the future.

There is not a specific policy requirement to provide a continuous cycle route between the three application sites and therefore development could be found acceptable in planning terms without providing this specific infrastructure. WSCC officers shall seek opportunities to secure additional sustainable transport infrastructure from development and where possible site specific enhancements to the network.

- **Justification as to why Lagness Road can cope with 66 + 39 dwellings, with no queueing on Lagness Road when turning right**

As part of the supporting information within the Transport Assessment (TA) the traffic movements associated with residential dwellings proposed as part of application Lowlands have been added to the movements of the current application to ensure a robust cumulative assessment is undertaken – the original assessment assumed traffic from 50 units, whereas consent was granted for 39 units. The LHA agreed the content of the Trip Rate Information Computer System (TRICS) assessment for this proposal for 50 units in our response to the Lowlands application in August 2020. Further capacity testing has been undertaken for an increased quantum of development to ascertain whether sufficient headroom would exist to accommodate the development of land to the south of Lowlands. The testing has been undertaken on the basis of a cumulative total of 250 units in order to provide a robust assessment. The assessment has utilised the same trip generation, distribution and assignment parameters which were agreed with the LHA for the proposed Lowlands development. The outputs demonstrate that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. With regard to the question around queuing in both scenarios, a maximum queue length of 1 vehicle is forecast. Therefore there are no capacity concerns.

- **If the occupiers of the dwellings could not attend the local school, would the additional travel movements on the network lead to concerns regarding transport sustainability?**

If future occupiers can't access the local school and do have to travel further the impact of this is not considered to be severe as per the NPPF and therefore would not warrant a reason to refuse.

- **Why did WSCC highways provide a different response to the Hunston Neighbourhood Plan**

The necessary supporting transport assessments were not provided with the Hunston NP allocation but have been provided with this planning application.

Comments received 15/06/2021

Recommendation - Advice

In principle the comments previously submitted by the LHA in December 2020 would still apply to this latest application. There is an additional plan provided on vehicular parking. The parking spaces at 173 spaces for the whole allocation of spaces would be accepted. The number of spaces for vehicles was accepted in principle in our earlier response.

Comments received 23/12/2020

No objection.

Background

The proposal comprises the redevelopment of the site to provide 66 new homes with access to be taken from an extension to the access associated with planning application 20/01686/FUL known as 'Lowlands' for 39 dwellings. The application was considered for pre-application advice in March 2020 and formally commented on by the Local Highways Authority (LHA) in August and November 2020 respectively. Having assessed the applicants Transport Assessment (TA) the LHA did not raise an objection to the proposals. The Lowlands application was granted consent in December 2020 at Planning Committee.

The latest application is for the site immediately to the south of Lowlands with the particulars as described above. This application is supported by way of a Transport Statement (TS) to further assess the impact on the adjoining highway network.

Access

Access to the site is to be achieved through the purpose-built junction proposed as part of the Lowlands application which obtained consent following consideration at Planning Committee in December 2020. The proposed access arrangement has been subject to vehicular swept path analysis and a Stage 1 Road Safety Audit, in accordance with the WSCC Road Safety Audit Policy, and all matters have been addressed in accordance with the Auditor recommendations. Visibility splays have also been agreed as per the Lowlands application.

Speed Limit Change

As part of the Lowlands application and within the TS of this application, the applicant has indicated that they will be applying for a TRO to reduce the current posted speeds from 60 to a 40 mph. The requirement to enter into the TRO was not included in the S106 heads of terms, as the LHA did not require it to make the application acceptable. The applicant had demonstrated acceptable visibility in line with 85th percentile recorded road speeds.

Officer note: the requirement to enter into a TRO was added to the S106 Agreement for the Lowlands development following the debate at Planning Committee.

At the Pre-application stage WSCC highways has considered your proposal with regard to at TRO in part for a 30mph limit. However the average recorded speed limits were too high within the submitted survey. In addition Sussex Police would be unlikely to support this as well. In addition there were insufficient frontage accesses along the road in question to further justify this point. The LHA would require the applicant to pay for the funding of the TRO process (£7,500 this is only the legal process, signs and lines etc are extra).

Capacity

As part of the supporting information within the Transport Assessment (TA) the traffic movements associated with residential dwellings proposed as part of application Lowlands have been added to the movements of the current application to ensure a robust cumulative assessment is undertaken - the original assessment assumed traffic from 50 units, whereas consent was granted for 39 units. The LHA agreed the content of the Trip Rate Information Computer System (TRICS) assessment for this proposal for 50 units in our response to the Lowlands application in August 2020.

Further capacity testing has been undertaken for an increased quantum of development to ascertain whether sufficient headroom would exist to accommodate the development of land to the south of Lowlands. The testing has been undertaken on the basis of a cumulative total of 250 units in order to provide a robust assessment. The assessment has utilised the same trip generation, distribution and assignment parameters which were agreed with the LHA for the proposed Lowlands development. The outputs demonstrate that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. In both scenarios, a maximum queue length of 1 vehicle is forecast. The LHA would be content with the latest traffic information provided in the TA and consider the data provided a robust assessment. Highways England (HE) will provide comments on the net impact of the development onto the A27 to the north of the site.

Accessibility

A pedestrian footway is located to the south of the B2166 carriageway. The footway provides a connection from the site eastwards towards the village, North Mundham Primary School and North Mundham Village Hall. Maintenance improvements of the footway are proposed as part of the approved Lowlands application. As part of the access works to implement the access, routine maintenance of the footway between the site and Church Lane to re-establish the full useable width will be undertaken. The extent of the improvements is identified in Drawings ITB15534-GA-001 Rev D and GA-002.

The applicant has undertaken pre-application discussion with both the Parish Council and Neighbourhood Plan representatives, it has been identified that there is an aspiration to divert NCN Routes 2 and 88 from their current alignment along the B2166 to provide for an alternative route into the village. A preferred route has been identified that routes through the site and provides a connection to Alywin Place, utilising land on the site of the Alternative Provisions College (APC). WSCC has confirmed that they are willing to provide the necessary land required to deliver this improvement, on the basis that the car parking which is currently situated along the route of what will become the cycle route is replaced.

The site has access to regular and frequent bus services from bus stops located some 400m to the east of the site. In addition, frequent peak and off-peak rail services are accessible from Chichester Railway Station some 3.2km to the north of the site; the station can be accessed via the 600 bus service or by bicycle using the primarily off-road National Cycle Network Routes 2 and 88.

Parking and Layout

As with the earlier 'Lowlands' application the layout has been designed in accordance with the principle of Manual for Streets; it provides for a 5m wide access road with footways on either side, before transitioning to a 4.8m wide shared spaced facility.

The layout has been subject to a swept path analysis assessment which demonstrates that the site can be suitably accessed by both refuse collection and emergency vehicles. A secondary emergency vehicle access is provided to offer an alternative means of entering the site in the event of an emergency.

Car and cycle parking are provided in accordance with the WSCC Guidance on Parking in New Developments document. Provision for electric vehicle charging significantly exceeds the minimum requirements.

Conclusion

Based on the submitted information the Local Highways Authority (LHA) would not raise an objection to the proposals. Having considered the information within the supporting Transport Statement (TS) the LHA does not consider that the application would be contrary to Paragraph 109 of the National Planning Policy Framework (NPPF).

6.8 WSCC Fire and Rescue

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

6.9 WSCC Lead Local Flood Authority

- Current surface water flood risk based on 30year and 100year events - Low Risk
- Modelled groundwater flood hazard classification - High Risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.
- Ordinary Watercourses nearby? - Yes Current Ordnance Survey mapping shows various watercourse running around the boundary of the site. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development
- Records of any flooding within the site? No

6.10 WSCC Rights of Way

No objection.

FP 188 runs east/west on the southern boundary to this site and is a key off road walking to school route from Hunston to North Mundham Primary School. In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of public (footpath) 188 will increase. This will increase the rate of damage to the path surface, so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, this path must be improved. The applicant is required, at its expense, to accept to implement improvement works agreed with and to the satisfaction of WSCC Public Rights of Way service.

It would also be necessary to legally formalise the status of the used link from Foxbridge drive to join FP188 by Hunston Copse which is used as part of the walking to school route. Improvements to the surface will also be required under the same terms as the improvements on FP188.

A number of points of advice for the applicant are also recommended.

6.11 CDC Housing Enabling Officer

Comments received 02/03/2022

I hereby provide an amendment to the required affordable housing mix in our response dated 10 June 2021. Recent changes to national planning policy have introduced a requirement for First Homes on sites subject to full or outline planning permission determination after 28 December 2021 (or 28 March 2022 where there has been significant pre-application engagement).

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

First Homes must be sold on a freehold basis to first time buyers and key workers at a minimum discount of 30%. First Homes cannot be sold for more than £250,000 after the discount has been applied and can only ever be sold to a household which meets eligibility criteria. The new First Homes requirement can be incorporated within the existing Chichester Local Plan Area affordable housing tenure requirements which is 70% affordable/social rented and 30% affordable home ownership, currently mostly delivered as shared ownership. It is now appropriate for the affordable home ownership to be delivered as 25% First Homes and 5% Shared Ownership. The Council has also introduced a local connection requirement which requires that First Homes sales are prioritised for households who have a live, work or family connection to Chichester District.

**Taking this into account, the following local HEDNA compliant affordable housing size and tenure mix required to be delivered within this development proposal is:
Affordable Rented - 4 x 1 bed, 5 x 2 bed, 4 x 3 bed, and 1 x 4 bed.
Shared Ownership - 1 x 2 bed and 1 x 3 bed
First Homes – 1 x 1 bed, 2 x 2 bed, 1 x 3 bed.**

Comments received 18/06/2021

I can confirm I am happy with the amended plans, which is in line with the agreed mix.

Comments received 10/06/2021

The proposed market and affordable mix is in line with previous recommendations and will contribute to meeting an identified housing need within North Mundham and wider Chichester District, albeit 1 additional 2 bed open market unit is provided in lieu of a 3 bed. This is acceptable and will help younger newly forming households to access the market within the parish. As previously mentioned, we are pleased to see the inclusion of 2 and 3 bedroom bungalows which will be appealing to older households who will want to downsize into single storey, smaller accommodation.

Pepper potting

The development should be delivered tenure blind in that the affordable dwellings should not be externally distinguishable from the market dwellings. It should be noted that the planning layout and affordable housing plans show 1 additional 2 bedroom shared ownership dwelling instead of a 2 bedroom open market dwelling. Should the applicant wish to change one of the units back to open market, I would suggest that this is either plot 29 or 31 to maintain ease of management for any future registered provider. The distribution of the affordable dwellings is acceptable and in accordance with paragraph 4.23 of the planning obligations affordable housing SPD. All units meet or exceed the nationally described space standard which is welcomed.

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

Comments received - 4/2/2021

Following my previous consultation response dated 7 December 2020, the applicant and Parish Council have supplied information to justify an increased need for larger market units within North Mundham Village. Notwithstanding the fact that this would not be compliant with the HEDNA 2020 mix requirements, I have reviewed the Council Tax information supplied by the Parish Council along with other available information including the HEDNA 2020, 2011 census and existing parish stock and turnover to assess the open market mix position.

HEDNA 2020

Paragraph 34 of the Chichester HEDNA 2020 is clear in that the delivery of market housing across the district should be focused on 2 and 3 bedrooms. It is important to stress that market housing addresses a strategic need within the district and there are no local connection requirements applied on these dwellings. The HEDNA 2020 identifies that between 2019 and 2036, the population in Chichester of households aged over the age of 75 will increase by 56%. As mentioned within my consultation response, the older population will typically look to downsize into smaller accommodation freeing up larger units elsewhere in the parish and district for those in need. Paragraph 2.45 of the HEDNA identifies that there are more sales of larger detached and semi-detached properties in the Manhood Peninsula per annum compared to other sub market areas in the district. These types of dwellings typically command higher sales prices. The increased supply of larger accommodation is resulting in local young families who are looking to leave the rented market being unable to compete for open market housing. There are also noticeable issues seen within Chichester District within the owner-occupied sector where 88% of the sector has more bedrooms than they require. This is particularly acute in areas with an older population such as North Mundham where 35.7% of the population are over the age

of 60. As a result of the above matters, it is important to strike a balance of market dwellings that takes into account the demand for homes, the changing demographic profile and levels of under-occupation. Therefore, in line with the HEDNA 2020, it is reasonable to require smaller homes.

Existing Stock

The census 2011 identifies that North Mundham Parish is made up of the following housing stock:

Studio/1 bedroom - 40 (7.8%), 2 bedroom - 123 (23.9%); 3 bedroom - 178 (34.6%); 4+ bedroom - 173 (33.7%).

It is evident that there is a weighting towards larger 3+ bedroom units. Recent major developments at Stoney Meadow and Lagness Road have solely contributed towards the affordable housing need within the parish and as such the supply of market housing has not altered significantly from this survey. Having reviewed the Land Registry sold prices data over the last 5 years, 23 of the 28 (82%) properties sold were 3 or more bedrooms. As such the availability of 2 bedroom open market dwellings to those in need has been diminished. My comments have taken the existing stock and turnover into consideration, hence the increased requirement for 2 bedroom units.

Affordability

Chichester District is recognised as being one of the least affordable places to live outside of London by the Office for National Statistics. Local work placed and resident based incomes to house price ratios show that house prices are 13.18 and 10.51 times the median based incomes. This further increases to 13.42 and 12.27 in the lower quartile house prices where affordability pressures are greater. As such, the need for smaller market units to provide more affordable market accommodation for first time buyers and older households looking to downsize is important to ensure a mixed, balanced and sustainable community within North Mundham.

As previously mentioned the Parish Council have supplied Council Tax information at an individual settlement level. This is in contrast with the information outlined above which is only available at the whole parish level. Taking into consideration all the available information, there is a degree of flexibility which can be applied to address the imbalance of smaller units within North Mundham village. I have outlined an alternative market housing mix below which would be acceptable to the Housing Delivery Team and would address the applicant and Parish Council's aspirations for larger dwellings:

1 bedroom - 2
2 bedroom - 16
3 bedroom - 19
4+ bedroom - 9

Comments received 7/12/2020

This application seeks to deliver 66 residential dwellings. Policy 34 of the Chichester Local Plan requires 30% (19.8 units) to be delivered as affordable housing. The applicants planning statement indicates the provision of 20 affordable homes which meets this requirement.

Market Housing

The above mix is not in line with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2020 mix requirements (5-15% 1 bed, 35-45% 2 bed, 30-40% 3 bed, and 10-20% 4 bed) in that it provides too many larger units. North Mundham's existing housing stock is weighted in favour of the larger 3+ bedroom units, accounting for 68.3%. Furthermore, the provision of larger 4 and 5 bedroom dwellings will not provide an affordable option for first time buyers or provide suitable accommodation for older households looking to downsize. Taking the HEDNA and existing stock into consideration, we would require the following mix of market housing to be delivered - 2 x 1 bed, 18 x 2 bed, 19 x 3 bed, and 7 x 4 bed.

Affordable Housing

The above mix is not in line with the HEDNA 2020 mix requirements in that it provides too many 3 bedroom units. The split of affordable rented to shared ownership is compliant with the Council's adopted planning obligations and affordable housing SPD requirement to provide 70% as affordable rented and 30% as shared ownership. However, the applicant has proposed a 4 bedroom shared ownership unit. As previously advised on the application to the north (20/01686/FUL), the Housing Delivery Team has advised against providing 4 bedroom shared ownership dwellings. The reason for this is that they are largely inaccessible to first time buyers within Chichester District and have taken longer than 6 months to sell. Taking the HEDNA 2020, existing stock and turnover and housing register figures into consideration, the following affordable mix is required to be delivered: Affordable Rented - 4 x 1 bed, 5 x 2 bed, 4 x 3 bed, and 1 x 4 bed. Shared Ownership - 1 x 1 bed, 3 x 2 bed and 2 x 3 bed.

Pepper potting and design

The affordable housing is located in three clusters of 5, 3 and 12 units. The cluster of 12 in the north east corner of the site is not compliant with the Planning Obligations and Affordable Housing SPD in that it clusters the affordable housing in a group of larger than 10 units. This may provide an element of social exclusion and not help to promote mixed, balanced and sustainable communities. The north eastern cluster should therefore be amended to be in line with this requirement. The development should be delivered tenure blind so that the affordable housing is not externally distinguishable from the market units. All units should be designed to meet the nationally described space standards set out by the MHCLG.

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

6.12 CDC Design Officer

Comments received 28/01/2021 in response to original submission

Layout

- The development appears well connected in terms of cycle and pedestrian connections with these being located in positions that where possible benefit from passive surveillance from the proposed housing.
- There is a substantial amount of open space provided. This in most places provides a softer buffer to the countryside beyond and a pleasant outlook for many of the properties within the development.

- The Southern most proposed housing is located very close to the public footpath. It is considered this should be pulled further away from the path to improve the spacing in keeping with the more rural character of the existing path. It is appreciated that the built block layout of the development has been developed to provide a visibility cone of the existing church. This is welcomed maintaining visibility of a local landmark building. Is there a way to redistribute the houses which maintains visibility of the church but also enables the housing to provide a greater separation and open space adjacent to the path.
- There are two listed buildings located adjacent to the development site. The proposed landscaping has been used to create a buffer zone to these which is a welcomed approach and better retains the openness these appear to have historically maintained. Retaining visibility of these structures in longer views is considered of benefit to the setting and character of the area. Trying to redistribute the proposed southern most block housing would help with this better preserving the visibility of the historic structures within the landscape and from the footpath.
- It is also considered that it would be more appropriate for the proposed parking for the community facility to be located in a less visibly apparent position from the footpath.
- The layout of the proposed shared surface adjacent to plots 43 and 44 appears likely to facilitate undefined informal parking.
- The flat block 58-61 lacks any shared or private external amenity space. It is considered this should be addressed.
- The shared surface layouts in front of plots 47-49 and 1-6 are considered preferable to the arrangement proposed for plots 56-66 which places built forms much closer to the proposed cycle path. It is also likely to result in less active frontages to the housing due to parking be positioned to the rear.
- The mown grass paths are welcomed in terms of a landscaping feature and to provide informal directed routes. It is considered to make the development more walkable throughout the seasons a Hoggin path linking the shared surface in front of plot 35 and to the South of plot 24 would be beneficial.
- To the side / rear of plots 1, 11-12 there appears to be an undefined area of land. It is not clear what is proposed here.

Appearance

It would usually be considered that the use of character areas in a development of this size is unnecessary. However in this instance it is considered that given the open edge of the development to the countryside beyond the approach taken is the most appropriate one in terms of longer views into the development and towards North Mundham. The design of the housing has been subtly varied to establish a more traditional appearance to the edge of the site whilst visually remaining connecting to the appearance of the rest of the development through a consistent approach in the material palette and form of the proposed dwellings.

It is considered in places that the development would benefit from more chimneys to the contemporary housing. It is considered in particular that these are lacking currently from the affordable housing fronting the cycle route where the introduction of chimneys would help break up the consistent ridge line.

There are places in which it is considered that it would be more appropriate for brick walls to be used rather than fences for external enclosures given the level of visibility in the street scene. This is not an exhaustive list but examples include: plot 13, 45, 43, 47 between plots 56-57.

The appearance of the community hub building is not currently known. Given its position all facades of the building will be public facing and will therefore need to be designed to reflect this level of visibility providing a focal building. There appears to be scope for this building to provide additional passive surveillance to the play area. It is likely to be appropriate therefore for the fenestrations to be designed to allow for this.

- It is considered that the combination of Plots 62-64 has the potential to appear overly long and flat particularly viewed from the cycle path. It is considered the introduction of a gable or other feature to break up the horizontal emphasis would be beneficial here.
- Appearance of coach house flats plots 11 & 12 is very bland. It is acknowledged that they are largely tucked away however it is considered there is scope to make simple improvements here that would improve the appearance and visually break up the length / horizontal emphasis of the building.
- Plot 22 blank side elevation visible due to building line and gap in street scene. Improvements should be made here. - Plot 28 side elevation visible in street scene due to spacing. Could layout be handed allowing obscure glazed side windows for bathrooms / wc? And avoiding visible blank elevation.
- There appears to be two sets of drawings annotated as being plot 43. It looks perhaps that the 2BB house type drawings for plot 16 have been labelled as plot 43? If this is the case both plot 43 and plot 16 are considered appropriately fenestrated etc.
- Given the gap in the street scene the side elevation of plot 53 will have a high level of visibility at first floor could additional interest be added here to break up blank façade?

6.13 CDC Archaeology Officer

I agree with the assessment of the archaeological potential of this site as laid out in the Heritage Statement. Any elements of the development likely to impact on the area of the medieval moated site should be fully investigated beforehand, whilst development of the larger area to the west should be evaluated in order that anything of interest that it contains might be properly investigated and recorded prior to construction. Condition recommended.

6.14 CDC Drainage Engineer

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

Surface Water Drainage: The drainage strategy provides an indicative surface water drainage scheme which involves a restricted discharge (5.9 l/s) to a local watercourse, and storage for the 1 in 100yr event + 40% climate change. The scheme involves permeable surfacing, swales and an open attenuation basin. They have demonstrated that the site can be adequately drained should infiltration prove not to be viable in isolation.

We will still expect them to fully investigate the potential for infiltration with winter groundwater monitoring and winter percolation testing. 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.

There are open watercourses on the boundaries of the development, these will need to be retained and a suitable buffer (minimum 3m from top of bank) provided to ensure future maintenance is not restricted. The current layout proposes to retain the watercourses and appears to provide sufficient buffer.

The FRA is also proposing some land raising on the northern edge of the site, based on the proposed FFLs, swale levels and retention of the existing watercourses we do not anticipate this having a significant impact on local flood risk.

Conditions recommended regarding approval of the full details of the proposed surface water drainage system, full details of the maintenance and management of the SuDS system and arrangements for future access and maintenance of any watercourse or culvert crossing or abutting the site.

6.15 CDC Environmental Health Officer

No objection, subject to conditions in relation to contaminated land and a construction management plan.

6.16 CDC Environmental Strategy Officer

Comments received 01/02/2021

Bats, Bats (lighting), SUDS, reptiles, nesting birds, hedgehogs, recreational disturbance and policy 40 - as previous comments.

Enhancements: We require that a mitigation and enhancement management strategy and plan is put together for the site detailing how the site will be enhanced for biodiversity, managed and protected in the future. We require that this is submitted as part of this application and should include the following:

- Orchard created with area of meadow grassland
- Green corridor network
- SUDS wetland habitat
- Invertebrate features - bug hotels deadwood features
- Species rich grassland and scrub areas planting
- Creation of new hedgerow

- Any trees removed should be replaced at a ratio of 2:1
- Bat bricks installed in 33 units onsite
- Bird boxes installed on at least 20% of properties onsite
- Bird and bat boxes installed on trees within the green corridor areas
- Barn owl boxes installed onsite within a suitable location
- Hedgehog nesting boxes included across the site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Comments received 03/12/20

Biodiversity: Please can the Phase one habitat survey which is referenced to within the phase 2 species surveys please be submitted as part of this application so we are able to review the assessment made for the entire site and habitats.

Bats: We are pleased to see that a new woodland copse planting will take place adjacent to the pond to provide a green link between the northern and southern retained trees lines. We also require that the existing hedgerows and trees on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

A full management plan is put together for the green corridors areas and included within a mitigation and enhancement management strategy discussed below.

The CEMP will need to include detailed on how these areas will be protected during the construction process and should include;

- o Storage of chemicals
- o Silty water disposed of to foul sewer or suitable alternative (tanker off site)
- o Water washing of vehicles carried out away from water course
- o Refuelling away from any water courses

Bats Lighting: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings through the provision of dark habitat areas within the green corridors and avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that further details of the lighting scheme and dark corridors are provided as part of this application.

SUDS: We are pleased to see that a large pond / wetland area will be created as part of SUDS scheme and will hold water permanently. Further information relating to the creation of this area should be included within a mitigation and enhancement management strategy which is discussed below.

Reptiles: Following submission of the Reptile Survey and Mitigation Strategy (Nov 2020), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. To ensure the reptile receptor is afforded the appropriate level of protection once the site has been built, it should be listed within the S106.

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. Due to the use of the site by barn owls, we require that a barn owl box is installed on site and a management programme for this created for maintenance and monitoring of this.

Hedgehogs: Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. Any brush piles, compost and debris piles on site must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats. Details of this will need to be included within the CEMP.

Recreational Disturbance: The only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

Enhancements: We require that a mitigation and enhancement management strategy and plan is put together for the site detailing how the site will be enhanced for biodiversity, managed and protected in the future. We require that this is submitted as part of this application and should include the items listed in the consultation response.

Policy 40: Following submission of the Energy Strategy Statement (Nov 2020) 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 21.36 % through a fabric first approach and 42.66% reduction through the installation of Air source heat pumps. We are also pleased to see that 80% of the units onsite will have electric vehicle charging points installed. A condition should be used to ensure this takes place.

6.17 WSCC – Education

Comments received 16/05/2022

An Objection was made to the application on 23 December 2021 in order for the County Council as Local Education Authority (LEA) to complete an assessment of educational provision in North Mundham and the wider Chichester Planning Area, which the above application comes under.

The County Council has the statutory duty to make education provision available for each pupil, and to provide a school place for each child, within the local catchment area where possible. Schools should be provided close to where the need arises, to encourage sustainable travel behaviour. An inability to meet school places nearby could result in pupils being allocated spaces at a greater distance from their home, not in accordance with sustainable place making or education provision policy.

The County Council can enter a legal agreement and collect financial contributions for education provision including for the expansion of an existing school, or the provision of a new school. However, if there is not a school in the School Planning Area which can be expanded, or there is no land

available for a new school, then education provision cannot be provided to mitigate children from proposed new development. Which means, there may be no local school that the pupils arising from the development can attend. For the LEA the availability of land or expansion potential is as necessary as a monetary contribution from a developer in order to ensure the impacts of the site can be mitigated. We cannot simply take a financial contribution to mitigate the impact of the development if no such possibility exists within the education planning area.

Following the publication of the Interim Position Statement on Housing by the District Council, which aimed to maintain a 5 year housing land supply, a number of windfall applications have been submitted, including in the Chichester School Planning Area. These unallocated sites coming forward for development will increase the need for school places in the area; these have not been planned for through the Local Plan or school place planning process. Therefore, the windfall sites coming forward, has led to the need to complete another education assessment of the area to ensure mitigation could be achieved and if so whether that was through expansion of existing or a further new school, as a result of these windfall applications.

Since December and following the receipt of the revised pupil projections that included revised population and housing completions data, the County Council as LEA has been investigating the impact of the additional housing across the area and the impact this will have of the local school to accommodate the additional children from this application site, and other development sites in the Chichester Planning Area. This has entailed an assessment of current and projected pupil numbers for the area, meetings with stakeholders and internal discussions. These have necessarily needed to take place before we could have any confidence that we were able to house the pupils arising from the current development site proposals.

County Council as LEA can now inform Chichester District Council, as determining authority, that at this point in time (May 2022) the local school has the capacity to cater for the additional pupils it is anticipated to come from the above application. This is an area of the county where we will continue to monitor pupil numbers and movement and reserve the right to change our position for any future applications we may receive.

In view of the work County Council as LEA has undertaken in the assessment of education capacity the objection is now removed.

There is now no education objection to the application.

Comments received 23/12/2021

Developers are required to mitigate the impact of their proposed developments and, where appropriate, provide or make contributions towards site specific education provision where a specific need is identified. School places are required in perpetuity to mitigate planned development.

The County Council has the statutory duty to make education provision available for each pupil, and to provide a school place for each child, within the local catchment area where possible. Schools should be provided close to where the need arises, to encourage sustainable travel behaviour. An inability to meet school places nearby could result in pupils being allocated spaces at a greater distance from their home, not in accordance with sustainable place making or education provision policy.

The County Council as the local education authority objects to further development described in the planning application(s) listed above, in the school planning area covering Hunston, North Mundham, due to the insufficient offer of new education infrastructure and the inability to expand the existing provision to accommodate the pupils arising from the proposed new developments.

Comments received 12/11/2021

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

Third Party Representations

6.18 Comments raising objection

A total of **30** representations have been received, raising the following comments, issues, concerns and objections to the application:

- The proposed road junction will cause congestion and there are highways safety concerns,
- Increased trip generation would exacerbate existing highways issues,
- With regard to safety on cyclists, the proposed access road cuts across route 88 which is part of the national cycle network. This section of road is already dangerous for cyclists due to the weight and nature of traffic,
- The additional houses and services will also cause harmful levels of congestion, pollution and will affect the convenience of road users,
- There is insufficient infrastructure to support the proposed development with facilities over prescribed already in the locality,
- This would be an over development of the site,
- Wildlife must be safeguarded on this site as there is potential harm on local species and the natural environment through the proposed development,
- There is already an over-accumulation of development work in the local area with this additional development further adding to pollution, congestion and environmental impacts such as: recreational disturbance, litter, noise, light pollution and risk to species,

- As part of the agreement (Section 106) I would wish to see that the shared path be completed at the same time as the occupation of the first property and that a commuted sum is given to the Highway Authority equal to 10 years maintenance cost,
- Impact on local views,
- The Road Safety audit makes no reference to narrow footways on the B2166 yet this provides the only surfaced pedestrian footway to/from the local shop(s) in Hunston 600 metres to west, North Mundham Primary School 500 metres to the east and Chichester Free School 800 metres to the north,
- Flood risk and drainage concerns,
- The towpath to be widened to the standard for a combined busy cycle and pedestrian way,
- This development cannot be accommodated without causing undue harm to the local landscape character,
- There is no need for another community hub in North Mundham as there is already an excellent village centre,
- With 42 houses already approved in the adjacent field, there will be a significant additional burden on the overstretched resources of the village,
- Additional sewerage would be created in the face of existing systems which cannot cope with existing numbers,
- The application if based on the District's Interim Housing Policy and relies on another application 20/01686/FUL for 39 units that has itself yet to be determined and is also submitted under the Interim Housing Policy to create the "qualifying " edge of an existing settlement area boundary,
- The proposal would lead to a harmful coalescence of settlements,
- There would be environmental impacts on the harbour and SSI in terms of nitrates and pollution with increased housing numbers and inadequate infrastructure,
- Environmental impact on the Special Protection Areas, and
- The effective management of these many amenities and essential flood defences for such an estate will be a significant and relatively costly task for a management company to undertake in perpetuity but the application does not propose any adequate initial or long-term solution to this requirement.

6.19 Comments in support

- Impressed with the new habitats proposed,
- Welcome the provision of a cycle route through the site from Alywin Place to the north-western boundary as an alternative route, and
- The proposed design of this development incorporates inter alia well landscaped public open common areas, an equipped play space, mown paths and boardwalks, meadow grassland and woodland, ditches and hedges and a SUDS/permanent water feature.

6.20 Agents supporting information

In addition to the Planning and Design and Access Statements, the application is accompanied by a suite of supporting documents comprising: Planning Statement; Arboricultural Impacts Report; Flood Risk Assessment; Landscape and Visual Appraisal; Preliminary Ecological Appraisal; Phase II Bat Surveys and Mitigation Strategy; Reptile Survey and Mitigation Strategy; Phase II Dormice Survey; Energy Strategy Statement; Heritage Statement; Transport Statement; Framework Travel Plan; Road Safety Audit and Designers Response and Utilities Planning Statement. These documents and relevant appendices can be read in full on the Council's website.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is currently no made neighbourhood plan for North Mundham at this time. The Neighbourhood Plan Group is, however, progressing a neighbourhood plan and recently undertook a call for sites, which included this application site.
- 7.2 The principal policies of the Chichester Local Plan relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1 Presumption in Favour of Sustainable Dev
- Policy 2 Dev Strategy and Settlement Hierarchy
- Policy 4 Housing Provision
- Policy 5 Parish Housing Sites 2012 - 2029
- Policy 6 Neighbourhood Development Plans
- Policy 8 Transport and Accessibility
- Policy 9 Development and Infrastructure Provision
- Policy 33 New Residential Development
- Policy 34 Affordable Housing
- Policy 39 Transport, Accessibility and Parking
- Policy 40 Carbon Reduction Policy
- Policy 42 Flood Risk and Water Management
- Policy 45 Development in the Countryside
- Policy 47 Heritage and Design
- Policy 48 Natural Environment
- Policy 49 Biodiversity
- Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbour Special Protection Area
- Policy 51 Development and Disturbance of Birds in Pagham Harbour Special Protection Area
- Policy 52 Green Infrastructure
- Policy 54 Open Space, Sport and Recreation

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

7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 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.**

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

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development

S2 Settlement Hierarchy

S3 Development Hierarchy

S4 Meeting Housing Needs

S5 Parish Housing Requirements

S6 Affordable Housing

S12 Infrastructure Provision

S20 Design

S23 Transport and Accessibility

S24 Countryside

S26 Natural Environment

S27 Flood Risk Management

S29 Green Infrastructure

S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

DM2 Housing Mix

DM3 Housing Density

DM8 Transport, Accessibility and Parking

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM22 Development in the Countryside

DM28 Natural Environment

DM29 Biodiversity

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

DM31 Trees, Hedgerows and Woodlands

DM32 Green Infrastructure

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

National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect in July 2021 and related policy guidance in the NPPG.
- 7.6 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.*
- 7.7 The following sections of the revised NPPF are relevant to this application: 2, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.8 The following documents are also material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
 - Planning Obligations and Affordable Housing SPD
 - CDC Waste Storage and Collection Guidance
 - Interim Position Statement for Housing Development

Interim Position Statement for Housing Development

- 7.9 **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.**
- 7.10 **Following recent appeals (PINS refs. APP/L3815/W/21/3284653 – ‘Raughmere’, APP/L3815/W/21/3286315 ‘Church Road’ and APP/L3815/W/21/3270721 - ‘Land north of Madgwick Lane, Westhampnett’), 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.**

7.10a 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 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 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. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant and where there is no conflict with relevant policies in the development plan are likely to be supported by officers.

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

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

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

i. Principle of development and the policy position

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

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

8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for North Mundham in the countryside or Rest of Plan Area and would not meet an “essential, small scale and local need” (policy 45). Additionally, the proposal would be in excess of the indicative housing numbers for the Parish of North Mundham, as set out in Policy 5 of the Local Plan (25 homes) and as set out in the Site Allocations DPD have in any event already been met for North Mundham Parish. Therefore, following a S38(6) development plan approach, this application is contrary to policy.

8.4 The application site is considered to be developable in the Chichester District Council Housing and Economic Land Availability Assessment (HELAA) 2020. The HELAA has identified that the site is capable of an indicative capacity of 172 dwellings (including land at Former Lowlands Nursery which has recently been granted planning permission for 39 dwellings (ref. 20/01686/FUL)). Importantly the HELAA is a technical background document which provides a tool to assist the Council in its consideration of potential housing sites under the LPR, it is not a policy document of the Council. Notwithstanding that, its significance is that the application site has been identified as suitable, available and deliverable to provide new housing.

8.5 In the absence of a five-year housing land supply the Council produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area. The IPS was approved on 4 November 2020. With regard to current housing supply position, the Council acknowledges that as of 24 November 2021, it can now demonstrate a five-year housing supply. However, it is recognised that following 3 recent appeals decisions the Council’s supply is marginal, and to ensure that the supply is maintained and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, it remains a useful tool for assessing applications for new housing proposed outside of existing settlement boundaries.

8.6 The fundamental aim of the IPS is to ensure early delivery of housing sites through planning applications on sites which are not being brought forward through the local plan process. It is not to deliver strategic scale development and accompanying infrastructure which need to be properly master planned in order to ensure optimum planning outcomes and the timely delivery of infrastructure to support growth. When considered against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider each of the IPS criteria in turn:

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

The site is immediately adjacent to the western boundary of the existing settlement boundary for North Mundham. This criterion is therefore satisfied.

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

North Mundham is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2). In this context the proposed scale of development (even when considered cumulatively with the development to the north on the Former Lowlands Nursery) is considered appropriate and the criterion is therefore satisfied.

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

It is considered that the development meets this point, particularly when considering the ecological mitigation land proposed as part of this application, which is recommended to be secured through the S106 Agreement and is proposed to be transferred to North Mundham Parish Council. There is no actual or perceived coalescence likely to arise from permitting this development.

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

The density of the residential component of the application site would be 27 dph. The site is a single field so there is no artificial sub-division and in the context of the rural edge of settlement location and the pattern of existing housing this level of development is considered acceptable. The proposal meets this criterion.

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

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

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

Not applicable in this instance.

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

It is considered the proposal would meet the above criterion. Wastewater disposal will be through the statutory undertaker, affordable housing, open space, and highways improvements will be secured through the Section 106 agreement and/or by planning conditions. **WSCC Education has confirmed that the local school has the capacity to cater for the additional pupils from the proposed development.**

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;**
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

The development will meet this criterion through a combination of fabric first, air source heat pumps and solar PV panels. The applicant is proposing a 21.36% carbon reduction through 'fabric first' construction, air source heat pumps to all dwellings resulting in a predicted residual energy reduction of 42.66% and PV panels for 17 dwellings (25% of dwellings) resulting in a further carbon reduction of 10.42%. A maximum 110 litres per person per day water use will be conditioned and electric vehicle charging points will be incorporated in 80% of the development (53 dwellings). These sustainability measures are well in excess of the requirements of this criterion.

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

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

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

The site is well connected to the existing settlement and linked to the city centre via cycle routes and bus services. The site has access to regular and frequent bus services from bus stops located some 400m to the east of the site. In addition, frequent peak and off-peak rail services are accessible from Chichester Railway Station some 3.2km to the north of the site; the station can be accessed via the 600 bus service or by bicycle using the primarily off-road National Cycle Network Routes 2 and 88. North Mundham itself benefits from a primary school, public house and the Free School is a short journey northwards towards the city centre.

The development proposes a shared 3.5m wide pedestrian and cycle link from the western boundary of the site through to Aylwin Place, which will as well as linking to the pedestrian and cycle link approved through the development to the north (Former Lowlands Nursery). The new east – west cycle link would enable future provision for the diversion of the NCN Routes 2 and 88.

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

This criterion is considered to be satisfied (refer to the assessment below). The site is located within EA flood zone 1, as area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development.

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

Not applicable in this instance.

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

Although a hybrid application, the residential element of the development is submitted in full detail. The applicant has stated it is their intention to bring forward the land for development as soon as possible following the grant of planning permission. The applicant has also indicated that an application for Reserved Matters approval (in relation to the outline elements) will be submitted in within 6 months of the decision on the hybrid application. The applicant's intension is to commence construction on the Lowlands Nursery application first and subject to receiving planning permission on this application, to then continue south into the South of Lowlands application area. The applicant anticipates completions commencing early in the 2023 monitoring year at a rate of circa 50 dwellings per annum.

There are no technical constraints to prevent the delivery of the site. The HELAA (2020) stated that "there are no known constraints that would make development unachievable in principle". The HELAA does suggest that the "delivery timetable is potentially reliant on the undergrounding of the 33kv overhead electricity cables". Since the publication of the HELAA (2020), in November 2020 SSE has been granted Hedgerow Removal Notices (ref 20/02328/HGD and 20/02527/HDG) for the temporary creation of a gap in three hedgerows, with each gap being approximately 5m in width, to facilitate the installation of a new dual circuit 33kV underground cable between the Hunston primary substation and an existing electricity pole at Barfoots Farms. The new underground cable is required to replace the existing overhead lines that require upgrading in order to safeguard the power supply in the local area. SSE has confirmed that these works would be completed under Permitted Development rights. On completion of the project, each gap would be replanted with native species. SSE has confirmed that the trenching to relocated the cables underground will commence in 2021, with the switch over planned for April 2022. As a consequence the presence of the electricity cables is not a constraint on delivery of the site. Southern Water confirm that they can facilitate foul sewage disposal, however network reinforcement may be required and these would be provided within 24 months of planning permission being granted. The delivery of the cycle provision through the Alternative Provisions College will be secured through the S106 Agreement. The applicant is in discussion with WSCC regarding the options for linking through the school site, with the scope of works having been agreed and the layout plan being finalised.

A reduced time frame of 2 years to implement the full permission, together with 2 years in which to submit the reserved matters following the grant of outline planning permission and a 2 year period thereafter in which to begin implementation of the approved details is accepted by the applicant. There are no significant abnormalities that would otherwise restrict implementation of the development following the discharge of pre-commencement conditions. As such, it is considered criterion 13 of the IPS has been satisfied.

8.7 The proposed development is considered to meet all the relevant criteria in the IPS. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above and in the subsequent assessment the 'principle' of housing development on this site is considered acceptable. **It is recognised that the Council has a marginal 5 year housing land supply and it is important that permissions are granted for development that score well against the IPS and are considered acceptable in principle to ensure the supply is maintained and bolstered, and it is considered that in this context the proposal is acceptable.**

ii. Highway Impact.

8.7a At the September meeting of the Planning Committee further information and clarification was sought on both the individual and cumulative impacts of the proposed development on the local highway network as well as the strategic highway network in terms of the A27. Further information has been provided by WSCC Highways which has considered the impact of the proposed development and the summary response of this is provided at paragraph 6.7. Members will also recall that at the subsequent meeting of the December Planning Committee National Highways attended to answer questions from Members regarding the cumulative impact of proposed development on the strategic highway network in terms of the A27.

8.8 Access to the site is proposed to be achieved through the new 5.5m wide vehicular access with visibility splays in excess of the 40m x 60m required (90m is achieved to the west and 120m to the east), proposed as part of the Former Lowlands Nursery application which has been granted planning permission following consideration at Planning Committee in December 2020. The proposed access arrangement has been subject to vehicular swept path analysis and a Stage 1 Road Safety Audit, in accordance with the WSCC Road Safety Audit Policy and all matters have been addressed in accordance with the Auditor recommendations. Access to the application itself will be from an extension to the approved internal access road serving the former Lowlands Nursery site.

8.9 In terms of traffic movements, as part of the supporting information within the Transport Assessment (TA) the traffic movements associated with residential dwellings proposed as part of the Former Lowlands Nursery application have been added to the movements of the current application to ensure a robust cumulative assessment is undertaken. The original assessment assumed traffic from 50 units, whereas planning permission was granted for 39 units. Further capacity testing has been undertaken for an increased quantum of development to ascertain whether sufficient headroom would exist to accommodate this current proposal, south of Lowlands. The testing has been undertaken on the basis of a cumulative total of 250 units in order to provide a robust assessment, using the same parameter as were agreed for the Former Lowlands Nursery development. The outputs of the testing demonstrate that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. In both scenarios, a maximum queue length of 1 vehicle is forecast. It is the view of WSCC as Local Highway Authority (LHA) that the proposed site access will continue to operate within capacity in both the opening year and future year assessment period and that the junction retains residual capacity. The LHA is satisfied that in terms of the relevant policy test in NPPF at paragraph 111, that the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The LHA would be content

with the latest traffic information provided in the TA and consider the data provided a robust assessment. With regard to impact on the A27, Highways England has confirmed that subject to a contribution towards mitigation at the A27 Chichester Bypass, no objection is raised to the impact of the development onto the A27 to the north of the site.

- 8.10 The LHA has confirmed that the proposed 173 parking spaces and the cycle parking are acceptable and in accordance with the WSCC Guidance on Parking in New Developments document. Provision for electric vehicle charging significantly exceeds the minimum requirements. The layout has been designed in accordance with the principles of Manual for Streets. The layout has been subject to a swept path analysis assessment which demonstrates that the site can be suitably accessed by both refuse collection and emergency vehicles. Parking provision within the site has been designed in a sympathetic manner, so as not to dominate the street scene. The road layout comprises a 5m wide access road with footways on either side, before transitioning to a 4.8m wide shared spaced facility. The overall site layout has been designed to provide permeability within the site, in relation of vehicles, pedestrians and cycles.
- 8.11 With regard to off site cycle provision, the applicant has undertaken discussion with both the Parish Council and Neighbourhood Plan representatives, where it has been identified that there is an aspiration to divert NCN Routes 2 and 88 from their current alignment along the B2166 to provide for an alternative route into the village. The proposed development would facilitate the future provision of such a diversion. A preferred route has been identified through the site to provide a connection to Alywin Place, utilising WSCC owned land on the site of the Alternative Provisions College. WSCC has confirmed that they are willing to provide the necessary land required to deliver this improvement, on the basis that the car parking which is currently situated along the route of what will become the cycle route is replaced. The applicant has agreed the scope of work and is currently finalising discussions with WSCC regarding the proposed layout. This element is seeking outline permission, to allow time for these discussions to finalise. The Heads of Terms for the S106 Agreement recommend delivery of the 3.5m wide footway/cycleway prior to the occupation of the 50th dwelling.
- 8.12 With regard to the PROW running east/west adjacent to the southern boundary of the application site, the applicant has confirmed that they would upgrade the PROW to a 3m wide Hoggan path, in accordance with details to be agreed with WSCC Public Rights of Way service and CDC. A condition is recommended to secure this. The requirement of WSCC PROW officer to legally formalise the status of the used link from Foxbridge Drive to join FP188 by Hunston Copse is on third party land and outside of the applicant's ownership and control. The PROW officer has stated that this is a link used as part of the walking to school route, which due to its location in relation to the application site and North Mundham Primary School would not be used by occupiers of this development going to North Mundham primary school. The PROW officer has not raised objection to the application and therefore for the reasons set out above, the requested upgrade to the link from Foxbridge Drive to FP188 by Hunston Copse is not necessary to make the development acceptable.

8.13 Finally, the applicant has indicated as part of the Former Lowlands Nursery application and within the TS of this application, that they will be applying for a TRO to reduce the current posted speeds from 60 mph to 40 mph. Following the resolution of the Planning Committee in December 2020, the requirement to apply for a TRO was included in the S106 Agreement for the Former Lowlands Nursery Application. As this application relies on the access onto the B2166 Lagness Road granted under the Lowlands Nursery application, there is no requirement to reimpose the need to apply for a TRO as part of this S106 Agreement. In any event, the applicant had demonstrated acceptable visibility in line with 85th percentile recorded road speeds, to the satisfaction of the LHA.

8.14 Subject to conditions, the proposals are acceptable from a highway safety and capacity point of view and no objection is raised, subject to recommended conditions and S106 obligations.

iii. Design and Layout

8.15 The proposed development has been designed as an extension to the development to the north and is served by a single central road, with a western spur which links back to the northern development together with a number of secondary cul-de-sacs, resulting in an informal perimeter block layout with most dwellings fronting onto and positively addressing the road or public realm. The housing is laid out in two distinct blocks within the centre of the site, with the larger parcel located immediately to the south of the housing proposed in the former Lowlands Nursery application and extending over the majority of the central part of the application site. A small parcel of 6 bungalows is located to the south of the main housing parcel, extending to the southern boundary of the site. The development comprises a mix of 2 storey houses, 13 flats and 6 bungalows. Buildings are arranged as a variety of detached, semi-detached and terraced forms.

8.16 The listed St Stephen church, Pigeonhouse Farm, the former moat feature in the eastern corner of the site and the views to the Chichester Cathedral have all been carefully considered and informed the design approach and layout, which has resulted in the creation of two distinct character areas, the Northern Area character area and the southern church view character area. The Northern Area character area is a continuation of that granted under the former Lowlands Nursery application (ref: 20/01686/FUL), with the predominant appearance of the dwellings being traditional materials, presented in a modern vernacular. The Church View character area proposes a similar palette of materials to the northern area, but comprises a more traditional form of development, to reflect its location within the listed church viewing corridor.

8.17 The 20 affordable housing units, comprising 7 no. flats and 13 no. houses are located in three separate groups of 12 units, 5 units and 3 units on the site. The distribution accords with the Council's pepper-potting requirements and the homes are tenure blind in terms of design. The affordable housing mix will be secured through the S106 agreement. The proposed housing mix for both the affordable mix and the private market mix meets with the requirements of the Council's Housing Enabling Officer in terms of the HEDNA 2020 and no objection is raised.

8.18 In terms of density of development the site achieves around 27 dwellings per hectare. When considered in the context of the open space and ecological area and the edge of settlement location, the amount of development proposed is considered to be acceptable.

8.19 The application has been amended during consideration of the details, and as proposed it is considered that the design, materials, detailing and appearance of the development suggest will result in an attractive, high quality rural housing scheme that would be appropriate to its rural context and surroundings.

iv. Surface Water Drainage and Foul Disposal

Surface Water

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

8.21 The application details for this development indicate that the proposed means of surface water drainage for the site is via pipe to the SuDS ponds located in the eastern area of public open space and western ecological area, which are connected by a series of swales and small sections of linking pipework. It is proposed that there would be attenuated discharge from the SuDS features which will then discharge into the existing ditch to the north of the site. The outfall will be restricted so as to not exceed existing greenfield run-off rates.

8.22 The documents submitted in support of this application state that as groundwater levels below the site are very near the ground surface as existing, the use of conventional soakaways will not be possible. However, as ground levels within the site are proposed to be raised to facilitate the development and given the permeable nature of the geology, the application documents confirm that shallow infiltration features may be suitable and consideration will be given to a partial infiltration based drainage solution. The Council's drainage officer states that the SuDS features should utilise any potential that exists for on-site infiltration, where it is safe and acceptable to do so. Any run-off that it was not possible to infiltrate into the ground, will then need to be attenuated and discharged (at a restricted rate) to a local watercourse, as is being proposed. The Council's drainage officer has confirmed that a surface water drainage strategy based upon these principles would be acceptable and has recommended conditions to secure details and ongoing management and maintenance. Such a condition is also requested by North Mundham Parish Council.

8.23 Hunston Parish Council states that the field to the west/NW has a small culvert which drains land to the Northwest of the B2145 into the Bremere Rife at Swan Cottage. Any increase in flow of groundwater or surface water from the application site is bound to increase the flow and level of groundwater in the field to the west and thus increase the likelihood on that field flooding and along the B2145 around the area near Hunters Lodge riding stables. The detailed design of the drainage strategy is recommended to be secured by condition, however the principle of discharging into the ditch to the north of the application site would only be acceptable where the discharge rate is restricted to not exceed greenfield runoff rates (as is proposed in this case) and as such will result in no further likelihood of flooding of the adjacent fields than is the case for the existing situation.

8.24 With the imposition of appropriate conditions as recommended by consultees, it is considered that the surface water drainage can be designed to ensure there is no overall increase in flows into the surface water system and its long-term management and maintenance can be secured.

Foul Water

- 8.25 The proposed development would lie over an existing public foul rising main, which is not acceptable to Southern Water. The applicant is therefore proposing to divert the foul rising main along the two central roads within the development running north-south, ensuring the 3m buffers are provided and no SuDS features are within 5m.
- 8.26 The application documents confirm that a gravity connection to the public sewerage connection to the east of the site is not achievable and therefore the application proposes that the foul water from the site would be pumped by via the on-site pumping station (proposed on the Lowlands Nursery application site) to the requisitioned foul sewer outfall in Alywin Place. This connection would then drain to Pagham WwTW where there is sufficient capacity to accept the additional foul flows. Discussions are ongoing with Southern Water to agree the technical details of the pumping station, which will be constructed under permitted development rights.
- 8.27 Southern Water has indicated in its consultation response that there may need to be some network reinforcement associated with the development to avoid a potential increased risk of flooding. These works would be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water recommend a condition to ensure that the occupation of the development is phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. The proposed pumping station would include a 24-48 hour holding facility in case of failure. Given the potential for the off-site infrastructure serving development to be delivered over a 2 year period as Southern Water advise, it is considered essential that there is an interim solution on site to manage the foul flows in the event that homes on the site are ready to be occupied and the off site infrastructure improvements are not completed. A condition is recommended to address this situation.
- 8.28 Officers note the concern of Hunston and North Mundham Parish Councils with regard to the foul drainage implications arising from the proposed development, including the reference to ongoing issues associated with wastewater flows in the parish and the lack of capacity at Pagham WwTW. However, on the basis of the evidence available, the Local Planning Authority is confident that there is capacity at the Pagham WwTW to accommodate the additional foul flows. Ultimately it is the statutory duty of Southern Water to ensure that the off-site infrastructure to service the proposed development is fit for purpose, that the development is satisfactorily drained and that the proposed development does not lead to problems elsewhere in the system. Any failings on behalf of SW to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT.

v. Impact on the Landscape/trees

- 8.29 The proposed development has been designed to retain the existing mature trees and hedgerows on the site boundaries as well as provide enhanced tree planting, including a new woodland copse in the western ecological area which would provide a green link between the northern and southern retained trees lines. Adjacent to the woodland copse it is proposed to create a large pond/wetland area as part of SuDS scheme which would hold water permanently. The landscape plan details planting of marginal aquatic species around the edges, which upon maturation would create a valuable ecological habitat. A new orchard is also proposed with an area of meadow grassland created next to it. The landscape strategy for the proposed development has been designed to ensure the retention of the existing landscaping on the field boundaries, maintain an open aspect to the grade II* listed church, maintain an open and wooded edge for the setting of the residential part of the development and provide a new woodland planting to help define a new settlement edge, creating a distinction between North Mundham and Hunston.
- 8.30 The application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape (NPPF paragraph 174). The application is accompanied by a Landscape and Visual Appraisal. This acknowledges that the site is located within parcel CH31 as defined in the 'Landscape Capacity Study' prepared by Terra Firma (March 2019) and commissioned by the Council as part of the Local Plan evidence base. The capacity study looks at parcels of land and not individual fields or 'sites'. The capacity study concludes that the landscape of the wider land parcel, within which this site is located has 'medium/low' capacity to accommodate development. Specifically the report concludes "Sub-area CH31 has a medium/low capacity constrained by its role in the setting of the Grade II* Ste Stephen's Church and Grade II Pigeon House Farmhouse and its contribution to the separation of North Mundham from Hunston. It is influenced by the presence of overhead power cables but retains a rural character. The sub-area is generally well contained by boundary vegetation including Hunston Copse but there are occasional views out to the spire of Chichester Cathedral and the South Downs and it retains a generally strong relationship with the wider landscape. It is therefore recommended that only a small amount of development may be accommodated around the existing settlement and provided it is informed by further landscape and visual assessment and sensitively integrated into the landscape. Great care would need to be taken to avoid any landscape or visual harm. Particular care would be needed to protect the setting of listed buildings and key views."
- 8.31 By reason of the surrounding vegetation, the visual effects of the development would be limited, with only minor localised harm resulting from the loss of this undeveloped land on the edge of the settlement. The housing would be seen in the context of the existing properties in North Mundham and behind trees and mature hedgerows. In addition the undergrounding of the existing overhead cables would be an improvement. Whilst it is inevitable that building a housing development on a rural field would effect a fundamental change in its previously open appearance and character, the very fact that that change would occur is not in itself a reason for refusing the application.
- 8.32 This application is also supported by an Arboricultural Implications Report. To accommodate the proposed development, 4 individual trees (nos. 88, 93, 94 and 99), one group of trees (G23) and one hedge (H4) are proposed to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. None of the trees to be removed are

category 'A' or 'B' trees or trees of high landscape or biodiversity value. The 4 individual trees and 1 groups of trees are category 'C or U' and are either of low quality, low value, or short-term potential. Their removal will not have an adverse impact on the character or appearance of the site or surrounding area. The proposed development is a minimum of 97m from the 15m ancient woodland buffer for Huston Copse an ancient woodland adjacent to the south-west boundary of the application site. No loss of or incursions into the adjacent ancient woodland are proposed and the formalisation of the existing PROW to a hoggin footpath within the 15m buffer zone would not result in any loss of ancient woodland and would avoid any potentially harmful effects on the woodland. Furthermore the creation of the ecological area will further maintain and enhance the landscape character of the area.

8.33 As stated above the landscaping proposals incorporate considerable replacement and new tree planting. Furthermore conditions are recommended in relation to tree protection measures to protect the existing trees. Finally none of the proposed dwellings or gardens are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure for a tree to be felling or severe pruning. For the reasons outlined above, the proposal is acceptable in terms of its impact on trees.

vi. Ecology

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

8.35 The mature boundary hedgerows and tree lines provide potentially important wildlife corridors. The bat survey has identified the bat activity levels on site to be high, with a diverse range of species using the application site for both foraging and commuting bats. Recommendations include restricting the lighting on the site, to maintain the integrity of the boundary features used by bats, landscape proposals (including the ponds) to provide a foraging habitat and the provision of bat boxes both on nearby trees and within some of the dwellings. The Council's Environment Officer has confirmed that this strategy is acceptable and requires that a condition is imposed to ensure this takes place. A condition is also recommended to secure the proposed reptile mitigation strategy, which includes the retention and enhancement of a large area (1.2ha) of grassland on the western part of the site and is proposed to include 4 wood based reptile hibernacula. The area includes the large SuDS pond being proposed, which would be suitable habitat for Grass Snakes. In the northern corner of the receptor area, a wildlife culvert is proposed under the cycle path to provide a link to retained habitat to the north of the receptor area. Existing reptile populations in rough grassland areas adjacent to hedgerow / treelines which are proposed to be retained and protected will be left in situ (i.e. not captured), with the boundaries of the retained habitat to be fenced off. A clause in the S106 agreement is also recommended to ensure the reptile receptor is afforded the appropriate level of protection once the site has been built.

8.36 Enhancements will be achieved through the provision of bird boxes (in 13 dwellings) incorporated in the eaves or high walls, bat bricks (in 33 dwellings), bird and bat boxes, a Barn owl box (with a suitable management, maintenance and monitoring programme) and hedgehog nesting boxes to be installed in suitable locations around the site. There will also be the creation of a least 2 gaps within the gravel boards / bases of each fence line to allow for movement of hedgehogs between gardens and into the wider area as well as the creation of 4 wood based reptile hibernacula within the reptile relocation receptor area. The application proposals also includes the creation of permanently wet SuDS ponds, a new woodland copse and a new orchard with an area of meadow grassland created next to it, which will all provide important ecological habitat.

vii. Sustainable Design and Construction

8.37 The applicant's Energy Strategy Statement (November 2020) complies with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The Energy Strategy Statement (November 2020) confirms that the approach relies on a combination of measures including 'fabric first' construction, air source heat pumps and solar PV panels. The proposal will result in a 21.36% carbon reduction through the fabric of all non-single storey dwellings (60 dwellings), including low U-Values, careful detailing to avoid thermal bridging, good airtightness, effective heating controls and Waste Water Heat Recovery. This exceeds the 19% required by the IPS. Energy efficiencies secured through a fabric first approach are to be supplemented in terms of renewable energy through the use of air source heat pumps as the main heating in all 66 dwellings and through the installation of solar photovoltaic panels on 17 dwellings (25% of the dwellings), equating to 29 KWp capacity. A carbon reduction of 42.66% will be achieved through the use of air source heat pumps and a further carbon reduction of 10.42% will be achieved through the installation of the PV panels. These reductions resulting from the use of renewable technologies significantly exceeds the 10% requirement in the IPS.

8.38 Water consumption targets for the dwellings will meet the higher building regulations standard of 110 litres/person/day and electric vehicle charging points will be incorporated for 80% of dwellings on site, equating to 53 dwellings. This is well in excess of the 2022 year requirement of 24 dwellings (37%) as set out in WSCC Parking Standards.

8.39 Conditions are recommended to secure the stated energy savings as set out in the Energy Strategy Statement, as well as further details of the photovoltaic panels to ensure they are inset into the roof, a water consumption standard of a maximum of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

viii. Habitat Regulations Assessment

Recreation Disturbance

- 8.40 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area and within the 3.6km of the Pagham Harbour Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent scheme/Pagham Harbour Scheme is required in order to mitigate recreational disturbance as a result of the proposal.
- 8.41 When a development proposal falls into an area where the Chichester and Langstone Harbours SPA zones of influence and the Pagham Harbour Special Protection Area zone of influence overlap, as in this case, Natural England advise that some reduction in the contribution is reasonable. This is on the basis that the occupiers of the new dwellings cannot be at both Harbours at the same time. However the Local Planning Authority still has to ensure that a robust package of mitigation can be implemented. In order to do this, within the area of overlap, only one contribution per net new dwelling unit will be payable. This contribution will be whichever is the higher of the two contributions at the time – currently this is the Pagham SPA tariff (~~£927~~ **£927** per dwelling) for dwellings with 1-4 bedrooms and the Chichester and Langstone SPA tariff for 5 bedroom dwellings (~~£940~~ **£1014** per dwelling). This will ensure that the development does not pay twice but will also ensure that the funding of nether scheme is undermined. Therefore a financial contribution of ~~£904~~ **£927** per net additional dwelling is required for the 1-4 bedroom units and a financial contribution of ~~£940~~ **£1014** per net additional dwelling is required for the 5 bedroom units. A completed S106 agreement is required to secure this contribution. When paid the contribution will be divided in two, half for each of the two SPA mitigation schemes. Natural England has confirmed that this provides acceptable mitigation against the potential recreational impacts of the development on the protected site and officers have completed an Appropriate Assessment.
- 8.42 The applicant has agreed to the heads of terms below and therefore subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

Nutrient Neutrality

- 8.43 Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017. This only applies to developments where the treated effluent discharges into any Solent European protected habitat site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. As this development will be draining to Pagham WWTW, the impact onto a European protected Habitat site (namely the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar site) has been screened out and therefore nutrient neutrality does not need to be considered by way of an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

ix. Other Matters

8.44 Officers have carefully considered the comments made by third parties and these have been addressed in the relevant sections above.

Site Levels

8.45 The submitted application documents confirm that the north-west corner of the site is proposed to include some land raising, as this part of the site is low lying. The principle of the change in site levels as indicated is acceptable. The proposed change in site levels will ensure the development has an acceptable relationship with its immediate surroundings and will not give rise to any adverse harm to residential amenity for occupiers of adjoining dwellings. The Council's drainage officer has confirmed that based on the proposed finish floor levels, swale levels and retention of the existing watercourses, the proposed land raising on the northern edge of the site will not have a significant impact on local flood risk.

Residential Amenity

8.46 A consequence of developing out a field where there is no development will clearly have some bearing on the established amenities of existing adjacent residential properties who currently enjoy a rural outlook. However, loss of or change of outlook is not necessarily a reason for not permitting new development. Whilst the marked change to the character and appearance of the site resulting from the development will clearly create a different outlook for existing residents close to the eastern boundary of the site, this change does not automatically translate into a development that would be harmful to their established amenity. Loss of view is not a planning consideration. The proposed housing is located towards the centre of the site and its layout has been carefully considered to address the relationship between the proposed dwellings and those on Aylwin Place and Elm Close as well as the West Sussex Alternative Provisions College off Fletchers Place. It is not considered that the proposals would result in material harm to established amenity, or indeed the amenity of the dwellings which have planning permission but are not yet constructed, to the north of the application site on the Lowlands Nursery site.

Education Provision

8.46a At the September meeting of the Planning Committee further information and clarification was sought on the lack of school places in the area. Further information has since been provided by WSCC Education in respect of the impact of the proposed development, and the summary response of this is provided at paragraph 6.17. WSCC Education has undertaken an assessment of education capacity in the school place catchment area. In their consultation response received on 16 May 2022, WSCC Education confirmed that in May 2022 the local school has the capacity to cater for the additional pupils it is anticipated to come from this current application. WSCC Education confirmed there is now no education objection to the application.

Significant Conditions

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

Section 106 Agreement

8.48 This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters. At the time of preparing this report work was progressing on preparing a Section 106 agreement, which the applicants have confirmed they will enter into. The anticipated final heads of terms are:

- 30% Affordable Housing (20 units), with a 70:30 (rent:shared ownership) tenure mix as follows:

Affordable rent:

- 4 x 1 bedroom
- 5 x 2 bedroom
- 4 x 3 bedroom
- 1 x 4 bedroom

Shared ownership:

- 1 x 2 bedroom
- 1 x 3 bedroom

First Homes:

- 1 x 1 bedroom
- 2 x 2 bedroom
- 1 x 3 bedroom

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

First Homes will also need to comply with the requirement of Chichester District Council (as set out in the Cabinet report 7 September 2021) for a local connection test, applicable for the first 3 months of sale and will apply on all future sales of the First Homes properties.

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £172,590 (£2,615 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'.
- Financial contribution of ~~£59,772~~ **£61,443** (63 x ~~£904~~ **£927** and 3 x ~~£940~~ **£1014**) for recreational disturbance mitigation at Chichester and Langstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.

- Prior to occupation of the 37th private open market dwelling to provide the new 3.5m wide footway/cycleway through the site utilising land on the site of the WSCC Alternative Provisions College (APC) to connect to Alywin Place and prior to the occupation of the 62nd dwelling to reconfigure any existing displaced car parking spaces and provide the relocated storage facility. Details of the final layout to be agreed with WSCC and CDC.
- Prior to the occupation of the 62nd dwelling to provide the Amenity Open Space including a Local Equipped Area of Play (LEAP) (minimum of 204 sqm of equipped play space and 682 sqm of amenity open space). Management and on-going maintenance to also be secured.
- Reptile relocation receptor (1.2haa) – provision, management and on-going maintenance.
- Prior to the occupation of the 62nd dwelling for the land to be substantially laid out as open space and ecological mitigation land and full management plan agreed. It is intended that the open space and ecological mitigation land (but not the SuDS), as shown on drawing CB 75 217 902, will be transferred to North Mundham Parish Council once fully laid out (prior to the occupation of the 66th dwelling), or, if not taken on by North Mundham PC, the s106 will require suitable transfer to a management company.
- S106 monitoring fee of £5,106.

Conclusion

8.49 The application has been tested against the 13 criteria in the IPS and there are no significant or demonstrably adverse consequences that would result from the development being permitted. Whilst the wider concerns and objections of the Parish Councils and third parties are noted, the development is considered to be sustainable development and a proposal which responds to the constraints of the site. There is no compelling evidence arising from consideration of this application that the existing infrastructure cannot cope with the new development proposed. Through the S106 Agreement and the CIL payment and the associated Infrastructure Business Plan, the development will provide the necessary infrastructure requirements to mitigate the impact of the development on the wider infrastructure in the locality. The application will deliver much need housing including 20 units of affordable housing. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

Human Rights

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

RECOMMENDATION

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

1) The development for which full planning permission is hereby given (Residential development, play area and ecological mitigation area as shown in red (excluding the outline area shown in orange) on Planning Layout drawing no. CB-75-217-001 Rev J and hereinafter called Phase 1) shall be begun before the expiration of 2 years from the date of this permission.

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

2) (i) Approval of the details (relating to the layout of the site, the scale and the appearance of any buildings and the landscaping of the site) of the Open Space land and the cycle/pedestrian link through West Sussex land, along with the reconfiguration of the existing car parking spaces and relocation of storage unit as included in orange on the Planning Layout drawing no. CB-75-217-001 Rev J (hereinafter called the "reserved matters" for Phase 2) shall be obtained from the Local Planning Authority before any development of Phase 2 is commenced. Plans and particulars of the reserved matters referred to in paragraph (i) above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3) The development of the Open Space land and the cycle/pedestrian link through West Sussex land (Phase 2) hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

CB_75_217_000 Rev A, CB_75_217_001 Rev J, CB_75_217_002 Rev B, CB_75_217_003 Rev B, **CB_75_217_S106_02**, CB_75_217_005 Rev B, CB_75_217_006 Rev B, CB_75_217_007 Rev B, CB_75_217_008 Rev C, CB_75_217_009 Rev B, CB_75_217_010 Rev B, CB_75_217_011 Rev B, CB_75_217_012 Rev B, CB_75_206_SS_01 Rev A, CB_75_206_SS_02 Rev A, CB_75_206_SS_03, CB_75_217_1&2_E01, CB_75_217_1&2_P01, CB_75_217_3&4_E01, CB_75_217_3&4_P01, CB_75_217_5_E01 Rev B, CB_75_217_5_P01 Rev A, CB_75_217_6&7_E01 Rev A, CB_75_217_6&7_P01 Rev A, CB_75_217_8_E01, CB_75_217_8_P01, CB_75_217_9-12_E01 Rev A, CB_75_217_9-12_P01 Rev A, CB_75_217_13&14_E01 Rev A, CB_75_217_13&14_E02 Rev A, CB_75_217_15_E01 Rev A, CB_75_217_15_P01, CB_75_217_16_E01 Rev A, CB_75_217_16_P01, CB_75_217_17_E01 Rev A, CB_75_217_17_P01, CB_75_217_18_E01, CB_75_217_18_E02, CB_75_217_18_P01, CB_75_217_19_E01, CB_75_217_19_P01, CB_75_217_20_E01 Rev A, CB_75_217_20_P01, CB_75_217_21_E01 Rev A, CB_75_217_21_P01, CB_75_217_22_E01, CB_75_217_22_P01, CB_75_217_23_E01 Rev A, CB_75_217_23_P01, CB_75_217_24_E01 Rev A, CB_75_217_24_P01, CB_75_217_25_E01, CB_75_217_25_P01, CB_75_217_26&27_E01, CB_75_217_26&27_P01, CB_75_217_28_E01, CB_75_217_28_P01, CB_75_217_293031_E01, CB_75_217_293031_P01, CB_75_217_32_E01, CB_75_217_32_P01, CB_75_217_33_E01, CB_75_217_33_P01, CB_75_217_34_E01 Rev A, CB_75_217_34_P01, CB_75_217_35_E01, CB_75_217_35_P01, CB_75_217_36_E01, CB_75_217_36_P01, CB_75_217_37_E01 Rev A, CB_75_217_37_P01, CB_75_217_38_E01, CB_75_217_38_P01, CB_75_217_39_E01, CB_75_217_39_P01, CB_75_217_40_E01, CB_75_217_40_P01, CB_75_217_41_E01 Rev B, CB_75_217_41_P01 Rev A, CB_75_217_42_E01 Rev A, CB_75_217_42_P01 Rev A, CB_75_217_43_E01 Rev A, CB_75_217_43_P01, CB_75_217_44_E01 Rev B, CB_75_217_44_P01, CB_75_217_45_E01, CB_75_217_45_P01, CB_75_217_46_E01, CB_75_217_46_P01, CB_75_217_47_E01, CB_75_217_47_P01, CB_75_217_48_E01, CB_75_217_48_P01, CB_75_217_49&50_E01, CB_75_217_49&50_P01 Rev A, CB_75_217_51_E01 Rev A, CB_75_217_51_P01, CB_75_217_52_E01 Rev A, CB_75_217_52_P01 Rev A, CB_75_217_53_E01 Rev A, CB_75_217_53_P01 Rev A, CB_75_217_54&55_E01 Rev A, CB_75_217_54&55_P01 Rev A, CB_75_217_56_E01, CB_75_217_56_P01 Rev A, CB_75_217_57&58_E01, CB_75_217_57&58_P01, CB_75_217_59&60_E01, CB_75_217_59&60_P01, CB_75_217_61_E01, CB_75_217_61_P01, CB_75_217_62_E01, CB_75_217_62_P01, CB_75_217_63&64_E01, CB_75_217_63&64_P02, CB_75_217_65_E01 Rev B, CB_75_217_65_P01 Rev A, CB_75_217_66_E01, CB_75_217_66_P01, CB_75_217_GAR_01 Rev A, CB_75_217_GAR_02 Rev A, CB_75_217_GAR_03 Rev A, CB_75_217_GAR_04 Rev A, CB_75_217_GAR_05 Rev A, CB_75_217_GAR_06, CB_75_217_GAR_07, CB_75_217_BIN_01 Rev A, CB_75_217_CYC_01 and CB_75_217_SUB_01.

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

5) No development shall commence on Phase 1 of the development until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period for the relevant Phase unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

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

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

6) No development shall commence on Phase 2 of the development until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

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

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

7) No development shall commence on phase 1 or phase 2, including demolition, until protective fencing has been erected around all trees and shrubs in the relevant phase 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.

8) No development shall commence on phase 1 until plans of the phase 1 site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

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

9) No development shall commence until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (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. This is a pre-commencement condition as it goes to the heart of the permission.

10) If the Phase 1 report submitted pursuant to condition 7, 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. This is a pre-commencement condition as it goes to the heart of the permission.

11) If the Phase 2 report submitted pursuant to condition 8, identifies that site remediation is required then **no development, other than demolition, 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. This is a pre-commencement condition as it goes to the heart of the permission.

12) **No development shall commence** unless and until details of the proposed means of foul water sewerage disposal which shall be to Pagham WwTW has been submitted to and approved in writing by the Local Planning Authority acting reasonably in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full.

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

13) No development shall commence on Phase 1 or Phase 2 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 overall surface water drainage system for the development together with the specific infrastructure serving that property has been implemented in accordance with the agreed details.

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

14) No development shall commence until details of the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site have been submitted to and been approved in writing by the Local Planning Authority but such arrangements shall include the provision of a minimum 3 metre buffer for access. The future access and maintenance shall thereafter be carried out in accordance with the approved details. At no time shall current and future land owners be restricted or prevented as a result of the development from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure the continued effectiveness of the surface water drainage system is maintained.

15) No development/works shall commence until details of the arrangements for the future diversion of the public sewer has been submitted to and been approved in writing by the Local Planning Authority. No development or tree planting shall be carried out within 3m of the public sewer and no soakaways, swales, ponds, watercourses or other surface water feature shall be located within 5m of the sewer. Should any other sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before further works commence.

Reason: To ensure the continued effectiveness of the foul water drainage system is maintained.

16) **No development/works shall commence** on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

20) Notwithstanding the landscaping details submitted with the application **no construction of any dwelling above slab level** shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection during the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development.

21) **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.

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

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

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

23) **No dwelling shall be first occupied** unless and until the car parking and/or garaging provision for that dwelling and the road access to it, including where shown visitor/unallocated spaces, associated footways and turning heads, have been constructed in accordance with Planning Layout drawing number CB-75-217-001 Rev J. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that the correct level of parking is provided in a timely manner for the development to accord with the terms of the application, adopted guidance and in the interests of road safety.

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

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

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

Reason: To encourage and promote sustainable transport.

26) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

27) **Before construction of any dwelling above slab level** the technical specification of the Electric Vehicle charging point facility shall be submitted to and approved in writing by the Local Planning Authority. **No dwelling shall be first occupied** unless and until the dwelling has been constructed in accordance with the terms of the submitted Energy Strategy Statement prepared by Briary Energy dated November 2020 (received on the 28th May 2021) and the approved technical EV charging points details. Furthermore the solar PV panels must be constructed and inserted so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. No 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 ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and the Council's Interim Position Statement for Housing Development (November 2020) and to accord with the terms of the application.

28) **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.

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

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

30) **Before first occupation of any dwelling**, details for the upgrade of the Public Right of Way within the application site, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC Public Rights of Way service. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the development benefits from appropriate infrastructure.

31) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Preliminary Ecological Appraisal (dated 26/5/2021), the Phase II Bat Surveys (dated 26/5/2021), the Dormouse Survey (dated 26/5/2021) and the Reptile Survey and Mitigation Strategy (dated 26/5/2021), all prepared by EcoSupport and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include:

- Orchard created with area of meadow grassland
- Filling any gaps in tree lines or hedgerows with native species
- Green corridor network
- SUDS wetland habitat
- Invertebrate features - bug hotels deadwood features
- Species rich grassland and scrub areas planting
- Creation of new hedgerow
- Any trees removed should be replaced at a ratio of 2:1
- Bat bricks installed in 33 dwellings on site
- Bird boxes installed on at least 13 dwellings onsite
- Bird and bat boxes installed on trees within the green corridor areas
- Barn owl boxes installed on site within a suitable location
- Hedgehog nesting boxes included across the site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.

Reason: In the interest of conserving and enhancing biodiversity.

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

Reason: In the interest of ecology.

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) S106 - This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 3) The developer is advised that all road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The use of concrete block paving unless it is of a highway standard is discouraged, as these tend to move under the weight of the Council's waste vehicles.
- 4) The applicant is advised that if they wish to divert the public sewer, Southern Water requests a formal application for a sewer diversion under S185 of Water Industry Act 1991.
- 5) 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.
- 6) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements
- 7) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

8) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals.

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

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QK04M9ER0UX00>