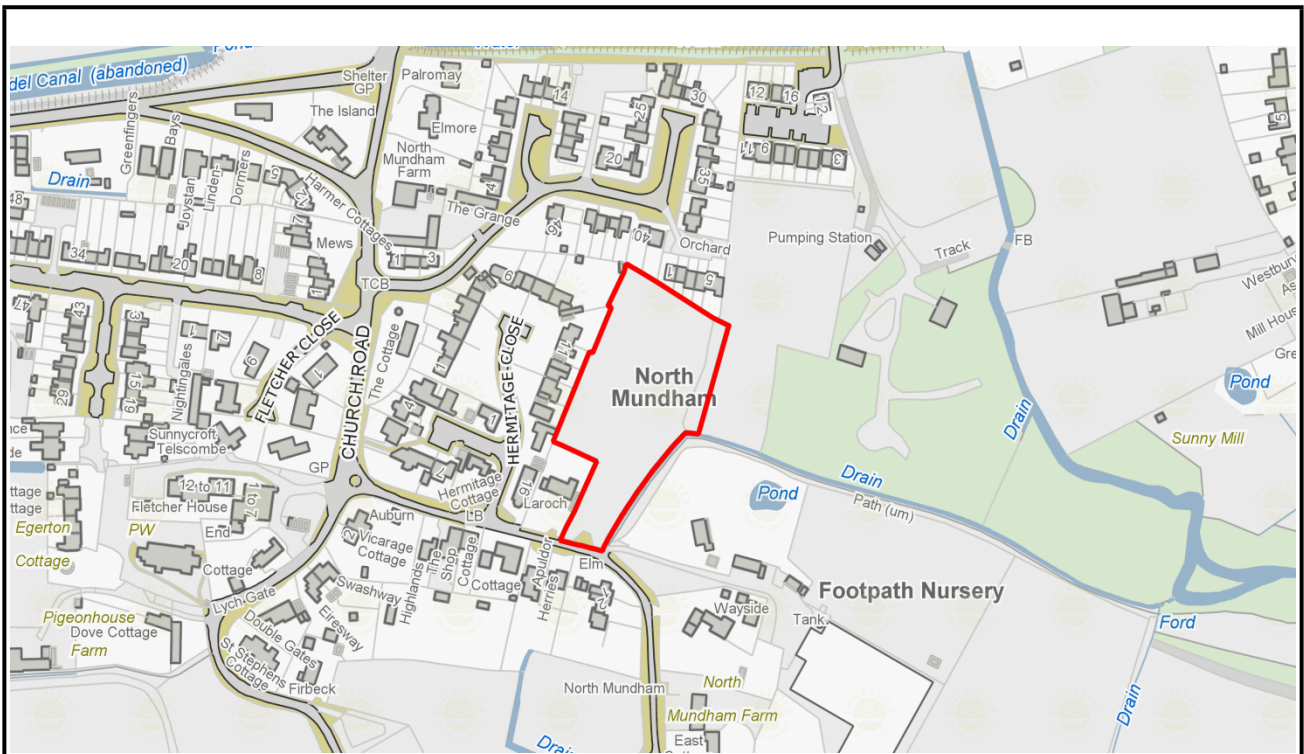


Parish: North Mundham	Ward: North Mundham And Tangmere
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**NM/21/02878/OUT**

<b>Proposal</b>	Outline application (with all matters reserved except Access) for the construction of 19 no. dwellings and associated infrastructure with vehicular access from Post Office Lane, North Mundham.		
<b>Site</b>	Land North Of Larock Post Office Lane North Mundham West Sussex		
<b>Map Ref</b>	(E) 487685 (N) 102216		
<b>Applicant</b>	J Sullivan	<b>Agent</b>	Mr Dale Mayhew

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



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

1.1 Parish Objection – officer recommends permit.

## **2.0 The Site and Surroundings**

- 2.1 The 0.69ha greenfield site is located to the south east of the village of North Mundham. North Mundham has been identified as a Service Village in Policy 2 of the Local Plan and is located to the south of Chichester City Centre. Whilst the site is located outside the Settlement Boundary of North Mundham and is in the rural area, the western and northern boundaries adjoin the settlement boundary. There is open land to the east which is in the applicant's ownership (within the blue line on the site location plan) and a public right of way which wraps around the east boundary of the site. There are existing dwellings to the north (1-5 Orchard Croft) and west (Hermitage Close and Larock) of the application site with their respective curtilages backing onto the application site's boundaries. To the south of the application site is the access road Post Office Lane, an unclassified lane which serves a number of existing residential properties and Footpath Nursery. Post Office Lane can be accessed via Church Road which adjoins the B2166, the main route through the village. The site is located within Flood Zone 1.
- 2.2 North Mundham retains a semi-rural character. Church Road has several side roads leading to pockets of development surrounded by open countryside. The historic core of the village has gradually expanded outwards to the east, west and north of Church Road. The dwellings are not uniform and set within irregular sized plots. The area has a variety of housing styles, periods, and sizes with an array of established vegetation.
- 2.3 The application site is an asymmetrical parcel of land which is generally level and currently comprises grassland. There is existing residential development to the north, west and south. The north and west boundaries of the site are adjacent to the curtilages of existing dwellings, here boundary treatments are of a domestic style comprising close-boarded fencing and soft landscaping. There is an existing drainage ditch running in a north-south direction on the north-eastern boundary. The southern boundary is defined by the residential curtilage of Larock and post and rail fencing. There is one TPO tree on site located approximately mid-way down the eastern boundary.
- 2.4 The applicant owns two fields which are distinguished by a drainage ditch running down the middle of the two fields, of which one forms the application site. The application site is the western field. The eastern field (outside of the application site) comprises flat grassland and has historically been used for agricultural purposes (either sheep grazing or haylage). There is no proposed change to the use of the eastern field as part of this application. The eastern field (outside of the application site) is located to the east of properties in Orchard Croft and Palmers Place and to the south of properties in Canal Mead. The applicant's ownership extends to include a narrow strip of land north of the field, immediately to the east of Canal Mead and west of the vehicular access serving Southern Water infrastructure. The strip of land connects to the highway south of Lagness Road. This strip of land is usable and passable by pedestrians but not sufficiently wide enough along its entire length to provide vehicular access to serve this eastern field. Vehicular access to the land within the blue line has previously been via a crossover from the application site field, however this has been temporarily removed to facilitate works to the drainage ditch. If this planning application is granted the applicant has confirmed that access to the eastern field will remain through the application site.

### 3.0 The Proposal

- 3.1 The application is submitted in outline with all matters reserved apart from 'access'. Upon receiving amendments, it is described as:

*Outline Planning Application (with All Matters Except Access Reserved) for the Construction of 19 Dwellings and Associated Infrastructure with Vehicular Access from Post Office Lane, North Mundham.*

- 3.2 The single point of vehicular access for the proposed development is from the south site boundary from Post Office Lane and would comprise an 18.6 metre wide bell-mouth access decreasing to 4.9 metre wide leading further into the development. No pavements are proposed. A vehicular access via a re-created cross over towards the north of the eastern boundary is also proposed and is included for the purposes of maintenance and management of the agricultural land to the east, within the blue line.
- 3.3 The applicant is proposing a mix of 1, 2, 3 and 4 bed dwellings with mostly 2 and 3 bedroom homes. 30% of the dwellings will be affordable. The applicant's housing mix is as follows:

#### Market

2 x 1 bed

5 x 2 bed

4 x 3 bed

2 x 4 bed

Total 13

#### Affordable

2 x 1 bed (1 x affordable rent, 1 x First Homes)

2 x 2 bed (1 x affordable rent, 1 x First Homes)

2 x 3 bed (2 x affordable rent)

Total 6

- 3.4 Whilst 'layout' remains a reserved matter, the illustrative sketch layout was submitted as part of the application, which is essentially a 'proving layout' for 19 dwellings across the whole site, with a density of 27.5 dwellings per hectare. A central access road is proposed with a mix of detached and semi-detached dwellings off it on either side. At the northern end of the site a T-junction is proposed with two cul-du-sac roads either side with a mix of detached and semi-detached houses located to the north of the road. An area of green space (647sqm) is located at the south of the site, close to the site entrance on either side of the access road. A buffer of approximately 5m is proposed to the east of the application adjacent to the existing ditch.
- 3.5 The illustrative sketch layout demonstrates that the 19 dwellings would be served by 44 car parking spaces. 38 of the spaces would be for residents and 6 are visitor spaces, all units would have Electric Vehicle Charging Points fitted. Each dwelling would be served by covered and secure cycle storage within domestic gardens.

- 3.6 As part of the proposal, it is important to highlight that the access road through the application site would serve as an access route for the eastern agricultural field within the blue line. It is likely that the land within the blue line would need to be accessed periodically by agricultural vehicles. Should the land be used for haylage, vehicular access to the site would be required approximately once a week which would increase to a maximum of once per day if the land was used for grazing. The agricultural vehicles would be either a 4x4 farm vehicle or a tractor and trailer.
- 3.7 In terms of surface water drainage, the proposed SuDS strategy will be based on ground porosity due to high infiltration rates. The proposal would drain surface water to the ground via permeable surfacing and shallow soakaways. Infiltration to ground is proposed initially with sufficient storage provided to accommodate a 1:100 year storm event plus 40% for climate change.
- 3.8 Foul drainage is proposed to be routed via gravity into the Southern Water sewer via a new manhole to the northeast of the application site. This would be subject to an application under Section 106 of the Water Industry Act 1991. It will then track towards Pagham WwTW.

#### 4.0 History

20/00280/TPO      CONF      1 no. Oak tree (T1).

#### 5.0 Constraints

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

## **6.0 Representations and Consultations**

### **6.1 North Mundham Parish Council**

*Further comments received on 03.05.22*

North Mundham Parish Council notes the changes that have been made in this application including, but not limited to, a reduction from 24 to 19 houses. However, no changes have been submitted which mitigate our concerns about the access to the site.

The Parish of North Mundham is characterised by a network of narrow lanes, with the exception of the B2166 and Vinnetrov Road. These lanes are generally only just wide enough for two cars to pass with care. A car can only pass a heavy goods vehicle or a tractor by making use of a junction or a driveway or field entrance. That is why we believe that a development of this kind is only appropriate if access can be provided direct from the B2166 a limitation that was recognised in the current Housing and Economic Land Availability Assessment for the proposed site (designated HNM 0003) which includes the reservation. The site is potentially suitable subject to detailed consideration including on matters of access from Lagness Road currently shared with the substation.

The proposed final access to the application site is through Post Office Lane which is in places even narrower than other lanes we have already submitted photographic evidence to show that in places it is too narrow for two cars to pass. Not for nothing is there a sign at the junction with Church Road which marks it as unsuitable for heavy good vehicles.

Notwithstanding the detailed transport assessment submitted with the application, we do not believe that the proposed access arrangements are appropriate for the site. There is clearly insufficient width to provide a separate footway, and so pedestrians, some with prams or pushchairs and accompanied by small children, will be forced to share the highway noting that in the case of a heavy goods vehicle there will be no highway left to share. Although traffic surveys have shown that speeds are generally low, we simply do not consider that this is a safe and sensible arrangement.

We have already responded in considerable detail setting out our reservations, in our comments dated 5 November 2021. None of the applicants proposed changes to the detailed layout of the site have changed the access arrangements, and we maintain our objection to this application.

*Further comments received 08.03.22*

North Mundham Parish Council notes that the scale of this application has been reduced from the original 24 dwellings to 19, in response to comments that have been submitted on the layout, density and parking arrangements.

However, none of the proposed changes will do anything to mitigate the problems of access arrangements, which are the principal issue with this outline application. Regardless of the detailed changes to the layout of the site, access can only be gained through the existing narrow roads in North Mundham. The fundamental issue remains one of access, and nothing has been changed to mitigate the impact on the minor roads within North Mundham, and to address the insuperable problem of access through Post Office Lane.

All the criticisms of the access arrangements in our original response of 5 November 2021 still stand, and we maintain our objection.

#### *Original comments 05.11.21*

Objection - North Mundham Parish Council has considered this application and resolved to object.

We consider that the development of this site is inappropriate because the local access is totally inadequate to support the proposed housing. The applicant has presented a wealth of detail on the arrangements for the entrance to the site and the provision of turning space and sightlines, but taken no account of the very narrow approach road. All the roads in North Mundham are narrow; they are generally just sufficient for two cars to pass each other, but inadequate to allow any larger vehicles to pass. But the situation is significantly worse in Post Office Lane, which is only 4.0m wide at its western end close to the junction with Church Road, and gets gradually narrower towards the site entrance, to the point where the road is only 3.0m wide and two cars are unable to pass. Any larger vehicle takes up the entire width of the road. We submit a photograph to illustrate this point (Photograph 1).

We therefore contend that the access to this site is neither safe nor sensible. Bearing in mind the proposed residential population, the access for emergency vehicles is inadequate. Of equal concern is the fact that the roadway has no space to provide any pavement or footway, so there is no safe access for pedestrians on a road which would have to contend with a far higher traffic density than at present. It is simply not realistic to argue that the road is safe based on the past accident history, since the past history does not reflect the intended use.

Nor is it realistic to suggest that much of the access to and from the site will avoid the use of a car. The Design and Access Statement claims (Page 13) that "The site is located in proximity to a range of local services and facilities including village shop and post office, primary school and village hall. All of these are accessible on foot in a 5-7 minute walk time". This is simply not true. The nearest post office is in Hunston, and the nearest shops are in Hunston or at the Runcton Farm Shop. In particular it is doubtful whether the latter, being accessible only via the B2166 which has no pavement or footway, can safely be accessed except by car or by public transport.

We note that the application recognises the potential for flooding in the south-east corner of the site. As the accompanying photograph (taken on 9 August 2021) shows, this can be significant and can have a severe impact on what will be the one and only access route to the proposed development. (Photograph 2). We do not believe this represents a safe and adequate point of access if the sole entrance to the site can be compromised in times of bad weather.

It is clear that the limitations of access to the site have been recognised in the past. The sign at the entrance to Post Office Lane from Church Road states very clearly Unsuitable for Heavy Goods Vehicles. A development of the kind proposed will inevitably attract vehicles larger than a family car the increase in internet shopping has led to a significant increase in the number of delivery vehicles throughout the District, and not all of them are small. It is also significant that the current Housing and Economic Land Availability Assessment for the proposed site (designated HNM 0003) includes the reservation The site is potentially suitable subject to detailed consideration including on matters of access from Lagness Road currently shared with the substation. Clearly it is recognised that access from the south is unrealistic.

On these grounds alone, the access to the site is clearly unsuitable for the development proposed.

Notwithstanding the sites unsuitability on the grounds of inadequate access, we have a number of other concerns relating to this application:

1. Transport Infrastructure. Considering transport on a wider basis, the B2166 is suffering ever increasing volumes of traffic, which will only be exacerbated by planned housing developments at Pagham, and the developments in North Mundham which have already received consent or for which consent is anticipated. The traffic levels have now reached the state where they are seriously detrimental to the quality of life in the Parish, and threaten to divide the community. For far too long the Highways Authority has accepted development proposals on the basis that the growth in traffic is incremental this approach will inevitably lead to the straw that breaks the camels back and we believe the time to call a halt is now. We are also aware of the serious reservations about the ability of the A27 to accommodate traffic growth, and the concerns that the necessary improvements to the junctions are unfundable and unachievable.

2. Impact on Biodiversity. Comment from a number of sources has emphasised the past history of biodiversity on the site, with numerous reports of wildlife. Early in the present ownership the whole site was subject to aggressive clearance of all the hedgerows and scrub, and the ditch which runs across the site was initially filled in, and then excavated again. This disruptive clearance removed much wildlife habitat, and we are concerned that the Ecological Assessment, which took place not long afterwards, may have understated the biodiversity potential of the site. Furthermore, although not immediately adjacent to a defined strategic wildlife corridor, the site lies close to the Chichester Coastal Plain Biodiversity Opportunity Area, which provides a vital wildlife link between Pagham Harbour Site of Special Scientific Interest and the Local Wildlife Site at Chichester Gravel Pits and Leythorne Meadow. In this context the wording of Test Six in CDCs Interim Position Statement for Housing Development has some bearing: Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not adversely affect the potential or value of the wildlife corridor. The introduction of housing, and hard landscaping and fencing between properties on this site would be seriously detrimental to its potential or value in contributing to biodiversity.

3. Local Drainage Provision. We note that the site layout makes provision for an access across the ditch to the eastern field. Such access could only be provided with waterways consent, but we are concerned that this provision may be a precursor to further development of a site which has been specifically identified in this proposal as a mitigation for the ecological loss caused by the proposed housing development. Recent experience has shown that the ditch forms a vital part of the surface water drainage provision for Church Road and for a large part of Palmer Place. We are concerned that any development must provide for its maintenance in perpetuity. In this context we note that the Site Constraints and Opportunities Plan shows that the 3m exclusion zone for the ditch has been compromised by car parking at the southern end of the site, and there appears to be no provision for fencing to protect the western side of the ditch.

4. Surface Water Drainage. We have already noted that there is a flood risk in the south-east corner of the site. We are also concerned that any increase in run-off from the site will place an increased load on the surface water drainage system. The application contains no details of how this might be managed, for instance by the use of porous surfaces and a SUDS system. However, it is inevitable that the run-off from the site will find its way into the existing ditch system. Surface water flooding brings with it increased hazards of pollution of the watercourses, from the flooded road surface itself, and from the flooding of numerous sewage manhole covers which allow raw sewage to mix with the flood water. All this pollution enters Pagham Rife and threatens the environment, not least that of Pagham Harbour, as a Site of Special Scientific Interest. We are concerned that all the focus on harbour pollution is directed towards water quality in Chichester Harbour, no doubt because of its use as a popular watersports venue as well as for ecological reasons. There seems to be far less focus on Pagham Harbour, which has little human interaction as a protected bird reserve. But this should not allow a risk of pollution to be accepted.

5. Sewage Disposal. We are aware that the capacity of the Pagham Water Treatment Works is limited, and this development would place a further load not just on the treatment works itself but the sewage system that serves it. We are already aware of instances of sewage surcharging within the North Mundham system, and this development would introduce a further burden on the North Mundham pumping station which is already at capacity in times of heavy rainfall. It would also exacerbate the risk of storm water flows overloading the system and causing discharges of untreated sewage into Pagham Rife, and thence into Pagham Harbour, with the unacceptable consequences outlined in the previous paragraph.

6. Character and Layout of the Development. We find that the proposed layout of the development is totally unsympathetic to the rest of the North Mundham settlement area. North Mundham is a rural village providing a modestly sized settlement formed of development of various ages. The settlement enjoys a rural feel, characterised by spacious plot sizes, buildings set back from the road, the softer appearance of boundaries and informal vegetation and tree planting both within plots and to verges. The proposal in this application for a single straight road with a row of uniform houses fronted by an array of parked cars presents a harsh and unrelenting urban appearance. It has no equivalent elsewhere in the settlement area and is completely inappropriate. The layout also shows an illogical layout of the proposed cycle storage sheds in the back gardens of the properties those associated with properties in the middle of terraced units would only be accessible by taking bicycles through the house.



7. Impact on the Community. We must also consider the wider impact on the community. We would question whether the local infrastructure is fit to support further development in the parish. We are already committed to a development of 39 Houses on the Lowlands development (20/01686/FUL) and an application for a further 66 houses on the site to the south of that (20/02989/FUL) is pending a decision. Measured by the Parish Councils delivery statistics for door-to-door deliveries the settlement area of North Mundham comprises 319 residential properties, so the further 105 houses represent an increase of 33%. We believe any further increase is an unacceptable burden to place on the community.

8. Community Facilities. Any development of this size brings an increased demand for medical and educational facilities, and we note that North Mundham Primary School is already at capacity, with no scope to absorb additional development in the parish.

In summary, on the grounds of inadequate access arrangements, and the fact that the other aspects of the proposals make this development entirely inappropriate, we urge that that this application is refused.

## 6.2 Natural England

Further information required to determine impacts on designated sites.

Habitats Regulations Assessment – waste water impacts on Solent European sites. Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, 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, 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 and the following advice is relevant.

*(Officer note: The application site is outside of the Chichester Harbour fluvial catchment area and the foul sewage is proposed to go to Pagham WwTW. Therefore, the applicant does not need to demonstrate nitrate neutrality).*

## 6.3 Southern Water

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. The Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

#### 6.4 National Highways

We consider that, subject to a proportionate financial contribution towards necessary A27 Chichester Bypass improvements, this proposal would not have an unacceptable impact upon the safety, reliability and operation of the SRN (the tests set out in MHCLG NPPF 2021 paragraphs 110-113 & DfT Circular 02/2013 paragraphs 8-11) in this location and its vicinity.

Accordingly, we will require the applicant to make a relevant contribution to the A27 Local Plan mitigations based on Chichester District Council's SPD Planning Obligations and Affordable Housing. In view of the likely impacts on the A27 Chichester Bypass, a contribution in line with the Other Chichester City development zone would appear to be the most appropriate. This would equate to a total of £49,685 (19 dwellings x £2,615 per dwelling) to be indexed from 2012 Quarter 3 prices. This contribution is to be paid prior to the occupation of 10 dwellings.

#### 6.5 WSCC Local Highway Authority

*Further comments in response to the applicant confirming agricultural vehicles to serve the eastern field are proposed to go through the application site 02.08.22*

As advice, the diagram does show that the entering the field is workable and given the frequency that they state within their supporting information I would not anticipate that there would be any 'Severe' residual impact on the highway. Therefore my comments would remain as previously advised - No Objection.

### *Further comments 20.07.22*

Since our previous comments earlier in 2022 the applicant has provided the following further plans:

- Drawing 11111/2201 Rev P1- This shows a tractor and trailer entering the site and adjacent field.
- Drawing 11111/2200 Rev P3-This shows a waste collection vehicle entering and turning within the site.

The overall frequency of vehicular movements with both vehicles is likely to be low. The LHA has reviewed both drawings and the content of each is accepted.

### *Further comments in relation to amended plans 01.03.22*

Given that the number of dwellings has been reduced on the proposed scheme from 22 to 19. This will ultimately result in a less intensive use of the proposed access. As previously there are some modifications to the parking layout although having assessed the information submitted no further comments would be provided on this aspect and it would appear the overall number of parking spaces would be as previously assessed.

### *Further comments 01.02.22*

Due to the reduction in dwellings from 24 to 22, there will ultimately be a less intensive use of the proposed access. No further comments would be provided on the parking layout and it would appear the overall number of parking spaces would be as previously assessed.

Further comments re the site's accessibility for sustainable travel -

- There are bus stops located on the B2166 road to the north of the site in the vicinity of the junction with Church Road approximately 365m (westbound) and 440m (eastbound) north of the site. This is around a 5 to 6-minute walk of the proposed site access. These services link to a number of locations east and west of the site which could be utilised for employment or retail purposes and include Chichester, Bognor Regis and Pagham.
- The application proposes secure cycle parking which will be provided within sheds in the garden area of each dwelling. Each 1 & 2 bed dwelling will accommodate at least 1 cycle space per unit which falls in line with the LHA's requirements.
- The on-road route of The National Cycle Network (NCN2) connects from the junction of Post Office Lane and leads northwards through Church Road and ultimately to the B2166. Visibility at the junction of Post Office Lane for cyclists is acceptable. We do however acknowledge that on street parking occurs along Post Office Lane however it is likely due to the road layout vehicular speeds will be low and not conducive to residents that seek to use the NCN2.

The LHA would be satisfied that the proposal has accessible options for travel other than the private car.

### *Further comments 23.11.2021*

The site was subject to a pre-application in 2021 where the principle of the development was discussed and most of the areas present in the formal submission discussed. I have had a review of our comments and the representations and would offer the following areas of comment:

- With regards to large vehicles using the road, the type of use is not likely to see larger vehicles using the site over a long period. There will be some construction traffic (covered in suggested CEMP condition) and refuse collection which the applicant has used Swept Path Diagrams to show this is workable and this would be a current occurrence on the local roads.
- Speed surveys were permitted to be undertaken during the Covid 19 Pandemic. Traffic monitoring for flow surveys were areas where there may have been a requirement for adjustment but not for speed surveys to ascertain visibility splays which this application proposed. As the surveys were in free flow conditions and were undertaken in line with CA 185 Vehicle speed measurement there is no concerns with the data collected.
- In terms of cumulative effect on the local network the number of dwellings that this site proposes would not warrant any formal assessment on nearby junctions and with a peak number of movements of 12 movements in the AM and 13 in the PM this would not warrant a 'severe' residual impact in line with NPPF paragraph 111.

I hope the above is of assistance and there would not be any change to the LHA's advice.

### *Original comments 26.10.21*

The vehicle access will comprise a simple priority junction. Drawing no. 11111\_100 P6 demonstrates that a refuse collection vehicle can manoeuvre the access. Post Office Lane is unclassified highway subject to 30mph speed restriction. A speed survey placed in vicinity of the site revealed 85th percentile speeds of 15mph for north-west bound vehicles and 13 mph for south-east bound vehicles. Across all speed records an average 85th percentile speed of 15mph was recorded. Drawing no. 11111\_100 P6 indicates that splays of 2.4m by 19m is achievable as suitable to 16mph.

A review of the proposed access location onto Post Office Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the location of the proposed access would exacerbate the existing situation.

The works for new access point would be subject to a Section 278 Agreement with the LHA's Highways Agreement Team. A Technical Check and Stage 2 RSA will be required as part of the Detailed Design stage.

In accordance with the adopted LHA 'Road Safety Audit Policy', a Stage 1 RSA has been undertaken in accordance with the GG119 governance document by an independent Audit. A Design Team response to the RSA has also been prepared including an additional note from the Auditor within the TN. All matters raised in the RSA have been addressed in accordance with the Auditor recommendations and there are no outstanding matters raised through the audit process.

A trip generation analysis for the maximum number of proposed usage at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 12 and 13 vehicular trips in the AM and PM peak hours respectively. The LHA would not consider the proposals would have an 'unacceptable' impact on the network.

The site layout demonstrates a total provision of 54 spaces, this is within the requirement for 47 spaces for residents and 5 visitor spaces (0.2 spaces x 24 dwells). All units will have electric vehicle charging points fitted. The on-site car parking provision is designed in accordance with the LHA's 'Parking Guidance for New Developments' updated in September 2020. Covered and secure cycle parking will be provided within sheds (dimension of shed 6' x 4') in the garden area of each dwelling.

In terms of layout the TA provides swept path diagrams tracking a 11.2m-long refuse vehicle. This has been conducted to demonstrate that vehicles can undertake necessary movements at the site access and within the site internally and is shown on the access plan at Appendix D.

Advised conditions to be added to decision notice -

- o Access to be provided prior to first occupation
- o Construction Management Plan

#### 6.6 WSCC Public Right of Way

No comments received.

#### 6.7 WSCC Education Authority

*Further comments 16.05.22*

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.

#### *Further comments 23.12.21*

Objection - 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.

*Original comments 10.10.21*

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.

## 6.8 WSCC Local Lead Flood Authority

*Further comments 09.03.22*

Further to our consultation responses dated 22nd October 2021 and 6th December 2021, we have reviewed the information contained within the Flood Risk Assessment Statement as well as the further consultation response from the District Drainage Engineer, and subject to the original surface water drainage conditions recommended by the District's Principle Engineer being implemented, we have no objection to this development on surface water flood risk grounds.

*Further comments 07.12.21*

Due to recent submissions and photographs on the Chichester District Council Planning website, regarding the historic surface water flooding on Post Office Lane (at the point of proposed access to the site), the LLFA request that, in addition to the Foul & SuDS Drainage Statement already submitted, a Flood Risk Assessment be provided as part of this application.

This access point is also shown to be at high risk from surface water flooding according to the EA's Surface Water Flood Maps, with significant depths of flooding shown.

Therefore, although the site is less than 1 ha and in Flood Zone 1, it has been identified that it could be affected by sources of flooding other than rivers and the sea and, as such, a Flood Risk Assessment should be provided. This Flood Risk Assessment should demonstrate that a safe route of access and egress can be obtained from this site.

*Original comments 22.10.21*

Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding. Higher risk exists at the south east boundary of the site in association with the watercourses, and the carriageway (Post Office Lane) to the south of the site.

The area of the proposed development is shown to be at 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.

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

6.9 CDC Drainage

*Further comments 09.08.22*

Upon reading the letter produced by Dowsett Mayhew regarding the use of the land within the applicant's ownership, this does not raise us any significant concerns, and we have no objection to the principle of a crossing over the ditch. Ordinary Watercourse Consent will be required for the crossing, so please could you add an advisory if you are minded to approve the application.

*Further comments 19.07.22*

We have reviewed the latest documents / layout and can confirm we have no additional comments to make on this application.

*Further comments following submission of the FRA 17.02.22*

My colleague Dom Henly's (Principal Engineer) comments dated 20th October still stands, and our recommendations regarding surface water drainage conditions remain unchanged.

As discussed in the FRA; I have previously been involved in interventions at this site. In early 2021 it was brought to my attention that an important surface water drainage watercourse had been seemingly inadvertently infilled at the site. This obstruction of the watercourse in question had prevented a significant area of highway drainage infrastructure from being able to drain down, which in turn led to widespread highway flooding in the residential areas close to the north and west of the site.



When the effects of the watercourse obstruction were brought to the attention of the landowner, emergency remedial works were quickly undertaken to reinstate the watercourse in question (allowing the local highway drainage system to drain down). The above incident highlights the vital function the local watercourses that cross/skirt this site have in managing local flood risk. It also highlights the importance of ensuring these watercourses are managed and maintained to an appropriate standard. The other section of watercourse that flows from the site entrance in the south, around the south/eastern boundary to the south eastern corner of the site was in good condition at that time. (For clarity; flows enter this site from the both the south and north, these two watercourses converge close to the large oak tree and their combined flows then head off to the east). When I last inspected this site the watercourse that had been inadvertently infilled (that flows north to south from the corner of Orchard Croft) was flowing, but I still had cause to request that the landowner undertake further de-siltation works to ensure the bed of this watercourse had a smooth and gradual fall from below the invert level of the incoming culverted systems down to match the bed level of the watercourse it joins to the south. I have not yet received confirmation that further work was completed.

During the course of my investigations into the matter discussed above; I did also note the relatively poor condition of the receiving watercourses to the east, beyond the applicants boundary. Neighbouring landowners were approached and asked to undertake routine maintenance to their watercourses too, to ensure they were also clear and free flowing, unfortunately as yet there does not appear to have been any significant improvement, so a further, more formal, approach will now be made to those downstream riparian landowners.

The de-siltation and removal of excess vegetation from the receiving watercourse to the east will certainly help improve the local surface water drainage situation, although the exact affect this may have on surface water flood risk close to the entrance of the site in Post Office Lane is difficult to exactly quantify.

*Original comments 20.10.21*

No objection.

**Flood Risk:** The site is wholly within tidal / fluvial flood zone 1 (low risk), however our mapping shows the most southern corner of the site, and Post Office Lane as being at significant surface water flood risk (greater than 1 in 100yr event). All proposed dwellings are sited in areas at low risk and therefore we have no objection to the principal of the proposal on flood risk grounds subject to satisfactory surface water drainage.

**Surface Water Drainage:** The applicant has submitted a surface water drainage strategy, with supporting calculations based on initial ground investigations. The proposal is to drain surface water to ground via permeable surfacing/sub-base and individual shallow soakaways. This approach is acceptable in principle.

Existing Watercourses: There is an existing watercourse on the eastern boundary of the site, it is essential this is protected, and that flow is maintained during and post construction to ensure no negative impact on local flood risk. It is also essential that a layout is not approved which restricts access for future landowners to undertake their duties under the Land Drainage Act (maintain free flow of water). To ensure this is not the case a minimum 3m clear buffer must be left from the top of each bank, and at this stage it is not clear from the plans that this will be the case.

Recommends planning conditions requiring submission of details of surface water drainage scheme and details of the management and maintenance of the SUDs system should the application be approved.

## 6.10 CDC Policy

### *Further comments 25.08.22*

The remaining estimated remaining capacity in January 2022 was 566, as set out in the document below published on the Council's website.

The improvement scheme at Pagham WWTW is due for completion by 2025. An infiltration reduction programme is also underway in Chichester. The Drainage and Wastewater Management Plan proposals are currently out for consultation (yet to be confirmed). These include a permit review, with associated works, to increase capacity for Pagham and this is identified as a short to medium term project.

### *Further comments 24.02.22*

The adopted Local Plan represents the development plan and the starting point for the consideration of any planning application. Consequently, the application falls to be considered against Policy 45 as indicated above and an objection in principle is raised as it is contrary to adopted policy. Whilst the Preferred Approach version of the Local Plan Review (LPR) proposes further residential development in North Mundham parish, the LPR is still at an early stage of preparation and final housing figures have yet to be confirmed. Therefore, little weight can be attributed to the LPR at this stage in the determination of this application. Equally the Neighbourhood Plan is still in the early stages and attracts no weight.

As indicated above, CDC is taking a plan led approach to the provision of housing and we are keen to ensure a continued supply for the future. Taking account of the current position in relation to housing, consideration is therefore also recommended of appropriate criteria in the Interim Position Statement. On that basis, attention is also drawn to the following criteria:

Criterion 4 of the IPS requires that development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. Arbitrarily low density or piecemeal development such as the artificial sub-division of land parcels will not be encouraged. It is noted that the proposed site forms a part of a larger site identified in the Council's Housing and Economic Land Availability Assessment (HELAA) (2021) - site HNM0003 Land east of Heritage Close. The applicants, however, do not appear to address the issue of sub-division in their application documents, albeit they consider the issue of proposed density on the site. Further consideration should therefore be given to this aspect in determining the application proposal.

In relation to meeting Criterion 7 of the IPS and specifically wastewater conveyance and treatment, consideration is currently being given to wastewater capacity and water quality issues as part of the Local Plan Review process. This work has highlighted potential treatment capacity issues in the catchment within which this site is located by 2025 without further improvements.

Estimates of headroom now published as part of the Local Plan evidence base. Supporting evidence - Local Plan review: Chichester District Council shows that Pagham WWTW had remaining capacity to treat wastewater from around 734 homes as at January 2021. As at April 2021 there were extant permissions for at least 939 homes likely to be served by Pagham WWTW, mostly in Arun District. Southern Water do have an improvement scheme in progress for Pagham WWTW but as yet, we have no detail of this, so capacity to treat wastewater should be confirmed with Southern Water.

## Conclusion

The adopted Local Plan is the starting point for the consideration of any planning application. Consequently, therefore, an objection is raised to the application as it is contrary to adopted Policy 45. However, it is considered that the current position set out above, and the criteria set out in the Interim Position Statement for Housing are considered when determining this application. This includes the requirements of criterion 4 of the IPS in relation to what appears to be a sub-division of a parcel of land comprising this application. In respect of criterion 7, it is recommended that specific advice on wastewater treatment for the proposed development is sought from Southern Water so that a more detailed position may be provided in the application documentation to meet criterion 7.

## *Original comments 21.10.21*

No objection - The adopted Local Plan is the starting point for the consideration of any planning application. However, taking account of the current position with regard to housing land supply, policies in the adopted Local Plan will need to be considered in conjunction with national guidance and the revised housing land supply position.

In the current circumstances, this proposal would help to meet the identified increase in housing need for the Chichester plan area. Nonetheless, it is advised that careful consideration is given to the requirements of criterion 4 of the IPS in relation to what appears to be a sub-division of a parcel of land comprising this application. In respect of criterion 7, it is recommended that specific advice on wastewater treatment for the proposed development is sought from Southern Water so that a more detailed position may be provided in the application documentation to meet criterion 7.

## 6.11 CDC Housing

### *Further comments 26.08.22*

We welcome the small but valuable contribution this development could make to the supply of affordable homes and to assisting the Council with its 5 year housing land supply position.

The overall requirement for affordable housing on this site equates to 5.7 units. It is noted that it is proposed to provide 5 units of affordable housing, however the illustrative plan itself indicates 6 units (marked in blue on the plots) 210609\_R9 (chichester.gov.uk). The remaining 0.7 unit can either be delivered as an additional affordable dwelling (bringing the total up to 6 as per the blue markings indicated in the plan) or an affordable housing commuted sum calculated in accordance with the Council's Planning Obligations and Affordable Housing SPD can be secured.

In relation to the location of the affordable housing dwellings we are satisfied that the location is appropriate for a development of this size.

In terms of the mix we are satisfied that a broad mix of units is being provided on this development. All dwellings should meet or exceed the nationally described space standards and be tenure blind with the Market Housing being provided.

It is currently proposed to provide 1 First Home, however, we observe this to represent less than 25%, as such we would advise that 2 First Homes should be secured. We would advise that Social Rent should then be prioritised over other tenure types.

*(Officer note: the applicant has confirmed that 6 affordable units will be provided on site and therefore no commuted sum is required. In addition the applicant has confirmed that 2 x first home dwellings will be provided (1 x 1 bed and 1 x 2 bed) and 4 x social rented dwellings will be provided (1 x 1 bed, 1 x 2 bed and 2 x 3 bed). The tenure and mix has been amended on the illustrative sketch layout plan).*

### *Further comments 25.01.22*

The applicant has reduced the density of the site from 24 units down to 22. 30% (6.6 units) is required to be delivered as affordable housing. The applicants submitted block plan indicates the provision of 7 units which meets this requirement.

Market housing mix - The applicants proposed mix is not in line with the HEDNA mix requirements in that it proposes too many 1 bed market properties in lieu of 3 beds. Considering the existing stock and turnover within North Mundham Parish as well as the HEDNA mix requirements, 1 no.1 bedroom dwelling should be substituted for a 3 bedroom dwelling.

Affordable housing mix - The mix is broadly in line with the previous mix requirements, albeit 1 no. 2 bedroom unit has been substituted for a 1 bed dwelling. This amended mix is acceptable. It is noted that a tenure split has not been indicated. As previously mentioned, a 70:30 split of affordable rented to first homes is required.

Pepper potting - All 7 affordable units are located in one cluster to the north of the site. This is compliant with the Planning Obligations and Affordable Housing SPD but special consideration should be taken to ensure that these dwellings do not have a different external appearance from the market dwellings, thereby avoiding social exclusion and promoting a mixed, balanced and sustainable community.

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

#### *Original comments 18.10.21*

This application seeks to deliver 24 residential dwellings. 30% (7.2 units) are required to be delivered as affordable housing. The applicant is proposing 7 units which meet this requirement. The remaining 0.2 unit can either be delivered as an additional affordable dwelling or an affordable housing commuted sum calculated in accordance with the Council's Planning Obligations and Affordable Housing SPD.

The proposed market housing mix is in line with the HEDNA 2020 and acceptable. The increased weighting towards the smaller 2 and 3 bedroom dwellings will be attractive to younger newly forming households whilst also providing an opportunity for older households to downsize.

Affordable housing mix – the design and access statement indicates a total of 6 units so the 7th affordable unit has not been accounted for. Tenure details are also missing. Taking the above tenure requirements into consideration, the following affordable housing mix is required to be delivered.

- 1 bed – 1 rented
- 2 bed – 2 rented, 2 first homes
- 3 bed – 2 rented

The development should be delivered tenure blind so that the affordable dwellings are not distinguishable from the market dwellings. To avoid social exclusion and promote a mixed, balanced and sustainable community, the affordable housing should be integrated into the market housing and not clustered in groups of larger than 10. All dwellings should meet or exceed the nationally described space standards set out by the Department of Levelling Up, Housing and Communities (DLUHC).

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

## 6.12 CDC Contract Services

### *Further comments 13.04.22*

The turning head appears to be very tight and I do have some concerns. The vehicle dimensions used to model the swept path analysis does not include the addition of the wing mirrors, which increases the overall width to 3m. With this in mind I have concerns that there is simply not enough room to turn around the freighter without making contact with a number of features.

*(Officer note: the illustrative sketch layout has been amended to address this point – see paragraph 8.12 below)*

*Further comments 26.01.22*

Many of our previous comments apply, however we would like to see an amended swept path analysis showing the workings of the turning head for a refuse freighter of the size operated by the council. Dimensions for our refuse freighters can be found on our guidance notes previously provided.

*Original comments 16.11.21*

Attention should be paid to the size, weight and turning circle of freighters. Our freighter should not have to reverse over excessive distances and all turning areas should be sufficient in size to cater for our large refuse freighters. This is especially important in areas where the refuse freighter is required to service a small mews/dead end road. I can see on the plans there is a turning head available, some minor changes which may need consideration, I have detailed these on the attached.

All road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne vehicle. I would discourage the use of concrete block paving unless it is of a highway standard, as these tend to move under the weight of our vehicles.

To prevent access issues please may I insist that either parking restrictions are put in place, or adequate visitor parking is provided to prevent visitors from parking at the side of the road. Failure to address this issue at this stage may result in our refuse crew not being able to carry out their collections.

Bin Collection Points: Generally the collection point should be outside the front of the property just inside the property boundary, at the closest point to the public highway. However in the instances of shared driveways the bins would be required to be presented at the entrance of the driveway.

## 6.13 CDC Environmental Strategy

*Further comments 03.08.22*

We have reviewed the latest documents / layout and can confirm we have no additional comments to make on this application.

*Further comments 27.05.22*

Bats: Following the submission of the updated Ecological Assessment (April 2022) we are pleased to see the addition of the 6m buffer zone including the incorporation of a 5m dark corridor to retain dark habitats for foraging and commuting bats and the 5-metre dark zone around the sycamore tree to the north. We are happy that these zones will help protect the bat corridors across the site. Further information on how these areas will be managed and protected should be included as part of a reserve matters application.

Water Voles: Following the submission of the updated Ecological Assessment (April 2022) and the inclusion of the 6m buffer zone around the water courses onsite no further water vole mitigation is required. A condition should be used to ensure this protected remains in place during the construction period. If any works are required within the buffer zone further surveys and mitigation will be required.

*Further comments 21.02.22*

As detailed within our previous comments made on 12.01.2022 we are still waiting for outstanding information including;

- results of one further bat survey to further clarify how bats may be using the sycamore tree;
- one further water vole survey on the drain

The comments made within our previous response are still valid and applicable for this site.

*Further comments 12.01.22*

We are still awaiting the following:

- results of one further bat survey to further clarify how bats may be using the sycamore tree
- one further water vole survey on the drains

Bats - The results from the bat surveys have raised serious ecological concerns. These records alone indicate a potential commuting use of county level significance.

Lighting - We note from the transect and static bat surveys that Barbastelle (1 count) and myotis sp. (7 count) were identified as using the western field vegetation and drain as a commuting corridor. These species generally avoid light areas. Introducing lighting can draw food species away from other potential foraging routes nearby, causing a double impact on these species. The Ecological Assessment (Nov 2021) discusses a low impacts lighting scheme (section 4.4). However, even an increase of 1 lux can have an impact on the very light sensitive species seen around the site. In our experience once a development is permitted, no matter how careful the design of a lighting scheme; once it is occupied garden security and even Christmas lights are installed in an uncontrolled manner and so additional lighting levels must be considered as an inevitable consequence of the urbanisation intrinsic to a development.

The layout is only indicative but where gardens take in the boundary on the western bank of the drain and car parking area, the impact from lighting is likely to be worse. Similarly, the location of the proposed footpath on the eastern bank of the drain and street lighting could impact on this corridor. Should outline approval be granted, we would expect to see revised site plans with at least a 5m buffer between the gardens, footpath and drain and/or trees/hedgerows to ensure the bat commuting lines remain dark corridors. This, in combination with a mitigation plan and lighting scheme (as part of the Mitigation Statement and Enhancement Plan) should be submitted as part of a reserve matters application.

Nesting Birds - The mitigation proposed is suitable. The installation of bird boxes on the eastern aspect of dwellings 2-7 (5 count) should be included on the site plan and submitted with the reserve matters application.

Reptiles - The outline mitigation detailed in the Ecological Assessment (Nov 2021) is in line with what we would expect for the species found onsite and the scale of the development. The proposed translocation site is suitable. Full details of the reptile mitigation should be included in the Mitigation Statement and Enhancement Plan and submitted as part of the reserve matters application.

Great Crested Newts - If any vegetation clearance at and/or below the ground level is required for access then a mitigation statement will be required from a suitably qualified ecologist. As a medium population of great crested newts has been identified in both the pond and the ditch a protected species licence will be required before works begin. The proposed translocation site is suitable and a detailed mitigation scheme should be submitted as part of the reserve matters application.

Water Voles - As above we are outstanding one further water vole survey. If evidence of water voles is found we would require the Mitigation Statement and Enhancement Plan to be submitted for consideration too.

#### *Original comments 15.10.21*

We note the Ecological Assessment and await the following outstanding surveys.

- an additional endoscope survey of a pruning wound on a semi-mature sycamore tree, to complete three surveys, two within the bat survey season;
- an additional bat activity survey and bat logger deployment to complete three walked transects and three logger deployments, within the bat survey season;
- one more water vole survey to complete three checks with suitable spacing.

A detailed Mitigation Statement and Enhancement Plan will be required prior to construction. This document will detail the translocation process and how protected species and habitats will be protected and enhanced to secure their long-term viability at the site.

Recreational Disturbance - Due to the location of site within the zone of influence for recreational disturbance at Chichester Harbour SPA we will require that a Habitat Regulations Assessment is done for this site so further information will need to be provided so we are able to undertake this.

Policy 40 - Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met.

#### 6.14 CDC Tree Officer

I can advise that there is a TPO'd Oak tree (T1) subject to NM/20/00280/TPO on the south-east corner of the proposed site and this tree is shown to be retained (within a plot's rear garden). We did have concerns about the re-instating of a ditch could have caused root damage and this matter was reviewed by our Planning Enforcement Team.

All appropriate measures to protect this tree while the site is being developed should be adhered to (protective fencing in accordance with BS 5837 (2012), no materials stored, cement mixing or fires within the tree's RPA. There is no other significant vegetation on the site, as this was cleared soon after purchase.



### Third party objection comments

- 6.15 43no. third party representations of objection have been received concerning the following matters:
- a) Post Office Lane is narrow with limited access, two cars cannot pass each other, not suitable for heavy goods vehicles (as per Highways sign) or emergency services, extra cars would add to the danger, no pavements past Hermitage Close. Danger to cyclists. Entrance to the site is on a blind bend. Surrounding roads (B2166) are already busy with traffic, used as a 'rat run', dangerous for children walking to school, proposal would add to congestion. Many near misses. Construction traffic.
  - b) Water pressure is poor with other new properties
  - c) Primary school is full. One form entry that is already stretched to limit
  - d) Flooding in village centre, approximately twice a year and long lasting from inefficient drains. Need the field for irrigation. Additional homes would add to surface run off. Long term issue affecting the village. No flood risk assessment has taken place, would fail the sequential test. Is there a safe means of escape in the event of flooding
  - e) Loss of the field will alter the character of the village; low level housing should be sought to alleviate the loss of the rural boundary. Eroding the strategic gap between North Mundham and Runcton. Should be retained as a green wildlife corridor. Precious green spaces for walking and cycling are disappearing, impact on space for wildlife and mental health. Village will become unrecognisable with new, rapid and random developments. Proposal would be out of keeping with the semi-rural character, more akin to suburban housing development
  - f) Lots of other developments in North Mundham and Runcton. Village increase of 33%
  - g) Sewage system overflows onto the road on a regular basis. Pollution to local harbour and public hazard. Additional dwellings would add more wastewater which may have consequences on the harbour and waterways
  - h) Nearest shop and facilities is 20 minute walk in Hunston not 5-7 as stated in application documents. People will drive and not walk, adding to congestion problem
  - i) Village already is starved of amenities with the absence of a shop or post office, insufficient infrastructure including doctors, stretched to capacity. Is there sufficient electric power
  - j) Field currently used as agricultural land for grazing sheep not an old fuel dump. Many species live or visit here
  - k) Proposed development is excessive and dense with small rear gardens. Nearby dwellings are either detached or semi-detached in generous plots. High density layout of proposal would be an unwelcome contrast. Parking at the frontages of the dwelling, overdevelopment of the site. Unlikely to be affordable for locals. Overlooking to dwellings in Hermitage Close
  - l) Increased air, water, noise and lighting disturbance
  - m) Removed phone line which blocked entrance to site prior to submission
  - n) Concern that if development wasn't permitted, traveller's caravans would be on field
  - o) Transport survey completed during pandemic and is therefore inaccurate of 'normal' patterns
  - p) Impact on fabric of nearby Listed Buildings from shaking ground when heavy goods vehicles pass
  - q) Hermitage Close surface water drains into the proposed site (ditch has been recently cleared), no provision of this in plans

- r) Impact on ecology, no guarantee wildlife would be mitigated for. Manhood Peninsular is high value for water voles. Although no water voles on site, the ditch may provide food and shelter which would be impacted by development. Owners have cleared extensive vegetation
- s) Site is outside of the settlement boundary area, a location where residential development would not normally be permitted. This site would not be sustainable development

## **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 is in the early stages of preparing their Neighbourhood Plan.
- 7.2 The principle planning policies relevant to the consideration of this application are as follows:

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula
- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
- 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**

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

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 from 20 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, 4, 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 material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- National Character Areas (2014): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): Chichester to Yapton Coastal Plain Character Area (Area SC9)
- Chichester District Landscape Capacity Study (2019): Runcton pastures (Area 46)
- WSCC Parking Standards (September 2020)
- 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 Five Year Housing Land Supply was published on 24 November 2021 and provides the updated position as at 1 April 2021. The assessment identifies a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings (equivalent to a requirement of 666 homes per year). This results in a housing surplus of 207 net dwellings, equivalent to 5.3 years of housing supply.

7.10 Following recent appeals (PINS ref. 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. The Inspector for a recent appeal decision APP/L3815/W/22/3291160 – 'Clappers Lane' found the Council had a supply of 4.8 years. This decision is currently being considered.

7.11 Notwithstanding the above, to pro-actively manage the delivery of housing 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 in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5 year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS will therefore 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 in the determination of relevant planning applications. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant and where there is no conflict with relevant policies in the development plan are likely to be supported by officers.

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

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

## **8.0 Planning Comments**

- 8.1 The main issues arising from this proposal are:
- i. Principle of development and policy position
  - ii. Impact upon highway safety and parking
  - iii. Design and layout
  - iv. Landscape impact
  - v. Drainage, flooding and foul drainage
  - vi. Education
  - vii. Ecology
  - viii. Sustainable Design and Construction
  - ix. Habitat Regulations Assessment
  - x. Other matters

### **Assessment**

- i. Principle of development and 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 (PCPA 2004) which states that applications:
- 'should be determined in accordance with the development plan unless material considerations indicate otherwise'*
- 8.3 The Chichester Local Plan: Key Policies (CLP) was adopted by the Council on 14th July 2015 and now forms part of the statutory development plan for the parts of the District outside of the South Downs National Park.
- 8.4 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 the indicative housing number have in any event already been met for North Mundham Parish. Therefore following a S38(6) development plan approach, this application site is contrary to policy.
- 8.5 The Council is progressing work through the Local Plan Review process to identify parish allocations for the Local Plan Review period up to 2037. As part of that review process the Council produced its Housing and Economic Land Availability Assessment (HELAA) in March 2021. The purpose of the HELAA is to identify a future supply of land which is suitable, available and achievable for housing and economic development. The HELAA forms a key component of the evidence base that will inform the Chichester Local Plan Review. The application site is identified as green (developable) in the HELAA. The HELAA has identified that the site (plus the land within the blue line within the applicant's ownership) is capable of an indicative capacity of 40 dwellings. Within the text of the HELAA under site description it refers to “substation to north east with access from Lagness Road through Canal Mead development to immediate north of site”. As referred to in the Parish Council comments above under suitability the HELAA states “The site is potentially suitable subject to detailed consideration including on matters of access from Lagness Road currently shared with the substation”. Under availability it states “The promoter updated the site details in 2018 and 2019 including addressing previously raised access concerns sufficiently for the purposes of this study. The site is considered to be available”. As set out above the HELAA site covers a wider site than the application site and assumes access from the north. This application site is proposing access from the south, off Post Office Lane. As set out in WSCC highways consultation response this access has been subject to detailed consideration and is considered acceptable. Notwithstanding this, 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 during the Plan period.

- 8.6 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 as approved on 4 November 2020. With regard to the current housing supply position, the Council's published supply position as of 24 November 2021 states it can now demonstrate a five-year housing supply. However it is recognised that following 4 recent appeal 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.
- 8.7 When considered against the 13 criteria of 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 the application against each of the IPS criteria in turn:

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

The west and north boundaries of the application site are joined to the existing settlement boundary of North Mundham. It is considered that this criterion is therefore satisfied.

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

North Mundham is a service village in the Local Plan (Policy 2) providing a reasonable range of basic facilities to meet the everyday needs of local residents. In this context the proposed scale of development (even when considered cumulatively with the developments on and to the south of 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.**

The application site is constrained by existing residential development to the north and west and would therefore serve as a natural extension to the existing settlement. The proposal would not project into the countryside and would not extend beyond wider edges of the village. There is no actual or perceived coalescence likely to arise from permitting this development. The criterion is therefore satisfied.

**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.**

Whilst 'layout' is a reserved matter, on the basis of the illustrative layout submitted with the application, the proposal would result in a density of approximately 27.5 dwellings per hectare. In the context of the rural edge of settlement location, this level of development would be acceptable for the surrounding vicinity and would not have an adverse impact on the character and appearance of the settlement. Careful consideration has been given to this application in terms of whether or not it comprises piecemeal development. Due to the existing ditch between the application site and the field to the east, which represents a clear boundary, the application site is viewed as a distinct and separate parcel of land and therefore does not result in artificial sub-division of a land parcel. The criterion is satisfied.

**5) Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings.**

The application site is not located within visible distance from the South Downs National Park or the Chichester Harbour AONB. Therefore, this criterion is not applicable.

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

The application site is outside of any proposed Strategic Wildlife Corridor. Therefore, this criterion is not applicable.

**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.**

Wastewater disposal will be through the statutory undertaker. Affordable housing, open space, and highways matters are recommended to be secured through a Section 106 agreement and/or by planning conditions. WSCC Education have confirmed there is capacity within North Mundham Primary School. The criterion is satisfied.

**8) (abridged) Development should demonstrate how it complies with Local Plan policy 40 and does not compromise on environmental quality.**

The applicant has advised that the development will meet this criterion through a combination of measures. To achieve at least 19% improvement on target emission rates, the 'fabric first' approach will be adopted including high levels of insulation, air tightness, careful orientation to provide solar gain. Water consumption will be restricted to a maximum of 110 litres per person per day and will incorporate good practice standards to minimise water and rainwater harvesting tanks will be installed for each unit to collect rainwater for external uses. In respect of electric vehicle (EV) charging, each unit will have an EV charging point and two additional charging points will be provided within the visitor parking areas. Renewable energy will be secured through the provision of air source heat pumps and solar PV panels for every dwelling. These sustainability measures are 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 application is submitted for outline permission with appearance being a reserved matter so architectural and build quality are not matters for consideration at this stage. However, it is considered that the development as a whole would not have a detrimental impact on the rural and tranquil setting of the village and would be a natural extension to the existing settlement. Therefore, this criterion is considered to be 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.**

North Mundham is defined in the extant Local Plan and in the draft LPR as a 'Service village'. In terms of its proximity and accessibility to existing services and facilities, the site is within the 1.6km (1 mile) threshold below which the National Travel Survey indicates that most journeys are undertaken on foot. The Chartered Institute of Highways and Transportation (CIHT) identifies that 2km is a reasonable maximum distance on foot to locations such as schools and other local facilities. The Runcton Farm shop is within 1.6km to the east of the site which includes a greengrocer, butchers, delicatessen, pet supplies store and café. The Walnut Tree Pub and Restaurant is within 0.7km to the north east of the site. Whilst Sunbeams Pre-School, North Mundham Village Hall, Playing Field and Tennis Courts and North Mundham Primary School, are located within 400m of the site. For wider journeys, the nearest bus stop is located on the B2166 Lagness Road, within a 400m walk from the application site. Existing services operate approximately every half an hour serving Chichester, Elmer, Pagham, Felpham and Bognor Regis with direct access to Chichester Free School and Chichester High School. Cyclists would be able to travel to the outskirts of Chichester City Centre via the existing designated cycle paths to the south and north west of the site. Regarding its location in accessibility terms the site is considered to meet the criterion.

**11) (abridged) Development must be safe from flooding**

Despite the application site being wholly located within Flood Zone 1, a number of third party representations and the Parish Council have identified events of flooding on the access road, Post Office Lane. An FRA was required by the Lead Local Flood Authority (LLFA) to assess as to whether there is a safe access route to the application site. Upon receiving and reviewing the FRA, the LLFA and CDC Drainage Engineer raised no objection to surface water flood risk. Therefore, this criterion is considered to be satisfied.

**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.**

The application site is outside of the Chichester Harbour fluvial catchment area and foul water discharge from the development is to be routed to Pagham WwTW and there onto discharged into the Pagham Harbour via the Pagham Rife and Broad Rife away from the protected waters of the Solent Maritime SAC. Nitrate neutrality is not therefore required for this site. Therefore this criterion is not applicable.

**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.**

Although the application is submitted in outline, this is a greenfield site. The Planning Statement states there are no known impediments to the delivery of the development. A reduced time frame condition of 2 years in which to submit the reserved matters in respect of the outline component and a 2 year period thereafter in which to begin implementation of the approved details is accepted by the applicant. As such, this criterion is satisfied.

8.8 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. Impact upon highway safety and parking

8.9 Access to the site is proposed to be achieved through a new simple priority junction and would comprise an 18.6 metre wide bell-mouth access decreasing to 4.9 metre wide leading further into the development. No pavements are proposed. The proposed access arrangement has been subject to a vehicular swept path analysis to demonstrate that a refuse collection vehicle can manoeuvre the access. Post Office Lane is an unclassified highway subject to a 30mph speed restriction. A speed survey has been undertaken which resulted in an average 85<sup>th</sup> percentile speed of 15mph. A Stage 1 Road Safety Audit and Designers response has also been submitted with all matters have been addressed in accordance with the Auditors recommendations. There have been no recorded accidents within the last 3 years and WSCC Highways state there is no evidence to suggest that the proposed access would exacerbate the existing situation. The works for new access point would be subject to a Section 278 Agreement with the LHA's Highways Agreement Team. A Technical Check and Stage 2 RSA will be required as part of the Detailed Design stage.

8.10 In terms of traffic movements, the maximum number of proposed usage at the site (based on the original 24 unit scheme) has been assessed. This development proposal is predicted to generate 12 and 13 trips in the AM and PM peak hours respectively. Many of the third-party objection comments raised concerns about the impact of the proposals on the Highway network, in particular its capacity. The LHA does not consider that the proposals would have an unacceptable impact on the highway network.

- 8.11 Additionally, a number of third-party representations and the Parish Council have raised concerns regarding the narrow width of the access road and its suitability for new housing. In particular, concerns have been raised regarding large vehicles being unsuitable to use the road for deliveries during construction and use of the road for refuse vehicles post construction. These concerns were raised with WSCC who responded that large vehicles are not likely to use the site/access road over a long period and that the construction traffic associated with the development is workable and would be a current occurrence. WSCC are satisfied that a refuse collection vehicle can manoeuvre the access and raise no objection to the proposed access for the application site. It is worth noting that Post Office Lane already serves a number of existing properties, some of which are located further to the east along Post Office Lane, beyond the application site. A refuse vehicle is already serving these dwellings. The location of the application site along Post Office Lane is therefore acceptable in this regard.
- 8.12 In terms of proposed parking, the amended illustrative sketch layout demonstrates 44 car parking spaces, 38 for residents and 6 for visitors all of which would have electric vehicle charging points fitted. The amended parking provision is in accordance with the LHA's 'Parking guidance for New Developments'. With regard to internal layout, the TA provides swept path diagrams tracking a 11.2m long refuse vehicle. Following the consultation response from contract services, the turning head has been reassessed in terms of a swept path analysis using a vehicle with a width dimension of 3m (including wing mirrors). The position of dwelling 13 has been amended to ensure sufficient clearance. As amended the illustrative internal layout is acceptable.
- 8.13 In terms of sustainable travel, WSCC Highways highlight the bus stops located on the B2166 road to the north of the site which are within a 5-6-minute walk from the application site. There are a number of bus services to be used for both employment and leisure purposes. Additionally, the application proposes secure cycle parking provided within shed in the gardens of each dwelling. The provision will be in line with the LHA's requirements and there are on-road cycle routes leaving to the B2166 with acceptable visibility at the junction of Post Office Lane.
- 8.14 Upon receiving the further information with regards to the use of the land within the blue line, WSCC Highways were reconsulted in respect of the proposed agricultural vehicles required to use the access road within the proposal to access the agricultural field to the east of the application site. WSCC Highways reviewed the documents and confirmed that the proposal is acceptable as the overall frequency of vehicular movements is likely to be low.
- 8.15 In terms of the traffic impact individually and in combination with other development on the A27, National Highways as the statutory authority has not identified an unacceptable impact upon the safety, reliability and operation of the A27 in this location and its vicinity. This is subject to a proportionate financial contribution towards necessary A27 Chichester Bypass improvements.

8.16 Whilst the third-party concerns are noted and taken into consideration, WSCC has confirmed no objection to the amended proposal in terms of highway safety and have advised the proposal would not result in a severe cumulative impact on the road network sufficient to refuse development on highways grounds which is the relevant test to be applied in terms of NPPF paragraph 111. Subject to recommended conditions, the proposal is considered acceptable by the highway authority from a highway safety and capacity point of view and no objection is raised.

iii. Design and layout

8.17 As amended the proposed development has been designed as an extension to the village of North Mundham and to reflect the character, form and density of the existing residential development. As shown on the illustrative sketch layout, the proposed development is set back from the Post Office Lane, served by a single central road, terminating in a T-junction with cul-de-sac arrangement. To the front of the site is an area of open space. The housing is set back into the site, located either side of the central road and comprises a mix of detached and semi-detached dwellings.

8.18 The illustrative sketch layout shows the 6 affordable housing units are located in a single group at the northern end of the site. The distribution accords with the Council's pepper-potting requirements. The affordable housing mix will be secured through the S106 agreement. As amended the proposed housing mix for both the affordable mix and the private market mix is acceptable to the Council's Housing Enabling officer.

8.19 In terms of density of development, the site would achieve 27.5 dwellings per hectare. This has been reduced from 34.7 dwellings per hectare when previously 24 dwellings were proposed. 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.

8.20 Whilst the layout of the site is a matter for a subsequent reserved matters application, the current plans are considered an improvement on the original layout plans. The current plans have eliminated concerns of a cramped and linear design which would have led to an inorganic and harsh form. Paragraph 41 of the National Design Guide states that, well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It is considered that with the proposed number of dwellings, a well-designed development could be executed which responds to the surrounding context. Full assessment of the layout would be subject to the reserved matters application.

8.21 The submitted documentation and illustrative elevations provided at this outline stage indicate that the proposals would be of a two-storey scale throughout. Whilst layout, scale and appearance of the buildings and landscaping of the site are matters to be considered within a subsequent reserved matters application, it is considered that the design, materials, detailing and appearance of the development will result in an attractive, high quality rural housing scheme that would be appropriate to its rural context and surroundings. The illustrative layout and indicative scale of the development reflects the form of the existing neighbouring housing in Hermitage Close, with regards to the form/shape of the curved road and the scale and siting of the housing and other nearby residential development to the west and north.

8.22 As discussed later in this report the illustrative sketch layout has been amended so that the proposed layout reflects an appropriate number of dwellings, to ensure adequate protection is provided in terms of the proposed ecological and drainage buffers.

8.23 As such, it is considered that the proposal is appropriate for the site context and characteristics and, subject to detailed consideration at reserved matters, the proposal will result in a high quality rural housing scheme that would be appropriate to its rural context and surroundings.

iv. Landscape impact

8.24 The application site is not subject to any special landscape designation, nor has it been identified as a 'valued' landscape (NPPF para 174). Whilst it is inevitable that building housing 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.

8.25 The application site is located within zone 46 of the Chichester Landscape Capacity Study (CLCS). Zone 46 is an irregular shape which lies to the south-east of North Mundham and the study states it is possible that a small amount of development may be accommodated adjacent to the existing settlement or around existing clusters of built form, provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape. The proposed development is adjacent to the existing settlement on both the north and west boundaries. The submitted planning statement includes a section on Landscape Impact, whilst this does not explicitly refer to the CLCS, the section details a Viewpoint Analysis which has been submitted to support the application. This analysis pinpoints 14 viewpoint locations at various points around the application site whereby the development may be visible. It is considered that the viewpoints would not be detrimentally impacted by new housing due to a variety of reasons including distance, natural boundary screening and existing settlement (not all of these are applicable to each viewpoint).

8.26 Arguably when the CLCS methodology is applied at the site, it has a 'higher' capacity for development by virtue of its particular characteristics, in particular containment from the wider landscape and its immediate physical and visual relationship to the village. 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. The close relationship with the existing settlement and the absence of any formal landscape designation protecting the field in question means that substantiating a material objection to the application on landscape grounds is not considered to be a reason for resisting the application.

v. Drainage, flooding and foul drainage

8.27 Surface Water Drainage – The applicant has submitted a surface water drainage strategy. The proposal is to drain surface water to ground via permeable surfacing/sub-base and individual shallow soakaways, which follows the SuDS Hierarchy. This approach is acceptable in principle to the Council's Drainage Engineer. Detailed conditions are recommended to ensure that the site drains effectively and does not lead to off-site drainage issues.

- 8.28 Existing Watercourses - In terms of the existing watercourse on the eastern boundary of the site, the Council's Drainage Engineer has stated that it must be protected and that flow is maintained during and post construction to ensure no negative impact on the local flood risk. In order to protect the ditch and to ensure that future landowners are able to access the ditch to undertake maintenance, the illustrative sketch layout includes a 3m buffer from the top of the bank. Whilst layout is a reserved matter for this application, the illustrative sketch layout demonstrates that the number of dwelling proposed can be provided while still retaining the required ditch buffer. Upon receiving the further information with regards to the use of the land within the blue line, the CDC Drainage officer was reconsulted in respect of the reinstatement of the access over the drainage ditch. The engineer reviewed the documents and confirmed he had no further comments to make on the proposal. The application is considered to be in accordance with policy 42 of the CLP and no objection is raised in relation to existing watercourses.
- 8.29 Flood Risk – The site is wholly within Flood Zone 1 (i.e., with the least probability of flooding) however the Council's mapping shows the most southern corner of the site and Post Office Lane as being at significant surface water flood risk (greater than 1 in 100yr event). This has been reiterated by third party representations and the Parish Council highlighted incidents of flooding on the access road leading to the application site's entrance. Upon initial consideration of this information, the LLFA requested that, in addition to the Foul and SuDS Drainage Statement already submitted, a Flood Risk Assessment be provided as part of this application. The LLFA has reviewed the submitted FRA and raised no objection on surface water flood risk grounds subject to the surface water drainage conditions recommended by the CDC drainage officer. Furthermore, the Council's Drainage Engineer raised no objection to the principle of the proposal on flood risk ground subject to satisfactory surface water drainage.
- 8.30 Foul Water Drainage - The foul water from the proposed development will be routed via gravity into Southern Water's sewer via a new manhole to the north-east of the application site subject to an application under Section 106 of the Water and Industry Act 1991. The waste will be directed to the Pagham Water Treatment Works (WWTW). Southern Water have confirmed that they can provide foul sewage disposal to service the proposed development. Officers are satisfied that the improvement scheme at Pagham WWTW will ensure that there is capacity for this and other committed development.
- 8.31 Officers note the concern of North Mundham Parish Council with regard to the foul drainage implications arising from the proposed development including the reference to sewage surcharging within the North Mundham system. Ultimately it is the statutory duty of Southern Water to ensure that the overall system is fit for purpose, that the development is satisfactorily drained, and that the proposed development does not lead to problems elsewhere in the system. If Southern Water is not performing its statutory function then the recourse is to the industry regulator OFWAT. Any failings on behalf of Southern Water to deliver required improvements to the offsite network are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act. Southern Water has no objection to this planning application subject to potential network reinforcements carried out under its own statutory regime. There is no objection to the proposals on the grounds of foul water drainage subject to the recommended conditions.

vi. Education

- 8.32 WSCC as the Local Education Authority has a statutory duty to ensure that within its administrative boundaries, in this case Chichester District, there is a sufficient supply of school places to meet statutory requirements for early years, primary, secondary and post 16 years provision. In order to meet statutory requirements, WSCC seek education contributions from housing developers, through Section 106 Agreements or Community Infrastructure Levy (CIL) from the CIL charging authorities, to meet the cost of new school places arising as a direct result of new development. WSCC acts as a commissioner of education rather than a provider of new schools. It 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.
- 8.33 In order to fulfil its duty to provide sufficient school places in its area, and to ensure that every child has access to a school place, WSCC produces an annual document, 'Planning for School Places' (PSP). The PSP explains how the County Council plans to meet the growing need for additional school places throughout the County on a short, medium and long term basis. School place planning, and the requirement for school expansions and/or new schools' allocations are based on pupil projections. Pupil projections consider permitted planning permissions and allocations in adopted local plans that are yet to obtain planning permission. Education places are planned primarily through the local and neighbourhood plan process. What the system set up on this basis is less able to manage is the additional school places which are required from speculative housing applications of which there has been a significant increase within the Chichester Planning Area. Educational payments through CIL can be sought by the LEA but if there is no land to expand existing schools or there is no new school allocated, secured or identified in the application being considered, then there may not be sufficient certainty as to how educational places could be delivered.
- 8.34 Aside from CIL, which has to fulfil a range of different infrastructure requirements, there is potential for developers to pay a S.106 contribution towards mitigating the requirements of education provision, provided that such a contribution meets the 3 tests in Regulation 122 of the CIL Regulations.
- 8.35 With this application, on 06 January 2022, WSCC advised that it had a formal objection because the application had no offer of new education infrastructure for primary education at a time when the local Primary school in North Mundham was already at full capacity. No S.106 contribution had been offered by the applicant but even if there were, it was unclear as to where the S.106 contribution would be spent because there is no land being made available as part of the application for local education provision, i.e. no land within the catchment area of the application site has been allocated for this purpose, nor is there physical space to expand the local Primary school at its current site to meet the needs of the development. Given this stance, WSCC were not satisfied that developer contributions through CIL on its own or through CIL and S.106 would be sufficient to mitigate the Primary education requirements of the development. WSCC pointed out in its '*West Sussex County Council education provision in Chichester District - Officer Advice Note December 2021*' that if it is unable to identify where developer contributions could be spent in order to mitigate the effects of the proposed development, it would be failing in its duty to plan for the educational needs of the area as required under its statutory duty as the LEA. Therefore, an objection was made.

- 8.36 However, on 16 May 2022, WSCC provided a further consultation response removing their objection to the proposal.
- 8.37 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 investigated 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.
- 8.38 WSCC has informed CDC that at this point in time, the local school has capacity to cater for the additional pupils anticipated to come from this application. In view of the work WSCC as LEA has undertaken in the assessment of education capacity, WSCC has confirmed there is now no education objection to the application. They do, however, note that this area is subject to movement in pupil numbers, and they reserve the right to change their position for any future applications in the area.

vii. Ecology

- 8.39 Policy 49 of the CLP requires that the biodiversity value of the site is safeguarded and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated. Paragraph 174 of the National Planning Policy Framework requires planning decisions to minimise impacts on and provide net gains for biodiversity. Following the European Court of Justice Decision in R v London Borough of Bromley, ex parte Barker 04/05/2006 the European Courts of Justice (ECJ) it is established that impacts upon the environment must be identified and assessed at outline application stage.
- 8.40 In terms of bats, the CDC Environmental Strategy officer originally expressed serious ecological concerns as a result of the findings from the bat surveys. The records in the surveys indicated potential commuting use of county level significance, counting one Barbastelle and 7 Myotis bats using the western field vegetation/drain as a commuting corridor. The Ecological Assessment (November 2021) proposed a low impacts lighting scheme (section 4.4); however, concern was raised by the CDC Environmental Strategy officer regarding post construction lighting such as security or Christmas lights as these can be installed in an uncontrolled manner which could harm the ability of ensuring the bat commuting lines remain dark corridors. Since these concerns were raised by the CDC Environmental Strategy officer, the proposed number of dwellings has been reduced to 19 and the indicative layout has been amended to include a 5m buffer between the developable area (including gardens) and the drainage ditch and trees/hedgerows to ensure the bat community lines remain dark corridors as advised by the Environmental Strategy officer. A condition is recommended requiring details of a lighting scheme to be submitted and agreed and a condition is recommended to ensure that the 5m buffer is retained in perpetuity.
- 8.41 In terms of water voles, following the submission of the updated Ecological Assessment (April 2022) which includes a 6m buffer zone around the water course onsite, no further water vole mitigation is required. A condition is recommended to ensure the retention of the buffer zone in perpetuity.



8.42 In terms of Nesting Birds, Reptiles and Great Crested Newts, the CDC Environmental Strategy officer is satisfied with the proposed mitigation detailed in the Ecological Assessment, all of which are recommended to be secured by condition. For both the reptile and great crested newts it is proposed that the translocation area is in the eastern field adjacent to the application site.

viii. Sustainable Design and Construction

8.43 The applicant's Sustainable Construction and Design Statement (August 2022) complies with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The Sustainable Construction and Design Statement confirms that the approach relies on a combination of measures including 'fabric first' construction, air source heat pumps and solar PV panels.

8.44 To ensure that the energy consumption of the buildings can achieve at least a 19% improvement in the dwelling emission rate over the target emission rate, the applicant has advised that this will be achieved through the fabric first principle. It is also confirmed that the application will include the inclusion of at least 10% of the predicted energy requirements of the dwellings through low carbon energy generating technology, including PV and air source heat pumps for every dwelling.

8.45 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 all of the dwellings on site together with two additional charging points within the visitor parking areas. This is well in excess of the 2023 year requirement of 7.8 dwellings (41%) as set out in WSCC Parking Standards.

8.46 Conditions are recommended to secure the stated energy savings as set out in the Energy Statement, 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 Policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

ix. Habitat Regulations Assessment

Recreational Disturbance

8.47 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.

8.48 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 per dwelling) for dwellings with 1-4 bedrooms and the Chichester and Langstone SPA tariff for 5 bedroom dwellings (£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 £927 per net additional dwelling is required for the 1-4 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. An Appropriate Assessment has been completed.

8.49 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

8.50 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 is not located within the Chichester Harbour fluvial catchment area and the foul drainage will discharge to Pagham WWTW (also outside of the Chichester Harbour fluvial catchment area), 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.

#### x. Other Matters

##### Residential amenity

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

8.52 During the course of the consideration of the application the illustrative sketch layout plan has been amended, including reducing the overall number of dwelling plots, re-orientating some of the units and resizing the plots. As amended, officers consider that the separation distances both between the proposed dwellings on the application site and between proposed and existing dwellings will ensure an acceptable level of privacy and avoid any overbearing impact to both existing residents adjacent to the site (Hermitage Close and Orchard Croft) and any potential new residents of the proposed scheme. In particular, the original proposal built right up to the northern boundary which resulted in a cramped and overbearing scheme for the dwelling at Orchard Croft. The dwellings here have since been reorientated, so the rear gardens would now abut the northern boundary which has enhanced separation distances and reduced overbearing impact and potential issues of overlooking. As amended these reorientated dwellings now overlook the new internal road, along with sufficient garden depth to ensure acceptable outlook and back-to-back distances for both new and existing residents. The garden sizes and lengths are considered to provide sufficient, useable and private amenity space.

#### Significant Conditions

8.53 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, suitability components, soft landscaping and tree protection measures and ecological mitigation and enhancements.

#### Section 106 Agreement

8.54 This development is liable to pay the Council's CIL charge at £120sqm 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 (6 units), with a 70:30 (rent: First Homes) tenure mix as follows:

Affordable rent:

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

First Homes:

- 1 x 1 bedroom
- 1 x 2 bedroom

Appropriate management by an approved body and a nominations agreement.

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.

- Financial contribution of £49,685 (£2,615 per dwelling) payable to National Highways prior to the occupation of the 10th dwelling, towards the agreed Local Plan highway mitigation/works on the A27 Chichester bypass.
- Provision, management and on-going maintenance of Public Open Space (minimum of 185sqm), in accordance with Planning Obligations and Affordable Housing SPD requirements.
- Financial contribution of £17,613 (19 x £927) for recreational disturbance mitigation at Chichester and Langstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.
- Section 106 Monitoring Fee of £846

### Conclusion

8.55 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 Council 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, 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 needed housing including 5 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

8.56 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) (i) Approval of the details of the appearance, landscaping, layout, and scale; (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, (including housing mix), the scale and the appearance of the buildings, and the landscaping of the site; shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

210609\_R9\_000/R.1. and 11111\_100 Rev P6

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,

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

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

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

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

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

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

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

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

**8) No development shall commence** unless and until details of the proposed means of foul water sewage 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 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 of foul water sewerage. 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) **Before the development hereby permitted is begun** full details shall be submitted to and be approved in writing by the Local Planning Authority showing how the development is to achieve the sustainability requirements as set out in the Sustainable Construction and Design Statement dated August 2022 and to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and criterion 8 in the Interim Position Statement for Housing (November 2020). The development shall thereafter be carried out in accordance with the approved details.

Reason: To accord with policy 40 of the Chichester Local Plan: Key Policies 2014-2029, criterion 8 of the IPS and the principles of sustainable development as set out in the NPPF.

10) **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.

11) The development hereby permitted shall not be carried out other than in full accordance with the recommendations in section 4 and the conclusion set out in the Ecological Assessment (1 April 2022) prepared by The Ecology Co-op. For the avoidance of doubt these details shall include:

- bird boxes to be installed on the east face of units 14-19
- creation of a native wildflower meadow
- filling gaps in hedgerows and creation of new hedgerows with native species
- eastern field adjacent to the application to be used as the receptor site for the great crested newts and reptiles
- 6m ecological buffer including a 5m 'dark corridor' from top of ditch and a 5m dark corridor buffer around the sycamore tree to the north of the site
- comprehensive sensitive lighting plan for the proposed development, to cover dwellings and gardens, parking areas, entrance and roads

Full details of the above measures together with mitigation, management and enhancement plans and a timetable for implementation **shall be submitted with the first reserve matters application** and shall be implemented in full accordance with the approved details.

Reason: In the interest of conserving and enhancing biodiversity.



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

13) **No part of the development in respect of the construction of the dwellings shall be begun** until the vehicular access serving the development has been constructed in accordance with the details shown on drawing 11111\_100 Rev P6 dated 20.08.21.

Reason: In the interests of providing safe vehicular access and egress to the site.

14) **Before construction of any dwelling above slab level** the technical specification of the Electric Vehicle charging point facility shall be submitted to and be 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 Sustainable Construction and Design Statement dated August 2022, unless otherwise agreed in writing with the Local Planning Authority 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.

15) 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.

16) **Before first occupation of any dwelling** full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) shall be submitted to and be approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on the site during works. The development will thereafter only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development benefits from appropriate infrastructure.

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

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

18) **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.

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

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

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

## INFORMATIVES

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

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

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

5) 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](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

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

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

7) A protected species license will be required prior to works commencing for Great Crested Newts.

For further information on this application please contact Alicia Snook on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R05FRXERFY700>