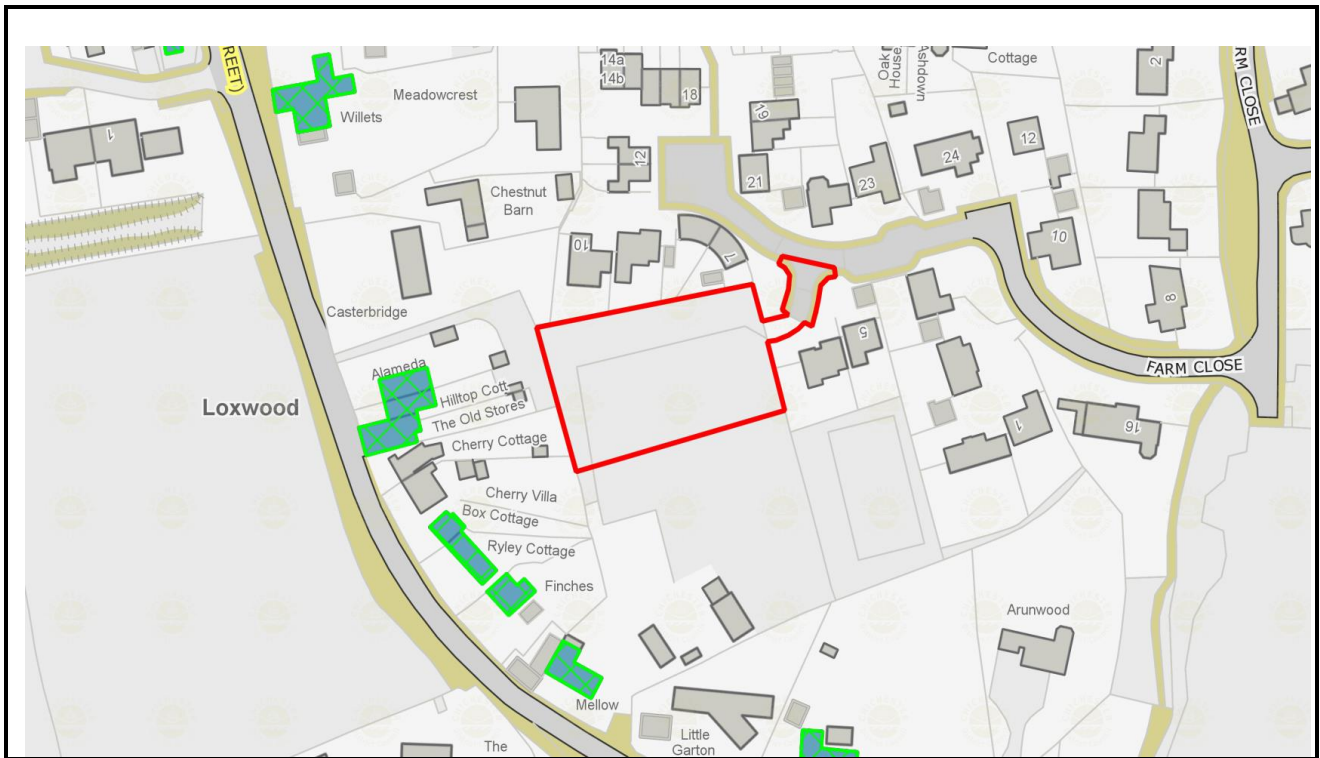



Parish: Loxwood	Ward: Loxwood
--------------------	------------------

**LX/21/02849/FUL**

<b>Proposal</b>	5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.		
<b>Site</b>	Land South West Of Willets Way Willetts Way Loxwood West Sussex		
<b>Map Ref</b>	(E) 503955 (N) 131371		
<b>Applicant</b>	Loxwood Mellow	<b>Agent</b>	Mr Huw James

**RECOMMENDATION TO DEFER FOR S106 THEN PERMIT**



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

## **1.0 Reason for Committee Referral**

1.1 Parish Council Objection – Officer recommends permit

## **2.0 The Site and Surroundings**

2.1 The 0.17ha greenfield site is located to the south of the village of Loxwood. Loxwood has been identified as a Service Village in Policy 2 of the Local Plan and is located to the northeast of Chichester District. Whilst the site is located outside the Settlement Boundary of Loxwood and is in the rural area, the northern and eastern boundaries adjoin the settlement boundary. There is open land to the south and existing dwellings to the north, east and west of the application site, with their respective residential curtilages backing onto the application site's boundaries.

2.2 A number of the dwellings located to the west of the application site (including Alemeda, Hilltop Cottage, The Old Stores, Box Cottage, Ryley Cottage, Finches and Mellow) are Grade II Listed Buildings which are located at minimum 30 metres from the application site. To the east of the application site is the access road Willetts Way, a residential road which serves a number of existing residential properties. The application site is a rectangular parcel of land which is generally level and currently comprises a paddock.

2.3 Willetts Way can be accessed via Farm Close and Station Road which adjoins the B2133, the main route through the village. The site is located within Flood Zone 1.

2.4 Loxwood retains a semi-rural character through being a compact village surrounded by fields and areas of woodland. The B2133 has several side roads leading to pockets of development and cul-de-sacs surrounded by open countryside. The historic core of the village has gradually expanded from Guildford Road and the High Street through new development and infilling of gaps. The dwellings are predominately detached or semi-detached with some short terraces.

## **3.0 The Proposal**

3.1 The proposal is described as the construction of: 5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.

3.2 The single point of vehicular access for the proposed development would be from the north site boundary off Willetts Way and would comprise an approximately 14m wide bell-mouth access, narrowing to a road 4.9m wide within the development.

3.3 The applicant is proposing a mix of 2, 3 and 4 bed chalet style 1.5 storey dwellings. The requirement for affordable housing has not been triggered due to the number of dwellings proposed, therefore all dwellings will be open market housing. The proposed housing mix is as follows:

- 2 bed x 2
- 3 bed x 2
- 4 bed x 1
- Total 5

- 3.4 The proposed layout of the dwellings consists of a row running from north to south on the western half of the site of 4no. units, two of which are semi-detached with the remaining unit located within the southeast corner of the site. Open space is shown located to the northeast corner of the site, whilst the central section of the site serves as the access road accommodating a turning head for larger vehicles. The proposed dwellings would be detached or semi-detached and would not exceed 2 stories in height. The proposed materials palette aims to provide a traditional feel with mixed stock red bricks, vertical tiling, and plain clay roof tiles.
- 3.5 The 5 dwellings would be served by 13 car parking spaces consisting of 11 allocated and 2 visitor spaces. Each dwelling would be provided with an Electric Vehicle Charging point and served by cycle storage within domestic gardens or garages.

#### **4.0 History**

No relevant history

#### **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

#### **6.0 Representations and Consultations**

##### **6.1 Parish Council**

*Further comments 08.03.22*

Object. Not an allocated site in the "Made" Loxwood NP which now has authority given that CDC has a 5.3 year housing supply. The site is also not an allocated site in the Revised Neighbourhood Plan which has been through a reg 14 and allocates a further 125 houses and thus has material weight.

The use of the IPS is contrary to para S38(6) of the Planning and Compulsory Purchase Act 2004. There is no Habitat Regulation Assessment AA submitted and the Water Neutrality Statement does not solve the offsetting problem to reach zero water consumption. It would be nice to see a Biodiversity Net Gain Statement.

The subdivision of the site suggests an intention to develop the second part of the site in the future. The history of the site being:

- a) The land for the proposed development belonged to and formed the paddock for, the property known as 'Mellow, High Street, Loxwood'.
- b) The owner of Mellow has entered into an agreement with the Applicant to develop the land outlined in the application.
- c) In August 2021, a fence was erected, dividing the paddock into two separate areas.

- d) Enquiries with HM Land Registry show that, as of February 2022, Mellow and the entirety of the paddock still remain under the same title.
- e) Mellow has recently been sold, subject to contract. During the sale process, prospective buyers were informed by the Estate Agent that the paddock land would not be included as part of the sale, and that the owner's intention was to develop a single property on the remainder of the land not covered by this planning application.
- f) We must assume that the details provided by the Estate Agent to prospective buyers is the truth, as to provide false information during a purchase would be contrary to the Consumer Protection from Unfair Trading Regulations 2008.
- g) We can therefore conclude that it is the intention of the landowner to develop the remainder of the paddock in future and that the plot has been artificially sub-divided.

*Original comments 04.11.21*

Object.(4 object and 2 abstain)

The application does not comply with the following Neighbourhood Plan policies.

1. Policy 2. The site out outside the Settlement Boundary of both the Made Neighbourhood Plan (NP) and the Revised NP which is currently lodged with CDC for Reg 16 and held because of the Water Neutrality issue. It has been with CDC since December 2020!
2. Policy 10 (a) and (b). The development does not match the vernacular of Farm Close and Willets Way and the plain render should be replace with tile hung elevations.
3. Policy 10(i). There are 8 grade two listed buildings which located on the east side of the B2133 with 5 of the buildings directly behind the development. The policy requires that any new development adjacent to a listed building be sensitively designed to conserve and ENHANCE the setting, form and character of the listed buildings. This development is cramped and the modern style of the rear elevations of plots 2/3/4 and 5 do nothing to enhance the setting and character of the development and setting of the listed buildings.

The following issues/comments are also applicable.

1. No attempt has been made to address the advice given by Natural England and its concerns with respect to the impact that new developments in the North Sussex Water Supply Zone will have on the Arun Valley protected sites. The applicant must be advised to carry out an HRA AA to demonstrate how Water Neutrality will be achieved within the development.
2. Residents have expressed concern about the effect that the development will have on their grade 2 listed properties which have no foundations and the resultant vibration caused by the building works.
3. The field is used for several species of bat for foraging.
4. Insufficient car parking has been planned for the properties.
5. Residents to the north of the site in Willets Way are concerned about the proximity of plots 2/3 to their properties with light being blocked from their properties.

The following policies also apply.

- Policy 7 Street Lighting
- Policy 9 Housing Density
- Policy 12 Rural Area policy
- Policy 15 Telecommunications and Connectivity

## 6.2 Historic England

Thank you for your letter dated 26 October 2021 regarding the above application for Planning Permission. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are attached.

***Officer note - it is not considered that the development falls within the remits of consultation from Historic England***

## 6.3 Natural England

*Further Comments 26.08.2022*

In our response from the 13th June we also queried how/if impacts to The Mens SAC & Ebernoe Common SAC had been considered as part of this application.

If Chichester District Council is satisfied in this instance that the information provided relating to the Part G calculations, Occupancy Rates and Rainfall data is sufficient in this instance, then we have no objections on those points

In order to achieve water neutrality, any development that takes place should not increase the rate of water abstraction for drinking water supplies above existing levels. Therefore, the rationale behind the 35 days is that it provides the development with a sufficiently conservative storage buffer so that it avoids – and ensures – there is no need to rely upon water abstraction during prolonged periods of drought

*Further Comments 15.08.2022*

With regard to the Part G calculations, I note your point regarding that a condition to restrict water use to 110L p/person p/day would be imposed anyhow if permission was to be granted, and that the Building Regs require this too. If you're satisfied that the proposed water usage can be secured via condition, then in this instance it would be acceptable.

As for occupancy rates, given that – as I understand it – there is currently no local population data for the district, there was some uncertainty as to how the 3.8 figure had been achieved. However, given that the off-site mitigation lies within an adjacent authority, and that further information has since been provided in order to support why the 3.8 figure has been adopted for this application, we're satisfied that the reasoning behind adopting it for this application is appropriate.

Rainfall data – my advice would be that whilst more conservative figures are not fundamentally unacceptable, a precautionary approach should be adopted in the absence of robust evidence and/or in instances where there is uncertainty as to whether there is an impact or not; and not when there is the data available to make an accurate assessment of the likely impacts. However, as competent authority, it is Chichester District Council's responsibility to make an assessment as to whether, for this particular application, the data supplied by the applicant is sufficiently certain and robust when determining whether there is an adverse effect or not. If that is the case, I would advise that for any future applications, the applicant adopts locally specific data as part of their assessments.

*Further comments 12.08.2022*

As submitted, the application could have potential significant effects on the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Demonstration of how water neutrality will be achieved as part of this development.
- Rainfall data that is reflective of the site's location.
- Clarification as to how many days of drought protection are being proposed.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained

*Original Comments 14.06.2022*

As submitted, the application could have potential significant effects on Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (together the Habitats Sites).

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: Further evidence of existing and proposed water use and rainfall data

#### 6.4 Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing water main asset within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 125 mm diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public water mains.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Please note: There is a private foul sewer within the access of development site.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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 WSCC Highways

Access and Visibility - The site is primarily accessed from Station Road via Farm Close and Willets Way. Station Road is a classified 'C' road, subject to 30mph speed limit. The existing spur on Willets Way which provides access into the site will be amended to suit proposed site layout. The vehicular and pedestrian entrance into the site is by using the new shared surface access. The junction of Farm Close with Station Road has visibility splays in excess of 90 metres in both directions. This is in well in excess of the visibility splays in line with Manual for Streets (MfS) guidance for a 30mph speed limit.

Personal Injury Accident (PIA) Data - WSCC's online record for road traffic collisions have been interrogated. This reveals there are no personal injury accidents recorded near to the site access either on Willets way or at the Station Road / Farm Close junction. This indicates that the site access has been operating in a safe manner in its present form.

Vehicle Parking, Cycle Storage and EV Charging - In line with West Sussex County Council's Guidance on Parking at New Developments (September 2020) the development is provided with 13 parking spaces, 3 nos. for the 4-bedroom house, 2 nos. for the 2 and 3-bedroom houses and 2 nos. visitor spaces. Two bicycle storage spaces per dwelling are provided within rear garden stores and garage.

Each dwelling will be provided with an EV Vehicle Fast charging point to ensure 100% EV coverage, which is well in excess of WSCC EV charging standards of 20%. The LHA consider that sufficient parking provision has been demonstrated.

Refuse Collection / Servicing - Refuse collection and delivery will occur within the site with refuse and delivery vehicles being able to enter and leave the site in a forward gear using the on-site turning head. This is demonstrated on tracking diagrams within the submitted Transport Statement.

Sustainability - The site is in close proximity to both the A281 and B2133 and within 6.3 miles of the mainline Billingham train station with frequent trains to nearby towns as well as London. There are bus stops along Loxwood High Street (B2133) with services to Horsham and Guildford. There are many amenities and services within Loxwood that are within recommended walking and cycling distances. Therefore, the LHA consider the site as sustainable.

Trip Generation and Highway Capacity - Using TRICS, a trip generation exercise is carried out for an estimation of future vehicular and person trips. This shows that the proposed development would generate person trips of 6 in the AM peak hour, 5 in the PM peak hour and 44 during the total daily movements. Also, it is estimated that vehicular trips of 3 in the AM peak hour, 2 in the PM peak hour and 12 during the total daily movement would be generated. Having assessed the trip generation within the submitted Transport Statement, the LHA would not consider that the additional trips as having a 'Severe' residual impact on the Highway network.

Conclusion - The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

Recommend planning conditions should the proposal receive planning approval including access, parking, cycle parking, EVCP and CEMP.

## 6.5 CDC Coastal and Water Management Engineer

### Surface Water Drainage:

In the application form submitted as part of this application, the applicant has ticked multiple boxes in response to the question of how surface water will be disposed of; SuDS, soakaways and main sewer. Our mapping systems suggest that there is a Southern Water surface water sewer in the vicinity of the location therefore such an approach may be acceptable, but this will depend upon the results of ground investigations. If on-site infiltration proves to be unviable and an off-site discharge is necessary, then the applicant will need to obtain confirmation from Southern Water that there is sufficient capacity within the surface water sewer for any discharge from the site and their permission to connect to it.

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



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

If on-site infiltration is not possible, drainage via a restricted discharge to the local surface water sewer may be acceptable if the applicant can obtain the required permission from Southern Water. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

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

Recommends planning conditions should the application be approved.

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

## 6.6 CDC Environment Officer

### **Water Neutrality**

Due to the impact of water extraction within the Sussex North Water Supply Zone on Arun Valley (SPA, SAC and Ramsar Site), developments within this zone must demonstrate certainty that they will not contribute further to the existing adverse effect.

Natural England requires applicants to demonstrate how developments can achieve maximum consumption of 90 litres per person per day.

This can be achieved by measures such as:

- Grey water recycling (advantage of being reliable in hot dry weather);
- Rainwater Harvesting;
- Water efficient fixings (such as shower aerators).

We require an appropriate assessment matrix to be completed to ensure water neutrality for this development prior to determination. Applicants will need to provide information on how developments will, with suitable certainty, reduce water demand to allow the appropriate assessment matrix to be completed.

### **Bats**

Following submission of the Preliminary Ecological Appraisal (September 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

### **Nesting Birds**

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

We would like bird boxes to be installed on the new dwelling or existing trees.

### **Reptiles**

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

### **Hedgehogs**

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

### **Badgers and Other Small Mammals**

As detailed in the Preliminary Ecological Appraisal (September 2021), measures should be taken to ensure badgers and other small mammals are not harmed during construction. The mitigation detailed in Section 4.26 is suitable and a condition should be used to ensure this.

### **Policy 40**

Following submission of the Sustainability Statement (Feb 2020), we are satisfied that the criteria for sustainable development detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to better the building regulations by 28.93%.

Following submission of the Preliminary Ecological Appraisal (September 2021), we are satisfied that the criteria for improvements to biodiversity and green infrastructure detailed within policy 40 will be met provided the Ecological Enhancements (Section 4.31 - 4.38) are completed. The enhancements should be shown within the landscaping plans. A condition should be used to ensure this.

## **6.7 CDC Housing Enabling Officer**

This application seeks to deliver 5 residential dwellings. In line with policy 34 of the adopted Chichester Local Plan, no affordable housing contribution is required as it is providing less than 6 dwellings in rural designated parish under section 157 of the Housing Act 1985.

The above mix is broadly in line with the Chichester Housing and Economic Development Needs Assessment (2020) mix requirements. This will contribute to meeting the needs of first time buyers, older households looking to downsize and families needing 3-4 bedroom homes. The mix is therefore acceptable.

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

#### 6.8 CDC Conservation and Design Officer

In design and conservation terms the main potential impacts relate to the series of grade II listed buildings along High Street which have boundaries with the site to the west.

The development site is currently open and undeveloped land. The existing field could be said to form part of the widest possible extent of the setting of these listed buildings, but intervening vegetation, distance and other structures reduce its relative importance in forming that setting. The most important parts of the setting of those buildings are found in their more immediate surroundings and include their gardens, domestic curtilage, vegetation and other elements that are more easily visible in conjunction with the listed buildings.

Should the land be developed in the manner proposed the presence of domestic buildings in the landscape would fit within an existing pattern of established development in the wider settlement. The proposals will not differ markedly from the pattern of development that has already been established. The appreciation of the listed buildings along High Street, which is the primary way they are appreciated, will be totally unaffected. The listed buildings will still be appreciable and visible from the developed land in much the same way as they are from the field presently. In fact, as the access to that area will now be public, they may in fact be more readily appreciated than from the centre of a private field.

In summary, whilst a less important part of the setting of the listed buildings will be changed it does not constitute a harmful impact due to the distance, intervening vegetation and other primary viewing and experiential points being largely unchanged. The proposals are in accordance with the relevant sections of the NPPF.

#### 6.9 CDC Archaeology Officer

There is no known archaeological objection to the development of this site. However, recent investigations prior to the development of a site south of Loxwood Farm Place, less than 100m to the west, have demonstrated that the general area has the potential to contain rare evidence relating to later prehistoric settlement and utilisation of the land. If similar deposits are present, their significance would merit preservation from the effects of development, and this should be achieved through a process of investigation and recording prior to or during construction. This could be secured through the imposition of a planning condition.

The aim would be to secure a suitable investigation, and this might take the form of a watching brief on all significant groundworks or an initial investigation by trial trenching followed by targeted investigation thereafter as appropriate.

## 6.10 CDC Contract Services

We have reviewed the site layout and swept path analysis within the transport statement, and we are satisfied with the proposal from a waste collection perspective.

## 6.11 Third party objection comments

Fifteen third party representations of objection have been received concerning the following matters:

- a) Loxwood is suffering from over-development. Inappropriate level of development for village. 220 houses planned or under construction, unsustainable for village. Urbanisation. Development is irreversible and disproportionate
- b) Additional development would have detrimental effect on character, listed buildings and landscape. Loss of rural and tranquil surroundings. Proposal would have minimal impact on housing requirement but significant impact on listed properties
- c) Historic buildings will be robbed of interest, loss of character. Loss of trees would cause irreversible harm. Contrary to Historic England's guidance and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Contrary to NPPF and CDC Historic Environment Strategy and Action Plan. Proposal would sever the final link between heritage assets and original setting
- d) Development is outside of settlement boundary, not a sustainable location
- e) Machinery being used during construction could damage nearby listed properties as they do not have modern foundations. Some of the listed buildings were first built in 1508. Construction would cause noise, dust, dirt and pollution. Parking for contractors would need to be considered as limited parking in Willetts Way
- f) Proposed development would disturb wildlife foraging and commuting habitat. Loss of trees result in lack of dark skies. Evidence that the site is used for foraging and commuting by 5 species of bat. Healthy, matures trees and vegetation have already been cut down which previously provided screening for heritage assets.
- g) Detrimental impact on the High Steet properties through increase in noise
- h) Impact on infrastructure including highways, road safety and sewerage. Primary school is oversubscribed, surgery and foul water treatment is beyond capacity. Does not meet water neutrality requirements. Development would add to the issue of water demand
- i) Loss of privacy, development would overlook site and would cause a loss of sunlight.
- j) Site is not allocated in the Neighbourhood Plan, IPS holds no weight to decision making. Site is being artificially subdivided
- k) Design of the properties do not fit with the village vernacular. Policy 10 of Neighbourhood Plan refers to material palettes. Solar panels would have visually intrusive effect
- l) Noise and fumes of car parking spaces will come into neighbouring back gardens. Insufficient car parking which would lead to congestion. Add to the dangerous parking situation. No footpath
- m) Drainage concerns. Surrounding gardens flood which could be increased by development
- n) Inappropriate housing mix

## 6.12 Third party other comments

One third party representations neither supporting nor objecting have been received concerning the following matters:

- a) No notification from CDC Planning, not planning notice as of 20/10/21
- b) Landscaping and parking post occupation
- c) Loss of privacy through completed dwellings and on T1
- d) Exhaust fumes from parking bays will enter the rear gardens of nearby properties
- e) Construction traffic/hours. Requests control on this

## 6.13 Applicant's comments and supporting information

The applicants water consultants have provided the following summary of the water neutrality measures deployed within the proposed development.

- Total water demand for The Loxwood Site without onsite measures = 762,850 litres/annum
- Total water demand for The Loxwood Site without onsite measures = 554,800 litres/annum
- Total water saving at The Slinfold Site =1,030,000 litres/annum

This means we are not only proposing our site to be water neutral but that it will save some 475,200 litres/annum being abstracted from the local water course. In addition, to ensure the proposal achieves a 35-day drought storage (20,000 litres) the on-site tanks have been increased to 5,000 litres (standardised sizes) to provide the necessary drought storage plus additional on-site drought protection.

## 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.

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 7: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 25: Development in the North of the Plan area
- Policy 33: New Residential Development
- 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 and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity

### **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
- S12 Infrastructure Provision
- S19 North of the Plan Area
- S20 Design
- S22 Historic Environment
- 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
- DM23 Lighting
- DM27 Historic Environment
- DM28 Natural Environment
- DM29 Biodiversity

- DM31 Trees, Hedgerows and Woodlands
- DM32 Green Infrastructure
- DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

7.5 The Loxwood Neighbourhood Plan was 'Made' on 20 September 2016. The following policies are relevant to this development:

- Policy 1 Housing Allocation Policy
- Policy 2 Settlement Boundary Policy
- Policy 7 Street Lighting Policy
- Policy 8 Infrastructure - Foul Water policy
- Policy 9 Built Environment - Housing Density Policy
- Policy 10 Built Environment - Vernacular Policy
- Policy 15 Telecommunications & Connectivity
- Policy 18 Flood Risk

### **National Policy and Guidance**

7.6 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.

7.8 Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.9 The following sections of the revised NPPF are relevant to this application: 2, 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**

7.10 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): Low Weald (Area 121)
- Chichester District Landscape Capacity Study (2019): Loxwood Eastern Low Weald (sub-area 159)
- WSCC Parking Standards (September 2020)

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

- 7.11 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five-Year Housing Land Supply was published on 24 November 2021 and provides the updated position as of 1 April 2021. This position is due to be reviewed during the Autumn of 2022. At the time of preparing this report the published 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. Whilst at the time of writing 5.3 years remains the Council's published statement of its supply, the Committee will be aware that this figure has been challenged through several recent housing appeals.
- 7.12 At the recent public Inquiry for up to 100 dwellings on Land South of Clappers Lane in Eardley (E/20/03125/OUT) the Council revised its figure of 5.3 years down to 5.01 years, a surplus of 6 dwellings. The Inspector in that appeal found that the Council's supply following further necessary adjustment was at 4.8 years. Officers have subsequently looked again at the figures and agree that the evidence now points to a supply position of less than 5 years. Ahead of publication of a revised HLS statement, the Council has accepted in the statement of common ground submitted for the appeal at Chas Wood (CH/20/01854/OUT) that it now has a supply of 4.82 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.
- 7.13 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.



7.14 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

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development and policy position
- ii. Design and impact upon character of the surrounding area, landscape impact and residential amenity
- iii. Housing Mix
- iv. Impact on Heritage Assets
- v. Impact upon amenity of neighbouring properties
- vi. Impact upon highway safety and parking
- vii. Drainage/flooding
- viii. Ecology
- ix. Sustainability
- x. Water Neutrality
- xi. 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 site currently lies beyond any designated Settlement Boundary and is, therefore, within the Rest of the Plan Area wherein Local Plan policy 45 resists development of the nature and scale proposed. 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. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date. Policy 45 as a countryside policy is out of date insofar as it is linked to policy 2 and is therefore reliant on there being up to date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward into the LPR

- 8.4 The Loxwood Neighbourhood Plan, within Policy 1 advises the parish will provide a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary. Policy 2 aligns with the NPPFs presumption in favour of sustainable development. Policy 3 identifies the allocated sites but goes onto advice windfall sites should conform with other policies within neighbourhood plan policies. Therefore, the applications site's location outside of the defined settlement boundary would be contrary to neighbourhood plan policies.
- 8.5 However, there are other factors to consider. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it can't currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11 d) ii) of the NPPF i.e. the presumption in favour of permitting sustainable development where there is no housing supply is engaged. In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan with its revised housing strategy and numbers. In recent appeal decisions for 4 major housing developments (Westhampnett; Raughmere; Church Road, West Wittering; and Clappers Lane, Earnley) only the Inspector at Raughmere concluded that the Council had a supply. With the Council's 5YHLS hovering around the '5' year figure the Committee will be very aware of the notable increase in speculative housing applications on the edge of existing settlements over the past 12-18 months. When viewed in the context of not having a housing supply, officers consider that to simply adopt a position where all new housing proposals are resisted ahead of adoption of the LPR is not a tenable approach. Housing supply is calculated on a rolling year-on-year basis and in order to ensure that the Council can demonstrate a supply and that this supply is maintained with a suitable buffer ahead of adoption of the Local Plan Review, it will be necessary for some new housing development to be permitted. Whilst the proposal is for a small development of 5 dwellings, these dwellings would contribute to the supply.
- 8.6 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 HELAA has identified that the site (plus a wider section of land totalling 04. ha) is capable of an indicative capacity of maximum 30 dwellings. Under suitability the HELAA states "The site is potentially suitable subject to detailed consideration including on matters of access". Under achievability it states "Resolution would be required on matters of access/ransom for connection to Willetts Way or alternative access. The promoter suggests that this is achievable. Lower estimated yield used due to constraints". As set out in WSCC Highways consultation response, the access from Willetts Way 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.

8.7 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 proposal scores well against the 13 criteria of the IPS and is considered to represent a good quality development in the Local Plan area, without any adverse impacts having been identified. It is relevant to consider the application against each of the IPS criteria in turn:

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

The north and east boundaries of the application site are joined to the existing settlement boundary of Loxwood. It is considered that this criterion is therefore satisfied. *Compliant*

8.8 **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.**

Loxwood is a service village providing a reasonable range of basic facilities to meet the everyday needs of local residents. CLP Policy 2 states that provision will be made for small scale housing developments, in this instance, five dwellings would not be regarded as inappropriate, and the criterion is therefore satisfied. *Compliant*

8.9 **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, east 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 satisfied *Compliant*

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

The proposal would result in a density of approximately 29.4 dwellings per hectare. In the context of the rural edge of settlement location, this level of development would be acceptable for the surrounding vicinity. The site is a single field, so it is not considered that the wider site has been artificially subdivided. In the context of the rural edge of settlement location and the pattern of existing housing this level of development is considered acceptable. The criterion is satisfied. *Compliant*

**8.11 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.**

It is considered that the development complies with this criterion, with the size, scale and detailed design of the dwellings considered appropriate in the context of the site and its wide surroundings, which include a modern housing development. The application site is not located within visible distance from the South Downs National Park or the Chichester Harbour AONB. The criterion is satisfied. *Compliant*

**8.12 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. *Not applicable*

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

It is considered the proposal would meet the above criterion, with the wastewater disposal to be provided through a connection to the existing main sewer network. The scheme is not of a scale where an affordable housing contribution, provision of open space or any highways works are required, but it would be CIL liable. The criterion is satisfied. *Compliant*

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

The development would meet this criterion, with this matter discussed further within the sustainability section of this report. The criterion is satisfied. *Compliant*

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

The development is appropriate in terms of its size, scale, siting and detailed design and would not be of detriment to the rural tranquil setting of Loxwood and would serve as a natural extension to the existing housing development and settlement. The proposal would not negatively harm the Listed Buildings to the west of the application site and is not considered to be within the immediate setting. This is discussed further in later assessment. This criterion is satisfied. *Compliant*

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

The development is sustainably located on the edge of the existing settlement boundary and within an existing housing development. The site benefits from an existing access road, with pedestrian access onto nearby footpaths possible. This criterion is satisfied.

*Compliant*

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

The application site being wholly located within Flood Zone 1, an area with the lowest level of flood risk. The drainage system is to be designed through SuDS and soakaways to satisfactorily manage the discharge of surface water from the development. Therefore, this criterion is satisfied. *Compliant*

**8.18 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 lies outside of the Chichester Harbour Fluvial Catchment, to the north of the Chichester District in a location where it is not necessary to demonstrate nutrient neutrality. Therefore, this criterion is not applicable. *Not applicable*

**8.19 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.**

This application seeks full planning permission, and there are no abnormal occurrences within the development site that would otherwise restrict or delay implementation of the development following the discharge of pre-commencement conditions in the event that planning permission were granted. As such, it is considered criterion 13 of the IPS would be satisfied. *Compliant*.

8.20 The proposed development is considered to meet all the relevant criteria in the IPS. Consideration has been given to the Development Plan, including the Neighbourhood Plan, and also the Council's 5 year housing land supply position which results in the tilted balance being engaged. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above the 'principle' of housing development on this site is considered acceptable.

ii. Design and impact upon character of the surrounding area, landscape impact and residential amenity

8.21 The NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 126). Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density,

height, scale, and neighbouring and public amenity. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.

- 8.22 The site achieves a built density of 29.4 dwellings per hectare, which broadly aligns with the 35 dwellings per hectare set out within the supporting text of the local plan and achieves a layout which is respectful of the edge of settlement location, the surrounding context of the site. It would also accord with the aims of Policy 9 of the LNP, which seeks to achieve densities which are reflective of the semi-rural nature of the parish and give an impression of spaciousness.
- 8.23 The site occupies a setback position, behind the existing row of properties which front Willets Way and is accessed via a spur road, which was partially constructed with the earlier housing development. The proposal sees the spur road slightly realigned, extended into the development with shared surface internal roadway. A parcel of open space is located to the right (north) of the access road, contributing to the spacious feeling to the development.
- 8.24 The layout of the dwellings consists of a single detached property, to the southeast corner of the site, which would align with No.6 Willets way to the east. It would serve as the focal dwelling for the development since it would be visible from outside of the development site. The remaining four dwellings would occupy the western half of the site, achieving back-to-back distances in excess of 44m with the cottages to the west, and rear gardens in excess of 12m including the landscaping buffer. The north, east and west boundaries of the site would incorporate sizable landscape buffers, particularly to the northwest corner of the site, where the new built form would be closest to the neighbouring dwellings, which would help to screen the development and filter views of the built form. The level of separation with the dwellings to the north is acceptable, on balance, particularly when considering the enhanced landscaping and the shorter gardens characteristic of the dwellings on the adjoining development.
- 8.25 The layout and scale of the development is considered to reflect the form of the surrounding housing, particularly within the adjoining Willets Way, regards to the form/shape of the road and the scale and siting of the housing and other nearby residential development to the north and west. The proposed site plan indicates area of landscaping within the development, which are concentrated in several key area, in order to establish a green frontage with internal road, together with screening to the parking area to the northern boundary. A detailed hard and soft landscape plan, securing the details of the proposed shared surfacing material and the proposed size, density and species of planting has been suggested via condition.

8.26 The detailed design of the dwellings has been amended during the application, in order to address the design concerns raised by the Parish Council. The elevations show the units to be of a chalet bungalow 1.5 storey scale throughout. It is considered that the scale would align with the nearby residential development and assist in integrating the proposal into the wider site context and characteristics. The revised material palette now includes, red brick, hanging tile to first floor elevations, clay roof tiles and grey window, which will result in an attractive, high quality rural housing scheme that would be appropriate to its rural context and surrounding. The proposal would therefore meet the design objection of the LNP Policy 10.

8.27 All new development is likely to result in a change to the character and appearance of that land, but that change by itself is not sufficient on its own to warrant refusal particularly when that judgment is weighed, as it must be against the significant benefit of delivering new homes to help address the Council's housing supply. As such, it is considered that the proposal is appropriate for the site context and characteristics, the proposal would result in a high-quality rural housing scheme that would be appropriate to its rural context and surroundings. Therefore, there are no objections to the design.

8.28 In considering the above, the development would be of an appropriate layout and density, and result in a high-quality design that would sympathetically incorporate into the surrounding area. On this basis, the development would accord with the contents of Section 12 of the NPPF, Policy 33, 47 and 48 of the Chichester Local Plan and Policies 9 and 10 of the Loxwood Neighbourhood Plan.

iii. Housing mix

8.29 The proposed mix of housing (2 x 2 bed, 2 x 3 bed, 1 x 4 bed) is appropriate and in line with the Housing and Economic Development Needs Assessment (HEDNA). Given the size of the development, it does not trigger the need for the provision of affordable housing in line with Policy 34 of the local plan. It is therefore considered the proposal is acceptable in this respect.

iv. Impact upon Heritage Assets

8.30 Many of the dwellings to the west of the site, along High Street are Grade II listed and concern has been raised by several third parties, in respects of the potential impact upon these properties. The proposal has been reviewed by the Council's Principal Conservation and Design officer, who is satisfied the proposal would not result in a harmful impact upon the setting of the listed buildings.

8.31 It is noted the proposal could be said to occupy the widest possible extent to the setting of these buildings; however, it is of lesser significance due to its distance from the building, with the most important parts being the immediate curtilage of the buildings. The proposal would also not change the principal view of the cottages from High Street.

8.32 Overall, the proposal is not considered to have an adverse impact upon the surrounding heritage of the site, and therefore the proposal would comply with the relevant national and local planning policies in this respect.

v. Impact upon amenity of neighbouring properties

8.33 The NPPF in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.34 The layout of the site retains an acceptable level of amenity for the neighbouring properties, with adequate levels of separation between neighbouring properties. In addition, the internal layout of the site is considered to reflect an acceptable amenity for further occupiers of the five dwellings. The proposal is therefore considered to result in an acceptable level of amenity for both the existing neighbouring properties and the future occupiers of the dwellings subject to this application. The proposal would comply with national and local planning policies in this respect

vi. Impact upon highway safety and parking

8.35 Both vehicular and pedestrian access to the site is proposed to be achieved through an approximately 14m wide bell-mouth access from Willetts Way which narrows to 4.9m within the development. Pavements are proposed at the start of the junction which then stop when into the development. From considering the WSCC online record for road traffic collisions, no personal injury accidents are recorded near to or the site access either on Willetts Way or at the Station Road/Farm Close junction. This indicates that the site access has been operating in a safe manner in its present form. Therefore, no objection is raised on access grounds.

8.36 In terms of traffic movements, the proposed development would generate person trips of 6 in the AM peak hour, 5 in the PM peak hour and 44 during the total daily movements. Also, it is estimated that vehicular trips of 3 in the AM peak hour, 2 in the PM peak hour and 12 during the total daily movement would be generated. The LHA does not consider that the proposal would have an unacceptable impact on the highway network.

8.37 In terms of proposed parking, the proposal includes 13 car parking spaces, 11 for residents and 2 for visitors. Electric vehicle charging points will be provided at each unit. The parking provision is in accordance with the LHA's 'Parking guidance for New Developments'.

8.38 The application is accompanied by swept path diagrams tracking an 8.53m long refuse vehicle demonstrating that there is adequate manoeuvrability within the site. The councils contract services officers have been consulted and have raised no objection to the proposal.

8.39 In terms of sustainable travel, WSCC Highways highlight that the site is in close proximity to both the A281 and B2133 and 6.3 miles of the Billingshurst train station which has frequent train services to nearby towns and London. There are bus stops located on B2133 and Station Road with services to Horsham, Worthing and Guildford. Many amenities and services within Loxwood are accessible via walking and cycling. Additionally, the application proposes cycle storage within the domestic gardens or garages of the units. Therefore, the LHA consider the site as sustainable.



8.40 WSCC has confirmed no objection to the proposal in terms of highway safety and have advised the proposal would not result in a severe cumulative impact on the operation of the highway 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 (including access, parking, CEMP and EVCP), the proposal is considered acceptable by the highway authority from a highway safety and capacity point of view and no objection is raised.

vii. Drainage/flooding

8.41 The site is within flood zone 1 (low risk) and therefore the principle of development is acceptable in principle. The Council's Drainage engineer has confirmed that the proposed drainage is also acceptable in principle and has recommended that a condition be imposed requiring fully details of the drainage. Therefore, subject to future compliance with the suggested condition, the proposal would achieve acceptable surface water drainage.

viii. Ecology

8.42 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.

8.43 The Council's Ecology officer has reviewed the Preliminary Ecological Appraisal accompanying the planning application and is satisfied with its findings, the recommendations, and enhancements. The PEA acknowledges the sites' location within the The Mens SAC & Ebernoe Common SAC and acknowledges consideration should be given to the rare species of bats, for which both SAC are designated, but acknowledges the site offers limited habitat for bats currently. The report recommends several mitigation measures, including lighting controls to limit the impact upon the SACs. The impacts upon the SAC have been carefully considered, and sufficient information has been submitted alongside the application to demonstrate that the proposal would not have an impact upon the designated site.

8.44 The proposal would also achieve biodiversity enhancements, which can be secure via condition. In addition, several areas of mitigation have also been highlighted, including restricting timeframes for aspects of the site clearance, such as vegetation and brush piles to limit the impact upon nesting animals. These have been incorporated into a suggested condition.

8.45 Therefore, subject to compliance with the recommended conditions the proposal shall adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

ix. Sustainability

- 8.46 The applicant's Sustainability and Energy Statement comply with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The documents confirm that the approach relies on a combination of measures including 'fabric first' construction and solar PV panels. The proposal would result in a 28.93% carbon reduction through the fabric of the dwelling, including low U-Values, and good airtightness. Energy efficiencies secured through a fabric first approach would be supplemented in terms of renewable energy through the use of solar photovoltaic panels (56 x 400w photovoltaic panels). The combined reduction, resulting for the fabric first and use of renewable technologies significantly exceeds the 19% requirement in the IPS.
- 8.47 The proposal also includes the provision of electric vehicle charging points for each dwelling, which are now a standard requirement under Building Regulations. In addition, as detailed more comprehensively below, the proposal seeks to minimise water usage, with a standard water consumption standard of a maximum of 110 litres per person per day. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40.

x. Water Neutrality

- 6.48 The application is located within the Sussex North Water Supply Zone. Much of the water supply in Sussex North is sourced from groundwater abstraction points which drain water from the Arun Valley SAC, SPA and Ramsar Site. Natural England has confirmed that it cannot, with certainty, conclude no adverse effect of abstracting such water on the integrity of the Arun Valley SAC, SPA and Ramsar Site (all designated under the Habitats Regulations). Natural England's Position Statement confirms that new developments must not add to the adverse impact on the Arun Valley SAC, SPA and Ramsar Site. The proposal must therefore demonstrate it would not increase water abstraction. In other words, it must be 'water neutral'. Natural England set out the definition of water neutrality as "the use of water in the supply area before the development is the same or lower after the development is in place".
- 6.49 The proposal for five additional dwellings would clearly increase water usage compared to the existing use of the site, with the proposal calculated to result in an increase demand of 2,090 l/day or 762,850 l/annum. Offsetting will be required to achieve water neutrality. The onus lies with the applicants to demonstrate water neutrality, with the applicants providing a water neutrality mitigation scheme for concertation in conjunction with Natural England. Ongoing negotiations with Natural England have taken place for several months, but it is now accepted that the current scheme of mitigation, outlined in the following paragraph can demonstrate water neutrality.
- 6.50 The proposed water neutrality solution seeks a two-pronged approach, with on and off-site mitigation proposed. The on-site mitigation includes the provision of rainwater harvesting, which would then be utilised within the proposed dwellings to meet the non-portable water demand (i.e., toilet flushing, garden watering/vehicle washing). This is possible, through the provision of a 5000-litre water storage tank, which is installed, below ground within the rear garden of each dwelling, which would be compatible with any below ground surface water storage system which may be required. The tanks measure 2.96m (L), 2.22m (W) and 0.92m (H) and can adequately be accommodated below the private amenity space of each property. The stored rainwater is pumped into a secondary water tank within the attic

space of the properties, with the water then gravity fed to the required outlets within the properties. The provision of on-site mitigation reducing the annual water demand to 554,800 l/annuum and provide storage for 25,000 litres of water, which would exceed 35 days' worth of usage, i.e., would provide at least 35 days' worth of drought protection in the event of a prolonged period of no rainfall.

6.51 In combination, off-site rainwater harvesting mitigation is proposed to be installed within a housing development at Crosby Farm, Slinfold, Horsham, West Sussex. The development lies within the Sussex North Water Supply Zone; however, it lies outside of the Chichester District, and within Horsham. The application at Slinfold was approved by Horsham District Council under reference DC/21/0498, before the requirement to demonstrate water neutrality, and construction of the site has lawfully commenced. It is proposed that the 24 dwellings and cricket pavilion approved at the Slinfold site would be fitted with the same, albeit smaller 3000 litre water storage tank (20,000 litre for the cricket pavilion), as proposed for the on-site mitigation, with the installation of these tanks already having been agreed by Horsham District Council. The provision of the off-site mitigation will achieve a further reduction in annual water demand by 1,030,000 litres/annuum, with the combined on and off-site mitigation achieving a 475,200 litres/annuum water saving over and above the actual demand for the proposed five dwellings. This, in combination with the on-site drought protection secured via the use of the larger tanks results in a significant precautionary buffer, over and above the anticipated water demand (762,850 l/annuum) for the proposed dwelling. As such, officers are satisfied the proposal would achieve water neutrality.

6.52 The mitigation measures would be controlled by way of a S106 agreement. The S106 agreement would specify that the measures need to be fully operational prior to the occupation of the development, and would include all parties involved, including Horsham District Council.

6.53 A Habitat Regulations Assessment has been undertaken by the Council which concludes that, with mitigation the proposed scheme would not have an adverse effect on the integrity of the European Protected Site under regulation 63 of the Conservation of Habitats and Species Regulations 2017. Natural England has been consulted on the HRA and concurs with this conclusion. Therefore, the development can be considered to demonstrate water neutrality.

#### xi Other matters

6.54 As shown in the consultation responses section of this report, recent investigations prior to the development of a site south of Loxwood Farm Place, less than 100m to the west, have demonstrated that the general area has the potential to contain rare evidence relating to later prehistoric settlement and utilisation of the land. If similar deposits are present, their significance would merit preservation from the effects of development, and this should be achieved through a process of investigation and recording prior to or during construction. As such it would be necessary to impose a condition, should permission be granted, requiring a written scheme of archaeological investigation of the site to be submitted and approved by the LPA.

6.55 There is a single tree, to the far northeast corner which lies within the neighbouring properties rear garden which has the potential to be affected by the proposed development. The proposal has been accompanied by an Arboricultural Report: Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan which details adequate mitigation and protection for this tree during and post construction. It is of note this tree will lie adjacent to the proposed open space, limiting potential impacts to its health. Officers are satisfied, subject to compliance with the proposed protection measure that there will be no adverse impact to the health of the tree.

## **Conclusion**

6.56 Based on the above it is considered for the reasons set out above, the proposal would result in the provision of housing in a sustainable location adjacent to an existing settlement without harm to the environment, the character of the area, highway safety or biodiversity. Having regard to the tilted balance it is considered that there would be no demonstrable adverse impacts that would outweigh the benefits of the proposal. In addition, the proposal includes measures to ensure that the biodiversity on the site is protected and enhanced. The proposal therefore accords with the relevant local and national planning policy and associated guidance in respect of these issues. Having also had regard to all other material considerations it is recommended that, subject to a S106 to secure the proposed water neutrality measures and the conditions set out below, permission is granted.

## Human Rights

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

## **RECOMMENDATION**

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

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

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

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

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

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

building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including management of litter and construction waste, including prohibiting burning.

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

**5) No development/works shall commence on the site** until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

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

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

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

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

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

8) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

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

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

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

10) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, the provision of enhancements outlined within the Preliminary Ecological Appraisal (September 2021) prepared by The Ecology Partnership, and shall include a program for the provision of the landscaping and ongoing management which shall include the installation and operation of a watering system. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations

of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

11) 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.

12) 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. 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. 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

13) **The development hereby permitted shall be carried out** in accordance with the Sustainability and Energy Statement prepared by bluesky Unlimited (21 September 2021).

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.

14) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.
- b) To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.
- c) Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- d) A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.
- e) Bird boxes should be installed on each of the dwellings.

Reason: In the interests of protecting biodiversity and wildlife.

15) **The development hereby permitted shall not be carried out** other than in full accordance with the Preliminary Ecological Appraisal (September 2021) prepared by The Ecology Partnership.

Reason: In the interest of conserving and enhancing biodiversity.

16) **The development hereby permitted shall not be carried out** other than in full accordance with the Arboricultural Report: Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan (31 August 2021).

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability.

17) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.



18) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, B, C or E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed Street Scene	PL10 REV P4		09.02.2022	Approved
PLAN - Proposed Outbuilding	PL09 REV P2		09.02.2022	Approved
PLAN - Plot 5 Floor Plans and Elevations	PL08 REV P3		09.02.2022	Approved
PLAN - Plot 2 Floor Plans and Elevations	PL07 REV P3		09.02.2022	Approved
PLAN - Plot 3 and 4 Proposed Floor Plans and elevations	PL06 REV P4		09.02.2022	Approved
PLAN - Plot 1 Proposed Floor Plans and Elevations	PL05 REV P3		09.02.2022	Approved
PLAN - Proposed Site Plan	PL04 REV P4		09.02.2022	Approved
PLAN - THE LOCATION PLAN	PL01 REV P2		23.09.2021	Approved

## INFORMATIVES

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

### 2) S106

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

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QZW6HCERFRS00>