

Parish: Chidham & Hambrook	Ward: Harbour Villages
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CH/21/02303/OUT

Proposal	Outline Application (with all matters reserved except Access) for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstandings and erection of 1no 4bed, 3no 3 bed, 4no 2bed and 1no 1 bed bungalows.		
Site	Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP		
Map Ref	(E) 479422 (N) 105449		
Applicant	Mr M Herridge	Agent	Mr Stephen Jupp

RECOMMENDATION TO PERMIT WITH S106

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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The 0.59ha, broadly rectangular site is located to the south side of Drift Lane, just north of the A259, within the Parish of Chidham and Hambrook. The site lies within the Rest of the Plan Area (i.e., outside any defined Settlement Boundary), approximately 0.5km to the east of the Nutbourne Settlement Boundary and approximately 1.2km west of the Broadbridge Settlement Boundary. The Chichester Local Plan (CLP) describes both Nutbourne and Broadbridge as 'Service Villages' with a reasonable range of everyday facilities and reasonable road and public transport links, including on-road cycle lane east-west along Main Road.
- 2.2 The site comprises the south half of Orchard Farm, which currently operates a touring caravan site to the north with caravan storage/repair to the south. There is a small workshop to the south, which provides repair services ancillary to Orchard Farm.
- 2.3 The site is set back from Drift Road by approximately 80m, set behind the existing farmhouse (Orchard Farm) and the almost continuous ribbon of residential development which lines the east side of Drift Lane from the A259 to the railway line. The eastern boundary is contiguous with the former Chas Wood Nursery, which has subsequently been granted outline planning permission for 26 dwellings at appeal under application reference 20/01854/OUT. Beyond that, lies several commercial and residential uses, including Cockleberry Farm, which is subject to an appeal seeking permission for 9 dwellings, under application reference 21/02361/FUL. To the south of the site, lies the Bosham Inn with several TPO'd trees on the shared boundary. The site is enclosed to the north, east, south, and west by existing commercial and residential development.
- 2.4 The site lies (approximately 105m) to the north of the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which runs along the southern side of Main Road. The site is well contained, relatively flat and lies within Flood Zone 1. The site lies within the zone of influence of multiple sensitive ecological sites including the Chichester and Langstone Harbours Special Protection Area (SPA), the Singleton and Cocking Tunnels Special Area of Conservation (SAC) and much of the site lies within a proposed Strategic Wildlife Corridor.

3.0 The Proposal

- 3.1 This Outline application seeks approval for the principle of development for 9 dwellings, with access to the site considered at this outline stage. The remaining matters pertaining to appearance, scale, landscaping and layout are reserved for future consideration. Notwithstanding those matters reserved, the Outline application has been considered in a high level of detail following consultee responses and comments from third parties, with an indicative layout having been provided showing the siting of the dwellings, parking and access road, private amenity areas woodland and buffer planting.
- 3.2 The primary access to the site would be taken from Drift Lane, on the western boundary of the site, south of Orchard Farm and the new dwelling permitted under reference 21/03139/FUL).
- 3.3 The application seeks approval for the principle of a housing development on the site with the following housing mix proposed 1no 4-bed and 3no 3-bed chalet bungalows and 4no 2-bed and 1no 1-bed bungalows.

3.4 The layout, scale, appearance, and landscaping are all reserved matters, but the applicant has provided an illustrative layout, showing how the development might be delivered. The proposal has been amended during the application to seek a better indicative layout to provide reassurance that 9 dwellings could be comfortably achieved within this site. During the course of the application the housing mix has also been amended in accordance with the consultee comments provided by the Council's Housing Enabling Officer.

4.0 History

00/01863/OUT	REF	Outline application - Residential use.
02/01920/FUL	PER	Continuation of use with non-compliance of condition No. 2 of planning permission CH/12/87 relating to agricultural occupancy.
05/02694/OUT	REF	2 no. detached dwellings.
09/03113/FUL	PER	Replacement workshop building for caravan and camping site.
10/03247/FUL	PER	Continuation of use of land for the storage of touring caravans.
10/03249/FUL	PER	Continuation of use of land as a touring caravan site (40 pitches) on a year-round basis.
20/00164/OUT	PER	Erection of 1 no. 3 bed single storey dwelling.
21/03139/FUL	PER106	Erection of detached dwelling. Alternative scheme to that approved under application 20/00164/OUT.
22/02273/FUL	PCO	Demolition of existing 1 no. workshop and creation of 1 no. workshop to north of site access.
22/00824/FUL	PER	Erection of single storey detached garage
22/00993/FUL	PCO	Erection of detached dwelling . Alternative scheme to that approved under application 20/00164/OUT - Variation of Condition 13 of planning permission CH/21/03139/FUL - To allow for an alternative nitrates mitigation method to that approved. Condition to removed and replaced with a section 106 agreement to secure the obligation.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Further Comments

The Parish Council repeats its original objections made on 30 September 2021. In addition, the Council would comment that since this original objection was made, the District Council has published its updated position on its 5-yr housing land supply.

Original Comments

The Parish Council are submitting their initial OBJECTION to this application but there are several key reports which are not yet available:

The site is neither within nor contiguous to the settlement boundary, contrary to the CDC Interim Position Statement 6.1. It is situated in designated countryside.

There will be an aggregate of ten dwellings on this site, taking into account previous permission for a two-bed house. This application does not include any contribution to affordable housing thus not meeting a local need.

The access is onto a narrow country lane, relatively close to the junction with Main Road. There is no footway in Drift Lane and pedestrians, particularly those with mobility problems, wheelchair users or with buggies, already struggle with the existing traffic. The lane is regularly used by pedestrians as it leads to a network of footpaths and bridle ways.

The site is within the proposed strategic wildlife corridor. This is a vital route for wildlife transiting between the AONB and the SDNP. Any permanent development will impact on the sensitive biodiversity to be found on site. Although a dormouse survey has been included this was commissioned by the adjacent site and the impact assessment and conclusion are only relevant to that site, which is not wholly within the corridor. As flagged up by the CDC Environmental team a separate survey is required to assess the impacts on the proposed corridor and the connectivity for this specific site. The applicant would have to demonstrate how these impacts could be overcome, once identified.

The impact on the AONB needs to be assessed as it is in close proximity.

There is no information about connection for wastewater treatment. Given the limited capacity of Thornham WWTW (recently confirmed by CDC as 384 as from 1st April 2021) Southern Water need to confirm if they are able to connect.

The Agent makes much of precedent, however it is our contention that this is not relevant. Each planning application must be considered on its own merits, facts and circumstances, regardless of what may have been permitted in the past.

The application should not be seen as a precursor to further development to the north of the site.

We note the comments made by the CDC Economic Development Service and the impact on loss of employment and tourist facilities.

6.2 Natural England (summarised)

Further Comments:

No Objection - Subject to Appropriate Mitigation Being Secured

Original Comments:

Further Information Required to Determine Impacts on Designated Sites

6.3 WSCC Highways

The proposed development would be accessed from Drift Lane, a "D" class road which is located to the west of Bosham and in close proximity to Hambrook. The road serves a number of residential and agricultural buildings. The road is subject to a 60 mph 'National' speed limit. The proposal is for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstanding's and erection of 6 no. 3 bed chalet bungalows and 3 no. 2 bed bungalows.

The site would include a new vehicular access onto Drift Lane. The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Drift Lane from the existing point are considered acceptable. The applicant has provided swept path diagrams to demonstrate that a larger vehicle can safely turn within the site and enter Drift Lane in the forward gear.

A review of in the proximity of the access onto Drift Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Given the scale of the proposal and the existing permitted use a TRICS assessment and Travel Plan. The proposals are unlikely to result in a material increase in traffic movements over the existing use. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

The proposed parking is considered acceptable. The LHA are not aware of that the previous use resulted in excess parking onto Drift Lane; it is considered unlikely that there would be an increase in on-street parking as a result of this proposal.

Several local amenities and services are within nationally recognised acceptable walking and cycling distances of 2km for walking and 8km for cyclists. The local shop (ESSO), bus

stops and Train Station are approximately 1km of the site and accessible by foot via street lit footway. National Cycle Network (NCN2) runs along on- carriageway of A259 and across proposed site access. Nutbourne Train Station is 0.5 mile walk distant and provides regular services to several destinations. The nearest bus stops are on A259, a short distance from the site access.

The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal.

6.4 Southern Water

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

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

6.5 WSCC Fire & Rescue Service

RECOMMENDATION - Advice

WSCC Fire & Rescue Service have advised a condition be imposed to secure the provision of a fire hydrant or stored water supply.

6.6 CDC Economic Development Service

Further Comments

A new planning application (22/02273/FUL) has been submitted by the applicant, which seeks to relocate the caravan repair workshop in an alternative location on the neighbouring caravan park.

The EDS withdraws its objection to the loss of the caravan repair workshop subject to the new planning application being permitted and implemented. The EDS still objects to the application on the grounds that the marketing evidence as per Appendix E has not been submitted.

Original Comments

The Economic Development Service does not support this application. The proposed site currently provides storage for up to 90 caravans and motorhomes. In addition, there is a workshop that provides repair and maintenance services for caravans. This is a sole trader business with one person in the business. The site is adjacent to a caravan and camping site.

The applicant has expressed that the caravans could be relocated to alternative nearby sites. Furthermore, the business that provides the repair and maintenance services, largely works in a mobile capacity. Most caravan owners appear to want maintenance people to come out to them and carry out repairs at their home. Also, much of this repair and maintenance work takes place at caravan parks and so being mobile is an additional benefit to the customers.

Nonetheless, the loss of this commercial space would be a loss to the overall offer of this village location and the district. There would also be a loss of support services to the tourism industry, however it appears this is negligible.

Any introduction of non-commercial use in this location needs careful consideration. A range of alternative commercial operations should be explored and presented before any change of use to residential is considered. This is in line with Appendix E of the Chichester Local Plan 2014-2029, marketing evidence is required for applications seeking a change of use. Applications "need to be accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required."

Furthermore, as caravan storage falls under B8 Storage or distribution, including open air storage; paragraph E.6: information relating to the loss of employment land and use, states:

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

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

As far as we can ascertain there has been no extensive marketing campaign or investigation into alternative commercial uses for the site.

We appreciate that intensive commercial activities at this site are likely to be inappropriate. However, the loss of this site to residential use will be permanent and reduces the economic base of the village/district for commercial and employment space.

6.7 CDC House Enabling Officer

Further Comments

Following my previous consultation response dated 17 November 2021, the applicant has amended the description of the application which includes amendments to the market housing mix.

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

Original Comments

Thank you for the opportunity to comment on this application. The application seeks to deliver 9 residential dwellings. In line with policy 34 of the adopted Chichester Local Plan, an affordable housing financial contribution will be required as it is providing between 6 and 10 dwellings in a rural designated parish under section 157 of the Housing Act 1985. At this stage, I am unable to provide an exact figure for the contribution. The financial contribution will be calculated in accordance with the Planning Obligations and Affordable Housing Supplementary Planning Document at a rate of £350 x the square meterage of the gross internal floor area of all proposed dwellings.

The applicant is seeking to deliver the following mix of market housing:

3 x 2-bedroom bungalows

6 x 3-bedroom chalet bungalows

The above mix is not in line with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2020 in that it provides too many 3 bedroom dwellings. Chidham and Hambrook's existing housing stock is already weighted in favour of the larger 3+ bedroom dwellings; 77.8% and 69% respectively. This proposal will further add to the imbalance and will price out younger newly forming households from accessing the market within Chidham and Hambrook. Taking the existing stock and HEDNA mix requirements into consideration the following market housing mix is required to be delivered:

6.8 CDC Environmental Strategy and Environmental Protection

Further Comments

I am happy with you to go ahead with your proposed conditions for this. The report [Dormouse Survey Report June 2021] clearly states no dormice are present and we already have recommended protection for the hedgerows and restrictions on lighting, so we would not be asking for anything further.

Further Comments

Due to the site's location within an area identified as a potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper, we require that the applicant demonstrates that the proposal will not adversely affect the potential or value of the wildlife corridor. We feel that the Preliminary Ecological Survey v2 did not provide robust enough mitigation. We feel the below requirements are suitable so that the integrity of the corridor will not be affected.

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

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

Guidance outlined in the new Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication should be adopted into the site plans.

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

Conditions should be used to ensure the above.

As per Stephanie's comment the Dormouse Survey Report, we request that the report be updated to include the impacts and conclusions for the Orchard Farm site. The above mitigation will also benefit hazel dormice should be present onsite.

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 dwellings or trees within the site.

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

Original Comments

In accordance with the recommendations within the preliminary ecological appraisal: Any vegetation clearance or building demolition should be timed outside the nesting bird period (1st March-31st August) unless a search by a suitably qualified ecologist confirms the absence of any active nests.

An enhancement planting scheme - an outline scheme is provided in Annex A of the dormice survey, but a more detailed ecological management scheme will be required at reserved matters.

Bat and Bird Boxes will be required.

The proposed development should include an 'ecologically sensitive lighting scheme' in accordance with guidance produced by the Bat Conservation Trust.

The results of the final dormice survey have not yet been provided and will need to be provided prior to determination. Should this survey also conclude that dormice are not present then the recommendations within section 4 of the survey report can be conditioned, including:

Precautionary methods should be taken where clearance of suitable dormouse habitat is to be undertaken. All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site will be carefully searched for dormouse nests prior to clearance. The vegetation will be removed through a process of phased habitat manipulation. A careful fingertip search for nesting dormice on the ground will proceed every stage of the phased habitat manipulation. In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.

Enhancements as detailed within the enhancement strategy to increase the potential for dormice on site. This includes an urban orchard made up of 2 fruiting trees which will provide a vital food source for dormice. An understory of wildflower meadow using Emorsgate EM5-Meadow Mixture for Loamy Soils will be sown beneath the orchard. An area of tussocky grassland will be sown along the eastern site boundary using Emorsgate EM10-Tussocky Mixture with an additional 1g/m² of yellow rattle which will provide an additional food source of invertebrates, seeds and flowers for the omnivorous diet of a dormouse.

The measures included within the sustainability report, including measures to reduce water usage and the inclusion of solar pv, an air source heat pump and wastewater heat recovery system will meet the requirements of policy 40 and should permission be granted, should be conditioned.

6.9 CDC Costal and Drainage Engineer

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

The outline proposal is for soakaways and permeable paving (subject to percolation tests). This approach is acceptable in principle, and we are happy that a more detailed drainage strategy is submitted and considered at reserved matters application.

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.

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.

6.10 CDC Environmental Health (summarised)

As the site has been used for caravan repairs a phased risk assessment would be required with validation report if remediation is necessary. Construction and Environmental Management Plan and Hours of Construction conditions also recommended. In terms of noise management, I recommend a good standard of glazing to ensure BS8233 is achieved inside properties.

6.11 Third Party Representations

19 letters of objection have been received concerning:

- Poor access and safety for pedestrians along Drift Lane
- Ill-equipped Public Transport
- Increased traffic, noise, pollution and destruction of the countryside
- Southern Water's inability to cope with current and addition wastewater and sewage
- Poor considerations of highway safety and increased traffic down Drift Lane
- Narrow lane and poor vehicle access
- Location of nearest bus stop poses as hazard to traffic on the A259 and those coming down Drift Lane
- Significant pressure on already stressed infrastructure and residential amenity facilities
- Little proposals for increases in infrastructure, amenities and facilities to cope with this
- Does not meet an identifiable housing need or include affordable housing
- Outside a settlement boundary
- Could lead to subsequent applications due to precedent from this application
- Companies profiteering from development without provisioning appropriately
- Not a previously developed site as it was just used for caravan repairs and storage
- Adverse effects on the biodiversity and surrounding wildlife
- Site is in the Nutbourne wildlife corridor which is a rich biodiverse site between the Chichester Harbour AONB and the Hills of the South Downs National Park

2 letters of support have been received concerning:

- Small estate of bungalows which are in keeping with the character of the three villages within the Chidham and Hambrook Parish Council
- Residents have expressed wishes for a range of dwelling types and sizes within the area
- Meets the needs for housing for older generations and disabled individuals
- The site is well screened
- Walking distance to public transport
- A brownfield sites
- Minimal consequences for wildlife and habitat movement
- Proportion of current caravan related traffic is removed

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 Chidham and Hambrook Neighbourhood Plan was made March 2016 and forms part of the Development Plan against which applications must be considered.
- 7.3 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- 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 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Chidham and Hambrook Neighbourhood Plan

The relevant Neighbourhood Plan Policies are:

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

National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed: or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.6 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

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

Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Strategy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements 2016-2035
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design

- S21 Health and Wellbeing
- S22 Historic Environment
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S28 Pollution
- S29 Green Infrastructure
- S31 Wastewater Management and Water Quality
- AL10 Chidham and Hambrook Parish

Part 2 - Development Management Policies

- DM2 Housing Mix
- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM9 Existing Employment Sites
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- DM22 Development in the Countryside
- DM23 Lighting
- DM24 Air Quality
- DM25 Noise
- DM26 Contaminated Land
- DM27 Historic Environment
- DM28 Natural Environment
- DM29 Biodiversity
- DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
- DM31 Trees, Hedgerows and Woodlands
- DM32 Green Infrastructure

Interim Position Statement for Housing Development

7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five-Year Housing Land Supply (5YHLS) was published on 24 November 2021 and provides the updated position as of 1 April 2021. This position is in the process of being reviewed and publication of the new supply position is imminent. 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. At the recent public Inquiry for up to 100 dwellings on Land South of Clappers Lane in Earnley (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 accepted in the appeal at Chas Wood Nurseries (CH/20/01854/OUT) which was allowed on 17 October 2022 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.

- 7.10 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the IPS, which sets out measures to help increase the supply of housing in appropriate locations.
- 7.11 A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with immediate effect. In the absence of a 5YHLS, new housing proposals such as this application will be considered under the IPS and assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate and sustainable new housing sites outside of existing settlement boundaries.
- 7.12 The IPS is not a formally adopted 'policy', 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 when used alongside up to date policies in the Local Plan. It is a document that decision makers need to 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 are likely to be supported by officers.

Other Local Policy and Guidance

- 7.13 Consideration has also been given to:
- Planning Obligations and Affordable Housing SPD (July 2016)
 - Surface Water and Foul Drainage SPD (September 2016)
 - CDC Waste Storage and Collection Guidance (January 2017)
 - Chichester Landscape Capacity Study (March 2019)
 - West Sussex County Council Guidance on Parking at New Developments (September 2020)
 - Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)
 - CHC Chichester Harbour AONB Management Plan (2014-2029)
- 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:
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
 - Support communities to meet their own housing needs

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB
- iii. Residential Amenity
- iv. Highways Safety and Access
- v. Surface Water Drainage and Foul Disposal
- vi. Ecology and Biodiversity
- vii. Sustainable Design and Construction
- viii. Other matters
- ix. Infrastructure / Planning Obligations

Assessment

i. Principle of development

8.1 The application site lies within the 'Rest of the Plan Area'. As per Policies 2 and 45 of the Local Plan, developments within the 'Rest of the Plan Area', outside of defined settlement boundaries, must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement.

8.2 The Local Plan sets out a clear settlement hierarchy across the Plan Area, with settlement boundaries reviewed through Neighbourhood Plans or the Site Allocations Development Plan Document (Policy 2). The Chidham and Hambrook Neighbourhood Plan is a 'made' plan and forms part of the Statutory Development Plan. Policy 2 identifies Chidham as a service village, capable of accommodating some small-scale housing, consistent with the indicative housing numbers set out at Policy 5 of the Local Plan.

8.3 Local Plan Policy 5 confirms the indicative housing number for Chidham and Hambrook of 25 units for the plan period 2014-2029. The CHNP states that *'planning permission has already been granted for 86 new homes since January 2014. Accordingly, there is no current requirement for the Parish Neighbourhood Plan to identify new sites for major development. However, changing local needs may require the building of new homes later in the period.'*

8.4 Nevertheless, the Neighbourhood Plan still takes a positive approach through Policy LP1 (Requirement for homes). This policy supports development of ten homes or fewer on windfall sites. It defines Windfall sites as those which are not specifically identified as being available in the local plan process and normally comprise previously developed land. The corollary of Policy LP1 is that schemes of more than ten homes would not be

supported. The application is for 9 dwellings, which is below the threshold set within Policy LP1 and the site comprises previously developed land, in that it has a lawful use for the storage of touring caravans.

- 8.5 Notwithstanding the fact the site is located outside the settlement boundary, as defined by Policy 2 of the Local Plan, the proposal is compliant with Policy LP1 of the Neighbourhood Plan and is therefore acceptable in principle in this location.
- 8.6 In relation to the Examiner's Report of the Chidham and Hambrook Neighbourhood Plan, Policy LP1 was modified by the Examiner to ensure that, in order to be acceptable, windfall development, should also comply with the detailed development management policies elsewhere in the plan (i.e. that it should be of high design quality, in a sustainable location, and should not harm the landscape and scenic beauty of the AONB amongst other matters). The modification did not therefore mean that windfall development must comply with Policies 2 and 45 of the CLP; rather, that it should comply with other policies of the Development Plan.
- 8.7 Having regard to Section 38(5) of the 2004 Planning and Compulsory Purchase Act 2004, any conflict between two documents forming part of the development plan must be resolved in favour of the last document to become part of the development plan. The last plan in this case is the Chidham and Hambrook Neighbourhood Plan. Any conflict therefore between Policies 2 and 45 of the Adopted Chichester Local Plan and Policy LP1 of the Chidham and Hambrook Neighbourhood Plan, fall in favour of Policy LP1 of the Neighbourhood Plan. This is referenced at paragraph 7.30 of the Local Plan, which states that '*A Neighbourhood Development Plan and its policies will work alongside, and where appropriate replace, the policies in the Local Plan where they overlap.*'
- 8.8 This approach has been applied to several applications within Chidham and Hambrook, notably following the receipt of a Legal Opinion submitted in respect of the redevelopment of Green Acre (16/04132/OUT). The Council's Principal Solicitor, agreed with the thrust of the advice given in that case. That is to say a) that the [Green Acre] site could be categorised as a windfall site, b) that there was a conflict between Policy LP1 of the neighbourhood plan and Policies 2 and 45 of the Local Plan and so there was a need to assess the weight to be given to each policy; and c) that as Policy LP1 is a more recently adopted policy it carried greater weight in the assessment of the application.

Interim Position Statement (IPS)

- 8.9 Ahead of publication of a revised 5YHLS statement, the Council accepted in the appeal at Chas Wood Nurseries (CH/20/01854/OUT) which was allowed on 17 October 2022 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 IPS to support the delivery of sustainable new housing development outside of settlement boundaries. In the absence of a demonstrable housing supply the 'tilted balance' in paragraph 11 d) of the NPPF i.e., the presumption in favour of permitting sustainable development is engaged and the Council is required by 11 d) ii) to assess whether the adverse impacts of issuing a permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

8.10 It is therefore important to consider this application against the IPS:

8.11 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).

8.12 The application site is not contiguous with an identified settlement boundary; it is located 0.6km from the nearest settlement boundary. Non-compliant.

8.13 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.

8.14 Chidham is a service village providing a reasonable range of 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, 9 dwellings would not be regarded as inappropriate, and the criterion is therefore satisfied. Compliant.

8.15 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.

8.16 The application site is enclosed by both commercial and residential development, including the recently approved site at Chas Wood Nurseries (CH/20/01854/OUT). The proposal would not project into the countryside and would remain enclosed by a mix of residential and commercial uses. There is no actual or perceived coalescence likely to arise from permitting this development. The criterion is satisfied Compliant.

8.17 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.

8.18 Whilst 'layout' is a reserved matter, based on the illustrative layout, the proposal would result in a density of approximately 17 dwellings per hectare. In the context of the rural location, this level of development would be acceptable for the surrounding vicinity. The criterion is satisfied. Compliant.

8.19 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.

8.20 The application site is located approximately 105m from the northern edge of the Chichester Harbour AONB and is visible in distanced views from the South Downs National Park and the. However, the site is well screened, set within the immediate context of other residential and commercial development and therefore not considered to have an adverse impact upon the South Downs National Park and the Chichester Harbour AONB and their settings. This criterion is satisfied. Compliant.

- 8.21 **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.**
- 8.22 The application site is located within an identified potential Strategic Wildlife Corridor. The proposal has been reviewed by the Council Environmental Strategy Offices, who are satisfied with the proposed mitigations and enhancements. The proposal will therefore not adversely affect the potential or value of the wildlife corridor. This criterion is satisfied. Compliant.
- 8.23 **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.**
- 8.24 Wastewater disposal will be through the statutory undertaker. It is accepted by Southern Water that there are potential capacity issues with the off-site network in the vicinity of the application site yet have raised no objection to the proposal. Affordable housing, open space, and highways matters would all be secured through a Section 106 agreement and/or by planning conditions should the application recommended for approval. The criterion is satisfied. Compliant.
- 8.25 **8) (abridged) Development should demonstrate how it complies with Local Plan policy 40 and does not compromise on environmental quality.**
- 8.26 The applicant's submission in this respect is limited due to the detailed design of the dwellings being confirmed within the Reserved Matters application. The applicant has advised that the development will meet this criterion through a combination of fabric first, EVCP, air and/or ground source heat pumps and/or solar PV panels. The application is submitted in outline and the details could be secured by condition through the subsequent reserved matters application/s to ensure the criterion is met. There is no reason to suggest that this criterion could not be complied with. Compliant.
- 8.27 **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.**
- 8.28 The application is submitted for outline permission with appearance being a reserved matter so architectural and design quality are not matters for consideration at this stage. However, it is considered that the development would not have a detrimental impact on the rural and tranquil setting of the village and would be a natural extension to the existing settlement. This criterion is satisfied. Compliant.
- 8.29 **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.**

8.30 The site is within a short walking distance to bus stops with a frequent and extensive bus service. There is nearby train station in both Bosham and Nutbourne, which could be reached on foot or by cycle. The proposal has been reviewed by WSCC Highways who have raise no capacity issued with the existing road networks and do not consider the proposal to be unacceptable in highways terms. There are facilities for pedestrians and cyclists, which allow access to nearby everyday facilities. This criterion is satisfied. Compliant.

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

8.32 The site is located within EA Flood Zone 1, as an area with the lowest level of flood risk. This criterion is satisfied. Compliant.

8.33 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.

8.34 The proposal will require a 0.48ha parcel of land to the north of the site to be set aside from re-wilding purposes. This land lies within the applicant's ownership and can be secured via planning condition. This criterion is satisfied. Compliant.

8.35 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.

8.36 Although the application is submitted in outline, there are not apparent abnormal circumstances, besides potential ground contaminates from the caravan storage, that indicate a development approved here could not be delivered within an earlier overall timeframe. A reduced time frame of 2 years in which to submit the reserved matters in respect of the outline component and a 2-year period thereafter in which to begin implementation of the approved details is not considered to be unachievable. As such, it is considered criterion 13 of the IPS would be satisfied. Compliant.

8.37 In considering the above, the proposal scores highly against the criteria set out within the IPS, which is a material consideration in the assessment of this application.

Loss of Existing Employment Site

8.38 Policy 26 deals with existing employment site and ordinary is relevant as the application site provides caravan storage, which would fall within B8 use. The policy operates to safeguard existing employment sites to benefit the local economy and only allows alternative uses where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses with evidence of marketing.

8.39 However, in this case, the site is not an employment generator, rather it is a source of income for the owners of Orchard Farmhouse, who operate the storage without third party employment. It is therefore considered that the land is not an employment site for the purposes of policy 26. The owners wish to retire and have indicated their intention to cease the storage offering, irrespective of the outcome of this application. The existing storage use is therefore likely to cease in any event.

- 8.40 It is also important to appreciate the evolution of the site, which became a touring site under the Camping and Caravanning Club Certification in around 1992. The popularity of the site grew, and the site was being used for the storage of upwards of 100 caravans throughout the year between 2000 and 2010. The site subsequently changed hands, with the current owner of the site, in 2010, seeking retrospective planning permission for the continuation of use of the touring caravan site with up to 40 pitches on a year-round basis.
- 8.41 The application was assessed under Policy T7 of the of the 1999 local plan, which permitted touring caravan and tented camping facilities providing that they involve five units or less and do not conflict with policies for the rural environment. It required larger proposals to have no adverse impacts of the character and appearance of the landscape. The application received officers support, despite exceeding the five units due to the well-screened nature of the site, and the lack of landscape impacts. It also received support due to the preceding 18 years of operation (since 1992). In the assessment the case officer concluded:
- 8.42 In view of the length of time that the use has existed, the fact that it has no material adverse effect on the character and appearance of the Rural Area, and the lack of objection from the Parish Council and the Harbour Conservancy, it is considered that permission should be granted despite being contrary to policy.*
- 8.43 At around the same time, retrospective planning application was submitted for the continuation of the use of the site for caravan storage, which received support under Policy T10 of the 1999 local plan, which supported the provision of caravan storage sites, which were related to existing touring/caravan sites.
- 8.44 Permission was also granted for a 'replacement workshop building for caravan and camping site' subject to a condition which stipulated the workshop should be incidental to the use of Orchard Farm as a camping and caravan site. It could therefore not be let or sold separately for commercial use outside of Orchard Farm. It has been confirmed the mechanic who has been based at Orchard Farm is seeking to park ways with the workshop next year, opting to return to mobile maintenance and repair.
- 8.45 The current use of the site as a touring site, whilst lawful, obtained permission retrospectively, in an 'on balance' decision noted to be contrary to the then local plan policy (T7). The subsequent associated use (the storage use), which would be lost via this application, again received retrospective permission, due to policy support for storage associated with existing sites. The site was therefore never 'planned' but evolved through an extensive period of existence prior to obtaining planning consent.
- 8.46 The Council's Economic Development Officer (EDO) note the loss of the workshop would be negligible, raising no objection to its loss. The applicants have nevertheless applied to re-site the workshop on the adjoining touring site to the north, to continue to provide the ancillary repair service. This remains under consideration at the time of writing.
- 8.47 The EDO has objected to the loss of the B8 storage, citing the lack of marketing provision, in accordance with Appendix E of the Local Plan. However, it is the view of officers that the site should not be viewed as an employment site, requiring protection under Policy 26 of the local plan. The site, whilst technically within a B8 storage use, does not provide any third-party employment and is simply a source of income of the owners of Orchard Farm.

In addition, it has been indicated the use is likely to cease shortly due to the owner's retirement, which could occur in any event. As a result, officers consider the loss of the caravan storage to be acceptable in this instance.

Conclusion

8.48 The proposal, despite its countryside location can be considered acceptable, in principle, given the support provided to this scheme by Policy LP1 of the Chidham and Hambrook Neighbourhood Plan. The proposal scores well against the IPS, which is a material consideration in the assessment of this application. The proposal is not considered to be an existing employment site, for the reasons as outlined above. In any event, the loss of the caravan storage, as a potential employment site would need to be balanced against the accepted supply position of 4.82 years, which necessitates the application of the 'tilted balance' in paragraph 11 d) of the NPPF, where the Council is required by 11 d) ii) to assess whether the adverse impacts of issuing a permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The loss of the existing caravan storage is not considered to be so significantly harmful to justify refusing this application. Accordingly, when considering the principal issues together, officers consider them to fall in favour of the proposed development.

ii. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB

8.49 The NPPF confirms that the purpose of planning is to help achieve sustainable development and that there should be a presumption in favour of sustainable development. Planning policymaking and decision-making should take into account the roles and character of different areas and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

8.50 Paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by:

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

8.51 In addition, Paragraph 176 of the NPPF states:

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

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

- 8.52 Policies 33, 43, 45, 48, 49 and 52 of the CLP, support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and SDNP.
- 8.53 'Layout', 'Scale', 'Appearance' and 'Landscaping' are Reserved Matters on the application; however, the illustrative Layout Plan shows the houses set-back from Drift Lane, by way of the access track. The indicative landscape proposals detail that the existing boundary vegetation, including dense woodland area to the south would be retained, filter views and to assist in visually integrating the development.
- 8.54 The submitted documentation provided at this outline stage indicate that the proposed dwellings would be bungalows, some of a chalet variety. There has been no further information provided at this stage; however, this provisional scale of either single-storey bungalows or some chalet bungalows with first floor accommodation within the roof space, would align with the mixed character and styles of property within the area. As such, no objections are therefore raised at this stage, with the matter requiring further assessment at the time of a future Reserved Matters application.
- 8.55 In landscape character terms, the application site, is screened and contained in the landscape due to the 'set-back' nature of the site, the existing boundary vegetation, and the existing development to the east, south and west. The site is therefore unlikely to be widely visible or perceived, much like the caravan site currently. Important similarities can be drawn from the findings of the recent appeal at Chas Wood Nurseries (PINS Ref. 22/3299268), which shared the eastern boundary with the current application. The Inspector opined:
- 8.56 *The visually enclosed nature of the appeal site means the appeal scheme would appear as an infilling within a discernible cluster of development. In this respect it would not harmfully erode the open rural character of the area. Importantly, the proposed development would not be especially visible from the A259 due to the setback, the provision of a community orchard and the screening provided by existing buildings, most notably Far Close, Oaklands and Avenue Cottage. As a result, the scheme could be a subtle addition that would not appear as an encroachment into the countryside or an erosion of the area's rural character. This would be subject to a sensitive scheme being pursued at the reserved matters, but the illustrative drawings indicate that with some refinement a pleasant design of low-rise buildings could be provided.*
- 8.57 All new development will of course involve a change to the character and appearance of that land, but that change in or by itself is not sufficient on its own to warrant refusal 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 shortfall.
- 8.58 It is considered the proposal would respect the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and would not interrupt any open views between the South Downs National Park (SDNP) and the Chichester Harbour AONB, in accordance with national and local policy.

iii. Residential Amenity

- 8.59 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places) and Policy 33 of the CLP requires that new residential development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.
- 8.60 As mentioned above, the indicative landscape proposals detail that the existing boundary vegetation would be retained and strengthened, to filter views and to assist in visually integrating the development. Due to the separation distance and level of natural screening between the proposed development and the existing development, it is considered that the development on the site would not result in an unacceptable level of overlooking, or an overbearing relationship, that would be harmful to the living conditions of the neighbouring dwellings or the future occupiers of the proposed dwellings.

iv. Highways Safety and Access

- 8.61 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways.
- 8.62 As noted elsewhere within this committee report, aside from the principle of development in this location, 'access' is the only matter for consideration at the time of this outline application with all other matters being reserved.
- 8.63 The vehicle access would be from Drift Lane, on the western boundary of the site, south of Orchard Farm and the new dwelling permitted under reference 21/03139/FUL. The simple priority T-junction would be of sufficient geometry to accommodate the anticipated level of vehicular activity, with satisfactory site lines possible along Drift Lane. The application has been accompanied by a swept path diagrams to demonstrate that a larger vehicle can safely turn within the site and enter Drift Lane in the forward gear.
- 8.64 The vehicle trips generated by the proposals would be acceptable in terms of highway safety and traffic levels, particularly when considering the existing use of the site and have not been found to result in a residential cumulative impact on the road network.
- 8.65 In terms of pedestrian access, there is no footway along Drift Lane, so pedestrian movement would be made along the road itself, made possible with grass verges which line the 90-metre distance from the site access point to the footway which begins at the junction of Drift Land and Main Road.
- 8.66 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the proposed junction into and out of the site, the proposed access would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (paragraph 111), the

development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

v. Surface Water Drainage and Foul Disposal

Surface Water Drainage

8.67 The site is wholly within Flood Zone 1 (low risk) and the Council has no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage, the Council's Drainage Engineer raises no objection to the proposed use, scale or location based on flood risk grounds.

8.68 The outline proposal is for soakaways and permeable paving (subject to percolation tests) to. This approach is acceptable in principle, and a condition can be imposed to secure a more detailed drainage at the reserved matters stage.

Foul Disposal

8.69 Southern Water as the statutory undertaker has not raised any objections to the proposal, confirming they can facilitate foul sewerage runoff disposal to service the proposed development. They have advised that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water. Therefore, subject to compliance with the suggested condition, the proposal would achieve adequate foul drainage.

vi. Ecology and Biodiversity

Protected Species

8.70 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated.

8.71 The application site is subject to no ecological designation. It falls almost entirely within, but on the edge of a proposed Strategic Wildlife Corridor. The applicants have submitted a Dormouse Survey Report (July 2021) which identifies there are no presence of dormouse within the site. In addition, a Preliminary Ecological Appraisal (October 2021) (PEA) was submitted to identify the conditions of the site any mitigation measures.

8.72 The Council's Environment Officer has assessed the proposals and made several recommendations, including the strengthening of the mitigation outline within the PEA, which can be adequately secured via condition. These conditions include protection of the trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements. Subject to the recommended conditions, the proposal would result in an acceptable ecological impact and would not adversely affect the potential or value of the wildlife corridor.

Nitrates

8.73 An area 0.48ha parcel of land to the north of the site is to be set aside from re-wilding purposes to achieve a nitrate neutral development. The site itself falls within the fluvial catchment area of the Solent Maritime SAC and as the land falls within the applicant's ownership, the re-wilding of this land can be adequately secured via condition. Natural England raise no objection, subject to appropriate mitigation being secured. The mitigation can be secured via a planning condition as it falls within the application site.

Recreation Disturbance

8.74 It has been identified that any development within 5.6km of Chichester and Langstone Harbour, which is residential in nature, will result in a significant effect on the SPA, due to increased recreational pressure causing disturbance to birds. A Bird Aware Strategy came into effect on 1 April 2018. This sets out how development schemes can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy, which is recommended in the Heads of Terms for the S106 Agreement. On this basis, as sufficient mitigation has been provided for potential recreation disturbance, the development is not likely to have a significant effect on the Chichester and Langstone Harbour Special Protection Area and therefore accords with the aims and objectives of the NPPF, Policy 50 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

vii. Sustainable Design and Construction

8.75 The applicant has submitted a Sustainable Statement (July 2021) which proposes a combination of fabric first and low carbon energy generating technology, with Solar PV and air source heat pumps being the current preferred options. The exact savings will need to be quantified as part of a detailed assessment undertaken alongside any future reserved matters submission and an appropriately worded planning condition requiring a more detailed Sustainable Design and Construction statement to be submitted with the reserved matters application is recommended, to secure a CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources. The Council's Environment Officer has confirmed that the applicant's approach is acceptable.

8.76 The submitted statement also confirms that active Electric Vehicle (EV) charging points will be provided in accordance with the recently updated Building Control Regulations, and infrastructure will be provided for future 'passive' charging points.

8.77 Conditions are also attached to the recommendation to secure a maximum water consumption standard of 110 litres per person per day including external water use. 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.

viii. Other Matters

8.78 As a result of the former use of the site, details of contaminated land investigations and any remediation measured are recommended to be provided for review. Conditions

recommended to ensure a Phase 1 Desktop Study is submitted and if necessary, site investigation and remediation are carried out.

ix. Infrastructure / Planning Obligations

- 8.79 This section of the report is important in that it sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.
- 8.80 This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters. If planning permission is granted, it will be subject to the completion of an Agreement under Section 106 of the relevant legislation.
- 8.81 In line with policy 34 of the adopted Chichester Local Plan, an affordable housing financial contribution will be required as it is providing between 6 and 10 dwellings in a rural designated parish under section 157 of the Housing Act 1985. The financial contribution will be calculated in accordance with the Planning Obligations and Affordable Housing Supplementary Planning Document at a rate of £350 x the square meterage of the gross internal floor area of all proposed dwellings.
- 8.82 A financial contribution (based on the final approved housing mix) towards the Bird aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbour SPA/Ramsar. Sum to be agreed.

Section 106 Monitoring Fee of £326.00.

Conclusion

- 8.83 Government policy in the NPPF requires local planning authorities to demonstrate that they have a rolling 5-year supply and when there is less than a 5-year supply the NPPF engages what is known as the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development. The Council is unable to demonstrate that it has a 5-year supply of housing land and therefore the housing policies in the Local Plan are now considered to be out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on major applications as it ordinarily would, and the 'tilted balance' approach is therefore engaged.
- 8.84 The proposal complies with Policy LP1 of the Neighbourhood Plan, which supports windfall sites of up to 10 houses, on previously developed land. The Interim Policy Statement provides an appropriate development management tool for assessing such applications and is a material consideration. The proposed development in this case is considered to score highly in relation to the IPS (as set out in the report above). The proposal would result in the loss of the existing caravan storage, however for the reasons set out above the proposal should not be considered as resulting in the loss of employment space. In this context, and for the reasons outlined above, the 'principle' of housing development is therefore considered acceptable. The application will deliver much need housing, including a contribution towards affordable housing which will help to address the Council's housing supply shortfall. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing, mitigation and other infrastructure.

8.85 It is considered the proposal would respect the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and would not interrupt any open views between the South Downs National Park (SDNP). The indicative scale of the development, subject to full assessment at the reserved matters stage.

8.86 The application is therefore recommended for permission, subject to the use of planning conditions and the applicant entering into a S106 agreement to secure the required affordable housing, SPA mitigation and other infrastructures and mitigations as outlined in the sections above.

Human Rights

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

RECOMMENDATION

DEFER FOR S106 THEN PERMIT subject to the following conditions and informatives:-

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

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

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

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

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

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

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: Drawing 13C (Illustrative Site Plan).

Reason: To ensure the development complies with the planning permission.

4) **No development shall commence** until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing

by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

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

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

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

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

6) **No development shall commence**, until details of the proposed overall site wide surface water drainage scheme have 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.

7) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

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

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

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

to the construction of the development and thus go to the heart of the planning permission.

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

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

10) If the Phase 1 report submitted pursuant to Condition 9 above identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

11) If the Phase 2 report submitted pursuant to Condition 10 above identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

12) No development shall commence until a five-metre fenced buffer has been erected around all existing hedgerows. The buffer shall be clearly marked with a temporary fence, which shall be maintained during the development and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.

Reason: In the interests of protecting biodiversity and wildlife.

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

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

14) A detailed Sustainable Design and Construction statement, demonstrating how CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources, are to be met for the approved use in accordance with the IPS, shall be submitted with **the first application for reserved matters** and any subsequent applications for reserved matters shall demonstrate how the proposal complies with the approved details. The statement shall also include the proposed location, form, appearance and technical specification of the PV panels and the air/ground source heat pumps (including acoustic performance). The development thereafter shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

18) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

19) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been laid out and constructed (including drives/garages) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

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

20) **Prior to the occupation of the dwellings hereby permitted**, cycle storage provision for the development shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and such provision shall thereafter be retained for the stated purpose in perpetuity.

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

21) **Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use**, until a scheme of ecological mitigation based on the recommendations of the submitted Preliminary Ecological Appraisal and the comments of the CDC Environmental Strategy Unit; together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

- Any trees removed should be replaced at a ratio of 2:1
- Wildlife pond
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles
- Log piles provided on site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes provided on the site.
- 4 bee bricks
- Provision of bat box on a building or a tree onsite facing south/south westerly positioned 3-5m above ground
- Provision of several bird boxes within trees located within the site

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

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

22) 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.

23) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed within the submitted: Preliminary Ecological Appraisal V2 (October 2021) produced by the Ecology Co-op and the Dormouse Survey Report (June 2021) produced by Kingfisher Ecology Ltd.

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

24) Any works to trees or vegetation clearance on site should only be undertaken outside the bird breeding season (1st March - 1st October). If works to trees or vegetation are required within this time an ecologist shall check the site before any works take place (within 24 hours of any work) and any works shall be in accordance with the ecologist's recommendations.

Reason: To protect the habitat of nesting birds.

- 25) A precautionary approach shall be taken with regard to dormice, including:
- All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site should be carefully searched for dormouse nests prior to clearance. The vegetation should be removed through a process of phased habitat manipulation, first being cut back to a minimum of 200mm and then to ground level. A careful fingertip search for nesting dormice on the ground will be required at every stage of the phased habitat manipulation.
 - In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.
 - The enhancements for dormice as detailed within the enhancement strategy should be conditioned and followed in its entirety.
 - An ecological management plan will be required to ensure long-term sympathetic management of the suitable habitats for biodiversity within the proposed development and promote increased opportunities for biodiversity.

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

26) 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 0730 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

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

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

28) Prior to the first occupation of the dwellings hereby approved, the development shall have fully implemented the required nitrogen mitigation, in strict accordance with the Drawing 14D – Nitrate Compensatory Area Plan and the Nitrate Budget Report V3. Thereafter, the mitigation shall be retained and maintained in accordance with the protection and maintenance methods set out within the Nitrate Budget Report V3 for lifetime of the development.

Reason: In the interest of ensuring the proposal is nitrate neutral and does not result in an increased nitrate level within the Chichester Harbours.

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.

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=QWWRSQERL9400>