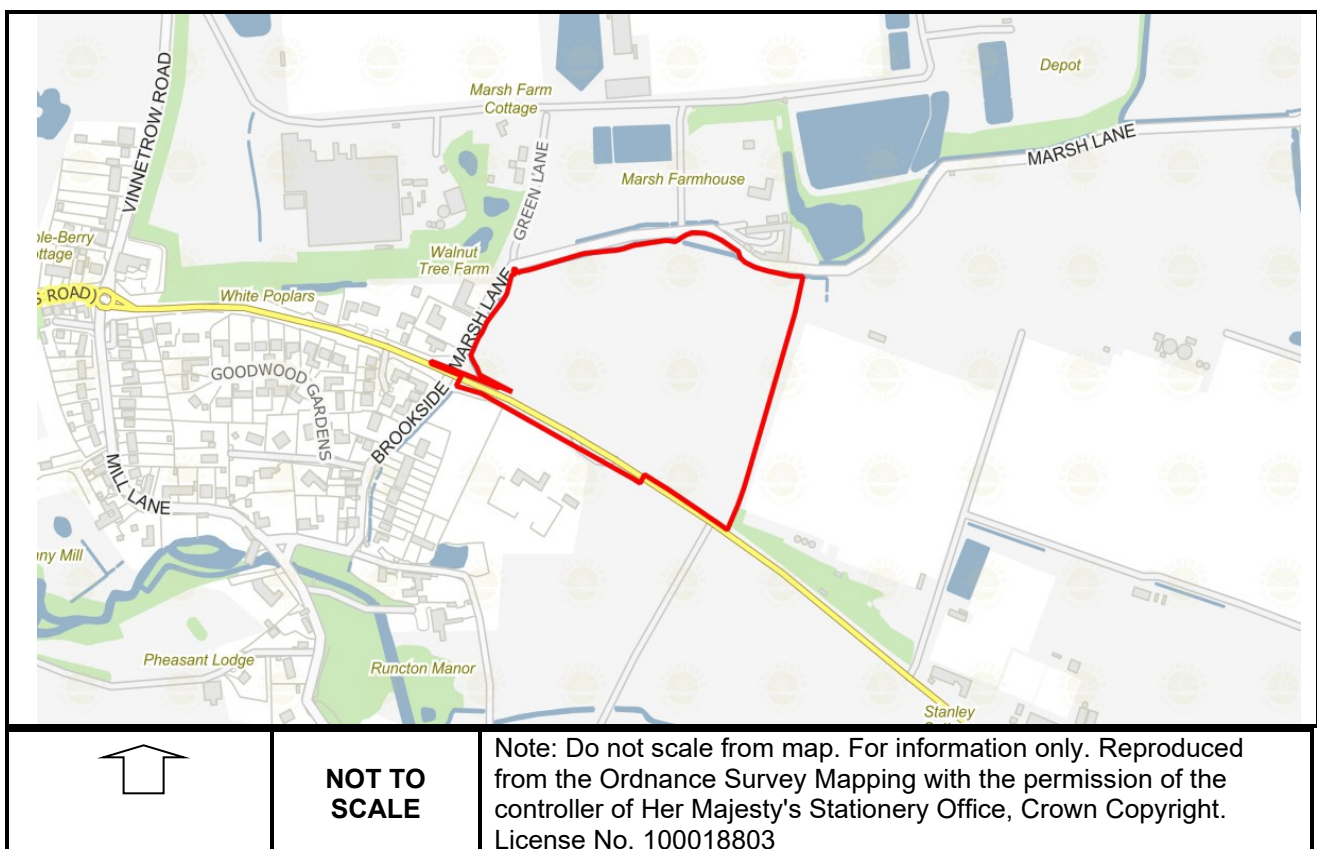


Parish: North Mundham	Ward: North Mundham and Tangmere
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**NM/22/02191/OUT**

<b>Proposal</b>	Outline planning application (with all matters reserved except access) for the development of up to 94 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works including new footway and cycleway links.		
<b>Site</b>	Charmans Field Marsh Lane Runcton West Sussex		
<b>Map Ref</b>	(E) 488621 (N) 102428		
<b>Applicant</b>	Mr Andrew Tice (Landlink Estates Ltd)	<b>Agent</b>	Mrs Lisa Jackson

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



**1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

**1.2 The application was deferred at the 12 July 2023 Planning Committee for further information on the following matters:**

- **Foul drainage – Clarification from Southern Water on infrastructure upgrades necessary to accommodate the development**
- **Surface water drainage – Clarification of the potential for surface water discharges arising from the development to negatively impact on the Pagham rife via existing watercourses**
- **Highways – Clarification from WSCC as the LHA regarding the safety of children getting to and from the local school in North Mundham**
- **Education – Clarification on the availability of school places at North Mundham Primary School**
- **Lighting – Clarification of the potential impact on future residential amenity of the use of growing lights at the Vitacress glasshouses**

## **2.0 The Site and Surroundings**

- 2.1 The red lined application site comprises a total of 6.89ha and includes a portion of the Lagness Road B2166 as part of the access area. It is located on the eastern edge of the existing settlement of Runcton, separated from the settlement edge by Marsh Lane which forms the west and north boundaries of the site. North of Marsh Lane is a small cluster of former agricultural farm buildings (Marsh Barns) now converted to residential use as well as the large horticultural glasshouses at the Chichester Food Park Horticultural Development Area. The site is bounded to the south by the Lagness Road and by a shelter belt of trees on the east boundary beyond which are the glasshouses of 'Vitacress' at Runcton horticultural nursery.
- 2.2 The site comprises a single open field of 6.51ha, in long time arable use, with a Grade 3 (good to moderate quality) Agricultural Land Classification. It is not known whether the Grade 3 land is 3a (classed alongside Grades 1 and 2 as 'Best and Most Versatile' land) or Grade 3b (not classed as 'Best and Most Versatile' land). There are no internal hedgerows, fence lines or physical sub-division. The site is relatively flat and around 6m AOD. Existing vehicular access to the site is from two agricultural field accesses both located on the northern boundary onto Marsh Lane. Whilst there is some hedgerow planting to the site boundaries, the boundary screening is not continuous. There are long stretches along Marsh Lane without substantive planting where there are clear unhindered views into and across the site and likewise in the south-west corner at the junction of Marsh Lane travelling eastwards along Lagness Road. The line of the former Chichester to Arundel Canal which was filled in during the latter part of the 19th century tracks east-west across the northern part of the site. The former canal is now at grade with its surroundings. Approximately 145m to the south-west of the site is Runcton Conservation Area, so designated in 1976. The nearest listed buildings (4 x Grade II) are within the Conservation Area being between 209m to 234m away.
- 2.3 The site lies within the zone of influence for the Chichester and Langstone Harbours SPA, RAMSAR, Solent Maritime SAC areas (approximately 5km away), Pagham Harbour SPA (3km away) and the Singleton and Cocking Tunnels SAC (11.55km away). There are no statutory sites designated for nature conservation within 2km of the application site.
- 2.4 The site is entirely within EA Flood Zone 1. There is an ordinary watercourse running along the north/western boundary of the site. There is an existing 150mm Southern

Water gravity foul sewer on a north-south alignment towards the west site boundary that would be used to service the development. A 600mm Portsmouth Water water main with a 10m wayleave runs north-south approximately through the centre of the site. There are no Source Protection Zones within 500 metres of the site.

### **3.0 The Proposal**

- 3.1 This is an outline application for a total development of up to 94 new dwellings. All matters save for 'access' to the site are reserved for consideration as part of a future planning application in the event that permission in principle for the development is given for this outline proposal. Matters relating to 'appearance', 'scale' and 'landscaping' are not therefore part of this application. However, to aid consideration of the quantum of development and to show broadly how the different components of the proposed development might be delivered on the site, a formal Parameter Plan is submitted which addresses the use and amount of proposed development, the amount of proposed development, the green infrastructure and building heights. A further layer of detail, albeit indicative only, is shown on an illustrative landscape masterplan which shows how the Parameter Plan might be advanced at reserved matters stage. Whilst 'layout' is a reserved matter and would not be approved under this application, the illustrative plan shows a housing development based on a perimeter block development with most dwellings fronting onto the public facing roads and spaces. A large central area of open space with an equipped play area for children up to age 11 is shown extending north into the site from mid-way along the south site boundary. There is a 'village green' with notional SuDS pond shown in the south-west corner of the site at the junction of Marsh Lane with Lagness Road and a further area of public greenspace towards the east site boundary. Across the northern part of the site, the E-W alignment of the former canal is shown as being 'remembered' with a footpath and cycleway link and canal interpretation boards. At its eastern end this E-W path is shown linking through to a proposed permissive path passing to the north of the Vitacress glasshouses along the line of the old canal. At its western end the path meets Marsh Lane and potential onward access to the bridleway going north up Green Lane.
- 3.2 The proposals rely on sustainable drainage principles (SuDS) and two shallow attenuation basins are shown at the north and north-west parts of the site to manage the surface water run-off from the site. An indicative pond is also shown in the south-west corner of the site. In terms of foul drainage the site will connect up off-site to the mains system with foul flows going to the wastewater treatment works (WwTW) at Paghams.
- 3.3 In terms of the submitted details for the 'access' to the site, a single point of vehicular access is proposed at the southern boundary onto Lagness Road. There are no other vehicle access points to the site. The site access is 100m east of Marsh Lane. It would be 6m wide for the first 15m then reducing to 5.5m wide with footways either side. Visibility splays accord with the 40mph speed limit on this stretch of road (2.4m x 120m). A 3.5m wide turning lane and ghost island in the centre of the Lagness Road carriageway, which will need to be widened at this point, would provide a right turn facility into the site for vehicles approaching from the east. The plans show a 2m wide central refuge island with bollards providing a pedestrian crossing point for Lagness Road. A new 2m wide footway on the south side of Lagness Road extending westwards from the pedestrian crossing point would give access to the

existing bus stop and shelter which would be improved with a Real Time Information Board (RTIB). On the north side of Lagness Road, the existing bus stop would be relocated and improved with a new shelter and RTIB. A new 2m wide footpath would link this back to the main site access. From the site access a 3m wide access route for pedestrians and cyclists is shown extending eastwards along the northern edge of Lagness Road continuing on to Runcton Farm shop. Two further pedestrian/cycle access points from the site would link into this new route.

- 3.4 The housing proposals would provide a mix of market and affordable housing including First Homes. The proposed mix and tenure for the 94 units is as follows:

Market Homes - 66

- 1 bed x 4
- 2 bed x 26
- 3 bed x 25
- 4 bed x 11

Affordable Homes - 28 (30% of total)

- 1 bed x 10 (3 x affordable rent; 4 x social rent; 1 x shared ownership; 2 x First Homes)
- 2 bed x 11 (2 x affordable rent; 4 x social rent; 2 x shared ownership; 3 x First Homes)
- 3 bed x 6 (1 x affordable rent; 1 x social rent; 2 x shared ownership; 2 x First Homes)
- 4 bed x 1 (social rent)

- 3.5 The submitted Design and Access Statement confirms that all dwellings are proposed up to a maximum 2 storeys. Little information is provided on the design and appearance as these are essentially reserved matters but the application advises that the development will have a character complementary to the existing venacular. The average density of development on a net residential developable area of 3.62ha is 26 dwellings per hectare.

**4.0 History**

21/02573/FUL	REF	Hybrid Planning Application - Phase 1 (Full application) comprising 26 residential dwellings, new access from Lagness Road, public open space, landscaping, sustainable urban drainage and associated works. Outline planning application for further phases of up to 87 dwellings and associated infrastructure (with all matters reserved)
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**5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES

AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

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

#### **18.10.2023**

**This application was deferred at the CDC Planning Committee Meeting on 12 July 2023 to allow additional information to be provided by 7 consultees, the results are addressed below.**

**Environmental protection. Vitacress admit to using lighting in their greenhouses of up to 10,000 lux for up to 12 hours per day between Nov and March. The reflection from this lighting back down to the local environment in low cloud conditions is very bright and has not been addressed in any way by the applicant's responses. This reflected light is visible from more than 2 miles away and has regularly been the cause of concern locally. It will without doubt cause a significant loss of amenity to the houses on the site due to the diffuse nature of the reflection back from a low cloud base. These recent images [photos on PC's letter] demonstrate the style of loom from greenhouse lights even out of their growing season. From November onwards the amount of reflected light is considerably greater. The letter from the applicant dated 16 Nov 2022 which describes their 'illustrative masterplan' modelling method simply does not reflect the reality of the actual loss of amenity that Runcton and surrounding residents currently suffer from these lights. All the 94 houses would be severely impacted by this reflected light loom over the winter period. About 200m to the north of the site there is also a very large greenhouse installation owned by Donaldson's Nursery Summer Berry Co. This greenhouse also uses lights of up to 10,000 lux but does not seem to have been addressed as part of any investigation into this light pollution problem and has a similar potential impact on the amenity of any houses on this site. This environmental issue has not been addressed to date and no answer has yet been seen from the CDC Environmental Protection Officer.**

**Foul water infrastructure. The response to the request for details of any necessary upgrades to local sewage infrastructure has been completely ignored by Southern Water (SW). Indeed, their response dated 8 August is completely worthless. An email response from Dr Nick Mills of SW dated 28 September to a request from the Parish Council for detailed information (copied to Jeremy Bushell and appended herewith) confirms (ongoing?) work to upgrade Pagham WTW, but without any technical details or expected increase in Permit flows, as well as the need for some (unspecified) infrastructure upgrades required for Land south of Lowlands development**

**(20/02989/FUL) when that application is permitted. All 4 potential developments noted in his email feed into the North Mundham Pumping Station (PS) catchment which SW know becomes hydraulically locked during heavy rain and indeed has overflowed raw sewage (partially diluted by rainwater) through its CSO/ECO into Pagham Rife for 100 hrs in 2021 and 270 hrs in 2022. Pagham WTW overflowed for 568 hrs and 1427 hrs in the same periods (data from southern-water-spill-data.xlsx). The under capacity of this catchment has been an issue known about by both SW and CDC for over 20 years without there being any satisfactory resolution despite the involvement of Gillian Keegan MP, an issue which our parishioners have had to live with in spite of repeated reports to SW (see below), contrary to Dr Mills's claim about there being a low flood risk in the Pagham catchment. In his response Dr Mills acknowledges that, once the Land S of Lowlands application (66 houses) is granted, there will be a need for some 'reinforcement' of the infrastructure, however it appears that, based on SW's modelling data, no such reinforcement is required for any of the other developments being proposed even though the Charmans Field development will feed into an entirely separate leg of the foul water sewer which has been causing flooding in Saltham Lane for many years. The applicant proposes to connect into the existing foul water sewer which crosses north to south across the western side of the site. This main runs south down Brookside and then west along Saltham Lane towards the North Mundham Pumping Station. The manhole covers in Saltham Lane regularly surcharge foul water and paper after heavy rain which has repeatedly been reported to SW as a health hazard. Saltham Lane regularly floods due to upwelling from the foul sewer rising main manhole during heavy rain and this foul water includes solids and paper. If local residents walk through this water they wash off their boots thoroughly on return home. Some residents may wash off the underside of their cars after driving through this foul water. This rising main that the applicants are proposing to connect into does not have the capacity today to cope with heavy rain events without contaminating the local roads and drives. Dr Mills claims that SW are unaware of flooding incidents in the Pagham catchment and asks if they are being reported to them. The floods in Saltham Lane, Runcton (above) were reported to SW Customer Services (SW ref 4189239). In N Mundham there have been flooding problems in and adjacent to School Lane and Church Rd for many years. Some of these go back to at least 2001 with problems from Lakeside Holiday Park discharging down School Lane with both CDC and SW being involved in meetings with N Mundham PC about the issues. SW chose not to upgrade the infrastructure but to throttle the flow from Lakeside to 4 l/s with a manual (unlocked) valve which required a larger holding tank on site to buffer the flow. This flow rate was increased to 8 l/s in 2016 (ref SW letter PLAN-014540 dated 04/07/2016). This has subsequently caused problems, not least in Stoney Meadow, the Village Hall and N Mundham Primary School with WCs backing up and overflowing (2017, SW ref 8001218857). More recently in Jan/Feb 2021 Stoney Meadow residents again suffered blow back into WCs and basins (reported via Stonewater developers, and also direct to SW refs 21921037/8001970189, Tracy Taylor Customer Relations Case Manager refers). This event was also reported to Gillian Keegan MP (ref GK21333) who said that Richard Bagwell from SW was 'on the case'. Again, in Aug 2021 the Stoney Meadow residents faced an identical blow back problem (SW ref 4286362). SW deploy contractors to flood events to undertake the initial investigation and one such attended a flood in Church Rd, N**

Mundham in 2021 (TBC) and said to the then chairman of the Parish Council on site “the North Mundham pumping station was running correctly and at full capacity and was simply overwhelmed. When I asked what could be done about it he replied "Stop building houses””. The above information is re-presented to CDC (since CDC officers were involved in all the discussions about the Lakeside issues for instance) as the parishioners of N Mundham/Runcton are very concerned about the Environmental Health aspects of SW’s continued apparent blindness to this longstanding foul water flooding issue. Dr Mills does not acknowledge the reporting of any of these issues (see SW reference numbers above) and therefore implies that there is no existing problem that requires resolution and relies on their modelling techniques to demonstrate the need for infrastructure reinforcement. Our long experience ‘on the ground’ fully belies this innocent position and the connection of yet more houses to our local infrastructure (ie pipework and pumping station capacity) will certainly further exacerbate the situation. Our concern is one of Environmental Health, both existing and future. CDC’s concern must surely be your inability to get SW to own up to current infrastructure problems, to define what is required to resolve them NOW, and to ensure that such future investment as will be necessary is covered no later than AMP8, and preferably before. The Parish Council’s position is that this evidence shows unequivocally that there remains a capacity issue with the foul sewer infrastructure in the parish that SW are continuing to deny and refuse to address. It is our contention that no further development can be countenanced in the parish until at least SW have acknowledged the existence of the current problem, have come up with a detailed, fully funded and timed project plan to correct it and then provided an equivalently detailed plan to confirm how each and every housing development in the District will be properly accommodated into their foul water system before any planning decisions are taken. Given SW’s history of obfuscation and avoidance of these real issues, CDC has the power to demand this – please do so immediately.

Surface water drainage. CDC approached the EA, the LLFA and your CDE with leading questions about the rate of surface water run-off from the site quoting the normal assumption of SUDs attenuating the ‘as developed’ rate to the same as the calculated ‘Qbar’ rate. We know that Brookside floods during all heavy rainfall events and that that stream is only fed by the ditch around Charmans Field. The problem here is no different to any other current surface water flood assessment; nobody knows what the actual greenfield run off rates are (it will vary depending on the cultivation state of the field) because it is very difficult to actually measure it over a period of time. Qbar is calculated from modelling tools which make assumptions based on a number of geological features etc, but verifying/validating the output from these models is difficult so they are taken at face value. What we do know is that Brookside already floods regularly due to short term flow rates of something like Qbar. If the building on Charmans Field has been completed the flow rate into the ditch will be controlled at Qbar over a much longer time period and therefore Brookside will be flooded for much longer durations. This is very unsatisfactory and the resolution of the Brookside flooding issue must be made part of the conditions for this development.

**National and WSCC Highways.** National Highways have now confirmed that they have no objection to this application. WSCC have provided an analysis of the proposed walking route from Charmans Field to N Mundham Primary School. The route between Charmans Field and North Mundham Primary School was walked between 8am and 9am on Tuesday 10 October 2023 to review the route detailed in the WSCC consultation report dated 25 July 2023. Most of the route will be suitable for primary aged children once the improvements listed in the report are implemented, notably on the Lagness Road next to the site and the restoration of the footway on the southern side of Lagness Road between Willowmead Close and Vinnetrow Road. This pathway is extremely narrow and the buffeting by lorries is very disconcerting to an adult and would be unacceptable to a child or a pushchair. The Walnut Tree roundabout has been a junction of concern for many years. Children who go to North Mundham Primary School who live in Runcton either travel to school by car or walk across the fields to North Mundham to avoid crossing the Vinnetrow Road at the roundabout. There is NO visibility north at the current crossing point where there is a central island. A few yards further north there is better visibility if a pedestrian peers round the corner of the building, but there is no central island. There will need to be a pedestrian controlled crossing of the Vinnetrow Road at the Walnut Tree roundabout to make a safe route to the North Mundham Primary School from Charmans Field. With the weight of traffic at this roundabout this is not considered to be a realistic solution as it is likely to cause traffic chaos when used at school times. Therefore, the Parish Council do consider that this proposal is a suitable solution.

**Education.** In addition to CDC seeking further input from these 7 consultees, the WSCC LEA Objected to the development on 8 August and then, after a meeting with the applicant, they decided to withdraw this Objection on 12 September. The Parish Council is unnerved by this short term vacillation on this very important issue and wish to fully understand the reasons, assumptions and arguments both for Objecting and then subsequently withdrawing the Objection. The LEA have been vacillating over the number of places available at N Mundham Primary School for a number of years as proposed development applications have been brought forward and it is time for this issue to be properly and finally resolved. After you have completed your own full investigation into this matter we would welcome a full response to this query together with sufficient time to consider and discuss it with the relevant authorities.

**07.09.2023**

At its meeting on 5th September North Mundham Parish Council reviewed this application following the decision of the District Council Planning Committee to defer the application to ascertain further information to inform its decision. The Parish Council resolved to maintain its objection to the application and are currently reviewing those responses which have been submitted by the consultees. North Mundham Parish Council Planning Committee are in the process of compiling further information and evidence to support our objection and this will be submitted at the earliest opportunity. To assist us with this task it would be most helpful if we could have sight of each of the letters sent to the



**relevant consultees in relation to the five items that the Planning Committee asked you to seek further information from.**

04.01.2023

At its meeting on 3rd January 2023 North Mundham Parish Council reviewed the additional plans, the Parish Council were pleased to see that the improvements and the provision of footpath cycle link from the Walnut Tree roundabout to Runcton Farm Shop has now been included in the plans.

07.11.2022

North Mundham Parish Council has considered the additional information provided in the Agents Amending Letter dated 18/10 2022.

We have no comment to offer on the proposal to revise the housing mix.

However, we are disturbed to note the agents statement to the effect that: We have revised the illustrative design of the proposed shared footway / cycleway to 3.5m to meet the recent LTN1/20 standards allowing 0.5m separation with the 40mph carriageway this fits all the way down to the Runcton Farm shop. This is an existing Parish project for which we understand funds are already secured in part and we envisage the Parish will be responsible for delivering the part of the scheme beyond the site frontage.

The applicants agent addressed the parish council's planning committee at its meeting held on 30 August 2022. The minutes of that meeting record that the agent stated that they were making provision for the shared use path to the Runcton Farm Shop. The committee were given the clear impression that the applicant intended to provide the path as part of their contribution to local infrastructure. Indeed, that was the basis for the final paragraph of our response (10 October 2022) to the application which read: Should the application be permitted, despite our representations, we note that the applicant has suggested that they would provide some additional improvements to the local pedestrian and cycling network, most significantly a shared use path from the site to the Runcton farm shop and other businesses to the west. This facility lies outside the boundary of the application site, and we would wish to see the precise extent and nature of this facility clearly defined.

Although the shared use path is indeed an existing parish project, the phrase funds are already secured in part is misleading in suggesting that funds are available for the parish to make a significant contribution. Indeed, we were disappointed to find that the S106 monies, that we had hoped to use for the project, had been allocated elsewhere. The only funding currently available from the parish council's resources is a small budget reserve of just £20,000 intended to fund necessary pre-project work, some of which we plan to use to fund the production of an Active Travel Plan.

10.10.2022

North Mundham Parish Council has considered this application and resolved to object. We believe there are a significant number of reasons why this application should not receive consent. We note that the applicant has suggested that this application addresses the issues which led to the rejection of the earlier hybrid application 21/02573/FUL but we find the arguments unconvincing, as explained in detail below.

## 1. Transport Infrastructure.

1.1 There are a number of areas of concern. Marsh Lane is already in use as a 'rat run'. It is a narrow lane totally unsuited to through traffic, and development on this site will only encourage further use. The B2166 is suffering ever-increasing volumes of traffic, which will only be exacerbated by planned housing developments at Pagham, and the developments in North Mundham which have already received consent or for which consent is anticipated. This application proposes a further junction on a road that is already heavily used. The traffic levels have now reached the state where they are seriously detrimental to the quality of life in the Parish, and threaten to divide the community. For far too long the Highways Authority has accepted development proposals on the basis that the growth in traffic is incremental - this approach will inevitably lead to 'the straw that breaks the camel's back' and we believe the time to call a halt is now. Finally, we are aware of the serious reservations about the ability of the A27 to accommodate traffic growth, and the concerns that the necessary improvements to the junctions are unfundable and unachievable.

1.2 One particular problem affecting the quality of life for local residents, which has received no attention in this application, is the issue of air quality. The applicant suggests that, in the future, local residents should help to mitigate the traffic loads by increased use of walking and cycling routes which, in many cases, parallel the B2166. Any increased burden of traffic on that route also exacerbates the problems of air quality, which will affect not only cyclists and pedestrian road users but will also impact the village school with a playground immediately adjacent to the road.

1.3 While the Highways Authority has indicated that the additional access junction does not present any road safety concerns, this only addresses a small part of the problem that this development would introduce. Local residents are only too aware of the problems presented by the increasing congestion on the B2166 particularly, but not exclusively, at peak hours, as evidenced by the numerous individual objections to this application from residents of this and neighbouring parishes. As a result, we find the suggested journey times quoted in the application unconvincing and extremely optimistic, and this position is supported by numerous comments both from local residents and those living outside the parish.

1.4 The applicant has suggested that adequate pedestrian links exist, using existing footways. The applicants' Transport Assessment claims (paragraph 3.30) that "As can be seen although the site is in a relatively rural location, it is still within acceptable walking and cycling distance of several local facilities and amenities via the existing pedestrian and cycle network." However, a journey from the application site to the village school, the Walnut Tree pub or the church would involve two crossings of the busy B2166, one at the site to reach the footway on the south side of the road, and another at the Walnut Tree roundabout to reach the footway further west on the north side of the road. Despite the review of potential pedestrian improvements at the Walnut Tree roundabout carried out by Amey on behalf of the Highways Authority as long ago as 2013, pedestrian crossing at the roundabout remains hazardous, and no viable solution has been identified.

1.5 We note that the applicant has identified a possible permissive path from the north-east corner of the site to link into the existing public footpath network. However, this will make little contribution to the pedestrian connectivity of the site since the

adjacent footpaths are unsurfaced rough grass routes suitable for leisure use but making no contribution to improve access to the site.

## 2. Surface water drainage.

2.1 The applicants argue that they are able to mitigate the effect of hard surfacing within the development by the use of porous surfaces and a SUDS system. However, it is acknowledged that the run-off from the site will find its way into the existing ditch system. The existing ditch system is already unable to cope, as the experience of frequent flooding of the brook in Brookside will attest. This flooding brings with it increased hazards of pollution of the watercourses, from the flooded road surface itself, and from the flooding of numerous sewage manhole covers which allow raw sewage to mix with the flood water.

2.2 All this pollution enters Pagham Rife and threatens the environment, not least that of Pagham Harbour, as a Site of Special Scientific Interest. We are concerned that all the focus on harbour pollution is directed towards water quality in Chichester Harbour, no doubt because of its use as a popular watersports venue as well as for ecological reasons. There seems to be far less focus on Pagham Harbour which, as a protected bird reserve, has little human interaction. But this should not allow a risk of pollution to be accepted.

## 3. Sewage Disposal.

3.1 We are aware that the capacity of the Pagham Water Treatment Works is limited, and this development would place a further load there. But we are also concerned that the capacity of the local sewage system which serves it is already overloaded. We are already aware of regular instances of sewage surcharging within the North Mundham system both in Runcton and in North Mundham, and this development would introduce a further burden.

3.2 Records for 2021 reveal that the Combined Storm Overflow at the North Mundham pumping station was activated 10 times for a total of 100 hours causing discharges of untreated sewage into Pagham Rife, which flows past a number of gardens attached to residential property, and through the gardens of at least three of them. All this ends up in Pagham Harbour, with the unacceptable consequences outlined above (para 2,2).

4. Settlement Boundary. The applicants have argued that the proposed site is adjacent to the existing settlement boundary. We would argue that the connection is tenuous. In the report that accompanied the request for an EIA screening opinion, the adjacent settlement of Runcton was characterised as 'urban'. It is debatable whether any part of the Runcton settlement area can be described as 'urban'. The only part of the Runcton settlement area which comes close to the site is a short length of the boundary on the western side of Marsh Lane which is made up of just three houses each on its own generous size plot with a wooded boundary. It is a misrepresentation to describe this as 'urban'. We believe that the development fails to meet the first of the Interim Position Statement Housing Delivery criteria, that "The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan."

5. Impact on Community. The proposal would bring a total of 94 additional dwellings to the Parish. In recent months we have seen consent given for 39 dwellings on the

Lowlands site (20/01686/FUL), and a further 66 dwellings on the site south of that (20/02989/FUL). The Parish Council's current delivery list for newsletters in the parish delivered to every residence shows 319 dwellings in North Mundham, and 222 in Runcton, and the Runcton total includes many that lie outside the settlement area. Therefore, this application would add substantially more than half the existing community in Runcton, and the total impact of all the applications would represent an increase in the parish as a whole of 40%. We believe this is an unacceptable burden to place on the community and fails to meet the second of the Interim Position Statement Housing Delivery criteria, that "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."

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

7. Land Loss. Finally, we would note that this proposal would result in the loss of a significant area of land currently in agricultural use. We believe the wider community can ill-afford the loss of further land used for food production.

We note that the applicant has suggested, in Jackson Planning's 'Supporting Planning Statement' that, simply because developments have been approved west of the North Mundham settlement area, they should somehow be 'balanced' by this further proposed development east of the Runcton settlement area development. We find the disparaging tone of section 11 of this document, and the implication that the Parish has somehow been derelict in a duty to contribute to housing provision in the District, both inaccurate and unhelpful. We are concerned with the totality of the additional burden on the local community. Despite the parish having two separate settlement areas we are very much one community, with one church, one pub and one primary school. We have already alluded to the difficulty of pedestrian access from the application site to the rest of the key elements of the parish community. Reflecting the vision statement in our emerging Neighbourhood Development Plan, we seek a future whereby "By 2030 the Parish will be a peaceful, thriving and inclusive rural community of distinct settlements with excellent and sustainable transport connections to nearby places of employment, entertainment and education." We do not see how development on this site would further those aims. We believe that development on this site is inappropriate and request that this application should be refused.

Should the application be permitted, despite our representations, we note that the applicant has suggested that they would provide some additional improvements to the local pedestrian and cycling network, most significantly a shared use path from the site to the Runcton farm shop and other businesses to the west. This facility lies outside the boundary of the application site, and we would wish to see the precise extent and nature of this facility clearly defined. We also note that the applicant proposes a permissive path to link the site to parts of the existing public footpath network. Since the route of this path lies outside the application site, we need to understand what measures will be put in place to secure this facility in perpetuity.

## 6.2 Oving Parish Council

17.10.2022

Oving Parish Council has met to consider the above mentioned application and would like to object with the following comments/concerns:

- The unassessed transport impact on Marsh Lane as a dangerous, single-track road rat run
- The high impact on the setting and landscaping of grade 1 listed St Giles Church
- The impact of light pollution from the adjacent glasshouses on the residents of the proposed development.

### 6.3 Pagham Parish Council

28.09.2022

The proposed access for this development is another access onto the Pagham Road. There are accesses for 2 retail sites 3 industrial food/flower production sites, private house drives, an access road to Woldhurst and South Mundham, the accurately named Brookside and the site is opposite the Marsh Lane entrance. The road is a narrow B road, is in a terrible condition and requires upgrading to deal with the volume of traffic it takes at the moment, without even considering the impact of the 1200 homes proposed for Pagham and the 2500 proposed for Bersted under Arun District Council's local plan. Roads are congested and access to A27, both at Whyke Hill roundabout and via Vinnetrow Road to the Bognor Road roundabout are difficult at all times of the day.

A development of this size will place undue pressure on existing overwhelmed infrastructure. There are insufficient school places to support development of this size, and local GP surgeries are already full.

The Council has considerable concerns over the drainage from this site. The aptly named Marsh Lane and Brookside indicate that water is a constant presence in this area, which drains through a series of open ditches around the perimeter of the proposed development and then is culverted underneath Lagness Road and into the stream that flows alongside Brookside. This road is notorious for flooding despite the open stream being accessed to the field ditches that carry surface water from the areas of housing and agricultural land along its route to the Pagham rife and then on through farmland to the Pagham harbour.

To the north west of the proposed development there are a series of open water lakes the residue of gravel extraction in the past. These indicate the very permeable sub soil of the area. Heavy rainfall rapidly flows from the downs and the plains below Goodwood into these lakes and on through the gravels and occasional open ditches. Rain falling in these areas and along the course of the ditches is rapidly absorbed into open ground or cropping areas. However, it is obvious on occasion that absorption is often stopped because of the subsurface flow of water through the gravel layer. i.e. the ground is saturated and needs time to absorb the water or flow it away in the field ditches/road ditches. On some occasions it is known to cause sufficient flow to emerge above ground see the effect at Crimsham Manor.

If the land proposed is covered in houses and roads especially at the density proposed then a large area of water absorbing land will become repellent to water and cause a surface water problem to the natural drainage and the surface ditches resulting in localised flooding and a surge through the total drainage system which will result in water flooding across the low lying areas. These localised floods will

therefore become more frequent due to the surge from local excess run off in the new areas of housing. Such water will cause sewage drain water to be under pressure and it will rise back the house down stream of this development. The area proposed is likely to be designated part of the Pagham sewage water processing plants' catchment. Currently the waste water in Pagham is being put under great pressure and has no capacity to take any increase in supply either from the 5 sites being built in Pagham or this site in Runcton. The existing ditch system leads to Pagham Harbour via the Pagham Rife. Pagham Harbour is classified as an SPA, SSSI and RAMSAR site and world renowned for the bird life it attracts.

Water quality is of vital importance in the rife and the harbour. There is a danger that this will be worsened due to the development at this site. Southern Water are also able to discharge into the harbour under licence from the Environment Agency, which further deteriorates water quality. Such discharge requirements are increased with further development.

#### 6.4 Southern Water

**08.08.2023**

**The comments in our response dated 27/09/2022 remain unchanged and valid for the amended details.**

27.09.2022

150mm public gravity foul sewer requires 3m clearance on either side to protect from construction works and allow for future maintenance. Our investigations indicate that Southern Water can facilitate foul sewerage 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. It is critical that the effectiveness of the SuDS facilities is maintained in perpetuity. Good management will avoid flooding from the surface water system which may result in the inundation of the foul sewerage system.

#### 6.5 National Highways

**05.10.2023**

**We are interested as to whether there would be any adverse safety implications for the SRN because of this proposal. Having reviewed the submitted documents, we do not consider the proposed development in isolation to have an unacceptable adverse impact on the SRN. We are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. As such, National Highways would recommend no objection (no conditions)**

27.09.2022

No objection provided that Chichester District Council apply their Supplementary Planning Document (SPD) and the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Planning Obligations and Affordable Housing'. On this basis, the proposed development should make a contribution of 94 x £2,615 (in line with the 'Other Chichester City' development zone) which equates to £245,810 based on 2012 Quarter 3 prices (index linked to the ROADCON Tender Price Index). This contribution is to be

indexed from 2012 Quarter 3 prices to current prices at the time of payment and paid prior to the occupation of 50 dwellings.

## 6.6 Natural England

13.06.2023

The Council's appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the European Sites within the zone of influence. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

03.10.2022

### Nitrates

This proposal potentially affects Habitats Sites vulnerable to nutrient impacts. Within the Solent and River Itchen catchments, impacts of additional nutrients on Habitats sites from new plans or projects should be considered. Development in the Solent catchment

should consider impacts in relation to nitrogen. The supporting information for this proposal should include a nutrient budget and details of any proposed mitigation to address nutrient impacts. To demonstrate that proposed mitigation will remain effective for

the lifetime of the development, information on management and monitoring will be required, together with details of how this will be secured and funded in perpetuity.

*[Planning Officer Comment: The foul drainage from the proposed development would drain to the Pagham Wastewater Treatment Works (WwTW) which discharges into Pagham Rife and the downstream coastal water body of Pagham Harbour. The catchment area is therefore outside of the Habitat sites currently identified by Natural England in Chichester Harbour SPA and the Solent Maritime SAC which are vulnerable to nutrient impacts. No nitrate mitigation is therefore required to be demonstrated in terms of the Habitat Regulations. It is also outside of the groundwater catchment for the Solent Maritime SAC ]*

### Recreational Pressure Mitigation

Your authority has measures in place to manage potential recreational disturbance impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant zone of influence

## 6.7 Sussex Police

The NPPF demonstrates the governments aim to achieve healthy, inclusive, safe and accessible places so that crime and disorder, and the fear of crime, do not undermine

the quality of life or community cohesion. Levels of crime and anti-social behaviour in Chichester district are below average compared with the rest of Sussex. Given the application is in outline, no detailed comments to make at this stage but would direct applicants to principles of Secured by Design in terms of crime prevention measures.

## 6.8 WSSC – Highways

### **25.07.2023**

**No Objection. CHA has been asked to provide additional highways comments regarding the routes and crossing points to the local primary school. The applicant is providing minor improvements to the existing footway along Lagness Road and Vinnetrow Road, and a new informal crossing point as part of the off-site highway improvements. A person would have to make 5 crossings to reach the school. WSSC have identified these crossings – Lagness Road next to the site, Brookside, Willowmead Close, Lagness Road near to Walnut Tree roundabout, Vinnetrow Road. All the improvements have been subject to a Stage 1 Road Safety Audit. The improvements travelling from east to west which will include wayfinding signs to direct people to the school and village are:**

**Lagness Road next to site – 2m wide pedestrian refuge island provided to assist crossing road and provide access to new 2m wide footway and existing bus stop on south side of Lagness Road.**

**Brookside – tactile paving and footway restored to ensure full width available.**

**Willowmead Close – re-set tactile paving.**

**Lagness Road near to Walnut Tree roundabout – tactile paving at the dropped crossings on each side of the road and on the central splitter island.**

**Vinnetrow Road – tactile paving provided at existing crossing point.**

**WSSC are satisfied these improvements enable an enhanced continuous walking route from the site to the local primary school. WSSC has considered the information above and are satisfied the proposed ‘off-site’ highway works provide appropriate proportionate pedestrian facilities, which are related in scale and kind to the application for 94 dwellings and are in accordance with CIL regulation 122.**

**11.07.2023** (these comments were reported verbally to 12 July Committee as received too late to go on Agenda Update Sheet for that Committee)

**West Sussex County Council (WSSC), as Highway Authority, are aware of vehicles using Marsh Lane as a means to travel between the A259 and B2166 and vice versa. This currently takes place and there are no restrictions in place to prevent this from happening. The development proposals have been designed in a way to encourage vehicle traffic to use Lagness Road (B2166), with the site access and single vehicular access point to the site, located on this road. The applicant forecasts that the development will generate 54 two-way vehicle trips in the AM peak and 45 in the PM peak. Of these trips 31 in the AM peak and 12 in the PM peak will be heading in a direction where they could use Marsh Lane. Whilst some vehicles from the site could choose to use Marsh Lane, even if all of these vehicles decided to use Marsh Lane, it is not considered to be of a number that would cause significant or material increases in traffic that would cause capacity issues that warrant a reason to refuse the application.**



**There is an additional pedestrian and cycle connection onto Marsh Lane in the north west corner of the site where it meets the junction of Green Lane. The purpose of this access is to increase levels of permeability to the site and through the site and to encourage active and sustainable forms of travel. The Road Safety Auditors have reviewed and commented on this access and taken account of the likely traffic levels of Marsh Lane. Another access, for maintenance purposes, is located opposite Marsh Barns in the northeast corner of the site. This is to be retained purely for maintenance purposes and this has been reviewed by the safety auditors and no outstanding safety issues remain.**

**In terms of wider road safety on Marsh Lane a review of the last 3 years most recent accident data (2019, 2020 & 2021) confirm that there has only been one slight accident in the last 3 years. This was at the junction of Marsh Lane/Green Lane. There is therefore not considered to be an existing unacceptable highway safety impact on Marsh Lane that could be exacerbated by this development.**

**In terms of a strategic improvement to this issue and to try and encourage vehicles to use higher priority A and B classified roads rather than adjacent lower priority roads WSCC have recently consulted upon potential improvements to the A259 corridor between Bognor Regis and Chichester. With a view to improving the sustainable and active travel infrastructure and ensuring that all the necessary infrastructure is provided to cater for all types of movement along this key corridor.**

**Use of Marsh Lane is an existing occurrence and the forecast level of trips from this development is not considered to be of a level which would warrant the refusal of this application or cause congestion/highway capacity issues. From a review of the accident records there is also not considered to be an existing road safety issue on Marsh Lane that could be exacerbated by the development.**

#### 19.06.2023

Summarised - WSCC raise no objection to the development. All highway works secured via the S.106 process to be delivered as part of a S.278 agreement. All highways works should be provided prior to first occupation. [List of S.106 obligations including required off-site highway improvement works are attached later in the report.]

#### 30.01.2023

Summarised - The principle of the development of 94 dwellings is acceptable. Trip generation would equate to 54 two-way trips in the morning peak hour and 45 two-way trips in the evening which is estimated at 1 vehicle movement per minute. WSCC do not consider the proposal to cause any highway capacity impacts. Cycle link to Runcton Farm shop should have a minimum 1m separation between the footway and the carriageway and guidance in LTN 1/20 should be referred to. Detail of Temporary Construction Access (to Marsh Lane) should be included in Construction Management Plan. Creation of Permissive Path is welcome and will enhance the site's ability to connect with the natural environment and provide a good permeable walking network for leisure travel to other parts of the area.

23.11.2022

Summarised - more information required. Stage 2 RSA needs revising. Move existing bus stop east of Marsh Lane further east out of the visibility splay. Further information needed regarding Temporary Construction Access - should be 6m wide access with visibility splays and advance warning signage on each approach.

21.09.2022

Summarised - more information required. Stage 1/2 safety audits should include additional off-site highway works, Designers response to RSA plus Design Audit Report, details of temporary construction access onto B2166 Lagness Road. Principle of 94 dwellings agreed. List of conditions provided in the event that planning permission granted.

#### 6.9 WSCC - Rights of Way

The proposal to create a permissive path linking the development to Public Right of Way (PRoW), Footpath (FP)200 is very welcome. Should plans to upgrade FP200 become a reality then both the permissive path and this Canal Towpath will be important links between PRoW200 and Bridleway (BW)2792\_1. Making the Canal Towpath a path that is usable by all non-motorised users including cyclists and equestrians would be advantageous.

#### 6.10 WSCC - Lead Local Flood Authority

26.09.2023

**Following a review of the submitted documents and the revised FRA the details are in accordance with NPPF and Local Planning Policies subject to 2 conditions:**

- **At time of or prior to reserved matters application, provide surface water drainage scheme via SuDS in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 22nd August 2022.**
- **No development to commence until submission and approval of details and method statement by LPA of interim and temporary drainage measures during the construction phase. Shall demonstrate how the site will be drained to ensure there is no increase in off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system.**

**We received some questions about the impact on Paghams Rife, however discussions with the Environment Agency and the conditions we have recommended will ensure there should be no impact.**

04.08.2023

**The LLFA object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA), Surface Water Strategy or additional supporting information relating to:**

- **Up to date calculations for relevant climate change scenarios and return periods for calculated runoff rates and storage.**
- **Use of superseded parameters (eg loH124, FSR/FEH13).**

26.09.2022

No objection. We are satisfied with the proposals submitted within the Flood Risk Assessment and Drainage Strategy which can be achieved via appropriate conditioning. With respect to the potential for Groundwater issues, the modelled risk will remain high however potentially downgraded through mitigation (residual effect). Seasonal fluctuations will need to be monitored within detailed design and construction phases.

6.11 WSCC - Fire and Rescue Service

Condition required to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

6.12 WSCC – Education

12.09.2023

**An objection was made to the application on 8 August 2023 as the educational provision in North Mundham and the wider Chichester Planning Area, is deemed to be exceeding capacity. Since the objection was made, a further education assessment, similar to the one undertaken in May 2022, of the area has been undertaken to ensure mitigation could be achieved. The County Council as LEA has been investigating the impact of the additional housing across the area and the impact this will have on the local school to accommodate the additional children from this application site, and other development sites in the Chichester Planning Area. The LEA can now inform Chichester District Council, as the determining authority, that at this point in time (September 2023) the local school has the capacity to cater for the additional pupils it is anticipated to come from the above application, provided the number of dwellings does not exceed the current proposal of 94. This is an area of the county where we will continue to monitor pupil numbers and movement and reserve the right to change our position for any future applications we may receive.**

In view of the work the County Council as LEA has undertaken in the assessment of education capacity **the objection is now removed**. There is now no education objection to the application, however if there are significant delays to the application being considered by committee, we would need to be reconsulted to ensure the capacity still remains.

08.08.2023

Having received the most up to date education projections it is now found that North Mundham Primary School is at capacity and is now full, with in area children on a waiting list for starting school in September 2023. The projections show that with the current approved planning applications (up to March 2022) the school is predicted to be 133% full, (40 children for 30 places of which 34 are in area) in that there are more children wanting a place at the school than there is capacity. Currently 79% of the children attending the school are from the local catchment area, which has increased from 70% in 2020 and by 2027 is predicted to be 113% meaning the school will be full with in area children. [This]

leads us to the need to object to planning applications in the area for any further development.

21.06.2023

We have no education comments to make in relation to this application.

6.13 CDC - Housing Enabling Officer

No objection to the proposed housing mix. It is noted that the applicant commits to pepper-potting the affordable housing units. We would advise that there should be no more than 10 in any one location and they should be tenure blind.

6.14 CDC - Archaeology

I agree with the conclusions of the desk-based assessment for this site with regard both to its potential to contain deposits of interest and that there are no archaeological grounds for refusal. I also agree that the site should be evaluated ahead of development in order to identify significant deposits that might be present and to implement appropriate measures for their preservation. Condition recommended.

6.15 CDC - Coastal and Drainage Engineer

21.07.2023

**The surface water scheme remains unchanged from when we were last consulted, but we understand a question has been raised over potential impact on the Pagham Rife because of any discharge from this site. The proposal does involve a connection to an existing watercourse, which ultimately will discharge into the Pagham Rife. All applications must demonstrate that they will not increase flood risk on, or off site. In this instance this is achieved by restricting the discharge post development to greenfield rates (QBar) and attenuating surface water for storm events up to 1 in 100 years + CC within the boundaries of the site. Thus, there should be no impact on flow rates within the Pagham Rife.**

30.07.2022

Site is wholly within tidal/fluvial flood zone 1 (low risk). There are small areas shown on our mapping to be at significant surface water flood risk (greater than 1 in 100 year event), but these tend to follow or abut the existing watercourses and no new dwellings are proposed in these areas. Surface water will have to be dealt with sensitively and carefully to ensure flood risk is not increased. Subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds. The proposal for surface water drainage is a restricted discharge to the existing watercourse at greenfield rates, with surface water up to a 1 in 100 year plus CC event attenuated within on-site basins. Surface water will first pass through swales of permeable sub-base which will provide a level of treatment for the surface water. This approach will only be considered acceptable should infiltration be demonstrated to not be viable in isolation. We are satisfied that they have demonstrated that the site can be adequately drained and are therefore happy for the details to be controlled via condition. Existing watercourses which abut the site must

be protected / retained during and post development. No development should be permitted within 3m of the top of each bank to ensure future access for maintenance.

#### 6.16 CDC - Environment Officer

22.06.2023

Reptiles

I am happy with this condition to help move things forward.

'Before the development commences a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a program for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.'

07.12.2022

Bats

Following submission of the Technical Note (Nov 2022) regarding SAC bat species we are satisfied that this has now been fully considered and the mitigation proposed within this document and the Ecological Appraisal (Oct 2021) to ensure there is no disturbance to these species is suitable and a condition should be used to ensure this takes place.

14.11.2022

Bats

Due to the site's location within the Singleton and Cocking Tunnels buffer zone and the presence of barbastelle bats foraging and commuting onsite the bat survey needs to assess the impact this development may have on SAC barbastelle species using the site using the site and mitigation for this.

There are a number of mature trees onsite with bat roosting potential. If any works are required to these trees or if they will be subject to any disturbance further bat emergence surveys will be required.

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. Conditions should be used to ensure this.

Lighting

Though lighting is discussed within the EIA (Oct 2021) it relates predominately to lighting during the construction period with the lighting strategy for the development being submitted by condition at reserve matters. However as detailed above due to the location of the site within the SAC buffer zone and presence of Barbastelle bats onsite this information needs to be provided now so we are unable to undertake HRA and AA.

Reptiles

As it has been assumed within the ecological appraisal that there is a good population of reptiles within the site margins and boundaries. Due to this we require that a full mitigation strategy is produced to reflect this assumption. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works and submitted with

this application prior to determination. The mitigation proposed within the EIA (Oct 2021) is not extensive enough for a good population of reptiles.

#### Water Voles

We are pleased to see that there will be a 7m buffer around the water courses onsite will be put in place. If any works are required in these areas further surveys are required. However as detailed within EIA (Oct 2021) as the northern culvert is proposed to be removed, an updated survey for water voles will need to be undertaken prior to commencement of the works. A condition should be used to ensure this takes place.

#### 6.17 CDC - Contract Services Waste Lead

Guidance provided for provision of bins, bin collection points and site layout to enable refuse freighter to manoeuvre.

#### 6.18 CDC - Conservation and Design Officer

Establishing coherent and desirable connections to Runcton should be a priority for the scheme and it is not clear that this has been done at this stage. The proposals for footpath and cycleway connectivity are quite sparse and need to be founded on key principles of desire lines and pedestrian level navigation. The use of the former canal route at the top of the site is intriguing and cycleway and footpaths should provide soft signposting into the countryside beyond. The village green element at the southernmost edge of the development is well located, within comparatively easy reach of most of the homes proposed. It is somewhat sparse at present with a large expanse of grass, little in the way of footpaths representing desire lines that cross this expanse. The playpark is only overlooked to its western side and would benefit from nearby housing being located closer, as well as more prominent and wider footpaths that facilitate a wider variety of non car uses and provide incidental overlooking to the play space. Moving the village green to the south west corner does have some clear benefits in terms of access to the green space for the existing village which could encourage some more integration between what at present are quite separate areas of housing. Amenity space and particularly play access should generally be located centrally within a scheme to facilitate its easy use by residents.

Overall, the scheme is well defined by perimeter blocks and parking spaces are not overly concentrated in a few areas but are spread out amongst units making use of end to end spaces adjacent to housing wherever possible. The level of street tree planting is welcome, at full application stage details should be submitted as part of the application that take into account the position of underground services under pavements and how they interact with the proposed planting.

[Planning Officer Comment: Following these comments the applicant amended the scheme in terms of the illustrative layout and submitted a Parameter Plan to include the 'village green' element which is now shown located in the south-west corner of the site as suggested]

#### 6.19 CDC – Environmental Protection

11.08.2023

**Lighting - Our department agrees that the E2 Environmental Zone as per 'Guidance Notes for the Reduction of Obtrusive Light (Institute of Lighting Professionals (ILP), Guidance Note 01/20)' is appropriate criteria. It is noted that, further to their commissioned Alan Tulla Lighting Assessment, Vitacress provided higher lighting levels than those that were used in the initial lighting assessment. Jackson Planning have stated that they have commissioned a lighting assessment based on the higher levels and conclude that the E2 criteria can be met on the proviso that Vitacress use internal blackout blinds and the existing vegetation (hedge) is maintained. Both these mitigation measures, I understand, are out of the applicant's control. I believe there are no planning requirements for Vitacress to maintain these forms of lighting mitigation. It is therefore suggested that an agreement is secured between the applicant and Vitacress or else the applicant proposes independent mitigation. [A lighting condition is recommended to ensure the design/layout of the development does not exceed ILP guidelines for artificial light relevant for the E2 zone].**

**Noise - It is considered that any noise from the Nursery is appropriately assessed, to predict impact at the proposed neighbouring residential receptors. This can be adequately addressed by way of a condition, to be satisfied as a reserved matter. A further condition is recommended in the event that Air Source Heat Pumps are to be installed.**

## **6.20 Landscape Consultant for CDC**

The [existing] settlement has a soft edge to the east and the majority of dwellings are screened from the site by boundary vegetation. The site is open and expansive, providing long views, particularly from the south-west to north-east. This openness provides a visual relief to the enclosure of the adjacent settlement and approach roads, which is locally distinctive. The 2019 landscape capacity study has assessed the site as having a Medium/Low capacity for development. The site forms part of Sub-area 130 within the capacity study.

The submitted Landscape and Visual Impact Appraisal (LVIA) description of the site is accurate, however the relationship to the adjacent rural landscape is downplayed. There is little physical or visual connection between the site and the settlement of Runcton, which has a soft eastern edge and is highly enclosed from the B2166 Lagness Road. The character of the site is of an open arable field which forms a rural edge / entrance to Runcton. There is a perceived connection with the pastoral landscape to the south and the countryside to the north-east has a rural influence on the site. The judgement of Medium landscape Value is agreed. The rationale for the Medium susceptibility judgement [of the landscape to change] is more limited. Development of the site for housing would be atypical of the settlement pattern of Runcton, which is generally nucleated, has a soft eastern edge and includes limited development to the north of Lagness Road. The scale of development proposed would also be atypical. Furthermore, the site in its current form assists in defining the edge of Runcton and provides a rural gateway to the village.

The susceptibility of the site to the type of development proposed within the site would be high. The overall sensitivity of the site to development would be High. The

site forms an important function as an open agricultural field, forming the space between wider agricultural land uses and the current village edge. The proposals would primarily affect the visual amenity of people using stretches of Marsh Lane and Lagness Road adjacent to the site boundaries and people on Green Lane along its southern section nearest to the site.

The proposed village green is a beneficial feature but in landscape terms would be better placed to the south-west of the site. This would then create a new feature and facility for the village and would maintain an area of open landscape, from which the rural connections to north and south could still be appreciated. It may also allow a naturalistic SuDS feature to be implemented instead of below ground storage. The proposed permissive route to the north-east of the site would provide enhanced links to the wider countryside and is viewed as a recreational benefit. The concept of the 'SuDS street' is positive and has potential. The inclusion of a variety of new habitats is positive, as is the space allowed for street trees.

It is still considered that the scheme would result in harm to landscape character and visual amenity, a view which is consistent with the findings of the Landscape Capacity Study. The location of the site outside the settlement boundary and the tenuous connection with the existing settlement pattern, exacerbated to some extent by the proposed enclosure of the site would harm the existing landscape setting to the village. The loss of an open rural agricultural field, which has connections to the wider landscape to the south and north-east, would cause lasting harm to local landscape character. This harm should be considered within the planning balance of the submitted application. It is acknowledged that the scheme is an improvement on the previously submitted (and refused) application (ref 21/02573/FUL), both in terms of quantum of development, design and recreational benefits.

[Planning Officer Comment: Following these comments the applicant amended the scheme in terms of the illustrative layout and submitted a Parameter Plan to include the 'village green' element which is now shown located in the south-west corner of the site as suggested]

## 6.21 CDC – Planning Policy Team

As part of the Local Plan process the Council has been carrying out work to understand the implications of increasing build costs/inflation, for delivery of the highways infrastructure necessary to enable planned residential development in the plan area. This analysis has shown that unless materially enhanced financial contributions are provided in respect of that residential development, then the improvements necessary to the A27 (or any other alternative measures linked to generating capacity on the Strategic Road Network) in order to enable the highways network to accommodate it, will not be deliverable (Draft Policy T1 of the Proposed Submission Local Plan refers). This will frustrate/preclude delivery of residential development, and thus prevent the Council from meeting housing targets in either the current pre proposed submission plan, or any variant of it. If development the subject of this application is found acceptable in all other respects, it is essential that it makes the requisite contribution toward A27 improvements envisaged within draft proposed Policy T1 of the Proposed Submission version of the Local Plan, in order that it enables the mitigation required to overcome the cumulative impact of further dwellings and the effect they have on the highway network. The Council has now



received legal advice on the basis for collecting contributions in accordance with the emerging policy and is satisfied that would meet the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and those in paragraphs 203 and 204 of the NPPF.

If contributions were to be secured in line with proposed draft Policy T1 of the Chichester Local Plan 2021-2039: Proposed Submission then no objection on this basis would be raised. In that case the decision taker would need to weigh the potential for the development in question to undermine a 'plan-led' approach and the proper delivery of the emerging Local Plan in general against the need to take account of the potential benefits for the provision of additional housing. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11 (d) of the National Planning Policy Framework - the 'tilted balance'. [see paragraphs 8.20 and 8.21 below for commentary on how the development is impacted in this regard].

## 6.22 61 Third Party Objections

- a) Loss of valuable agricultural land needed to feed the nation at a time of food insecurity
- b) harmful to character and appearance of rural landscape
- c) too much development
- d) will massively expand population of Runcton
- e) will overwhelm local services already at capacity including schools, GP's surgery, dentists and roads
- f) new housing estate will have separate identity to existing settlement and will not be integrated
- g) B2166 already overloaded will become worse
- h) development will be out of character
- i) local roads and A27 cannot cope with existing traffic flows
- j) sewage infrastructure cannot cope
- k) site is in countryside outside of settlement boundary
- l) likely to result in pollution of brook running along Brookside from surface water run-off which is already subject to flooding
- m) will increase use of narrow Marsh Lane as a rat-run which is a highway hazard
- n) footpath to Runcton Farm Shop only for occasional items, would not replace normal supermarket shopping trips made by car
- o) wildlife habitat loss
- p) cycling benefits of Green Lane are overstated it is just grass and does not provide a safe cycle route connection to Bognor Road
- q) objections raised to previous application for 113 dwellings equally relevant to this proposal
- r) North Mundham Parish has done more than its bit in providing 'much needed' housing
- s) will create a faux village tagged onto Runcton
- t) negative impact on existing business and future operations of the Vitacress site. Needs to provide a planting buffer on east boundary as a woodland edge
- u) plans do not respect original alignment of old canal and propose to build over it according to illustrative plans.

## 6.23 Agents Supporting Information

The application is submitted with a full suite of supporting documents which can be accessed in full on the Council's website. The applicant states that following the refusal of the previous application on the site the proposals have been amended to address the Council's concerns. In particular, the applicant states the number of dwellings has been reduced to reduce the perceived harmful impact to local landscape character, a central area of open space is introduced to preserve the perceived rural setting of the village and a further area of open space is located in the south-west corner of the site allowing the development to now address Lagness Road in a positive way.

## **7.0 Planning Policy**

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is currently no made neighbourhood plan for North Mundham/Runcton. Work on producing a plan is at an early stage.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

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

### Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)

7.3 The Chichester Local Plan 2021-2039: Proposed Submission (**LPPS**) has now completed its 'Regulation 19' consultation (17 March 2023) and it is anticipated that

the plan will be submitted for examination later this year (the Council's published Local Development Scheme **in January 2023** anticipated Summer 2023, **this is now anticipated to be during the Autumn**). Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF. Policies relevant to this application are:

Policy S1 Spatial Development Strategy  
Policy S2 Settlement Hierarchy  
Policy NE2 Natural Landscape  
Policy NE5 Biodiversity and Biodiversity Net Gain  
Policy NE6 Chichester's Internationally and Nationally Designated Habitats  
Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours  
Policy NE8 Trees, Hedgerows and Woodlands  
Policy NE9 Canals  
Policy NE10 Development in the Countryside  
Policy NE15 Flood Risk and Water Management  
Policy NE16 Water Management and Water Quality  
Policy H1 Meeting Housing Needs  
Policy H3 Non-Strategic Parish Housing Requirements 2021 - 2039  
Policy H4 Affordable Housing  
Policy H5 Housing Mix  
Policy H10 Accessible and Adaptable Homes  
Policy P1 Design Principles  
Policy P2 Local Character and Distinctiveness  
Policy P3 Density  
Policy P4 Layout and Access  
Policy P5 Spaces and Landscaping  
Policy P6 Amenity  
Policy P14 Green Infrastructure  
Policy P15 Open Space, Sport and Recreation  
Policy P16 Health and Well-being  
Policy T1: Transport Infrastructure  
Policy T2 Transport and Development  
Policy T3 Active Travel - Walking and Cycling Provision  
Policy T4 Parking Provision

#### National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF July 2021 revision) and related policy guidance in the NPPG.
- 7.5 ~~On 6th December 2022 a Written Ministerial Statement (WMS) was published setting out the Government's proposed changes to the planning system. The WMS made clear that further details of the intended changes were yet to be published and consulted upon. Details of the changes are set out in a National Planning Policy~~

Framework prospectus (published 22nd December 2022) for which the consultation period ended on 2nd March 2023.

~~7.6 On 8th December 2022 the Planning Inspectorate published PINS Note 14/2022 that provides advice to Planning Inspectors on the action to be taken as a result of the WMS across all areas of PINS casework. Paragraph 3 states that a 'WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details are yet to be published and consulted upon'. Paragraph 5 of the PINS Note confirms that 'no action is required in any casework areas at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.'~~

~~7.7 At the time of writing the consultation responses to the proposed changes to the NPPF are still being considered and to that extent only very limited weight can be attached to the proposed changes. Given that very limited weight, the application should be assessed as outlined below, until such time the amended NPPF is published.~~

7.5 Paragraph 11 of the 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(8), 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 Footnote 8 for Paragraph 11 d) clarifies that one situation where the policies most important for determining applications for housing are out-of-date (and planning permission should therefore be granted) is when a local planning authority cannot demonstrate a five year supply of deliverable housing sites.

7.7 The following sections of the NPPF are relevant to this application: 2, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

#### Other Local Policy and Guidance

7.8 The following documents are also material to the determination of this planning application:

- Surface Water and Foul Drainage SPD

- Planning Obligations and Affordable Housing SPD
- **A27 Chichester Bypass Mitigation SPD August 2023 (Draft)**
- CDC Waste Storage and Collection Guidance
- National Character Areas (2014): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): Chichester to Yapton Coastal Plain Character Area (Area SC9)
- Chichester District Landscape Capacity Study (2019): Runcton Horticulture (West) Sub-area (Area 130)
- WSCC Transport Plan (2011-2026)
- WSCC Parking Standards (September 2020)
- Interim Position Statement for Housing Development

#### Interim Position Statement for Housing Development

- 7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five Year Housing Land Supply was published on 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing deficit of 176 net dwellings, equivalent to 4.74 years of housing supply. Through recent appeals and associated statements of common ground this figure has been refined and **at the time of writing** the Council maintains its current position is a supply equivalent to **4.65 years (the Council's stated position at the Highgrove Farm, Bosham appeal)**.
- 7.10 The Council therefore does not benefit from a Five-Year Housing Land Supply. To help proactively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the new Local Plan, the Council resolved in June 2020 to use the Interim Position Statement for Housing Development (IPS) to help increase the supply of housing by encouraging appropriate housing schemes. Following minor modifications, the IPS was approved by the Council's Planning Committee for immediate use for development management purposes in November 2020. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management (DM) tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications and appeals. It does not override the implications of the Framework in terms of housing supply issues but it is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use i.e. speculative, sporadic un-planned for housing in inappropriate locations outside of settlement boundaries.
- 7.11 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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 By way of background, the Committee is advised that this application is effectively a re-submission of an earlier proposal for 113 dwellings on the same site. That application reference 21/02573/FUL was submitted in August 2021 as a hybrid application with detailed planning permission sought for 26 dwellings and outline permission for 87 dwellings. The application was refused by the Council on 13 April 2022 under officer delegated powers. It was refused because at that time the Council could demonstrate that it had a 5 year supply of housing equating to 5.3 years and had made full provision for its parish housing numbers set out in the Local Plan. It did not therefore need to look outside of the settlement boundary for Runcton to find additional housing sites ahead of adoption of the new Local Plan with its revised housing strategy and numbers. The application was also refused on the basis that it would cause harm to local landscape character and the rural setting of and approach to Runcton. The layout of the housing and the design of the dwellings was also considered to be poor and the scheme lacked any successful integration with the existing settlement. The applicant has resubmitted the proposals under the current outline application with 19 fewer dwellings at a time when the Council cannot currently show that it has a 5YHLS. Crucially this lack of a housing supply changes the dynamics in which the proposals are required to be assessed as the report below explains. Attention has also been paid by the applicant to addressing the elements of harm identified on the previously refused scheme for 113 dwellings.

8.2 The main issues arising from this proposal are:

- i. Principle of development and the policy position
- ii. Integration of Development with Runcton and Impact on Character of Area
- iii. Landscape Impact
- iv. Highway Impact
- v. Surface Water Drainage and Foul Water Disposal
- vi. Ecology
- vii. Habitat Regulations Assessment
- viii. Sustainable Design and Construction
- ix. Other matters - Heritage Assets, Residential Amenity and Education

### i) Principle of development and the policy position

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

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

- 8.4 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date, in so far as they relate to housing numbers. Policy 45 as a countryside policy is out of date insofar as it is linked to policy 2 and is therefore reliant on there being up to date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward under draft policy S1 in the ~~new Regulation 19 Submission Local Plan~~ **LPPS**
- 8.5 The Council has acknowledged that the adopted Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it can't currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11 d) ii) of the NPPF i.e. the presumption in favour of permitting sustainable development where there is no housing supply is engaged. In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan. Officers consider that to simply adopt a position where all new housing proposals are resisted ahead of adoption of the new Local Plan is not a tenable approach and this has been borne out through a succession of recent appeals for **major housing development outside settlement boundaries** being allowed (**at the time of writing the 3 most recent upheld appeals being: Broad Road/Drift Lane 200 dwellings; Flat Farm, Hambrook 30 dwellings; and Harris Scrapyard, Nutbourne 103 dwellings**). Housing supply is calculated on a rolling year-on-year basis and in order to ensure that the Council can demonstrate and then maintain a supply with a suitable buffer ahead of adoption of the new Local Plan, it will be necessary for some new housing development to be permitted on green fields outside of established settlement boundaries.
- 8.6 The application site is considered to be developable in the Council's Housing and Economic Land Availability Assessment (HELAA) March 2021. The HELAA has identified that the site is capable of delivering an indicative capacity of 120 dwellings. Although the HELAA is a technical background study to assist the Council in its consideration of potential housing sites under the new Local Plan, it is not a policy document to rely on in decision making on planning applications. Nevertheless, its significance as a material consideration is that it has identified the site as being suitable, available and deliverable to provide new housing and this is relevant at a time when the Council is not able to show it is demonstrably producing enough dwellings to satisfy the government's housing requirement **and in the context of the substantial weight the government attaches to significantly boosting the delivery of new housing in sustainable locations (NPPF paragraph 60)**

8.7 The Council has committed to continue using the Interim Position Statement for Housing Development (IPS) to provide a set of criteria against which to measure the potential acceptability of new housing proposals outside of current settlement boundaries. It is relevant to consider the Charmans Field application against each of the IPS criteria in turn:

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

The settlement boundary for Runcton closest to the application site is defined on the Local Plan policies map by the western edge of Marsh Lane. The application site located to the east of Marsh Lane does not therefore adjoin the settlement boundary. However, the site is adjacent to the settlement boundary in that the site and the settlement boundary are on opposite sides of the same road. Notwithstanding subsequent commentary in this report on the relationship of the site to the existing settlement boundary, the site is sustainably located and therefore the criterion is considered met.

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

Runcton, paired as it is in the Local Plan with nearby North Mundham, is defined as a Service Village in Local Plan (Policy 2) and draft Policy S2 in the Regulation 19 Submission Local Plan and is a sustainably located settlement. In this context the proposed scale of development, when considered cumulatively with the permitted development of 39 dwellings to the north on the Former Lowlands Nursery and the development of 66 dwellings on the land south of Lowlands (which has a resolution to permit pending completion of the associated S.106 agreement), is more than the draft Parish allocation of 50 dwellings in the Local Plan Regulation 19 Submission. A large extension of this nature is therefore in conflict with this criterion.

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

It is considered that the development meets this point. There is no actual or perceived coalescence (the joining up of two neighbouring settlements) likely to arise from permitting this development. There is no direct inter-visibility between settlements. The criterion is considered to be satisfied but see section below on Landscape Impact for more specific commentary.

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



The density of the residential component of the application site would be approximately 26 dwellings per hectare (dph). This is lower than the Council's average benchmark density figure of 35 dph but a higher density would be inappropriate in this rural edge of settlement context. The site is a single field which would be utilised in its entirety with no artificial sub-division and so purely when viewed in this way the density of development would not be inappropriate. The criterion is satisfied in terms of use of the available land.

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

The proposed development would have no impact on the setting of the South Downs National Park or the Chichester Harbour AONB including inter-visibility between the two, however it would have a harmful impact on localised landscape character as the section on Landscape Impact below makes clear. The criterion is satisfied.

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

The application site is outside of the proposed Strategic Wildlife Corridors set out in the Regulation 19 Submission Local Plan. The criterion is therefore not applicable in this instance.

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

Wastewater disposal via Pagham WwTW will be through the statutory undertaker. Affordable housing, open space, and the identified highways improvements would all be secured through a Section 106 agreement and/or by planning conditions. The applicant has agreed to meet the necessary infrastructure requirements and on this basis the criterion is considered satisfied. Commentary on the highway impacts including the level of financial contribution towards the overall package of mitigation measures necessary to address the impacts of development on the A27 is discussed in the report below. This criterion will be met if all infrastructure requirements are secured through the S106 Agreement.

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

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

The development will meet this criterion through a combination of fabric first and solar PV panels. A maximum 110 litres per person per day water use is proposed and will be conditioned and electric vehicle charging points will be provided in accordance with the requirements of the June 2022 revision to the Building Regulations (as a minimum). The applicant's Sustainability Statement addresses the individual criteria in Local Plan policy 40. The IPS criterion is considered to be met and further commentary is provided later in the report.

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

The application is submitted in outline with all matters save 'access' reserved and there is no indication in the Design and Access Statement to suggest that within the site itself individual streets and dwellings and the spaces between and surrounding them will not be appropriately designed and detailed. In this sense there is no reason to suggest that this aspect of the criterion cannot be met. The relationship of the site to the existing settlement of Runcton is discussed later in the report.

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

North Mundham/Runcton is defined in the extant Local Plan and in the Regulation 19 Submission Local Plan as a 'Service village'. In terms of its proximity and accessibility to existing services and facilities, the site is within the 1.6km (1 mile) threshold below which the National Travel Survey indicates that most journeys are undertaken on foot. The Chartered Institute of Highways and Transportation (CIHT) identifies that 2km is a reasonable maximum distance on foot to locations such as schools and other local facilities. Within 1.1km of the site is Runcton Farm shop (650m to east) which includes a greengrocer, butchers, delicatessen, pick your own, pet supplies store and cafe and the development would deliver a 3m wide pedestrian and cycle link to access these facilities. The Walnut Tree Pub and Restaurant is 600m to the west

and Sunbeams Pre-School, North Mundham Village Hall, Playing Field and Tennis Courts and North Mundham Primary School are all within 1.1 km. For journeys further afield the nearest bus stops are located on the B2166 Lagness Road (1 each side) which are within a 300m walk from the farthest part of the proposed development. The existing bus stops are to be improved as part of the proposals with Real Time Information Boards. Existing bus services operate as a minimum a half hourly service Monday-Saturday serving Chichester, Elmer, Pagham, Felpham and Bognor Regis with direct access to Chichester Free School and Chichester High School. Cyclists and walkers would be able to access the bridleway 2792\_1 along Green Lane at the north-west corner of the site which provides an off-road link to the A259 and the designated cycle route between Chichester and Bognor. In the north-east corner of the site the applicant has committed to opening a permissive bridleway which will provide a continuous right of way from the existing footpath to the east of the site, across the site and then linking up with Green Lane. This is a significant benefit of the application. Regarding its location in accessibility terms the site is considered to meet this criterion.

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

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

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

Not applicable in this instance. The site ultimately discharges to the waters at Pagham Harbour and is not within the Solent Maritime SAC catchment.

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

The site is under the control of a single landowner and there are no significant abnormal circumstances that would otherwise restrict or delay implementation of the development following the discharge of pre-commencement conditions in the event that planning permission were granted. The applicant has stated it is their intention to

bring forward the land for development via a housebuilder as soon as possible following the grant of planning permission and approval of subsequent reserved matters. A reduced time frame of 2 years (instead of 3 years) to submit the reserved matters application/s, together with a 2 year period thereafter in which to begin implementation of the approved details is accepted by the applicant. As such, it is considered criterion 13 of the IPS would be satisfied.

8.8 When measured against the preceding IPS criteria the application at Charmans Field with the exception of conflict with criterion 2 (scale) and criterion 5 (landscape impact) is considered to score fairly well, being sustainably located and relatively unconstrained. Sites for housing development which score well under the IPS criteria are likely to be supported by officers. The landscape function of the site in terms of its contribution to the rural setting for Runcton is explored in more detail along with other material considerations in the subsequent sections of this report.

ii) Integration of development with Runcton and impact on character of area

- 8.9 The proposals would effect a fundamental transformation in the appearance of the application site from its current baseline appearance as an open arable field to a housing development. That is the inevitable consequence of building new development outside of a settlement boundary on a greenfield site and is not in itself a reason to refuse the application. The Council's Design Officer has studied the proposals from an urban design perspective and provided comments on the illustrative layout derived from the submitted Parameter Plan which sets out in broad terms how the site would be laid out under the subsequent reserved matters application.
- 8.10 Runcton is observed to be a rural village providing a modest sized settlement formed of development of various ages. Whilst the appearance of some of the existing dwellings in Runcton is perhaps more consistent with a suburban character, it is considered that the rural character of the settlement overall is retained. The proposals are considered to foster this rural impression by the provision of more spacious plot sizes, buildings set back from the road, the softer appearance of boundaries and informal vegetation / tree planting both within plots and to verges. The proposed site is, by its relatively flat nature and openness, one which has a significant amount of visibility both from the adjacent Marsh Lane and the main Lagness Road. The site is large in area, particularly in comparison to the existing small settlement size of Runcton, with the proposals potentially increasing the number of dwellings in the settlement by around 50% and therefore making up a large portion of its built form. Its development therefore has significant potential to impact and alter the character of Runcton not only in terms of scale, which conflicts with IPS criterion 2, but also in terms of appearance and character.
- 8.11 The Council's Design Officer in commenting on the illustrative layout, finds that the scheme overall is well defined by perimeter blocks with a welcome level of street tree planting. The scheme avoids concentrating parking areas in a few areas and makes use of end to end spaces adjacent to new housing wherever possible. The open space at the southernmost edge of the site is well located and within comparatively easy reach of most of the homes proposed. Locating a second area of open space - the 'village green' - to the south west part of the scheme is considered to have some clear benefits in terms of access to the green space for the existing community in

Runcton which could encourage some more integration between what at present are quite separate areas of housing. The delivery of an east-west 'towpath' link across the north part of the site broadly on the alignment of the long disused Chichester-Arundel canal is welcomed and finds support through Local Plan policy 53 and draft policy NE9 in the Regulation 19 Proposed Submission Local Plan.

8.12 Whilst the proposals are submitted in outline, it is considered that the applicant has demonstrated through the illustrative layout plan and the Parameter Plan (which forms part of the formal submission) that, notwithstanding the amount of development, it is possible to develop the site in a satisfactory way. The lower density and large areas of open space better respond to the edge of settlement location and will allow for significant landscaping to visually soften the development. Whilst the density of development at 26dph is below the suggested Local Plan benchmark of 35dph, it is considered that the balance in this instance between making effective use of the land for new housing and reflecting the need to provide a development which can accommodate new housing amidst a landscaped rural setting has been appropriately struck. Throughout Runcton vegetation plays an important role in softening the appearance of boundaries. It is considered that the greater thought that has gone into designing this scheme, as opposed to the previous refused scheme, better reflects the existing housing context in Runcton and would allow the development to be successfully integrated rather than appearing as a separate enclave or outlier.

### iii) Landscape Impact

8.13 The assessment under this issue considers the wider contextual point about the value and function of the site in landscape terms rather than the way in which the field is proposed to be developed. As with the previous refused scheme for 113 dwellings, the Council has commissioned comments from a landscape consultant at Hankinson Duckett Associates (HDA).

8.14 The landscape consultant identifies the site as being open and expansive, providing long views, particularly from the south-west to north-east. This openness is seen as providing a visual relief to the enclosure of the adjacent settlement and approach roads, which is locally distinctive. The rural character and open nature of the site assists in defining the eastern edge of Runcton. Reference is made to the 2019 Landscape Capacity Study prepared for the Council by consultants Terra Firma as a background paper to inform the potential allocation of new housing sites as part of the Local Plan review process. The 2019 capacity study has assessed the site as having a Medium/Low capacity for development. The site forms part of Sub-area 130 within the capacity study, where it is concluded that:

*'Sub-area 130 has a medium/low capacity, constrained by Runcton Conservation Area, PRow and some areas of flood zone. Although it is partly influenced by the Lagness Road and neighbouring glasshouses to the north and east it retains a generally strong rural character. There are some views out to open countryside and the SDNP where built form permits, and the sub-area has a generally well-vegetated boundary and retains a strong relationship with the wider landscape.'*

8.15 The site in its current form is an open arable field which forms a rural edge/entrance to Runcton helping to define the edge of Runcton, providing a rural gateway to the

village. One function that the site is seen as performing is the perception of a village surrounded by agriculture. HDA find that the development of the site for housing would therefore be a substantive and permanent departure from the baseline condition. HDA go further and question the development potential of the site due to the adverse effects that it would have on the open and rural character of the site, the poor relationship to the existing settlement and the adverse effects that the proposal would have on the settlement pattern of the village, particularly given the volume of development being considered. The proposal would remove the existing rural definition between the existing settlement edge and the glasshouses to the east and in doing so, would sever the connectivity between the rural agricultural landscapes to the north-east and south of the site.

8.16 Notwithstanding the reservations expressed by HDA to the Council regarding the suitability of the site to come forward for housing development, the scheme is seen by HDA as an improvement on the previously submitted application (ref 21/02573/FUL), both in terms of the quantum of development, the design and the recreational benefits. There are elements of the proposals which are seen as more positive. The proposed location of an area of open space in the south-west corner of the site - a Village Green - is seen as a beneficial feature in landscape terms by creating a new feature and facility for the village which would maintain an area of open landscape, from which the rural connections to north and south could still be appreciated. Similarly, the proposed permissive route to the north-east of the site would provide enhanced links to the wider countryside and is viewed as a recreational benefit. The concept of providing a pedestrian/cycle link to the farm shop is also regarded as having the potential to be beneficial. Six 'C' category trees on the site's south boundary are proposed to be removed in order to provide the pedestrian/cycle link but the remaining trees on this boundary (all 'C' class) are shown in the submitted Arboricultural Report to be retained and protected from the construction works. The root protection areas of the trees will be protected by cell-web. The existing soft verdant edge to the site as viewed approaching from the east along Lagness Road would therefore be retained in large part and could be supplemented with additional planting as part of the reserved matters consideration of landscaping. The introduction of new planting within the site and particularly street tree planting as advocated by the NPPF could also provide a new landscape framework within which to locate the new housing and mitigate for some of the overall character change on the site.

8.17 The degree to which the extent of the identified landscape harm can be a material factor in tipping the tilted balance towards refusing the application is a matter which is discussed in more detail under the Planning Balance section later in this report.

#### iv) Highway Impact

8.18 There are essentially two components to this assessment, the traffic impact on the local road network and that likely to result on the A27 strategic road network arising from increased vehicle movements. In respect of the local roads, the proposals have been subject to a lengthy assessment by the local highway authority at WSCC initially as part of the previous refused application and now under this current proposal. The trip generation figures from the site which have been agreed by WSCC would equate to 54 two-way trips in the morning peak hour and 45 two-way trips in the evening which is estimated at 1 additional vehicle movement per minute. On this basis WSCC

does not consider that the traffic impacts from the development would be 'severe' which is the test which must be applied under the NPPF (paragraph 111). Comments received from third parties and North Mundham Parish Council regarding the amount of traffic already on Lagness Road in particular are noted but the evidence is that the road, whilst busy at times, is not operating at capacity or to a point where there are safety issues. With the various technical amendments carried out to the current application since submission, WSCC has confirmed it has no objection to the principle of the development subject to conditions which are reflected in the officers' recommendation to approve the application.

- 8.19 In terms of the potential traffic impact from the development on the A27, particularly in respect of the impact on the affected junctions - Bognor roundabout being in the closest proximity - the proposals have been examined by National Highways. In its consultation response dated 27 September 2022, National Highways confirmed that it has no objection to the proposals on condition that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with the Council's SPD on planning obligations. On the basis of the SPD, a contribution of £2,615 per dwelling based on the 'Other Chichester City' development zone would be required equating to a total contribution of £245,810.
- 8.20 However, since the planning application was received it has been necessary for the Council through its transport consultants to review the scheme of A27 improvements and contributions which are not necessarily just restricted to the existing junctions. The current Local Plan was adopted on the 14 July 2015 and set out a scheme of A27 improvements and contributions in accordance with Policy 9, alongside the Planning Obligations and Affordable Housing SPD. As part of the evidence base for the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19), transport studies have been undertaken to understand the impacts of development on the highway network in the plan area and surrounding area. These transport studies have identified that a number of highway improvements will be required to mitigate the impact of the development, particularly in relation to junction improvements on the A27 Chichester Bypass. Policy T1 (Transport Infrastructure) of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19) makes provision for a co-ordinated package of improvements to junctions on the A27 Chichester Bypass that will increase road capacity, reduce traffic congestion and improve safety.
- 8.21 The Transport Study (2023) identified an indicative package of measures at the Fishbourne Roundabout costing between £9,520,000 and £12,900,000 and the Bognor Roundabout costing between £19,390,000 and £30,420,000. The ~~Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19)~~ **LPPS** sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the 2015 Local Plan (Phase 2 West of Chichester and Tangmere SDL's) and all other housing developments where there is a net increase in dwelling numbers. The formula is set out in draft Policy T1 and at this point in time equates to £7,728 per dwelling. Officers acknowledge that draft Policy T1 of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS** is emerging and not adopted policy. That said, the circumstances currently facing the Council, with regard to the A27 scheme of improvements, is such that unless all housing permitted ahead of the adoption of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS** delivers the financial contributions of the scale envisaged in draft Policy T1, the Council will be unable to

secure sufficient funding for the requisite improvements to the A27 necessary to enable the planned housing development set out in the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS**.

**8.22** In its letter to the Council dated 11 September 2023, National Highways (NH) acknowledge that the Council has provided strong evidence through the Transport Study that the costs of delivering improvement works for the A27 Chichester bypass (Fishbourne, Bognor, Stockbridge and Whyke roundabouts) have increased significantly and are no longer viable under the current Planning Obligations and Affordable Housing SPD. In other words, NH accept that the non-indexed 7-year-old figures set out in the 2016 SPD are no longer fit for purpose in terms of securing the level of financial contributions necessary for mitigation measures to the junctions of the A27.

**8.23** Given this **implicit support from NH to the Council's** revised position on seeking financial contributions **from housing developments through draft policy T1 and the draft SPD on A27 Chichester Bypass Mitigation which updates the 2016 SPD policy**, it is officers recommendation that non-compliant schemes are not supported on the basis of the acute nature of the Council's position and the risk to housing delivery in the district (see paragraph 6.21 for additional commentary in this regard).

**8.24** The applicant has formally agreed to provide the financial contribution envisaged in draft Policy T1 of the ~~Local Plan 2021-2039: Proposed Submission~~ **LPPS**. The figure for the 94 dwellings proposed at Charmans Field is £726,432 and a S.106 obligation is recommended below to secure this financial contribution.

**8.25** In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, the proposed access into and out of the site, as proposed 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. With payment secured through the S.106 agreement for the A27 mitigation measures, there is no technical highway objection raised to this application.

**8.26** In terms of walking and cycling, the development delivers connectivity benefits to Runcton and the countryside beyond by facilitating an east-west link across the site towards the northern boundary of the site. This will need to be 3 metres wide and constructed to WSCC standard bridleway specification. At the north-west corner of the site, this cross-site link will enable connectivity with the existing bridleway no. 2792\_1 at Green Lane on the west side of Marsh Lane which provides a route thereon to the cyclepath alongside Bognor Road. The proposal is to also connect the cross-site link at the north-east site boundary with a Permissive Bridleway passing to the north of the glasshouses at Runcton Nursery and connecting up with the existing PROW network FP 200 to the east. The Permissive Bridleway would pass over land within the applicant's control and would be delivered by a separate formal agreement with WSCC secured through the S.106 linked to an outline planning permission given for this development. The Permissive Bridleway would be required to be in place for a



minimum of 10 years (with a review period at that time) during which time WSCC will take on responsibility for its maintenance. At the south boundary to the site adjacent to Lagness road, a 3m wide pedestrian/cycleway will be provided linking the site to Runcion Farm Shop with its range of facilities/services. Providing a safe, off-site link in this location has been an aspiration of the Parish Council and will be delivered by this application through the S.106 agreement.

**8.27 At the Planning Committee meeting in July members sought clarification of the safety of the route for school children and parents travelling from the site westwards along Lagness Road to North Mundham School. WSCC as the local highway authority (LHA) has looked at the route again and a site visit attended by the Area Highways Manager and the local member took place on 1 August to consider the issue. WSCC's subsequent consultation response is summarised at 6.8 above. This sets out the intended improvements to the 5 no. crossing points all of which have been subject to a Stage 1 Safety Audit. WSCC has also looked at the safety record of the stretch of road between the site and the school over a 5-year period 2018-23. Whilst there have been some incidents, WSCC do not consider there to be any patterns that would suggest defects in the highway itself. Of the 5 road safety incidents recorded on the route between the site and the school (3 at Walnut Tree roundabout and 2 on Lagness Road) all were due to either poor driver awareness, behaviour or impairment. WSCC as the LHA conclude that the proposed package of minor off-site highway improvements which the applicant has agreed to deliver via the S.106 agreement which will include 'children crossing' warning signs on the Vinnetrow and Lagness Road approaches to Walnut Tree roundabout will enable a safe, enhanced and continuous walking route from the site to the local primary school to be delivered. WSCC LHA continue to raise no objection to the application.**

v) Surface Water Drainage and Foul Water Disposal

### **Surface Water**

8.28 The site is wholly within tidal/fluvial flood zone 1 i.e. at the lowest risk of flooding. The applicant's surface water drainage strategy relies on sustainable drainage principles (SuDS) and to that effect two shallow attenuation basins are shown at the north and north-west parts of the site to manage the surface water run-off from the site. The precise form and shape of these will be confirmed as part of the reserved matters application when 'layout' is formally considered. The Council's Drainage Engineer confirms that he is aware of flooding incidents immediately downstream of the development (notably the brook at Brookside) and a number of third party objectors as well as North Mundham and Paghams Parish Councils have also made reference to this. Southern Water makes it clear that maintaining the effectiveness of the proposed SuDS systems in perpetuity will be critical. Good management will be required to avoid flooding from the proposed surface water system which may result in the inundation of the foul sewerage system which some of the third party objections record there is an existing experience of. Surface water disposal will therefore need to be dealt with sensitively and carefully to ensure any off-site flood risk is not increased. To that end the proposals are to restrict discharge to the existing watercourse on the north/north-western boundary to no more than existing greenfield rates. Shallow on site attenuation basins following the alignment of the former canal

will be fed by swales and engineered to manage surface water from up to a 1 in 100 year plus climate change event. The Council Drainage Engineer is satisfied from the reports submitted with the application that a technical solution can be secured to avoid harmful off-site impacts and subject to the imposition of appropriate but necessary conditions raises no objection.

- 8.29 In terms of groundwater, the Lead Local Flood Authority at WSCC has pointed out that the modelled risk of groundwater flooding for the site is indicated as high. However, as the groundwater flood map makes clear, this is an assessment based on national modelling to be used only for broad-scale assessment of the groundwater flood hazard and is not based on the results of detailed on site specific investigations. The applicant has carried out some initial percolation tests on the site producing infiltration rates which the Council's Drainage Engineer is of the opinion should accommodate a partial infiltration based solution. The applicant's groundwater monitoring to date shows that groundwater levels beneath the site are in the range 1.8 to 3.9 metres below ground level.
- 8.30 Subject to a condition requiring winter groundwater monitoring and winter shallow percolation testing the Council's Drainage Engineer is satisfied that the development can be adequately drained. It is considered that with the imposition of appropriate conditions the surface water drainage arrangements can be designed to ensure there is no overall increase in flows into the existing surface water system and its long-term management and maintenance can be secured.
- 8.31 **In deferring the application from the July Planning Committee, members wanted clarification of the potential for surface water discharges arising from the development to negatively impact on the Pagham Rife via existing watercourses. Surface water drainage issues have been re-visited in the meantime both with the Council's Drainage Engineer and WSCC as the Lead Local Flood Authority (LLFA). Further comments from these consultees are identified in bold type in the report at paragraphs 6.15 and 6.10 respectively. The Council's Drainage Engineer confirms that the development proposes a connection to the existing watercourse (west boundary) and that this will ultimately discharge downstream into the Pagham Rife. However, it is re-affirmed that surface water flows from the site will be restricted to no more than existing greenfield rates with attenuation of surface water for storm events up to 1 in 100 years plus 45% for climate change within the boundaries of the site. The conclusion is that there should be no impact on flow rates within the Pagham Rife.**
- 8.32 **From the perspective of the LLFA, there is no objection on surface water drainage grounds subject to the imposition of two conditions which are embodied in the schedule of conditions on the recommendation. The second of the recommended conditions requires the developer to demonstrate during the construction phase how the site will be drained to ensure there is no increase in off-site flows, nor any pollution, debris and sediment to any receiving watercourse. This condition will therefore ensure that there is no negative impact on Pagham Rife.**
- 8.33 **The applicant has additionally provided evidence direct from the Environment Agency on the EA's management and maintenance of the Pagham Rife in the**

**two main areas closest to the application site which are part of its Maintained Assets. This shows that the Pagham Rife is maintained by the EA on a year-by-year basis. By controlling surface water outfalls from the application site in the way proposed there is no evidence to imply that the condition of the Rife will be made worse by the proposed development.**

### **Foul Water Drainage**

- 8.34** Foul flows from the 94 dwellings would be discharged via a gravity fed network extending across the whole site before feeding into the existing public main sewer on Lagness Road from where it will be routed to the Pagham WwTW. Southern Water has stated that it can provide a connection to the public sewer to facilitate foul sewerage disposal for the development and makes no reference to any prior need for network reinforcement associated with the development to avoid a potential increased risk of flooding.
- 8.35** Officers note the concern of North Mundham and Pagham Parish Councils with regard to the foul drainage implications arising from the proposed development, including the reference to ongoing issues associated with wastewater flows in the parish and the lack of capacity at Pagham WwTW. However, on the basis of the evidence available, the Local Planning Authority is confident that there is capacity at the Pagham WwTW to accommodate the additional foul flows. The most recent dry weather flow figure for the estimated remaining capacity at Pagham WwTW is 624 dwellings. Ultimately it is the statutory duty of Southern Water to ensure that the off-site infrastructure to service the proposed development is fit for purpose, that the development is satisfactorily drained and that the proposed development does not lead to problems elsewhere in the system. Any failings on behalf of SW to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT.
- 8.36** At the July 2023 Planning Committee members sought deferral of the application to seek clarification from Southern Water on off-site infrastructure upgrades necessary to accommodate the development. Southern Water's subsequent consultation response at paragraph 6.4 confirms that its earlier comments remain unchanged and valid. It is noted that in separate correspondence between North Mundham Parish Council and Southern Water, Southern Water confirm there is capacity in the network for the proposed 94 dwellings. Southern Water state that it has run hydraulic models to understand expected flows from the development and to see if there is any potential detriment from, for example, flooding or pumping station hydraulic overload. The Charmans Field proposals have been deemed as 'not detrimental'. Southern Water also confirm to the Parish Council that Pagham WTW is currently being upgraded and this will incorporate quality (nutrient) improvements and a future growth allowance up to 2035. There is therefore no evidence before the Council that foul flows arising from the proposed development cannot be managed by the statutory undertaker. Government planning policy (NPPF paragraph 188) is very clear that planning decisions should focus on whether a proposed development is an acceptable use of land rather than seeking to control processes or emissions which are subject to

**separate pollution control regimes. It states that planning decisions should assume that these regimes will operate effectively. If Southern Water fails in its statutory duty, then the recourse is through the industry regulator OFWAT.**

vi) Ecology

- 8.37 From its baseline position of being an open agrarian field with low ecological interests principally confined to the field margins, the application proposals with the areas of new planting including tree and hedgerow planting and SuDS features are likely to result in an overall increase in the net biodiversity of the site. Whilst the provision of biodiversity net gain (BNG) assessment is not yet mandatory until secondary legislation to the Environment Act comes into force in November 2023, the applicant's biodiversity assessment based on the DEFRA Metric 3.1 calculation shows a substantial increase in BNG above the 10% currently required in the Environment Act. On both the east and north site boundaries the submitted Parameters Plan shows that a ~~8-metre-wide~~ planted landscape buffer will be provided. ~~on both the east and north site boundaries.~~ Over time this will provide an enhanced ecological wildlife corridor and will be secured by condition. The proposals are considered to satisfy the criteria in Local Plan policy 49 which, like the NPPF, doesn't currently have targets to be met for BNG.
- 8.38 The Council's Ecologist has confirmed that the submitted Ecological Report (and Updated Technical Report and shadow habitat regulations assessment) sufficiently address the potential issues regarding bats and water voles and that these are capable of being addressed by condition. In terms of HRA protected bats species, the site lies within the 12km Singleton and Cocking Tunnels SAC buffer zone for the rare barbastelle bats species. In accordance with Natural England's standing advice on HRA protected species, the applicant has specifically addressed the very limited and occasional presence of barbastelles. The applicant's reports identify that even without mitigation for the potential impacts of the proposed development, there would be no likely significant effect on barbastelle bats. The reasons for this are the fact that the distance of the site from the closest part of the tunnels is 11.55km. This is therefore at the outer limits of the 12km buffer zone and the bats typical foraging range. The site is not within the 6.5km zone which is the key conservation area where the SDNP's Technical Advice Note on HRA's (March 2021) indicates that the closer proximity can have direct impacts on bat habitats. The SAC is also well beyond the 6km core zone for barbastelles identified by the Bat Conservation Trust. Additionally, the applicant's surveys have recorded a very low number of flypasts of barbastelles (0.3% or 16 out of over 5200 recorded flypasts). The very low recorded use of the site by barbastelle bats indicates that the site is too marginal to the SAC population for the proposals to represent a material risk of impact or for the site to be regarded of functional importance to the barbastelle population for which the SAC is designated. A further important aggravating factor discouraging light sensitive barbastelles from potentially using the site is the presence of internal light spill during dark hours from the commercial glasshouses at Runcton Nursery which are immediately adjacent to the east site boundary. In terms of the habitat regulations therefore, the conclusion is that mitigation is not required in order for there to be no likely significant effect from the development and on that basis the proposals can be 'screened out' from the habitat regulations.

8.39 Additional measures secured by condition on this application include habitat protection and enhancements together with a lighting strategy to avoid light spill and the careful positioning and orientation of dwellings relative to the site boundaries as part of the reserved matters layout. These measures will benefit the overall bat assemblage but are not required to avoid impacts on the SAC site. The applicant's updated shadow Appropriate Assessment reflects this. The Council's Environment Officer has agreed this and confirmed that the 'without mitigation' approach is satisfactorily set out and that the approach to ensuring there is no disturbance to this bat species is suitable. Appropriate conditions are attached to the recommendation in this regard. On the basis of the above it is considered there is no identified conflict with the Habitat Regulations.

vii) Habitat Regulations Assessment

### **Recreation Disturbance**

8.40 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area and within the 3.6km of the Pagham Harbour Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent scheme/Pagham Harbour Scheme is required in order to mitigate recreational disturbance as a result of the proposal.

8.41 When a development proposal falls into an area where the Chichester and Langstone Harbours SPA zones of influence and the Pagham Harbour Special Protection Area zone of influence overlap, as in this case, Natural England advise that some reduction in the contribution is reasonable. This is on the basis that the occupiers of the new dwellings cannot be at both Harbours at the same time. However the Local Planning Authority still has to ensure that a robust package of mitigation can be implemented. In order to do this, within the area of overlap, only one contribution per net new dwelling unit will be payable. This contribution will be whichever is the higher of the two contributions at the time - currently Pagham for units of 3 bedrooms or fewer, or Bird Aware Solent for 4 or 5 bedroom units. This will ensure that the development does not pay twice but will also ensure that the funding of neither scheme is undermined. On this basis a total contribution of £88,676 would be required. A completed S106 agreement is required to secure this contribution. When paid the contribution will be divided in two, half for each of the two SPA mitigation schemes. Natural England has confirmed that this provides acceptable mitigation against the potential recreational impacts of the development on the protected site and officers have completed an Appropriate Assessment.

8.42 The applicant has agreed to the heads of terms below and therefore subject to the completion of the S106 Agreement, this proposal complies with Policies 49 and 50 of the CLP and the requirements of the Habitats Directive.

### **Nutrient Neutrality**

8.43 Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and

Species Regulations 2017. As this development will be draining to Pagham WwTW, the impact onto a European protected Habitat site (namely the Solent Maritime SAC and Chichester and Langstone Harbours SPA and Ramsar site) has been screened out and therefore nutrient neutrality does not need to be considered by way of an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Similarly, the site is outside Solent Maritime SAC catchment so that no surface water drains from the site to the protected areas.

#### viii) Sustainable Design and Construction

**8.44** The application is submitted in outline and therefore the detailed design of the dwellings at this point in time is not for consideration. However, in response to Local Plan policy 40 the applicant has provided a Sustainability Statement which details how the 10 criteria of the policy will be met. A carbon saving fabric first approach to achieving thermal efficiency of the proposed dwellings will be coupled with maximising the use of renewable energy through the use of PV solar panels inset into the roof of favourably orientated dwellings. Water consumption will be restricted to 110 litres per person per day. The detailed layout to be submitted as part of the reserved matters will incorporate electric vehicle charging in accordance with building regulations (as a minimum). Details of the sustainable design approach will be secured at the reserved matters application stage of the development but the recommendation to permit this outline application contains relevant conditions in that regard. The Council's Environment Officer has confirmed that the approach set out within the Sustainability Statement will meet the requirements of policy 40 with the details to be approved as part of the reserved matters.

#### ix) Other Matters

**8.45 Heritage Assets** - Officers have considered the potential impact of the proposals on the nearest heritage assets to the site, these being the four listed buildings and Conservation Area located to the south/south-west and the listed St. Giles Church to the north. It is concluded that whilst the proposed development would result in the loss of open land, the application 'field' is located some 570 metres away from the listed church, the western boundary of which is well screened with established trees. Beyond that churchyard tree screen is another large expanse of open field with the intervening glasshouse development at Runcton Nursery forming a notable part of the landscape setting. At such a distance it is considered that any perceived impact on the setting of the church is extremely minor. The site is also both physically and visually removed from the immediate and wider setting of the listed buildings in the Conservation Area being separated from the historic core of Runcton by the B2166.

**8.46** Therefore, whilst there is potential for some limited visibility of the proposed housing it is not considered this would amount to a level of harm that would impact on the significance of the heritage assets. In terms of the test to be applied in section 16 of the NPPF in considering the potential impacts on the significance of the proposals on the designated heritage assets, the conclusion is that the development would not amount to even less than substantial harm and is therefore acceptable in that regard.

**8.47 Residential Amenity** - One consequence of developing out a field where there is currently no development is the potential for some bearing on the established amenities of existing adjacent residential properties who might currently enjoy a rural

outlook. However, loss of or change of outlook is not a reason for not permitting new development. There are only a very few dwellings around the site perimeter, and these are on the opposite side of Marsh Lane and Lagness Road. Whilst the marked change to the character and appearance of the site resulting from development will clearly create a different outlook for those existing residents who might have a view of it, this change does not automatically translate into a development that would be harmful to their established amenity. Loss of view is not a planning consideration. The layout of the proposed dwellings is not being determined under this application and under any subsequent reserved matters application attention will be paid to layout and orientation to ensure that overlooking is avoided. It is not considered that the proposals would result in material harm to established residential amenity.

- 8.48** The Council has received a letter of objection to the proposals from Vitacress who operate the commercial horticultural nursery beyond the east boundary of the site at Runcton Nursery and notes the concern raised by Oving Parish Council with regard to the impact of light pollution from the glasshouses on the proposed development. The objection from Vitacress cites the 'agent of change' principle (NPPF paragraph 187) in terms of the potential for the proposed development to result in unreasonable restrictions being placed on Vitacress's continued lawful operation of the nursery site for horticultural purposes which includes the use of internal lighting for growing purposes. Officers have considered this aspect and note in this regard the use of existing internal blackout blinds, the well-established existing hedgerow on this boundary and the fact that this screening is to be further strengthened with a 5 metre wide landscaping belt as part of the required landscaping under the reserved matters. Taking these factors into consideration it is considered that the development would not result in unacceptable light levels for the rear bedroom windows on properties adjacent to the eastern boundary of the site, the positioning and orientation of which remain yet to be determined as part of the subsequent reserved matters.
- 8.49** **The July Planning Committee wanted to better understand the potential impact on future residential amenity of the proposed dwellings from the use of growing lights at the Vitacress glasshouses which during the period November to March are typically used (according to information supplied by Vitacress) to supplement natural light levels from circa 4am to 4pm with reduced lighting use outside this period of the year.**
- 8.50** **The guidance note of the Institute of Lighting Professionals (ILP) is that where there is a potential for lighting to cause disturbance to residential amenity, the maximum level for light intrusion on to the windows of impacted dwellinghouses is 5 lux where that site is identified - as this site is - as being within an E2 environmental zone (characterised as sparsely inhabited rural areas, village or relatively dark outer suburban locations). By way of comparison, streetlighting in residential areas is typically 3-5 lux and the sky glow from a full moon on a cloudless night 0.5 lux.**
- 8.51** **Officers have sought consultation advice from the Council's Environmental Protection (EP) service and the comments received are at paragraph 6.19. The Council's EP service agrees that the E2 zone categorisation is appropriate. The applicant maintains that the E2 zone upper limit of 5 lux can be achieved through a combination of the existing blinds within the glasshouse, the existing boundary vegetation and the proposed 8m landscape buffer which can**

include evergreen planting. The Council's EP service has furthermore recommended an additional condition which it is considered can provide the necessary level of certainty at reserved matters stage that an acceptable living environment can be achieved for those dwellings to be sited closest to the eastern boundary. The applicant accepts the condition and confirms they can achieve the necessary light levels to meet the guidance.

**8.51 Education** – The local education authority (LEA) has advised **in its original comments** that it had no comments to make in respect of the application. This site will be CIL liable. CIL will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development.

**8.52 Since the July Planning Committee, further clarification has been received from the local education authority as to the situation with regard to school places and the capacity of North Mundham Primary School. WSCC in its most recent response at paragraph 6.12 has re-assessed the impact of additional housing across the area and the impact this will have on the local school's capacity to accommodate the additional children from this development, and other development sites in the Chichester Planning Area. As a result of the additional work it has undertaken, the LEA has no objection to the application, it is satisfied that there is currently capacity at the school for a development of no more than 94 dwellings but it will continue to monitor pupil numbers and movement and if there are significant delays with the application it reserves the right to review this position to ensure the capacity still remains.**

#### Significant Conditions

8.42 The key conditions that are recommended to make this development acceptable would include details of the construction management plan, site levels, compliance with land uses shown on submitted Parameter Plan, surface water drainage and its long-term management and maintenance, sustainability components, tree protection measures, waymarking for the former canal route across the site, the provision of ~~an 8-metre wide~~ planting buffers on the east **and north** site boundaries, ecological mitigation and enhancements and a **3m wide** boundary watercourse maintenance buffer.

#### Section 106 Agreement

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

- 30% Affordable Housing (28 units) with a tenure mix as follows:

- 1 bed x 10 (3 x affordable rent; 4 x social rent; 1 x shared ownership; 2 x First Homes)
- 2 bed x 11 (2 x affordable rent; 4 x social rent; 2 x shared ownership; 3 x First Homes)



- 3 bed x 6 (1 x affordable rent; 1 x social rent; 2 x shared ownership; 2 x First Homes)
- 4 bed x 1 (social rent)

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £726,432 (£7,728 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass' with an uprated tariff based on the methodology set out in draft policy T1: transport Infrastructure (A27 Mitigation contributions) in the Chichester Local Plan 2021-2039:Proposed Submission (Regulation 19)

- Financial contribution of £88,676 (12 x £980 and 82 x £938) for recreational disturbance mitigation at Chichester and Langstone Harbours SPA and Pagham Harbour SPA, in accordance with Planning Obligations and Affordable Housing SPD.

- Provision of Amenity Open Space including a Local Equipped Area of Play (LEAP) (required minimum of 283 sqm of equipped play space and 943 sqm of amenity open space, based on CDC Open Space Calculator). Management and on-going maintenance to also be secured.

- Highway works:

- Provide both bus stops on Lagness Road with RTPI (North and South)
- Provision of a new bus shelter and relocate the existing bus stop on the western side of the new access to the eastern side of the new access on Lagness Road
- Provision of a right turn ghost lane in centre of B2166
- Provision of a new footway to wrap around the site access and extend to the west to meet an informal crossing point with refuge island to meet a newly constructed 2m footway on the southern side of Lagness Road to link to the bus stop there.
- Provision of a 3 metre wide shared pedestrian/cycleway from the site to Runcton Farm Shop along the north edge of B2166
- Provision of a short section of footway from the Runcton Farm Shop access to the bus stop outside the farm shop
- Restore footway along southern stretch of Lagness Road to meet the Vinnetrow Road Roundabout
- Upgrade the tactile paving on the north and western arms of the Vinnetrow road roundabout
- Provision of wayfinding signs to direct people to the primary school and village
- Extension of 40mph speed limit across site frontage
- Travel Plan and a £3,500 WSCC Travel Plan monitoring fee
- Provision of a surfaced 3 metre wide Permissive Bridleway path from north-east corner of site eastwards to the north of Runcton Nursery to the point where it meets PROW network FP 200. Applicant to be required through the S.106 to enter into an agreement with WSCC under S.25 of the Highways Act 1980 to deliver a Permissive Bridleway for a minimum 10 year period. Maintenance of the path to be provided by WSCC
- Provision of a pedestrian/bridleway access onto Marsh Lane. WSCC require further details as part of the S.106 regarding the proposed visibility splays and

design width of the PROW/Bridleway where it meets the public highway on Marsh Lane.

- Section 106 monitoring fee of £6,638

### Conclusion and Planning Balance

- 8.44 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 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 housing applications as it ordinarily would. 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 by reason of paragraph 11 d) of the NPPF is required to consider favourably planning applications for sustainable new housing unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 8.45 The application has been tested against the 13 criteria in the IPS and with the exception of landscape impact and the scale of new housing there are no significant or demonstrably adverse consequences that would result from the development being permitted. Whilst the wider concerns and objections of the Parish Councils and third parties are noted, the development is considered to be sustainable development and a proposal which responds to the constraints of the site. There is no compelling evidence arising from consideration of this application that the existing infrastructure cannot cope with the new development proposed. Through the S106 Agreement and the CIL payment and the associated Infrastructure Business Plan, the development will provide the necessary infrastructure requirements to mitigate the impact of the development on the wider infrastructure in the locality. The application will deliver much needed housing including 28 units of affordable housing and will help to address the Council's housing supply shortfall. In an already significantly constrained district in terms of opportunities to build new housing development on available sites outside of existing settlement boundaries, this weighs heavily in support of the proposals when carrying out the planning balance.
- 8.46 It is considered that the harm identified by the Council's landscape consultant on the preceding hybrid application for 113 dwellings on the site which was refused, has been partly addressed in the current application. The large areas of open space now proposed at the junction of Marsh Lane and Lagness Road and mid-way along the south boundary extending north into the site are elements which the landscape consultant and the Council's Design Officer consider would result in a better development in of itself and in terms of its relationship with the established settlement at Runcton. Notwithstanding these changes and the lower number of dwellings proposed on the current application, it is considered the proposal would have a localised rather than a widespread adverse effect on the character and appearance of the area due to the extent of built development that would be visible from Lagness Road and Marsh Lane. It would therefore fail to accord with Local Plan policies 33 and 48, due to the localised harm that it would cause to the rural character of the area and the loss of agricultural land.

8.47 However, the site itself is not in an Area of Outstanding Beauty and is not subject to any particular landscape designation. It is not a 'valued' landscape within the meaning of the NPPF (paragraph 174) which should be protected and enhanced and neither has it been identified as part of any settlement gap which should be retained in order to protect the individual identity of Runcton. The site is a pleasant open expanse of farmland which will clearly undergo a radical change but the very fact that a change in the appearance of the land would occur is not in itself a reason for refusing the application. This is particularly so when weighed in the context of a site which is acknowledged to be in a sustainable settlement and in the context of the Council not being able to demonstrate that it has a current supply of housing land. The importance the government attaches to the timely delivery of new housing is underscored in paragraph 60 of the NPPF and has been a consistent theme with planning inspectors in recent appeal decisions. In carrying out the tilted balance it is considered that the adverse landscape impacts and the scale of new housing resulting from developing an undesignated field on the edge of a sustainable settlement would not significantly and demonstrably outweigh the benefits associated with delivering new housing on that site when assessed against the planning policies in the NPPF taken as a whole. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

#### Human Rights

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

#### **RECOMMENDATION**

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

1) (i) Approval of the details of the layout of the site, the scale and the appearance of the buildings, 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 and the appearance of the buildings, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

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

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

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

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

1001-PL-A

1034-ST-01

A355 -001 P16

A355-004 P7

A355-005 P7

A355-006 P2

A335-007 P1

A355-008 P3

A355-009 P1

1034-MP-01 Rev C (Illustrative Landscape Masterplan)

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

4) **No development shall commence** including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that development 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 construction works;

(b) the anticipated number, frequency and types of vehicles used during construction,

(c) the location and specification for vehicular access from Marsh Lane during construction including signage and visibility splays,

(d) the provision made for the parking of vehicles by contractors, site operatives and visitors,

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

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

(g) the erection and maintenance of security hoarding,

(h) the location of any site huts/cabins/offices,

(i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

(j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,

(k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,

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

- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction,
- (r) hours of construction.

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

5) **Development shall not commence** until the full details of the proposed surface water drainage scheme which shall be designed to manage and attenuate surface water discharges up to a 1 in 100 year event plus 40% for climate change 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 systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter shallow percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed 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.

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

Reason: The details are required pre-commencement to ensure the continued effectiveness of the surface water drainage system is maintained.

7) **No development/works shall commence on the site** until a written scheme of archaeological investigation of the site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of

importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

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

**8) No development shall commence on the site** 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 been approved in writing by the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

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

**9) No development shall commence on site** until protective fencing has been erected around all trees, hedgerows, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and the Arboricultural Impact Assessment/Method Statement and Tree Protection Plan, Revision A December 2022 by Hillside Trees Limited. 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.

**10) The reserved matters for the development hereby permitted shall provide for a minimum 8 12 metre wide ~~planted landscape~~ buffer on the eastern boundary to include a 5 metre wide planted buffer, and a 8 metre wide planted buffer on the northern boundary** of the site as shown indicatively on the Land Use Parameters Plan drawing no. 22/02191/OUT together with details for the future management and maintenance of the buffer to be approved in writing by the Local Planning Authority. At no time shall the landscape buffer be subdivided or included within the curtilage of any dwelling on the site hereby permitted.

Reason: To accord with the terms of the application and to enhance the biodiversity of the development in accordance with policy 49 of the Local Plan.

11) The reserved matters layout for the development hereby permitted shall include a 3 metre wide shared use surfaced path constructed to bridleway status from the north-east boundary of the site extending westwards to the north-west boundary of the site linking through to Marsh Lane and following the indicative dashed purple line on the Land Use Parameters plan drawing no. 1034-ST-01. The proposals shall additionally include a scheme of waymarking setting out the former route of the Chichester - Arundel Canal. The shared use path shall be provided and made ready for use in accordance with a **timetable to be submitted to and agreed in writing by the Local Planning Authority before the development commences.**

Reason: To facilitate the provision of onward sustainable transport links in accordance with Local Plan policy 39 and in the interests of Local Plan policies 52 (green Infrastructure) and 53 (District Canals).

12) **Before the development commences** full details shall be submitted to and be approved in writing by the Local Planning Authority showing how the development is to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and criterion 8 in the Interim Position Statement for Housing (November 2020). The detailed proposals shall demonstrate how they accord with the measures set out in the submitted Sustainability Statement by Campbell Reith dated August 2022. The development shall thereafter be carried out in accordance with the approved details.

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

13) **Before the development commences** a reptile activity survey shall be carried out and the results of that survey together with a reptile mitigation strategy (if required) including a program for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be implemented fully in accordance with the approved details.

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. 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.

14) **No development shall commence** until a Landscape and Ecological Management Plan (LEMP) setting out measures to ensure the delivery and long-term management of open spaces, boundary trees and hedgerows, and the establishment of new habitats and areas of ecological value, has been submitted to and been approved in writing, by the Local Planning Authority. The LEMP shall be prepared in accordance with the ecological mitigation, compensation and enhancement measures within the Ecological Appraisal by the Landmark Practice dated October 2021 and the Technical Note by Holbury Consultancy Service dated November 2022 regarding

SAC bat species unless an alternative is agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the measures included in the LEMP, including timing and any phasing arrangements, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for enhancement of the nature conservation value of the site in line with national planning policy.

**15) No development shall commence until a detailed lighting mitigation scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the development shall be designed to ensure that artificial light shall not exceed thresholds from the Institution of Lighting Professional's, 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)', in respect of the Environmental Zone relevant to the site.**

**The scheme shall include an isolux diagram showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres) for the development.**

**The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details. The works and scheme shall thereafter be retained, in accordance with the approved details.**

**Reason: In the interests of amenity and to protect residents from light pollution.**

16) Notwithstanding that 'layout' and 'landscaping' are reserved matters on this application, the subsequent reserved matters details to be submitted for approval by the Local Planning Authority shall incorporate the following mitigation measures and ecological enhancements:

- species rich wildflower meadow grass planting
- filling gaps in tree lines and hedgerows with native species
- SuDS wetland habitat
- the provision of bat brick/boxes to be installed into the dwellings and bird boxes to be installed within the retained trees on site
- the installation of bird boxes
- the provision of 2 no. log piles as hibernacula for reptile mitigation
- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.
- hedgehog nesting boxes included across the site

Reason: In the interest of conserving and enhancing biodiversity.

**17) Before commencement of works to remove the culvert on the northern site boundary a water vole survey shall be carried out 20 metres each side of the culvert and the results of that survey including any necessary mitigation shall be submitted to and be agreed in writing by the Local Planning Authority.**



Reason: To ensure the works do not destroy, damage or compromise protected species habitat.

18) **No part of the development shall be first occupied** until such time as a timetable covering the construction of the vehicular and non-vehicular accesses serving the development has been submitted to and been approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed in accordance with the approved timetable with the vehicular access details shown on the drawing titled Proposed Site Access Ghost Island Right Turn Arrangement and numbered A355-007 P1.

Reason: In the interests of road safety.

19) **No part of the development shall be first occupied** until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Lagness Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

20) **No part of the development shall be first occupied** until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site pedestrian access points onto Marsh Lane, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety

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

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

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

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

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

**24) Prior to or in conjunction with the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and be approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment & Drainage Strategy dated 22nd August 2022. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:**

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
- Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes
- Follow the drainage hierarchy through the completion of winter groundwater monitoring and winter percolation testing to BRE 365 standards

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 of the Chichester Local Plan.

**25) Development shall not commence until details and a method statement for interim and temporary drainage measures during the construction phase has been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority**

**Reason: To prevent flooding and pollution offsite in accordance with the NPPF.**

**26) No development shall commence on the Sustainable Urban Drainage System (SuDS) until full details of the maintenance and management of the SuDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. The SuDS drainage system shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:**

**I. a timetable for its implementation,**

**II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,**

**III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.**

**Upon completed construction of the SUDS system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual, including the approved access and maintenance details for any watercourse or culvert.**

**Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan.**

**27) All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 22nd August 2022), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.**

**Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan**

## **INFORMATIVES**

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

2) S106

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

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

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

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

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

5) The developers attention is drawn to the letter dated 27/09/22 from Southern Water regarding establishing with Southern Water the exact position of the public foul sewer on the site before the layout of the development is finalised.

6) The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

7) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

8) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary

construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

9) The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

**10) Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Chichester District Council on behalf of West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.**

For further information on this application please contact Jeremy Bushell on 01243 534734.

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH4LPFER0ZU00>