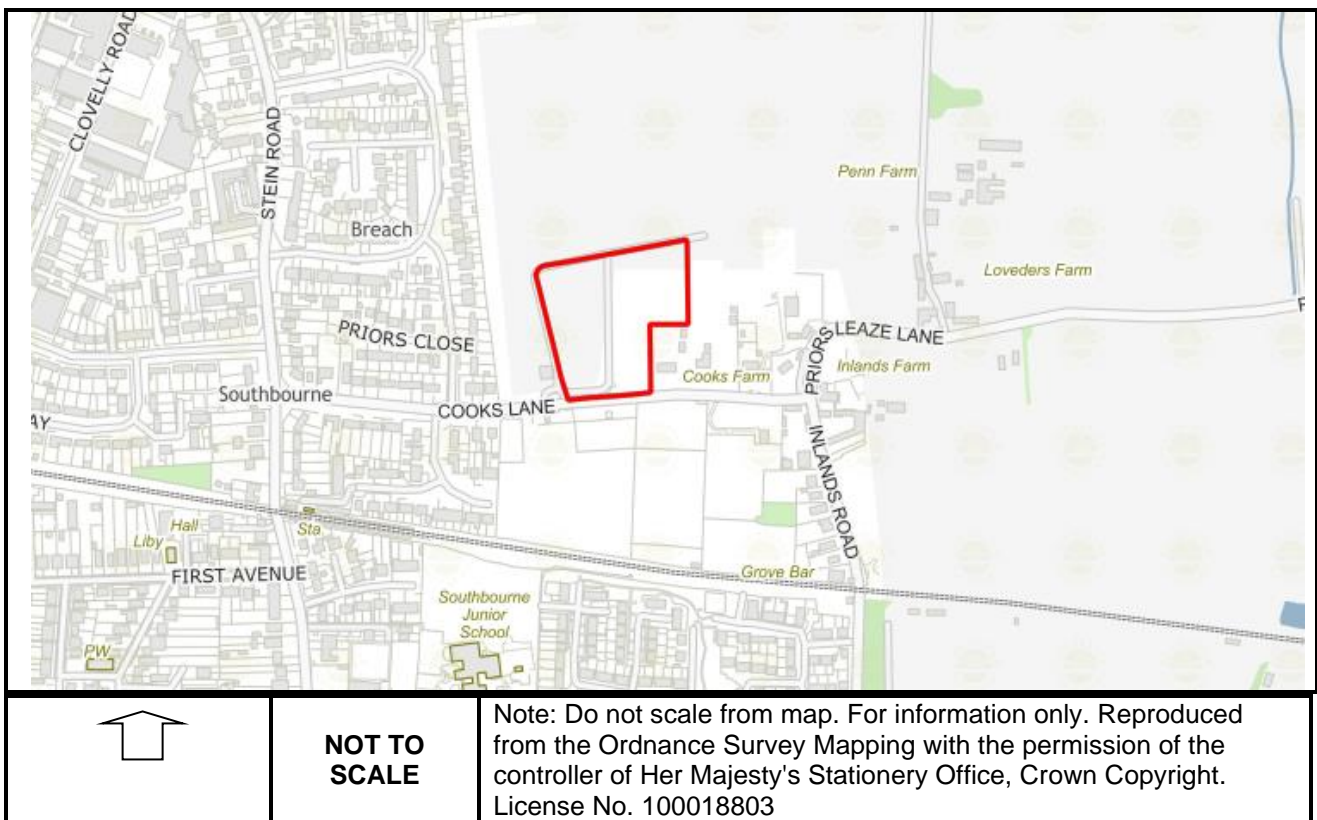


Parish: Southbourne	Ward: Southbourne
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SB/22/01903/OUT

Proposal	Outline planning application (with all matters reserved except access) for the development of 40 residential dwellings (Use Class C3), with associated vehicular access, parking and open space.		
Site	Four Acre Nursery Cooks Lane Southbourne Emsworth West Sussex PO10 8LQ		
Map Ref	(E) 477309 (N) 106178		
Applicant	Mr Andy Williams	Agent	Ms Bryony Stala

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends permit.

2.0 The Site and Surroundings

- 2.1 The site comprises a former horticultural nursery and a part of the residential curtilage of a property known as Down's View which is located to the east of the site. It is roughly rectangular in shape and comprises an area of 1.76 hectares. The application site is essentially flat, with a change in levels from the north-east corner of the site to the south-west corner of approximately 1 metre. The majority of the site is occupied by a number of disused horticultural glasshouses whilst the former residential curtilage is undeveloped. The northern and western boundaries of the application site are currently open and relatively undefined whilst the eastern and southern boundaries of the application site are contained by a mature belt of trees and Cooks Lane respectively.
- 2.2 To the east of the application site along Cooks Lane are a number of detached dwellings in large plots, whilst development is being undertaken on land to the west and north of the site, which has the benefit of outline planning permission for 199 dwellings. Southbourne Railway station lies less than 200 metres to the south-west and the site is well placed in terms of sustainable access to local retail, education, employment and community facilities.
- 2.3 The site has been subject to a previous refusal of planning permission for a similar scheme (ref. 20/02987/OUT). This decision, issued on May 6th, 2021, cited the following reasons for refusal:
 1. The application site forms part of a proposed allocation contained within the emerging Chichester Local Plan Review 2016-2035 Preferred Approach and the Southbourne Neighbourhood Plan Review 2019- 2037 Submission Plan. In accordance with Paragraph 48 of the National Planning Policy Framework both plans have some weight and are material considerations in the determination of this application. As such, it is considered that approval of the proposal, prior to the proper masterplanning and preparation of a strategy to ensure delivery of infrastructure to support the allocation would represent piecemeal development and would be contrary to the proper planning of the area, Policy 7 of the Chichester Local Plan and the plan-led system more generally.
 2. The proposals would have the effect of undermining the local community's clearly expressed wish to shape the future development of its parish and they are therefore counter to the local democratic process underpinning neighbourhood planning and the provisions of Paragraph 29 of the National Planning Policy Framework.
 3. The proposed access to the site will necessitate the partial removal of a hedgerow of acknowledged historic importance and biodiversity value which could be avoided if the site were developed as part of a comprehensive masterplan for the emerging strategic allocation for the extension of Southbourne. The proposal will therefore be contrary to Policies 7, 47, 49 and 52 of the Chichester Local Plan; Key Policies 2014-2029 and paragraphs 175(c) and 195 of the National Planning Policy Framework

3.0 The Proposal

- 3.1 The application is in outline form with all matters, aside from access, reserved. The existing access to the site is located to the south-west corner. The originally submitted scheme sought to formalise this existing agricultural access as the new development. The scheme has however been amended and the proposed access has been relocated slightly further eastwards along Cooks Lane.

- 3.2 The proposal is for 40 new dwellings and is accompanied by an illustrative layout which shows a varied range of houses proposed on the site, from one bedroom dwellings to family sized three and four bedrooms dwellings. The accompanying Design and Access Statement confirms that the proposal includes 12 affordable units comprising a policy compliant mix of first homes (3 no.), social rented units (5 no.), affordable rent units (3 no.) and a single shared ownership unit).
- 3.3 Building heights are generally two storeys throughout the development, and typologies are generally detached or semi-detached buildings with some terraced units. The illustrative layout also includes the following elements:
- Retention and enhancement of existing hedgerow along Cooks Lane,
 - Incorporation of green buffer to allow for new planting to supplement the existing hedgerow, along with potential SUDs attenuation within a landscaped space,
 - New houses served from a minor road and orientated to face south and towards Cooks Lane,
 - Creation of green buffer along western edge extending the proposed green ring
 - New houses orientated to face outwards and provide an eastern edge to the 'arrival corridor' extending from this site into the emerging layout on the adjacent land,
 - A small centrally located 'pocket park' located centrally and
 - Creation of a green buffer to the north to link with the emerging layout on the adjacent land.
- 3.4 The site lies within the open countryside, outside of the settlement boundary as defined in the made Neighbourhood Plan for Southbourne.
- 3.5 The submission includes an Energy and Sustainability Statement which explains how the scheme will deliver a development with lower energy and water use, lower carbon emissions and lower predicted operational costs than a Building Regulations 2013 compliant design. The statement outlines the energy performance of the site which will exceed Building Regulations Part L1A compliance by 19% whilst meeting the local plan Policy 40 requirement of "minimising energy consumption through energy efficiency measures and maximising energy reduction through on site LZC energy generation.

4.0 History

14/03632/EIA	No EIA required	Erection for up to 50 residential dwellings with vehicular access off adopted highway (Cooks Lane) to the south of the site.
14/04231/OUT	REF	Outline planning application for the construction of up to 55 dwellings, parking and estate roads, footways, pedestrian linkages and open space. New vehicular access from Cooks Lane to be determined at outline stage.
20/02987/OUT	REF	Outline application for 40 dwellings with all matters reserved apart from access, layout and scale with associated new access roads, parking and turning areas, erection of a wastewater pumping station, the provision of

surface water drainage features, amendment to the existing site access and works to Cooks Lane including the provision of a new footway on the northern side.

Appeal Withdrawn

21/02297/HDG	REF	Removal of existing hedgerow on southern boundary that runs at frontage of Four Acre Nursery along Cooks Lane.
22/01865/ADV	PER	Temporary 1 no. hoarding sign and 4 no. flags and 1 no. triple face stack sign.
22/02219/NTFN	ADVGIV	Regulation 5 notification (under the electronic communications code regulations 2003) for the proposed upgrade of an existing base station consisting of the removal of the existing 24m lattice and installation of a 25m lattice mast comprising 6 no antennas and 2 no dishes on an open headframe with 2 no ground-based cabinets and ancillary development thereto in relocated location.
23/01263/PLD	APPRET	Temporary change of use from Agricultural/Nursery to construction compound and associated works including siting of 3 no. two-storey portacabins, 4 no. storage containers, hard standing, material storage and temporary access road to support the construction of development approved under SB/18/03145/OUT, (APP/L3815/W/19/3237921) and SB/22/00257/REM.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Southbourne Parish Council

Further comments (24.01.2023)

On 24/1/2023 the Parish Council made the following comments, specifically referencing flood risk.

The site lies within the surface water catchment area and flow paths that contribute to flooding on the Ham Brook and downstream to School and Farm Lane.

NPPF July 2021 clearly states:

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

NO development lives in isolation and the cumulative effects must be taken into account throughout the parish.

Original comments (1.09.23)

Southbourne Parish Council objects to the proposal on the following grounds:

- Members felt there was no evidence to support the claims made regarding the hedgerow not meeting protected status. The Parish Council's own surveys indicate the contrary.
- The increased recreational impact on the coast caused by the proposed development will not be sustainable.
- There is potential that this site holds significant historical and archaeological value and this must be determined prior to any work being carried out.
- The reports indicate that a quarry has been located at the western part of the site. No further information has been provided regarding this and members consider this insufficient.
- The Planning Committee cannot support piecemeal developments that do not contribute to local infrastructure.
- Members fully support the objections made by both Natural England and Chichester Harbour Conservancy.

In addition, the Parish Council comments that if the hedgerow, or any part of it, is to be removed that consideration is given to the re-siting of both the existing hedgerow and the

soil base and that consideration is given to a dual entrance with the neighbouring site which would mitigate the impact on the hedgerow and that of the mast.

6.2 Chichester Harbour Conservancy

This location lies outside and beyond the AONB designated national landscape boundary. No objection is raised due to the physical distance and visual separation of the site from the AONB taking into account intervening structures, natural landscaping and the land contours, all which result in the proposal having a lack of visual impact on the character and appearance of the AONB.

Appropriate planning conditions are suggested to control matters that have a bearing on the AONB acknowledging the sites proximity to protected national landscape. Chichester Harbour Conservancy is keen to ensure that all appropriate and necessary mitigation measures on and off-site are fully addressed to safeguard the quality of the AONB.

- Full Waste-Water Sewerage Capacity is within local treatment work capabilities
- Suitable Nitrogen Neutrality mitigation exceeding the minimum target is provided for
- Reserved matters for landscaping including boundary treatments
- Provision and securing usable on site recreational public open space
- Lighting schemes to consider Dark Skies protocols where possible
- Contribution towards Solent Bird Aware Protocol to be secured as appropriate.

6.3 Highways England

No Objection on the basis the applicant will be required to enter into a Section 278 Agreement of the Highways Act 1980 with Highways England for a contribution of £72,120 (in accordance with Chichester District Council's adopted SPD of £1803 per dwelling) towards the agreed Local Plan highway works at the A27, Chichester bypass.
(Officer note: These comments pre-date the Council's updated work and draft SPD which specify higher rates of contributions to secure the necessary highway improvements).

6.4 Natural England

Habitats Regulations Assessment (HRA)

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Furthermore, we note that the applicant's shadow HRA concludes "It is considered that the mitigation measures... are proportionate and appropriate to this level of development. Therefore, the development is not required to progress the application to the Appropriate Assessment stage of the HRA process." It is not appropriate when determining whether or not a plan is likely to have a significant effect on a site and requires an appropriate assessment, to take account of mitigation measures intended to avoid or reduce the harmful effects of the plan on that site (People Over Wind Ruling). As such, your authority should proceed to Appropriate Assessment stage to consider the proposed mitigation measures.

Nutrient Neutrality

As submitted, the applicant's Revised Nutrient Neutrality Assessment (21 June 2022) concludes that the proposed development will result in a nitrogen budget of 25.1 kg/N/yr, which will require offsetting in order to achieve nutrient neutrality, and to mitigate any potentially harmful impacts to the designated sites. Natural England can confirm that it has reviewed the calculations submitted and agrees with the conclusions of the report.

(Note: The remaining comments related to a now superseded proposal for nitrate mitigation).

Following submission of the revised proposal for the use of credits generated by the adjacent site, Natural England commented as follows:

"We note that the Four Acre Nursery development (22/01903/OUT) has calculated a positive nutrient budget of 25.1kg TN/yr (using the latest Nutrient Budget Calculator - March 22), and that the development has proposed to utilise surplus nutrient mitigation from neighbouring approved development 22/00157/REM. Whilst we agree that nutrient neutrality can be achieved in principle via this type of approach. There are a number of factors that your authority, as the competent authority, should consider when deciding if this mitigation is appropriate for 22/01903/OUT.

With regards to the mitigation approved under planning application 22/00157/REM. It is important for your authority to ensure that the mitigation is delivered prior to the occupation of dwellings proposed under the Four Acre Nursery development (22/01903/OUT). Additionally, if the mitigation is outside of control of this applicant, the applicant has no control of the delivery of this mitigation - there is a risk that delivery of this mitigation could be delayed or not completed. With these details in mind, your authority as the decision maker, will need to be certain that the mitigation is delivered prior to occupation. This may mean that you will need to include additional measures in place, if planning permission were to be granted for this application.

In addition, there is a risk that double counting could occur, if multiple planning applications were to utilise the surplus nutrient mitigation created under approved planning application 22/00157/REM. As the competent authority and decision maker, we advise that it will be your duty to ensure that such mitigation is not over subscribed (i.e. prevent double counting, so that the same mitigation is not used for multiple developments). We would advise that your authority creates a register in order to prevent any double counting, and to ensure that the mitigation is monitored and enforced".

Recreational Disturbance

Since this application will result in a net increase in residential accommodation, impacts to the coastal SPA and Ramsar Site may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution, which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the designated sites. Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's

conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

6.5 WSSC Highways

Further Comments received on 7/12/22

This is a re-consultation of the above planning application which WSSC responded to on the 23rd August 2022. More information has been re-submitted in the form of updated documents. Those which are relevant for WSSC highways to comment upon are:

1. Travel Plan Statement
2. Transport Statement

Travel Plan Statement

We would query point 1.16. Travel Plan Notice boards for each plot are proposed but this doesn't seem right for individual dwellings. It is more common for information packs to be used for individual dwellings and you may wish to re-word this part of the TPS. We would expect to see some sort of travel voucher offering to the initial occupants of the residential units. Vouchers should be worth at least £150 per dwelling and could be exchanged for one of the following: a. a season ticket for the local bus service b. a rail season ticket or network card c. a contribution towards the purchase of a new bicycle and/or equipment d. Bikeability training up to 4 members of the household (further details and course costs are available at www.westsussex.gov.uk/roadsafety) e. 12 months free membership to any local Car Club (including joining fee). The provision of one or more public access electric vehicle charging points for visitors should be considered. There are a number of charge points in West Sussex that are part of the Energise Network, and this should also be promoted through the TPS. Wherever possible, dwellings with garages should be equipped with domestic electrical sockets to facilitate the charging of electric vehicles. Where a Travel Plan Statement is required the applicant is required to pay a Travel Plan monitoring fee of £1,500 at the application stage. This can be secured through the S106 process.

Statement

In terms of highway capacity impact, this development of 40 dwellings has had a junction capacity assessment and this shows that there will be a negligible increase in delays and queuing at both junctions, (these being Cooks Lane/Stein Road junction and Inlands Road/Priors Leeze Lane junction). The development will also create minimal vehicle movements in the peak hours with approximately 1 trip every 2-3 minutes.

Access

This will provide visibility splays of 2.4m x 43m in both directions and do not cross into any third-party land. The access is designed according to the speed of the road and will create a safe access with a good width of 5.5m with a 5m kerb radii. Diagrams have been provided to show how fire and rescue service vehicles are able to enter, turn and exit in forward gear. A 1.8m wide footway will also be provided to connect into the footway of another new development by providing a continuous link to the west of the site. Pedestrians are also given priority within the site with a raised crossing area.

The access will require a 278 agreement and as other off-site highway works are planned to include the widening of Cooks Lane; this will need to be timed accordingly to coincide with the widening works.

Parking/Cycles/EVC

Parking for the site will use the WSCC car parking in new residential developments guidance which designates this into Zone 2, spaces should be 2.8m x 4.8m or wider and provision of at least 5% of spaces which are larger for disabled use, should be included.

Cycle storage will be provided for in sheds in gardens, or garages will be made larger at 3m x 6m to provide storage for bikes within these. WSCC are pleased to see the inclusion of Electric vehicle charging spaces. Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning.

Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision because of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th, 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Original Comments received on 23/08/2022

WSCC as the County Highway Authority (CHA) have been re-consulted on the above application which was refused under planning application ref 20/02987/OUT. This re-submission is for outline approval with all matters reserved except for access.

The proposed access arrangements are not any different to those proposed in the previous application and therefore WSCC raise no objection to the access.

This will provide visibility splays of 2.4m x 43m in both directions and do not cross into any third-party land. The access is designed according to the speed of the road and will create a safe access with a good width of 5.5m with a 5m kerb radii. Diagrams have been provided to show how fire and rescue service vehicles are able to enter turn and exit in forward gear.

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In terms of highway capacity impact, this development of 40 dwellings has had a junction capacity assessment and this shows that there will be a negligible increase in delays and queuing at both junctions, (these being Cooks Lane/Stein Road junction and Inlands Road/Priors Leeze Lane junction. The development will also create minimal vehicle movements in the peak hours with approximately 1 trip every 2-3 minutes.

The access will require a 278 agreement and as other off-site highway works are planned to include the widening of Cooks Lane; this will need to be timed accordingly to coincide with the widening works.

6.6 WSCC Flood Risk Management

Further comments received on 7/08/23

Following the submission of a Ground Water Monitoring Investigation by the applicant, the LLFA made the following additional comments;

The LLFA are satisfied that the applicant has sufficiently addressed our concerns raised in our previous response dated 22 May 2023 and the details are now in accordance with NPPF and local planning policy subject to recommended conditions relating to submission of detailed designs for the surface water drainage scheme, a method statement for interim and temporary drainage measures during the demolition and construction phases and detailed verification report

Original comments received on 12/08/22

Current surface water mapping shows that the proposed site is at low risk from surface water flooding. Higher Risk exists to the southern extent of the site. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding. Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Current Ordnance Survey mapping shows no watercourses running close to/across the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary

watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

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

Future development - Sustainable Drainage Systems (SuDS)

The FRA and Drainage Strategy for this application proposes that sustainable drainage techniques (permeable paving, swales, attenuation basins with a restricted outfall to the watercourse) would be used to control the surface water from this development.

In the spirit of SuDS implementation, and in line with policies in the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

This application will be subject to review by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

The disposal of surface water via infiltration/soakaway should be shown to have been investigated through an appropriate assessment in consultation with the District Drainage Engineer.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

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

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

6.7 West Sussex Fire & Rescue Service

No objection subject to conditions.

6.8 CDC Housing Enabling Officer

In responding to the application, we have used the latest housing register data available (9th September 2022) along with the updated (April 2022) HEDNA and Planning Policy

Guidelines for First Homes. We note that the applicant refers to the April 2022 Housing and Economic Development Needs Assessment (HEDNA) and that they intend to use this as base point for establishing a suitable mix. They have confirmed that 30% of units will be provided as affordable housing which will yield 12 new affordable homes. We are pleased to note that the applicant intends to cluster these units in small groups around the site and that the design, style and form of the affordable units will be provided with the same level of detailing as the market homes on the site and will be delivered as 'tenure blind'.

Housing Mix

The application makes provision for 12 affordable units, which represents 30% of housing and as such is policy compliant. National planning policy requires a minimum of 25% of all affordable homes secured through developer contributions to be First Homes. Local authorities should then prioritise securing their policy requirements for rented properties once they have secured the First Homes requirement. Other tenure types should be secured in the relative proportions set out in planning policy and supporting evidence. For Chichester the required proportions are as follows: First Homes - 25% Social Rent - 35% Affordable Rent - 22% Shared Ownership - 18%

The application has not set out any detailed housing mix. Considering the April 2022 HEDNA, Local Plan requirements and data from the housing register we would recommend a housing mix broadly reflecting:

	Market Housing		First Homes		Social Rent		Affordable Rent		Shared Ownership	
	Units	%	Units	%	Units	%	Units	%	Units	%
1 bed	2	7	1	33	2	40	1	33	-	-
2 bed	9	32	2	67	2	40	1	33	1	100
3 bed	12	43	-	-	1	20	1	33	-	-
4 bed	5	18	-	-	-	-	-	-	-	-
TOTAL	28	100	3	100	5	100	3	100	1	100

The applicant has not made any mention of space standards and we would encourage that national space standards are met and where possible are exceeded. As the housing type has yet to be decided we would comment that should flats or maisonettes be provided our preference is to ensure households have direct access to private outdoor space where practicable, where it is not practicable, we would ask that these properties are either provided with access to a communal outside space or are very near to useable public open space.

6.9 CDC Archaeology Officer

Archaeological investigation of the development site immediately to the north is producing (amongst other things) evidence of a Roman settlement that seems to intensify the closer that it gets to this site. It seems possible (likely, even) that the core of the settlement lies within the nursery. Although this probably isn't enough to warrant preservation from development, it would certainly need to be evaluated in advance in order to identify areas of importance that should then be fully investigated. This process should be secured via the imposition of a standard condition (as I recommended 24/08/2022). Any other ground-works that are preliminary to development should be kept to a minimum and should be archaeologically monitored.

6.10 CDC Drainage Engineer

Flood Risk:

The site is wholly within fluvial/tidal flood zone 1 (low risk). Our mapping indicates that there is an area in the south-west corner of the site which is shown to be at significant risk of surface water flooding. This area is primarily associated with the access to the site, and they are proposing to raise the access 300mm above the existing ground level to reduce the risk. We would expect the LLFA to comment on surface water flood risk in more detail, and the acceptability of their proposal. Subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage:

The proposal (supported by testing of the adjacent site) is to drain dwellings to private soakaways, parking areas via permeable paving and the highway to infiltration basins. This approach is in accordance with the SuDS hierarchy and therefore acceptable in principle. If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s). If you are minded to approved the application we recommend the following condition is applied to ensure the site is adequately drained: Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal 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 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.

6.11 CDC Environmental Strategy Officer

Comments received on 29/3/2023

Nutrient Neutrality

No objection to the use of credits generated by the adjacent development site subject to an appropriate trigger to ensure that sufficient land has been taken out of horticultural use.

Original comments

Nutrient Neutrality

As detailed within the Revised Nutrient Neutrality Assessment (June 2022) the proposal will cause an increase in nitrogen of 25.1 kg/N/yr. Due to this mitigation has been proposed at an area of land at Broadreed Farm, Stansted Park, Rowlands Castle, Hants

PO9 6DZ which can be used as compensation land for woodland planting. We are satisfied that this would be suitable.

(NB these comments relate to a now superseded nitrate neutrality proposal but on 29/3/2023, confirmation was received that the revised scheme of mitigation was acceptable in principle).

Recreational Disturbance

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

Bats

Following submission of the Amended Bat Mitigation Report (May 2022) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. 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. We are disappointed to see that there will be a number of fruit trees removed as part of the proposal though to mitigation this they will be replanted along the boundaries of the site. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings through the provision of dark habitat orientated north-south direction and avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that further details of the lighting scheme and dark corridors are provided as part of this application.

Reptiles

Following submission of the Reptile Surveys & Mitigation Strategy (May 2022), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Nesting Birds

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

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid October to mid-March inclusive. The piles must undergo soft demolition. Nesting Birds Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Badgers

Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

CEMP and LEMP

Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserved matters application.

Enhancements

We require a number of enhancements are incorporated within the scheme and shown with a Biodiversity Enhancement and Mitigation Plan (BEMP) as part of this application. These include:

- Any trees removed should be replaced at a ratio of 2:1
- Wildlife pond
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site
- Hedgehog nesting boxes included on the site

Policy 40

Following submission of the Energy and Sustainability Statement (July 2022) we are satisfied that the proposals will meet our requirements within Policy 40. As part of a reserved matters application we will require further details on the PV onsite and the location of the car charging points being installed onsite.

6.12 Third Party Representations

One letter of objection has been received concerned about the impact of further development on local infrastructure, notably health and education facilities and the local road network. The letter continues by stating that if the development is approved, that it shall be as "green" as possible.

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. The Southbourne Neighbourhood Plan (2014-2029) was made on the 15th December 2015 and forms part of the Development Plan against which applications must be considered.

- 7.2 Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019-2037 was undertaken including a hearing held 14th January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12th April 2022, Southbourne Parish Council withdrew the plan.
- 7.3 Following the Parish Council's withdrawal of Southbourne Parish Neighbourhood Plan Review 2019-2037, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan completed the regulation 14 (Parish Council) consultation on 16th December 2022 and the draft Submission Modified Neighbourhood Plan 2014-2029 was published formally under regulation 16 for consultation by Chichester District Council between 2nd March and 14th April 2023, at which point the plan began to gain weight. The examination commenced in July 2023 and is now complete and the Examiner's Report has been published. The Decision Statement will be considered by Cabinet on the 5th December 2023 and, subject to Cabinet's agreement, the Southbourne Modified Neighbourhood Plan 2014-2029 can then move onto referendum in early 2024. Following publication of the Examiner's Report the policies in the Southbourne Modified Neighbourhood Plan 2014-2029 have moderate weight, this will increase to significant weight if the Decision Statement for the referendum is agreed at Cabinet and substantial weight if the plan passes Referendum. At this time, therefore, the 'made' Southbourne Parish Neighbourhood Plan 2014 - 2029 remains in place.
- 7.4 The principal policies of the Chichester Local Plan relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 7: Masterplanning Strategic Development
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 20 Southbourne Strategic Development
- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flooding. 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 Harbours Special Protection Areas
- Policy 52: Green Infrastructure
- Policy 54: Open Space, Sport and Recreation

Southbourne Neighbourhood Plan 2014-2029

Policy 1: Spatial Strategy
Policy 4: Housing Design
Policy 7: Environment

Emerging Policy

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

7.5 The Chichester Local Plan 2021-2039: Proposed Submission 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 anticipates Autumn 2023). 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:

7.6 Relevant policies from the published Chichester Local Plan Review 2021 - 2039: Proposed (Regulation 19) are:

S1: Spatial Development Strategy
S2: Settlement Hierarchy
NE2: Natural Landscape
NE3: Landscape Gaps Between Settlements
NE4: Strategic Wildlife Corridor
NE5: Biodiversity and Biodiversity Net Gain
NE6: Chichester's Internationally and Nationally Designated Habitats
NE7: Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
NE8: Trees, Hedgerows and Woodlands
NE10: Development in the Countryside
NE13: Chichester Harbour Area of Outstanding Natural Beauty
NE15: Flood Risk and Water Management
NE16: Water Management and Water Quality
NE19: Nutrient Neutrality
NE20: Pollution
NE21: Lighting
NE22: Air Quality
NE23: Noise
NE24: Contaminated Land
H1: Meeting Housing Needs
H3: Non-Strategic Parish Housing Requirements 2021-2039
H4: Affordable Housing
H5: Housing Mix
H6: Custom and/or Self Build Homes
H10: Accessible and Adaptable Homes
P1: Design Principles
P2: Local Character and Distinctiveness

P3: Density
P4: Layout and Access
P5: Spaces and Landscaping
P6: Amenity
P8: Materials and Detailing
P9: The Historic Environment
P14: Green Infrastructure
P15: Open Space, Sport and Recreation
P16: Health and Well-Being
E8: Built Tourist and Leisure Development
T1: Transport Infrastructure
T2: Transport and Development
T3: Active Travel - Walking and Cycling Provision
T4: Parking Provisions
I1: Infrastructure Provision
A13: Southbourne Broad Location for Development

Southbourne Modified Neighbourhood Plan, Submission Modified Plan 2014-2029
(with changes recommended by Examiner)

7.7 The Southbourne Modified Neighbourhood Plan (SNP3) has completed examination and carries moderate weight. Relevant policies include:

Policy SB1 Development within and outside settlement boundaries
Policy SB3 Local Housing Needs
Policy SB4 Design in Southbourne Parish
Policy SB13 Green and Blue Infrastructure Network
Policy SB14 Biodiversity
Policy SB15 Trees Woodlands and Hedges
Policy SB16 Achieving Dark Skies
Policy SB18 International Nature Sites
Policy SB19 Zero Carbon Buildings
Policy SB20 Water Infrastructure and Flood Risk
Policy SB21 Sustainable Travel

National Policy and Guidance

7.8 Government planning policy comprises the National Planning Policy Framework (NPPF September 2023) and related policy guidance in the NPPG. Paragraph 11 of the current Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.9 The following sections of the revised NPPF are relevant to this application: 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD (December 2018)
- Surface Water and Foul Drainage SPD (September 2016)
- o Chichester Landscape Capacity Study (March 2019): Southbourne North Eastern Coastal Plan (Sub- area 81)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Interim Position Statement for Housing Development (November 2020)
- National Character Areas (2014): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): Southbourne Coastal Plain (Area SC5)
- Chichester Landscape Gap Assessment (May 2019)
- Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017) o Chichester Harbour AONB Management Plan (2014-2029)
- WSCC Transport Plan (2011-2026)

Interim Position Statement for Housing Development

7.11 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five-Year Housing Land Supply was published on 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 shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply. However, through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.65 years (the Council's stated position at the Highgrove Farm, Bosham appeal). The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.

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

boundaries. The IPS is not formally adopted 'policy' and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications when used alongside up to date policies in the Local Plan. It is a document that decision makers need to have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

7.13 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:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Highway Impact
- iii. Landscape Impact
- iv. Flooding and Drainage
- v. Layout, Density and Design
- vi. Ecology and Biodiversity
- vii. Nitrate Neutrality

i. Principle of Development

8.2 The primacy of the development plan and the plan-led approach to decision-making is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that applications: 'should be determined in accordance with the development plan unless material considerations indicate otherwise'.

8.3 The Chichester Local Plan: Key Policies (CLP) was adopted by the Council on 14th July 2015 and now forms part of the statutory development plan for the parts of the District outside of the South Downs National Park.

Assessment of the Proposal against the existing Development Plan

8.4 When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside

the settlement boundary for Southbourne in the countryside or Rest of Plan Area and would not meet an "essential, small scale and local need" (Policy 45). In addition, the site is not one of the allocated sites identified in the made Southbourne Neighbourhood Plan and so it conflicts with policies 1 and 2 of that Plan.

Emerging Policy

- 8.5 Southbourne has been identified within the revised local plan as a suitable location for strategic development during the later part of the Plan period. A broad location for development, shown on the Key Diagram, has been identified, within which the application site is located. Within this area a mixed use development of 1,050 homes, local employment opportunities and supporting local facilities will be developed. The site will also provide for the accommodation needs of gypsies and travellers and travelling showpeople. The current site lies within this broad location for development. Further consideration of sites and the allocation of land to deliver this development will be made through either a revised Site allocation DPD or revised Southbourne Neighbourhood Plan. Policy A13 of the emerging plan sets out a number of criteria which development within the broad location will need to meet. The policy states that "piecemeal or unplanned development proposals within the area which are likely to prejudice its delivery including the infrastructure for the area will not be permitted".
- 8.6 The current proposal falls within this latter category and is centrally located within the broad location for development. An argument could be put forward that its development in isolation could prejudice a "comprehensive and coordinated development approach" as required by Policy A13. However, the weight that can be attributed to such an argument is limited given the formative stage of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19).
- 8.7 Balanced against this, is the applicant's argument that the site is of modest size and will not prejudice the comprehensive approach to development and is a natural "rounding off" of the Cooks Lane development to the north and west of the application site.
- 8.8 Members will recall that the Southbourne Neighbourhood Plan Review was withdrawn after the Examiner recommended that it not progress the Referendum Stage "in advance of the adoption of the Local Plan Review". The Parish Council has subsequently prepared a modification of the existing "made" 2015 plan as an interim measure to "plug the gap" until the Council's new Local Plan is adopted. The document is proposed as an interim measure and states that one of its aims is to resist speculative development.
- 8.9 The Examiner concluded that the modified Neighbourhood Plan should be allowed to proceed to referendum, subject to certain amendments. These are generally minor in nature but one does refer to the Cooks Lane housing site, adjacent to the current site and referred to previously in this report. The document as submitted for examination, allocated this site for housing development, however this site already benefits from planning permission and therefore the Examiner recommended changing its status to a commitment rather than an allocation. Consideration of the amended plan is likely to be undertaken by CDC at its Cabinet meeting on December 5th after which it is likely that the plan will be put to a referendum in the new year.
- 8.10 It is necessary therefore to consider the relevance of this plan to consideration of the current proposal, particularly with regard to Paragraph 14 of the NPPF, which can afford

protection against speculative development where a neighbourhood plan positively plans for housing delivery, and subject to other limitations. With regard to the implications of paragraph 14 of the NPPF, the Council has sought legal advice following receipt of the Examiner's report, particularly taking into account the recommendation to treat the Cooks Lane site as a planning commitment rather than a planning allocation. Counsel's advice was as follows:

"...SNP3 would not be a neighbourhood plan that 'contains policies and allocations to meet its identified housing requirement.' I note the reference to 'policies and allocations'; it is not 'policies or allocations'. As such as a matter of objective construction, the neighbourhood plan must contain both 'policies and allocations' for criterion (b) of paragraph 14 to be met....SNP3 does not engage para. 14 of the NPPF."

- 8.11 On the basis of Counsel's advice the application falls to be considered on the basis of that the Council does not have a 5-year housing supply in place and therefore the 'tilted balance' in paragraph 11d)ii) of the NPPF, i.e. the presumption in favour of permitting sustainable development, is engaged.
- 8.12 At this stage however, only moderate weight can be attached to policies of the plan. The primary conflict with the emerging neighbourhood plan (and indeed the existing one) is that the site lies outside of the settlement boundary and that the form of development proposed does not meet any of the exceptions in which development would be acceptable. For reasons explained later in the report, it is not considered that this conflict, on its own, would justify withholding consent in a situation in which the Council cannot demonstrate a five year supply of housing and in which the "tilted balance" is engaged.
- 8.13 However, one should still consider the issue of prematurity, not least because this constituted one of the reasons for refusal of the 2020. In order to assist officers, legal advice has been taken on this matter and is unequivocal in stating that it would not be reasonable for the Council to resist an application for new housing development within the neighbourhood plan area by citing a prematurity. This is due to the nature of the modified plan and the conscious decision made within it not to make any "decisions about the scale, location or phasing of new development" that has not already been built or consented.

Housing Supply

- 8.14 The Council's most recent assessment of its Five-Year Housing Land Supply was published on 5th December 2022 and identifies 4.74 years of housing supply and through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.65 years. As such the Council's housing policies are deemed out of date and the provisions in paragraph 11(d) of the NPPF (known as the 'tilted balance'; i.e. where there can be a presumption in favour of granting permission for sustainable development where there are out-of-date housing policies) is engaged. It does not necessarily follow that the absence of a 5-year housing supply means the application should be allowed on that basis alone; however, for the application to be refused the Council would have to demonstrate that the adverse impacts would significantly and demonstrably outweigh the benefits.
- 8.15 In acknowledging the current status of the Local Plan in terms of its out-of-date housing policies and the absence of a 5-year housing supply and to effectively bridge the gap up to the point where the Local Plan Review is adopted sometime in 2023, and to avoid where

possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area. The fundamental aim of the IPS is to ensure early delivery of housing sites through planning applications on sites which are not being brought forward through the local plan process. It is not to deliver strategic scale development and accompanying infrastructure which need to be properly master planned in order to ensure optimum planning outcomes and the timely delivery of infrastructure to support growth.

8.16 When considered against the 13 criteria of the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider the application against each of the IPS criteria in turn:

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

This criterion is not met in respect of the currently defined settlement boundary for Southbourne but development would be contiguous with existing development once the Cooks Lane site is built out. The site also lies within the Southbourne "broad location for development" allocation within the Chichester local Plan 2021-2039 Proposed Submission (Regulation 19).

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

Southbourne is a sustainably located settlement defined as a Settlement Hub in the Local Plan (Policy 2). In this context the proposed scale of development is considered appropriate and the criterion is therefore satisfied.

3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements.

It is considered that the development satisfies this criterion particularly given the extant permission which wraps around the north and western boundaries of the site. There is no actual or perceived coalescence likely to arise from permitting this development.

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

As demonstrated by the accompanying illustrative plan, the proposed quantum of development can be comfortably accommodated on the site along with relevant green infrastructure requirements. Its form is likely to reflect the consented scheme to the north

and west and is appropriate in respect of surrounding housing. This criterion is therefore deemed to have been met.

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

Whilst it is true that the development lies within land considered as open countryside for planning policy purposes it is not undeveloped; a significant part of the site is occupied by disused (and unsightly) glasshouses. The site is also located very close to existing built development to the east. There are residential properties to the east, along with further horticultural infrastructure, and the approved "Rydon" development, which is currently under construction, will wrap around the north and the east of the site. These factors, combined with the fact that the site is of a modest scale, mitigate the wider landscape impact.

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 not located within or adjacent to a potential Strategic Wildlife Corridor.

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.

The proposed scheme offers policy compliant affordable housing and the illustrative layout demonstrates how the proposal would meet the Council's open space requirements. These, along with the necessary highway improvements are recommended to be secured via a Section 106 Agreement. In terms of wastewater, ongoing headroom monitoring (November 2023) at Thornham WwTW indicates a remaining capacity of 363 households and as such this development of 40 dwellings could be accommodated within the remaining capacity.

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.

The application is accompanied by an Energy and Sustainability Statement which outlines the proposed energy performance of the site. This demonstrates that the scheme will exceed building regulations part L1A by a minimum 19% from energy efficiency measures and a further 10% through on site renewable energy generation via PV affixed to the roofs of the new dwellings and air source heat pumps which accords with the overall reduction sought in the IPS. Internal water use will be limited through the use of limiting appliances.

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 submitted Design and Access Statement demonstrates that the scheme has the potential to deliver a high quality development that respects and enhances the character of the area. Building heights are two storeys throughout the development, reflecting local character, and are a mix of generally detached or semi-detached with a smaller number of terraced units. The new houses are to be constructed largely of brick with some render and a mixture of grey and red tiled roofs, again very much in common with the surrounding area. The landscaping strategy should provide an appropriate setting for the new development and enhance the character of the wider area.

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.

Southbourne is well served by several facilities including a primary school, public houses, a medical practice and a dental practice, a church, convenience retail facilities, and a railway station. Most of these are within easy walking distance of the site. Local Plan Policy 2 classifies Southbourne as a Settlement Hub, recognising that these places are sustainable parts of the District suitable for growth. In addition it is well connected by public transport. Aside from the nearby railway station there is a bus stop located on the A259, approximately 10 minutes' walk from the site. From this stop there are regular buses to Chichester, Havant and Portsmouth. It is considered that this criterion is met.

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 criterion is considered to be satisfied. The site is located within EA flood zone 1, 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. Groundwater investigations have satisfied the LLFA that the risk of this form of flooding is not significant.

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

The application site stands directly south and east of 'Land north of Cooks Lane, Southbourne', which is subject to both outline (SB/18/03/03145/OUT) and reserved matters (22/00157/REM) permission for the provision of 199 dwellings and associated development. The detailed proposals for Land north of Cooks Lane were supported by an 'Information for Habitats Regulations Assessment' report which attributes the now approved development with a nutrient budget of -29.93 kg/year, i.e., a substantial net reduction in the quantity of nutrient nitrogen released to the Solent Marine Sites. This is as a result of the land having previously been subject to horticultural use prior to development which resulted in the release of high levels of nutrient nitrogen to ground and surface

waters. Natural England's calculator demonstrates that the benefits of discontinuing the former, nutrient-intensive use comfortably outweighed the injurious effects of the additional wastewater generated from the new dwellings.

Bloor Homes, the owner and developer of the land to the north, proposes to allocate the beneficial effects of the approved 199 dwelling scheme (a net reduction of 29.93 kg/year) to offset the injurious effects of the proposed 40 dwellings scheme (a contribution of 25.1 kg/year), thereby achieving nutrient neutral development. This approach has been agreed with Natural England and will be secured via a Section 106 Agreement. This criterion is therefore met.

13) Development proposals are required to demonstrate that they are deliverable from time of the submission of the planning application through the submission of a delivery statement justifying how development will ensure quicker delivery.

An assessment of the planning application has not identified any barriers to delivery. A reduced time restricted condition is recommended, to ensure timely delivery of the development. It is understood that the likely developer is Bloor Homes who are developing the land to the north, in which case this site would effectively form a further phase of that project.

8.17 The proposed development scores well against the relevant criteria in the IPS. The only criterion that is not met is criterion 1 which requires new development to be contiguous with the settlement boundary. However this is arguably a technical breach only as the site adjoins the boundary of an approved development which is under construction. It would therefore be unreasonable to refuse permission on this matter alone. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above in the subsequent assessment the 'principle' of housing development on this site is considered acceptable. The Council cannot demonstrate a 5-Year Housing Land Supply (5YHLS) and it is important that permissions are granted for developments that score well against the IPS to ensure the supply is maintained and bolstered, and it is considered that in this context the proposal is acceptable.

ii. Highway Impact

8.18 The Highway Authority has raised no objection to the proposed access to the site, which is sited only fractionally eastwards from the excising site access, albeit in an improved form.

8.19 The access will provide visibility splays of 2.4m x 43m in both directions and do not cross into any third-party land. The access is designed according to the speed of the road and will create a safe access with a good width of 5.5m with a 5m kerb radii. Diagrams have been provided to show how fire and rescue service vehicles are able to enter turn and exit in forward gear. A 1.8m wide footway will also be provided to connect into the footway of the adjoining Cooks Lane development, which is under construction, providing a continuous link to the west of the site.

8.20 In terms of highway capacity impact, this development of 40 dwellings has had a junction capacity assessment and this shows that there will be a negligible increase in delays and queuing at both junctions, (these being Cooks Lane/Stein Road junction and Inlands Road/Priors Leeze Lane junction. The development will also create minimal vehicle

movements in the peak hours with approximately 1 trip every 2-3 minutes. The access will require a 278 agreement with WSCC highways and as other off-site highway works are planned to include the widening of Cooks Lane; this will need to be timed accordingly to coincide with the widening works.

- 8.21 It is accepted that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the visibility improvements, the proposed access would be both safe and suitable in highway terms. The layout plan whilst illustrative at this stage demonstrates compliance with the County Council's parking standards. In terms of identifying the potential for future occupiers of the site to use non-car modes it is noted that the site is located close to the existing railway station and within walking distance of most local services and amenities
- 8.22 The Chichester Local Plan 2014-2029 was adopted on the 14th July 2015 and set out a scheme of A27 improvements and contributions in accordance with Policy 9 of the adopted Local Plan, 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. Draft 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.
- 8.23 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) sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the Submission Local Plan. The formula is set out in draft Policy T1 Transport Infrastructure and at this point in time equated 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. The circumstances currently facing the Council, with regard to the A27 scheme of improvements, is however, such that unless all housing permitted ahead of the adoption of the LPPS, 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 LPPS.
- 8.24 The applicant has confirmed that they are willing to provide the financial contributions envisaged in the draft Policy T1 of the LPPS and therefore any harmful effects of the development on the strategic highway network can be mitigated successfully. The financial contribution will be secured through the Section 106 Agreement.

iii. Landscape Impact

- 8.25 The site comprises a flat arable field, dilapidated glass houses and an old orchard. The majority of the site is enclosed by existing vegetation apart from the western boundary and part of the northern boundary where it abuts the approved residential site and wraps around the application site. Existing residential properties (33 and 35 Cooks Lane) abut

the Site to the east whilst Cooks Lane itself defines the southern boundary. In landscape terms therefore, the site is, or certainly will be, once the adjacent development is completed, relatively self-contained.

- 8.26 There are no statutory designations of landscape or townscape quality which infer any special character on the site itself or its immediate surroundings. The published Landscape Character Assessment and Land Management Guidelines refer to the Southbourne Coastal Plain as a 'landscape which, despite lacking strong distinctive character, has strategic value and has great potential to improve the setting to the surrounding urban areas.' The Chichester District AONB Landscape Capacity Study identifies the Southbourne North Eastern Coastal Plain as having a 'substantial' landscape Sensitivity but a 'slight' landscape value.
- 8.27 Development of housing will undoubtedly change the existing landscape character and result in a loss of open character. However the proposed development will add some landscape value to the site's surrounds through proposed and enhanced hedgerows, tree planting and integrated swales and ponds as part of a SuDs system. As a result of these enhancements and the self-contained nature of the site the landscape impact will be moderate. Impacts will be very local to the site and as a direct result of the change from agricultural land to residential development and the corresponding change in views for some immediately adjoining residents and users of the adjoining footpath. These are acknowledged impacts of development and would likely to be much the same for any similar settlement edge development. It is also relevant to point out that the site is around one fifth of the size of the adjoining consented development that was not considered unacceptable in landscape terms to either the Council or the Planning Inspectorate.
- 8.28 In conclusion, any adverse landscape impact is local and limited and not considered to be detrimental to the settlement character of Southbourne or importantly to the wider landscape character of the area, the SDNP or the Chichester Harbour AONB.

iv. Flooding and Drainage

Surface Water and Flood Risk

- 8.29 Current surface water mapping shows that, as a whole, the proposed site is at low risk from surface water flooding although there appears to be a significant surface water flood risk in the SW corner of the site. This is acknowledged by the applicant in the submitted Flood Risk Assessment. The indicative layout does not show any dwellings within this area and the applicant has indicated that the level of the access road will be raised by 300mm in this area to mitigate the risk. The indicative layout shows the potential to deliver a successful SuDs scheme.
- 8.30 The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping and the applicant was therefore asked to undertake groundwater monitoring in order to assess the actual risk from this source. This monitoring was undertaken during winter 2022 and the Lead Local Flood Authority, after reviewing the data, has confirmed that there is no significant risk from groundwater flooding.

Foul Drainage

8.31 The applicant proposes that the foul water from the site will be discharged to the existing Southern Water system located on Cooks Lane, to the west of the application site. Due to the level on Cooks Lane, which rise when heading west, it will be necessary to provide a pumping station, and one has been shown on the indicative drainage strategy and site layout.

8.32 Local concerns regarding drainage and sewage disposal and the current state of the offsite network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. For the Council to resist this application on the basis of these concerns would be neither tenable nor reasonable. Furthermore, the ongoing headroom monitoring at Thornham WwTW indicates a remaining capacity of 363 households (as of November 2023) and as such, this proposal could be accommodated within the remaining capacity.

v. Layout, Density and Design

8.33 The submitted Design and Access Statement demonstrates that the scheme has the potential to deliver a high quality development that respects and enhances the character of the area. The indicative plan submitted with the application shows a perimeter block based layout with one "main road" and a series of secondary lanes. Generous greenspace allows for public open space, biodiversity and accommodation of SuDS. The illustrative layout demonstrates how the proposal would meet the Council's open space requirements. Two areas of public open space are proposed comprising 462 square metres. (Depending on the hosing mix, which is not yet finalised, the policy requirement would be round 400 - 430 square metres). Thus the proposed quantum of development can be comfortably accommodated on the site along with relevant green infrastructure requirements. Its form is likely to reflect the approved "Rydon" scheme to the north and west and is appropriate in respect of surrounding housing.

vi. Ecology and Biodiversity

8.34 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats which are protected, or which are of importance to biodiversity is avoided or mitigated. In addition, policy SB13 of the emerging Southbourne Modified Neighbourhood Plan seeks to maximise opportunities to improve biodiversity in a number of ways, including through the continuation of the Green Ring, which is also required in the made Neighbourhood Plan. Policy SB13 (inclusive of the Examiner's recommendations in italics which have been accepted by the Parish Council) states:

A. The Neighbourhood Plan identifies the Green Ring, wildlife corridors and waterbodies of ecological value (including rare chalk streams), as shown on the Policies Map, that form part of a Green Infrastructure Network, for the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the parish and into neighbouring parishes and for mitigating climate change. The Network also comprises a variety of green spaces, ancient woodland, trees and hedgerows, assets of biodiversity value, children's play areas and off-street footways, cycleways and bridleways.

B. Development proposals that lie within or adjoining the Network are required *where relevant* to have full regard to creating, maintaining and improving the Network, including delivering a net gain to general biodiversity value *and wildlife connectivity*, in the design of their layouts, landscaping schemes and public open space and play provisions.

C. Proposals for any part of the Green Ring must have equal regard to accessibility to the Network for both existing and new residents. In this respect, the Green Ring will form a central and defining multi-functional landscape feature of any new development, creating opportunities for the whole community to enhance outdoor sport, recreation and play, improve pedestrian and cycle connectivity to existing amenities and any proposed future community hub, schools, the railway station and footbridge access over the railway line.

D. Proposals that will prejudice the completion of the Green Ring or lead to the loss of land lying within the Network and that will undermine its integrity will not be supported. Development proposals that will lead to the extension of the Network to create additional recreational opportunities will be supported provided they do not adversely affect the character, environment and appearance of the Chichester Harbour AONB, result in adverse effects on the integrity to the Chichester Harbour SPA, and are consistent with all other relevant policies of the development plan.

E. Proposals for development schemes *for housing, commercial, business and service development* comprising a gross site area of 2 Ha or more should incorporate woodland and/or wetland planting on-site of a species and standard that will effectively store/sequester carbon, as verified by the Woodland Carbon Code, unless it can be demonstrated that the soil or other site feature cannot accommodate this planting.'

8.35 Whilst, the application site is subject to no particular ecological designations, the site does lie within the zone of influence of multiple sensitive ecological sites including the Chichester Harbour SSSI, Chichester and Langstone Harbours SPA and Ramsar and the Solent Maritime SAC.

8.36 A portion of the hedgerow that bounds the site to Cooks Lane is to be removed to facilitate the access. The hedgerow is 87 metres long and a length of 19 metres according to the access plan (although the applicant's own hedgerow assessment suggests the length to be removed is 24 metres). There will also be a requirement to trim back parts of the residual hedge to secure sightlines. The submitted ecological assessment describes the hedgerow as "species poor" being dominated by Wild Cherry with Ivy and Field Maple. The Council's Tree Officer considers the hedge to be average/poor in its health, diversity and development. To compensate for this loss, the applicant proposes to enhance the residual hedge with a greater range of species which provide improved biodiversity and visual amenity. There is evidence of an ancient hedgerow in this location dating back to the 17th century although no evidence of the original hedge remains. The loss of a section is therefore regrettable but is considered to be offset by the biodiversity enhancements which will result from the new planting.

8.37 The applicant has submitted a Hedgerow Assessment, in part to determine whether the hedgerow is protected in the terms of the 1997 Hedgerow Regulations. A survey has been submitted by a qualified ecologist using the methodology prepared by DEFRA. The conclusion is that while some of the qualifying criteria are met, the hedgerow does not meet any of the ecological criteria and is therefore not ecologically classified as protected hedgerow, due to the low number of woody species. The survey suggests that the original

hedgerow was removed and replanted at some stage in the 20th century and therefore lacks the diversity and ancient hedgerow indicator species.

- 8.38 It has been suggested that access could be taken from the adjacent site to allow full retention of the hedgerow. However this would require land currently outside the applicant's control and does not form part of the proposals. Furthermore, it is the officer's view that the loss of green infrastructure to facilitate such access, should it have been posited as a solution, may well be significantly worse than the current proposal.
- 8.39 The applicant's biodiversity survey identified suitable habitats for foraging and commuting bats, common reptile species and breeding and nesting birds. In addition it identified a BAP habitat (orchard). A supplementary Bat Mitigation Report and a Reptile Surveys and Mitigation Report have identified various mitigation measures. The Council's Environment Officer has assessed the proposals and made a number of recommendations which are recommended to be secured by condition / S106 obligation. These conditions / S106 obligations include the protection of trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection, enhancements and mitigation.
- 8.40 The indicative route of the Green Ring as shown on the Modified Neighbourhood Plan Policies Map follows the western and northern boundaries of the application site – in both cases where it adjoins the neighbouring Cooks Lane development which is under construction. This alignment takes advantage of the green margins of the latter site and the indicative plan accompanying this application shows a landscaped buffer which will provide additional opportunities to incorporate new planting and SUDs attenuation which will provide additional biodiversity opportunities. The site is smaller than two hectares so Clause E of Policy SB13 is not applicable. Whilst the layout details are reserved the indicative plan does demonstrate that the relevant requirements of Policy SB13 can be complied with.
- 8.41 For the reasons set out above and subject to the recommended conditions / S106 obligations, there is no ecological reason to resist the application.

Nitrate Neutrality

- 8.42 The proposed nitrate mitigation strategy proposes to use the positive surplus of nitrates generated by the adjacent site, which is subject to both outline (SB/18//03145/OUT) and reserved matters (22/00157/REM) permission for 199 dwellings. This application was supported by an 'Information for Habitats Regulations Assessment' report which attributed the now approved development with a nutrient budget of -29.93 kg/year, i.e., a substantial net reduction in the quantity of nutrient nitrogen released to the Solent Marine Sites. This a result of the land having previously been subject to horticultural use prior to development which resulted in the release of high levels of nutrient nitrogen to ground and surface waters. Bloor Homes, proposes to allocate the beneficial effects of the consented 199 dwelling scheme (a net reduction of 29.93 kg/year) to offset the injurious effects of the proposed 40 dwellings scheme (a contribution of 25.1 kg/year), thereby achieving nutrient neutral development. Natural England has agreed to this approach.

Significant Conditions

8.43 The key conditions that are recommended to make the development acceptable include details of the construction management plan, surface and foul water drainage requirements and requirements in respect of ecological mitigation.

Infrastructure / Planning Obligations

8.44 This development is liable to pay the Council's CIL indexed at £120 sqm which will address most of the infrastructure matters. If planning permission is granted, it will be subject to the completion of an Agreement under Section 106 of the relevant legislation which would cover the following matters:

- 30% Affordable Housing (12 units) (no more and no less) in accordance with the required HEDNA mix, with a rent/shared ownership/first homes tenure as follows:
 - 5 Social Rented mix comprising: 2 x 1-bed, 2 x 2-bed and 1 x 3-bed
 - 3 Affordable Rented mix comprising: 1 x 1-bed, 1 x 2-bed and 1 x 3-bed
 - 1 Shared Ownership comprising: 1 x 2-bed property
 - 3 First Homes mix comprising: 1 x 1-bed and 2 x 2-bed.

First Homes to be delivered in compliance with the model template planning obligations set out in the National Planning Practice Guidance, which include freehold tenure at a minimum discount of 30% against market value; the first sale cannot be for more than £250,000 after the discount has been applied and the First Home to be sold to a household which meets the basic eligibility criteria. First Homes will also need to comply with the requirement of Chichester District Council (as set out in the Cabinet report 7 September 2021) for a local connection test, applicable for the first 3 months of sale and will apply on all future sales of the First Homes properties.

- Financial contribution towards the coordinated package of highway works on the A27 Chichester bypass, in accordance with the formula set out in the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) calculated at the time of granting any permission. The current estimate is £309,120 (40 x £7,728 per dwelling).
- Financial contribution (based on the final approved housing mix) towards the Bird Aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbours SPA/Ramsar.
- Provision, management and on-going maintenance of Public Open Space (POS, in accordance with Planning Obligations and Affordable Housing SPD requirements.
- Highway improvements to include new footway along northern side of Cooks Lane.
- Financial contribution of £1,500 for the monitoring and auditing of the Travel Plan by WSCC.
- Nutrient Neutrality Mitigation.
- Section 106 Monitoring Fee of £2,200.

Conclusion and Planning Balance

- 8.45 The Council cannot demonstrate a 5-year housing land supply and acknowledges that its housing policies in the development plan are also out of date. In such circumstances 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.
- 8.46 This proposal would increase the supply and choice of housing in the district and help to reduce pressure on the 5-year housing. Importantly the scheme provides 12 affordable dwellings. There will also be a number of economic benefits arising from the proposal relating to construction spend, future spend by residents and Council Tax and New Homes Bonus receipts.
- 8.47 Given the acknowledged benefits of the scheme which would weigh heavily in favour of supporting the scheme, Counsel's advice is that Paragraph 14b of the NPPF is not engaged and thus the "tilted balance" applies. In such circumstances planning permission should be refused only when "the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework" (NPPF Para. 11d)ii).
- 8.48 There is no compelling evidence arising from consideration of this proposal that the existing infrastructure cannot cope with the new development proposed. The development will meet its infrastructure requirements through obligations secured under the S.106 agreement and potential wider benefits could be secured through the development's CIL receipts. Officers regard this as a sustainable site for new housing and a proposal which responds well to the constraints which the report has identified above.
- 8.49 The supporting material, assessments and reports demonstrate that there are no technical or environmental constraints that would preclude the development of this site, subject to planning conditions and/or obligations. The proposal has been tested against the relevant 13 criteria in the IPS, which is effectively a measure of sustainable development, and meets all the criteria save one. The proposal would have very minor negative impacts on landscape character but these are very local and there is no material impact on the South Downs National Park or Chichester Harbour AONB. It cannot therefore be reasonably argued that these adverse impacts significantly and demonstrably outweigh the benefits described above.
- 8.50 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

- 8.51 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered 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, scale, appearance and landscaping (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

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

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

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

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

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

3) The development hereby permitted shall be carried out in accordance with the approved plans in so far as they relate to the matters of detail hereby approved:

- Location Plan 1000 PL A
- Proposed Access Arrangement Plan 5490/002 M

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

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 anticipated number, frequency and types of vehicles used during construction,
- (b) the location and specification for vehicular access during construction,
- (c) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (d) the loading and unloading of plant, materials and waste,
- (e) the storage of plant and materials used in construction of the development,
- (f) the erection and maintenance of security hoarding,
- (g) the location of any site huts/cabins/offices,
- (h) 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),

- (i) 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,
- (j) 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,
- (k) measures to control the emission of noise during construction,
- (l) 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,
- (m) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (n) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (o) waste management including prohibiting burning and the disposal of litter,
- (p) provision of temporary domestic waste and recycling bin collection point(s) during construction and
- (q) 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) No development shall commence on site, until protective fencing has been erected around all trees and shrubs on the northeast and eastern site boundaries in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

6) No development shall commence until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority. Unless the Local Planning Authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site

walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

7) If the Phase 1 report submitted pursuant to condition 6 above identifies potential contaminant linkages that require further investigation then no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the Local Planning Authority detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

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

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

9) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Flood Risk Assessment, MT/5490/FRA.6, Bellamy Roberts, July 2023) and the Foul and Surface Water Drainage Strategy (drawing number 5490/006, Rev. H, July 2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- i. If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development

runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

- ii. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).
- iii. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the: a. 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site. b. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- iv. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.
- v. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- vi. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- vii. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. No development shall commence until details of the proposed overall site-wide surface water drainage scheme has been submitted to and been approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

10) Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have 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.

11) Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

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 Local Policies

12) 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.

13) No part of the development shall be first occupied until such time as the new 1.8m wide footway along the western side of the access and northern side of Cooks Lane has been constructed in accordance with the details shown on drawing no. 5490/002 M.

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

14) No part of the development shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be

submitted to and approved in writing by the Local Planning Authority. Once provided these spaces shall thereafter be retained in perpetuity for their designated purpose.

Reason: To ensure that the development provides satisfactory parking for the development in the interests of proper planning.

15) No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

16) No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

17) No development shall commence until full details have been 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 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 Interim Position Statement for Housing and the principles of sustainable development as set out in the NPPF.

18) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments or any superseding document). 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 2014-202

19) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the

Preliminary Ecological Appraisal (May 2022), Bat Mitigation Strategy (May 2022) and Reptile Surveys and Mitigation Strategy (May 2022). In addition the following enhancements are required to be incorporated within the scheme

- Any trees removed should be replaced at a ratio of 2:1.
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes to be installed on multiple houses and/or trees within the gardens of the properties or on the wider site.
- Gaps included at the bottom of the fences to allow movement of small mammals across the site.
- Grassland areas managed to benefit reptiles.
- Log piles onsite.
- Wildlife pond,
- Wildflower meadow planting used.

Reason: In the interests of protecting biodiversity and wildlife.

20) No construction of any buildings above slab level shall be carried out unless and until a full schedule of all materials and finishes including samples and finishes for external walls and roofs of the proposed buildings and surfacing materials have been submitted to and been approved in writing by the Local Planning Authority.

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

21) 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 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. The lighting scheme shall also demonstrate how it complies with the requirements of policy SB17 of the Southbourne Modified Neighbourhood Plan 2014-2029 specifically how it has been designed to minimise the occurrence of light pollution by employing energy-efficient forms of lighting that also reduce light scatter. Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution. 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.

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

22) Prior to first occupation of any dwelling hereby permitted, details showing the precise location, installation and ongoing maintenance of fire hydrant(s), to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted showing the precise location, to be supplied (in accordance to and be

approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrant(s) shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

Reason. In the interests of amenity and in accordance with The Fire and Rescue services act 2004.

Informatives

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) S106 - This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 3) The Council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.
- 4) For further information and technical guidance regarding land contamination the applicant should contact the District Council's Environmental Protection Team (01243 785166).
- 5) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

6) A formal application to Southern Water for connection to the public sewerage system is required in order to service this development. Attention is drawn to the New Connections Services Charging Arrangements document which has now been published and is available to read on Southern Water's website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

7) As part of the Building Regulations 2004, adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly on very large developments (BS5588 Part B 5). For further information please contact the Fire and Rescue Service.

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

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) 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.

11) The applicant is advised via the Scottish and Southern Energy Power Distribution consultation response that live cables within the area of works.

For further information on this application please contact Andrew Robbins on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFFF54ERJ8500>