


Parish: Chichester	Ward: Chichester West
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**CC/22/01485/OUTEIA**

<b>Proposal</b>	Outline planning application with all matters except Access reserved for the second phase of development of the West of Chichester Strategic Development Location (SDL) for up to 850 homes and employment land with vehicular, pedestrian and cycle access from Westgate and via phase 1, extensions to approved phase 1 community facility and primary school, informal and formal open space (including northern Country Park), playing pitches and associated landscaping, utilities and drainage infrastructure. Closure of Clay Lane vehicular access.		
<b>Site</b>	Land To The West Of Centurion Way; Land At Bishop Luffa School; Land At And Adjoining Westgate And; Land To The North-east Of Old Broyle Road And St Pauls Road Chichester West Sussex		
<b>Map Ref</b>	(E) 484487 (N) 106017		
<b>Applicant</b>	Vistry Group and Miller Homes	<b>Agent</b>	Nick Billington

**RECOMMENDATION TO DEFER FOR S106 THEN PERMIT**



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**TO ASSIST MEMBERS WITH THEIR CONSIDERATION OF THE APPLICATION A COPY OF THE SUBMITTED SITE FRAMEWORK PARAMETER PLAN HAS BEEN PROVIDED AS AN APPENDIX TO THE AGENDA**

**1.0 Reason for Committee Referral**

- 1.1 Parish Objection - Officer recommends Permit
- 1.2 Contentious application on which Officers consider decision should be by Committee

**2.0 The Site and Surroundings**

- 2.1 The West of Chichester Strategic Development Location (SDL) adjoins the western side of the Chichester City Settlement Boundary and is allocated for a residential-led, mixed-use development by Policy 15 of Chichester District Local Plan: Key Policies 2014-2029. The extent of the 120-hectare SDL is defined by the Plan's Policies Map and in broad terms it is bounded by the line of Centurion Way to the east, by the South Coast Railway line and Clay Lane to the south, by Old Broyle Road and Brandy Hole Copse to the north and by a mixture of tree-lined field boundaries and pockets of woodland to the west.
- 2.2 As Members of the Committee will be aware, following the grant of outline planning permission in 2018 (14/04031/OUT refers) and a number of subsequent Reserved Matters approvals, the first phase (hereafter referred to as 'Phase 1') of the development of the SDL is well under way with around 500 occupations at this time.
- 2.3 The site the subject of this application (the 'Phase 2 site') has a total area of approximately 72 hectares and, whilst there is a degree of overlap with the Phase 1 application site, it essentially comprises the remaining part of the SDL together with around 1.5Ha of adjoining land at Westgate and Bishop Luffa School. The application site boundary has been amended during the course of the application, principally in order to (i) reflect changes to the proposed highway works at and adjacent to Westgate, and (ii) enable the reconfiguration of the part of the site identified for employment development.

Site description

- 2.4 Taking the part of the application site located within the SDL's boundaries first, progressing in an anti-clockwise direction from the site's north-eastern corner this can be characterised as follows:
  - (i) an approximately 12Ha, broadly flat area of land adjoining the eastern side of Old Broyle Road, opposite the entrance to the Phase 1 site. This area's remaining boundaries are defined by Brandy Hole Copse to the north and by Centurion Way (in deep cutting at this point) to the east. The land currently comprises a large, rectangular arable field together with an adjoining, wedge-shaped, smaller field which serves as a reptile translocation area for the Phase 1 development, and which is currently managed for that purpose. The smaller field is located within Lavant Parish and is the only part of the application site that is not located within the Chichester City Parish.
  - (ii) a roughly 30Ha area of currently arable land located in the north-western part of the SDL. To its north and west this area is enclosed by Phase 1 land comprising the 'Western Green Link', a peripheral landscaped belt which forms a key component of the SDL's

SANG (Suitable Alternative Natural Greenspace) and movement network. The southern boundary of this area is defined by Salthill Lane, an E-W orientated public footpath bounded by trees and hedgerows and which also provides vehicular access to Salthill Lodge, a single dwelling located just beyond the site's western boundary. A number of Phase 1 residential parcels are located immediately to the east of this area, but part of this area also extends into the Phase 1 site so as to encompass the SDL's mixed-use Local Centre. As discussed further below, this overlap of the Phase 1 and Phase 2 sites is necessary due to the requirement for certain elements of the Local Centre's Phase 1 community provision to be extended in order to cater for the needs of the Phase 2 population. In terms of topography the northern part of this area, comprising two large fields divided by E-W orientated tree belts, is located on a relatively flat plateau. The southern part of this area, comprising a further two arable fields has a relatively pronounced gradient, with a 10m reduction in levels from north to south.

(iii) a broadly flat and square 15Ha area of farm and woodland with its northern and southern edges defined by Salthill Lane and public footpath 3015 respectively. To its east lies the Phase 1 Country Park. Adjoining the western boundary lies further arable land, with the A27 located approximately 200m beyond. This land currently comprises two, large fields that are divided by an area of Ancient Woodland. The south-western part of this area surrounds the site of a recently constructed sewerage pumping station which assists in conveying sewage from the Phase 1 development to the Tangmere Wastewater Treatment Works.

(iv) a 12Ha area of improved grassland enclosed by footpath 3015, Centurion Way and the South Coast Railway Line to the north, east and south respectively. Its western boundary is formed by both Clay Lane itself and by the gardens of a number of dwellings located on its northern side. Part of this area includes the site of the Phase 1 formal sports provision which is currently under construction - this comprises three playing pitches together with a pavilion and car park, with vehicular access to these facilities to be provided from Clay Lane. A substantial drainage ditch runs on a N-S alignment through the eastern part of this land parcel. This ditch collects water from the surrounding land drainage network which includes a number of seasonally wet ditches, the ephemeral chalk stream that runs through the centre of the SDL and the controlled discharge from the SuDS infrastructure that serves the Phase 1 site.

2.5 The remaining part of the site - beyond, but adjacent to, the boundary of the SDL - comprises:

- (i) a 0.25Ha strip of land forming part of the Bishop Luffa School campus which runs parallel to its boundary with Westgate; and
- (ii) Highway Land at Westgate and Sherborne Road - principally comprising land at and adjoining the entire length of Westgate West, and the land at and around its junction with Sherborne Road; and
- (iii) a section of Centurion Way between its current connection to Westgate and a point 300m to the north.

2.6 As explained subsequently in this report, although not technically forming part of the SDL (which is defined by the Local Plan's Policies Map), the land described in paragraph 2.5 is required in order to provide highway infrastructure that is integral to the delivery of the second phase of the SDL's development.

## Site Constraints

- 2.7 The site is not the subject of any statutory landscape designations. However, the boundaries of the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and the South Downs National Park lie approximately 350m to the south and 1.5km to the north of the site respectively.
- 2.8 Whilst the site itself is not subject to any statutory protection in terms of ecology or habitat-based designations, it is located within the Zones of Influence/catchments of the Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar, the Solent Maritime Special Area of Conservation (SAC) and the Singleton and Cocking Tunnels SAC.
- 2.9 An unnamed area of Ancient Woodland is located within the southern part of the site [see para 2.4(iii) above]. A further parcel of Ancient Woodland, Upper Rouse Copse, is located close to the site's western boundary, within the above-mentioned Western Green Link. Brandy Hole Copse, a Local Nature Reserve that is managed by the District Council and which also comprises Ancient Woodland, adjoins the northern side of the part of the site described above at paragraph 2.4(i). The southern part of the site's western boundary adjoins one of the Strategic Wildlife Corridors proposed in the emerging Chichester Local Plan 2021-2039.
- 2.10 With regard to heritage assets, no listed buildings are located on the site. However, two Grade II Listed buildings adjoin the site's boundaries - Salthill Lodge, located at the western end of Salthill Lane, and Westfield House, located at the junction of Westgate and Sherborne Road. With regard to archaeology, the only statutorily protected asset on the site comprises a north-south orientated section of the Chichester Entrenchments Scheduled Monument which is located within the land referred to at 2.4(i) above. In terms of non-designated assets, locally identified Archaeology Priority Areas straddle (i) the line of Westgate (a Roman road and associated settlement) and (ii) the route of public footpath 3015 (a possible Roman road or Iron Age entrenchment).
- 2.11 In respect of flood risk, the entire site is located within Environment Agency (EA) Flood Zone 1 which is defined as having a low probability of river and tidal flooding.
- 2.12 With the exception of those that form part of the Phase 1 development, relatively few existing buildings are located immediately adjacent to the Phase 2 site, with these primarily comprising Salthill Lodge, around 15 dwellings at Westgate and Clay Lane and the complex of buildings at Newbridge Farm (flanking the site's south-west corner). However, a larger number of residential properties at Pine Grove and Old Broyle Road are located relatively close to the site's north-west corner, being separated from it by the intervening Western Green Link. Similarly, dwellings on the Broyle Estate and on Brandy Hole Lane are located close the north-eastern part of the site, although separated from it by Centurion Way and Brand Hole Copse respectively.
- 2.13 Westgate forms part of National Cycle Route 2, a long-distance route from Dover to St Austell. Centurion Way comprises National Cycle Route 288.

### **3.0 The Proposal**

#### **Background**

- 3.1 The application seeks outline planning permission for the second (and final) phase of the development of the West of Chichester SDL. The SDL is allocated by Policy 15 of the Local Plan which establishes the following key components of the development: up to 1600 homes; 6 hectares of employment land; a community hub including a community centre, a primary school, office accommodation and retail floorspace; road access from both Old Broyle Road and Westgate; open space and green infrastructure including Country Parks. In line with the requirements of Local Plan Policy 7, a masterplan framework for the SDL was endorsed by the Planning Committee in 2016.
- 3.2 Following the grant of outline and detailed permission for Phase 1 of the SDL's development, this application seeks to deliver the balance of the Policy 15's requirements by providing the following:
- up to 850 dwellings
  - 5.2Ha of employment land
  - an extension to the permitted Phase 1 Primary School to accommodate a Second Form Entry
  - an extension to the permitted Phase 1 Community Centre building
  - various green infrastructure including a Northern Country Park and other areas of Suitable Alternative Natural Greenspace (SANG)
  - an extension to the Phase 1 formal sports facilities alongside provision of replacement and new pitches for use by Bishop Luffa School
  - additional equipped play and allotment provision
  - a range of strategic landscaping and drainage infrastructure
  - various new highway infrastructure and associated alterations to existing highway infrastructure including, most notably, a principal spine road - referred to hereafter as the Southern Access Road (SAR) - completing the route through the SDL from Old Broyle Road to Westgate.
- 3.3 The application is made in Outline with all matters except Access reserved. The components of Access for detailed consideration are discussed further below but these essentially comprise: the Southern Access Road (SAR) itself and its attendant pedestrian and cycling infrastructure; alterations to the alignment and configuration of Westgate West, with this section of road effectively forming the eastern end of the SAR; revised access and pick-up/drop-off arrangements for Bishop Luffa School at Westgate; the remodelling of the Westgate-Sherborne Road junction and the pedestrian and cycling infrastructure that surrounds it and; alterations to the width of the section of Centurion Way referred to at paragraph 2.5 (iii) above, along with the minor changes to the alignment of its southernmost section.

#### **The Application Submission**

##### **Detailed, Parameter and illustrative plans**

- 3.4 Alongside a number of highway drawings relating to the access-related works for which detailed consent is sought, the applicants are also seeking approval for a number of Parameter Plans. If permitted, these plans - listed as follows - would establish a

framework of key development criteria and characteristics that subsequent Reserved Matters applications will be required to comply with: Site Framework; Street Hierarchy; Storey Heights; Public Open Space, Play space, Spire Views and Drainage; Land Use; Pedestrian and Cycleways; Density.

- 3.5 In order to assist in demonstrating how the range and quantum of development sought can be accommodated on the site in a satisfactory manner, a number of illustrative plans have also been submitted including: site masterplan; formal sports provision; landscape strategy; open space typology; spine road tree strategy; extensions to the Phase 1 primary school and community buildings.
- 3.6 Various supporting plans relating to baseline matters such as a topographical site survey and tree constraints/protection also form part of the application.

#### Environmental Statement and other supporting documents

- 3.7 In support of the application an Environmental Statement (ES) within the meaning of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017 (as amended) has been submitted. The purpose of the EIA process is to ensure that the likely significant environment effects of relevant developments are fully considered and, where necessary, measures to avoid, reduce or mitigate such impacts are secured. The Government's Planning Practice Guidance advises that the ES should focus on the 'main' or 'significant' environmental effects only, and that the ES should be proportionate. A non-technical summary of the ES has also been submitted.
- 3.8 The submitted ES is titled West of Chichester Phase 2 Environmental Statement Addendum Report. This title reflects the fact that it seeks to update the 2014 ES submitted with, and updated during the course of, the Phase 1 application. Whilst the 2014 ES considered the entire SDL and full scope of development set out in Local Plan Policy 15, the applicants have reviewed and where necessary updated the submitted environmental information within it in order to reflect:
- the subsequently permitted detail of the Phase 1 development
  - the nature, distribution and quantum of the Phase 2 development as set out in the submitted detailed and parameter plans
  - updated ecological surveys
  - subsequent revisions to the EIA Regulations.
- 3.9 The submitted ES assesses the following topics and is appended by a number of detailed technical reports and assessments:
- Ecology
  - Landscape and Visual Impact Assessment
  - Transport and Access
  - Water Resources and Flood Risk
  - Archaeology and Cultural Heritage
  - Socio-economic
  - Noise
  - Air Quality and Odour
  - Lighting
  - Conclusion and Mitigation.

- 3.10 The application has been subject to a series of amendments during the course of its consideration. In view of these changes the applicants have with each submission of amendments reviewed the scope and conclusions of the submitted ES, and have confirmed their view that an update to the originally submitted ES is not justified.
- 3.11 In accordance with Regulation 26 the submitted environmental information has, alongside consultation responses and other material considerations, been fully considered in the assessment of the application set out below.
- 3.12 Whilst the majority of technical reports and statements supporting the application are appended to the ES, the application is also accompanied the following documents, a number of which have been updated or supplemented during the course of the application. These include:
- Design and Access Statement
  - Planning Statement (incorporating Affordable Housing Statement)
  - Statement of Community Involvement
  - Report to Inform Habitats Regulation Assessment
  - Biodiversity Impact Assessment
  - Statement of Community Involvement
  - Arboricultural Impact Assessment
  - Utilities assessment
  - Ground Appraisal Report

## **The Key Components of the Development**

### Housing

- 3.13 Permission is sought for up to 850 dwellings comprising a range of types, sizes and tenures including 30% affordable (255 dwellings) and 70% market housing (595 dwellings). The affordable housing would be provided in accordance with the following tenure split and distributed throughout the site in clusters of no more than 15 dwellings - 25% (64) First Homes, 18% (46) Shared Ownership, 35% (89) Social Rent and 22% (56) Affordable Rent.
- 3.14 In terms of dwelling size, the affordable dwellings would be provided as follows (percentages rounded):
- 1 bedroom - 33% (84)
  - 2 bedroom - 43% (110)
  - 3 bedroom - 20% (50)
  - 4+ bedroom - 4% (11)
- 3.15 It is not intended to fix the mix of market dwellings at the outline permission stage. However, in order to provide a broad indication of numbers and inform consideration of the submitted parameter plans, the following indicative mix would accord with the most up-to-date available housing-related evidence:
- 1 bedroom - 5% (30)
  - 2 bedroom - 35% (208)
  - 3 bedroom - 40% (238)
  - 4+ bedroom - 20% (119)

- 3.16 As part of the above mix, it is proposed that a minimum of 20 bungalows would be provided across the site in a 50-50 market-affordable split.
- 3.17 The merits of the approach to the location and layout of individual development components will be discussed in more detail in the Assessment section of this report below. However, in broad terms the housing element will be located in the north-western part of the Phase 2 site, within the area described at paragraph 2.4(ii) above.

#### Employment

- 3.18 The 5.2Ha of employment land would be located to the south of the housing area, on the part of the site described at paragraph 2.4(iii) above. It would be provided in two parcels separated by a north-south orientated corridor containing both a section of the SAR and a belt of Ancient Woodland. The western employment parcel would be accessed directly off the SAR, whereas the submitted plans show the slightly smaller eastern parcel connecting to the SAR via a short section of second order street. The employment buildings are indicated as having a maximum height of 2 storeys. It is proposed that the employment provision would comprise light industrial and/or research and development uses as defined by Classes E(g)(ii) and E(g)(iii) of the 1987 Use Classes Order (as amended) respectively.

#### Local Centre

- 3.19 The submitted drawings indicatively show a linked, single storey extension to the Primary School which already benefits from detailed approval under the Phase 1 planning permission. This additional provision is required to meet demand generated by the SDL's increased population and will primarily comprise the 7 classrooms necessary to create a second form entry along with expansion of the nursery facility, provision for special educational support together with ancillary accommodation.
- 3.20 The increased population arising from the Phase 2 development also necessitates an extension to the Phase 1 community building. This will likely involve an extension to the southern side of the Phase 1 building with a footprint of approximately 450m<sup>2</sup>. Sufficient space for an extension was incorporated into the layout of this part of the site as part of the reserved matters approval for the Phase 1 community building.

#### Open space, Country Park, allotments, equipped play and formal sport provision

- 3.21 The parameter plans and other supporting information indicate the following in terms of open space and formal and informal recreation provision:
- (i) *Suitable Alternative Natural Greenspace (SANG) and other open space land:*  
The proposals include two components of SANG land, the primary purposes of which is to provide a resource that will deflect the recreational pressure arising from the development from the Chichester and Langstone Harbours SAC/SPA.

The first component involves provision of a so-called Northern Country Park (NCP) in the north-eastern part of the site [see area described at paragraph 2.4(i) above]. Informal paths to the periphery of this 11.6Ha area are already used by members of the public on a permissive basis and the applicants have confirmed that, alongside a number of new connections, existing pedestrian access points into this land from Old Broyle Road (OBR),



Brandy Hole Copse and Centurion Way would be retained. A public carpark to serve the NCP has already been provided on the western side of OBR as part of the Phase 1 development.

The second component of the proposed SANG provision comprises a 8.5Ha area of land located within the part of the site containing the employment land. The main (approx. 5Ha) element of this area of SANG comprises the belt of land between the two employment parcels, which would contain the above-mentioned Ancient Woodland along with landscaped buffers. However, this area will also link into belts of landscaping that run around the periphery of the two employment parcels, and which incorporate proposed recreational walking routes that, in turn, connect to both the existing public footpath network (Salthill Lane/Newlands Lane and footpath 3015) and the Phase 1 SANG network (Western Green Link and Southern Country Park).

In addition to the SANG land, the parameter plans indicate a number of other significant areas of informal open space including (i) two east-west corridors incorporating existing tree belts which subdivide the housing area; and (ii) a further east-west belt which forms a buffer between the southern boundary of the housing area and Salthill Lane; and (iii) a north-south orientated landscaped belt located along most of the eastern boundary of the housing land, incorporating the majority of trees and hedgerows that are currently in situ here; and (iv) land to the south of the playing pitches, between the SAR and the SDL's southern boundary.

*(ii) Allotments:*

A 0.6Ha area of allotments is proposed on the northern side of Salthill Lane where it meets the site's western boundary.

*(iii) Equipped play:*

A combined total of approximately 2000m<sup>2</sup> of equipped provision is proposed comprising 4 Locally Equipped Areas of Play (LEAP) shown in the following locations: (i) within the northern part of the housing area and; (ii) within the landscaped belt that divides the northern and southern parts of the housing areas and; (iii) within the belt of landscaping adjacent to Salthill Lane; and (iv) adjacent to the sports hub pavilion. Three unequipped Local Areas of Play (LAP) are distributed throughout the housing area. Finally, a range of 'play on the way' equipment, provided in the form of linear play trails, is also proposed.

*(iv) Formal Sport:*

The primary component of proposed formal sport provision comprises a full-size, floodlit artificial grass playing pitch which the submitted plans indicatively show as being positioned between the southern side of the SDL's Phase 1 playing pitches and the northern side of the SAR. To the east of the artificial pitch two grass, junior football pitches are proposed. The latter pitches would primarily serve as a replacement for the playing field land that would be lost at Bishop Luffa School (BLS), but they would also be available for community use outside of school hours.

## Access, movement and connectivity

### *Detailed Access Proposals*

- 3.22 As noted at paragraph 3.3 above, the highway elements for which detailed consent are sought essentially comprise the new Southern Access Road (SAR) together with works to the adjoining sections of the existing highway network. As set out in paragraphs 8.87 to 8.93 below, it is proposed that these works will be completed prior to occupation of the 151<sup>st</sup> dwelling.
- 3.23 When completed, the SAR would provide a seamless highway connection between the Phase 1 development's spine road and Westgate. However, for the ease of description and assessment this aspect of the proposals is divided into two principal components which can be summarised as follows:
- (i) *The section of the SAR to the west of Centurion Way*
- 3.24 From north to south, this would run approximately 1300m from its connection to the southern end of the Phase 1 spine road to the point at which the SAR crosses Centurion Way. It would comprise a 6.75m wide carriageway with a 3.0-3.2m wide segregated cycleway and 2.0m footway on its western/southern sides, with a 2.0m wide footway adjoining the opposite side of its carriageway. Crossing provision for users of existing public rights of way (footpath 3015 and Salthill Lane) is made where their routes are intersected by the SAR.
- 3.25 The majority of this section of the SAR, which will be offered to the Local Highway Authority for adoption, has a design speed of 30mph. In order to help self-enforce this speed a number of raised-table features and road-narrowing's are proposed in various locations including at key junctions, where rights of way are crossed and in the vicinity of the sports hub car park.
- 3.26 At the eastern end of this section the SAR will cross the line of Centurion Way (CW), a former railway line that is now a National Cycle Route. This is shown as an at-grade, raised-table crossing with separate provision made for pedestrians and cyclists. In highways terms this is referred to as a 'controlled' crossing, which means that motorists are legally required to stop for any pedestrians or cyclists who are waiting to use it. On the southern side of the crossing a connection between the SAR's segregated cycleway and CW would be made.
- 3.27 A build-out would narrow the SAR at a point approximately 250m to the west of the CW crossing. This indicates the point at which, when travelling east towards the crossing and the Bishop Luffa access, the proposed speed limit of the SAR would reduce from 30mph to 20mph.
- 3.28 On the northern side of the SAR at a point approximately 50m to the east of the abovementioned build-out, a new pick-up/drop-off area for Bishop Luffa School is proposed. A gated path would run from this area across the southern part of the area of the new playing fields referred to in the last bullet point of paragraph 3.21 above, with pupils then crossing Centurion Way in order to access the western boundary of the school campus via a new, gated access point.

3.29 Turning provision for school buses is provided on the southern side of the SAR at a point roughly equidistant between the drop-off area and the CW crossing.

3.30 Following completion of the SAR the vehicular access from Clay Lane to the sports hub (permitted as part of the Phase 1 proposals) would be closed-up and replaced with an arrangement suitable for pedestrians and cyclists only.

*(ii) The section of SAR to the east of Centurion Way*

3.31 This element of the proposals has been subject to substantial amendment during the course of the application in order to, amongst other things, minimise land-take from the Bishop Luffa campus. This section of the SAR essentially comprises two seamless sub-components which can be summarised as follows:

3.32 The first of these components comprises an 200m long section of entirely new carriageway between the abovementioned Centurion Way (CW) crossing and what is currently the western terminus of Westgate West.

3.33 It would consist of a 6.75m wide section of carriageway located on land that is currently within the Bishop Luffa campus. On its northern side this would be flanked by a 3.5m wide footway which would adjoin a new 80m long bus layby capable of accommodating 6 school buses. Vehicular and pedestrian access to the school from Westgate is retained, being provided by a new priority junction with uncontrolled crossing facilities - this would lead into the school's existing parking and turning areas which are located to the west and north-west of its tennis courts. On the southern side of this section of the SAR, CW would continue on its current alignment for all but its easternmost 50m section, with this short section shifted northward by a maximum of around 5m. This alteration is necessary in order to facilitate a connection to a second controlled pedestrian crossing off the spine road.

3.34 The second component of this section of the SAR involves the remodelling of the adjoining 215m section of existing carriageway and associated highway infrastructure at Westgate West, including works at and around its junction with Sherborne Road.

3.35 For the majority of this section the carriageway would remain broadly on its existing alignment, with a third controlled pedestrian/cycle crossing provide at a point approximately 50m to the west of its junction with Sherborne Road. The southern side of the carriageway would be flanked by a 3.2m wide segregated cycleway (connecting into Centurion Way at its western end) with an adjoining, 2.0m wide footway. The northern side of the carriageway would consist of a 3-3.5m footway to the west of the above-mentioned crossing, with a 4.5m wide shared foot/cycleway running from the east of the crossing up to Sherborne Road. Vehicular access to the existing dwellings on the southern side of Westgate will be retained via a mix of crossovers and a new priority junction.

3.36 The existing Westgate-Sherborne Road junction would be converted from a mini-roundabout to a staggered crossroads arrangement, with priority given to N-S traffic on Sherborne Road. New, ramped and controlled crossings with associated foot and cycleway connections would be provided on all four approaches to the junction as follows: (i) on Westgate West, 50m to the west of the junction (as referred to in the paragraph 3.33 above); (ii) on Westgate East, 25m to the east of the junction - this crossing has already

been provided pursuant to the Phase 1 permission; (iii) on Sherborne Road 20m to the north of the junction - with the design of this crossing, and the foot/cycleway connections to it, representing a minor change to the crossing already approved pursuant to the Phase 1 permission; and (iv) on Sherborne Road approximately 10m to the south of the junction, with this crossing incorporating a central refuge area for cyclists and pedestrians - this is similar to the arrangement recently implemented in connection with the Phase 1 works, although it would be positioned slightly closer to the A259 'College' roundabout.

- 3.37 It should also be noted that the widening of the Sherborne Road's southbound approach to the College Roundabout (to form an additional lane) as approved in connection with the Phase 1 development is re-included in the Phase 2 proposals.
- 3.38 As previously mentioned, the proposals also include the widening - from approximately 2.5m to 4.5m - of the hard surface of the section of Centurion Way between its eastern end and the proposed new pedestrian/cycle access to the school grounds referred to above at paragraph 3.28 above.
- 3.39 Compared to the Phase 1 permission, relatively few off-site highway works are proposed. These include a dropped kerb pedestrian crossing at Old Broyle Road (OBR) which would link to the proposed pedestrian access into the north-west corner of the Northern Country Park, improvements to the section of footway and the installation of street lighting on the western side of OBR between the Phase 1 site access and the Centurion Way/St Pauls Road bridge, and minor pedestrian crossing improvements at the A259-Via Ravenna roundabout. As discussed further below, further off-site highway works may be required depending on the outcome of post-commencement traffic monitoring.

#### *Movement and connectivity*

- 3.40 The submitted parameter and illustrative layout plans indicate a proposed road hierarchy based on a network of secondary streets, tertiary streets and private drives leading off the Southern Access Road and connecting into the Phase 1 layout.
- 3.41 The Pedestrian and Cycleway Parameter Plan shows a number of foot and cycleway connections to the Phase 1 movement network including various links to the Local Centre, Newlands/Salthill Lane, footpath 3015 and the Western Green Link.
- 3.42 In addition to the segregated cycleway referred to above, accessibility for cyclists between the developed part of the Phase 2 site and the adjacent part of the City would be enhanced by the establishment of cycling rights (i) on Newlands/Salthill Lane along its section between Salthill Lodge and the Centurion Way bridge; and (ii) along the eastern section of public footpath 3015, completing a direct cycling route between Centurion Way and the SDL's sports facilities.
- 3.43 A network of pedestrian routes is also proposed around and between the two employment parcels including connections to the adjacent rights of way and the Southern Country Park. In terms of the Northern Country Park, the submitted plans show a number of new pedestrian access points to it including one in the Park's north-west corner (linked to the above-mentioned crossing of Old Broyle Road), one adjacent to the OBR roundabout and an indicative connection between the south-east corner of the Park and Centurion Way (close to the CW connection to/from the East Broyle Estate).

### Surface water drainage

- 3.44 The indicative approach to surface water drainage can be summarised as follows:
- residual surface water flows from the Phase 2 residential areas and a small section of the SAR would drain to the existing Phase 1 surface water attenuation areas located within the Phase 1 Southern Country Park. In order to accommodate these additional flows, some minor works to the spillways between the two existing balancing features within the Park may be required.
  - the two employment parcels and a further short section of the SAR would drain to two detention basins located to the south of the eastern employment parcel.
  - the majority of the remaining parts of the SAR would drain to three detention basins located adjacent to the carriageway, whilst its easternmost section would connect to the existing highway drainage system at Westgate West.
- 3.45 It is proposed that all of the drainage basins would discharge to the local ditch network at no more than greenfield rates.

### Foul drainage

- 3.46 The Phase 2 development would connect to the Tangmere Wastewater Treatment Works via Southern Water's recently completed strategic pipeline.

## **4.0 History**

14/04301/OUT - PERMIT S106 - Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works.

18/01587/REM - PERMIT - Approval of reserved matters in respect of Appearance, Landscaping, Layout and Scale following outline planning permission CC/14/04301/OUT - Consent sought for Primary Road, Primary Surface Drainage and Primary Utilities Routing. SANGs land incorporating Western Green Link, Central Green Link and Country Park.

19/01134/REM - PERMIT - All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel 2A, pursuant to permission 14/04301/OUT.

19/01531/REM - PERMIT - All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 2B, pursuant to permission 14/04301/OUT.

19/02584/REM - PERMIT - Application for all outstanding reserved matters (layout, appearance, scale and landscaping) following outline planning permission CC/14/04301/OUT, for sports facility consisting of 1x adult rugby pitch, 1x adult football pitch, 1x adult cricket pitch and sports pavilion building with associated drainage, landscaping, parking and other works (Phase 1).

19/02626/REM - PERMIT - All outstanding Reserved Matters for the erection of 29 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P.3D, pursuant to permission 14/04301/OUT.

19/02819/REM – PERMIT - All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 3C, pursuant to permission 14/04301/OUT.

19/03122/REM – PERMIT - All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Phase 3, Parcel C, pursuant to permission 14/04301/OUT (Scheme B).

20/01046/REM – PERMIT - All outstanding Reserved Matters for the erection of 50 dwellings with associated parking, landscaping, informal open space and associated works on Phase 5, Parcel F, pursuant to permission 14/04301/OUT.

20/02473/REM - PERMIT - All outstanding Reserved Matters for the erection of 55 dwellings with associated parking, landscaping, informal open space and associated work on Phase 5, Parcel G, pursuant to permission 14/04301/OUT.

20/03108/REM - PERMIT - All outstanding Reserved Matters for the erection of 65 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 6.H, pursuant to permission 14/04301/OUT.

20/03166/REM – PERMIT - All outstanding Reserved Matters for the erection of 84 dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT.

20/03167/REM – PERMIT - All outstanding Reserved Matters for creation of allotment gardens with associated electricity sub-station, parking, landscaping, informal open space and works pursuant to permission 14/04301/OUT.

21/00460/REM – PERMIT - All outstanding Reserved Matters for the erection of buildings within the West of Chichester Local Centre to include a retail building with 8no. affordable dwellings, 4no. employment (office) buildings, a health care facility building, a community centre (including integral children's day nursery) and public open space to include a Locally Equipped Area of Play and Multi-Use Games Area; associated parking, landscaping and associated work in relation to the above; all pursuant to permission CC/14/04301/OUT

21/00461/REM - PERMIT - All outstanding Reserved Matters for the erection of a one-form entry primary school and associated ancillary buildings, parking, landscaping and access arrangements together with formation of adjacent public square with all works pursuant to outline planning permission CC/14/04301/OUT.

22/02411/FUL – WITHDRAWN - Formation of a new vehicular access to Bishop Luffa School with creation and reconfiguration of car parking, hard play area and provision of additional cycle parking. Formation of new vehicular access across Centurion Way. New artificial sports pitch with associated fencing (including acoustic fence), lighting, and changing facility. Associated landscaping, engineering and drainage works.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

Comments are summarised unless stated otherwise.

### 6.1 Chichester City Council

#### Comments dated 25 October 2023

I refer to the letter dated 20th October by Ann Butler, the Planning and Conservation Committee's Chairman, and I attach the second PJA (Highways Consultant) report referenced in the letter, which was commissioned by Chichester City Council earlier this year. I confirm this is a formal response to the application and I would be grateful if you could ensure the report is passed to the Highway Authority and the developer. It is noted that, since the report was written, further traffic surveys and other additional technical information has been provided by the applicant, and some amendments have been made to the SAR including the right-turn lane, slight width and alignment changes to the shared surfaces and alterations to the crossings. Nevertheless, the PJA report remains largely relevant and examines the principle of, and potential alternatives to, the proposed staggered junction design of the Westgate Sherborne Road junction, as well as the highway capacity and data issues, which the Highway Authority will be re-assessing at this stage, following the additional information and amendments recently submitted by the applicant.

**Officer Note:** *Both the above-mentioned (second) PJA report and the Chairman's letter - which refers to the content of the report and requests that an alternative Westgate/Sherborne Road junction design be pursued – have been forwarded to the Local Highway Authority. The letter and report can be viewed in full on the application file via the 'View Planning Applications' page of the Council's website using the application reference 22/01485/OUTEIA. The document is under the Parish Comments document type, is dated 25 October 2023 and is titled 'Chichester City Council'.*

#### Comments dated 24 December 2022

Further to the City Council's previous representation on the Phase 2 West of Chichester application, ref 22/01485, please find attached a report by PJA, examining transport elements of the planning application and the Southern Access Route. Members would like to reiterate concerns over the potential highways impacts which have been assessed by the applicant on the basis of limited, out of date data and uncertain assumptions. Similarly to National Highways, PJA outline concerns associated with forecast traffic reductions and

suggest that sensitivity tests should be presented for different scenarios, which may need to consider development, infrastructure and travel demand interventions. Notably PJA highlight how WSCC and National Guidance conclude that traffic flows on Westgate already exceed the threshold where mixed traffic flow would be acceptable to all and point to the LCWIP recommendation for a modal filter, which would affect the traffic forecasts at Southern Access Road junction. It is therefore difficult to see how the application could reasonably be assessed to be acceptable in terms of highways impacts unless and until the applicant is able to provide more detailed, up-to-date highways analyses, giving greater certainty and accuracy than is currently offered within the application documents.

**Officer Note:** *The above-mentioned (first) PJA report – which has been forwarded to the LHA - can be viewed in full on the planning application file via the 'View Planning Applications' page of the Council's website using the application reference 22/01485/OUTEIA. The document is under the Parish Comments document type, is dated 3 January 2023 and is titled 'Chichester City Council'.*

#### Comments dated 28 July 2022

Objection. Whilst it is recognised that the development is supported by the relevant land use allocation within the adopted Local Plan and largely accords with the previous overall West of Chichester Masterplan, objection is raised on a number of points of concern which should be addressed fully prior to any grant of permission:

- The siting of the Bishop Luffa access roundabout at the point of exit from the foot/cycle bridge over the railway will encourage dangerous crossing of the SAR by students, as the crossings are some distance in the opposite direction to the school access. Consideration should be given to moving the roundabout and putting in a crossing at the foot of the bridge to maximise safety for students. Alternatively, negotiation could be undertaken between Network Rail, WSCC and CDC to reconfigure the northern side of the bridge. The existing bridge directs users back on themselves to bring them out at its current exit point. A reconfiguration of the bridge could provide two continuous slopes, for those travelling both west and east, which would bring its western exit (or access) point close to the Centurion Way crossing, although this would result in the loss of a group of trees. The eastern exit would also be a safer distance from the roundabout.
- The siting and extent of the industrial areas into the land around the ancient woodland is of concern; it creates a linear area of landscape and ecology sandwiched between industrial units, rather than as was originally envisaged, a larger area directly connecting, for wildlife, to the phase 1 country park. The development to the north of this countryside was originally envisaged to be residential, industrial use reduces accessibility and desirability of recreational use of the surrounding area. It being significantly less visible and less well used for leisure purposes by adjacent residents increases the risk of anti-social behaviour and consequent development pressure to infill. The vehicular access through residential areas is undesirable. Reduced industrial provision should be considered, particularly in light of the 2022 HEDNA concluding reduced need for new employment land, and use should be made of the land around the pumping station; this should remove the need for the new, eastern industrial plot.



- Traffic flow along the A27 at peak times is already slow, as is traffic flow within the city centre at times. Although the Transport Assessment concludes that impacts are acceptable, the predicted 4.1% increase in evening peak flow traffic every day at the Fishbourne roundabout and a 5.5% increase at Northgate gyratory would meaningfully contribute to traffic delays which residents already find unacceptable. National Highways have now said they are unsatisfied with the TA and requested further work.
- The following should be considered: Connection of the SAR directly to the college roundabout, no left turn onto Sherbourne Road, vehicular connection to Clay Lane and from Clay Lane to the A27 2 at the existing underpass, a roundabout to Norwich Road - Sherbourne Road junction, a Dutch style roundabout at SAR - Westgate - Sherbourne Road junction (separate to or incorporating the college roundabout), implementing junction "option 2" which is a direct link onto the A259 college roundabout (the Paul Wreyford design).
- The safety audit identifies that the new SAR junction's stagger distance does not meet safety requirements and is therefore unacceptable as proposed.
- The creation of the Northern Country Park should employ a "light touch", prioritising biodiversity and existing local ecology in the balance with leisure use.
- The SAR should be provided well before the 900th (of 1600) dwelling to allow it to be used by construction traffic.
- Air pollution which would exceed maximum limits and would unacceptably impact local residents, cyclists and pedestrians, particularly of increased traffic queueing

#### 6.2 Lavant Parish Council

None received.

#### 6.3 Fishbourne Parish Council

The Council supports the permanent closure of the Clay Lane vehicular access, but has sympathy with residents who are complaining about the problematic access at Westgate. The Council is also concerned about the pedestrian and cycle access from the railway crossing at the bottom of Centurion Way and how this accesses Westgate.

#### 6.4 Chichester Harbour Conservancy

Recommendation - No objection subject to the Council being satisfied with proposals to treat foul wastewater arising from the development, so as to not contribute to storm surges in Chichester Harbour and securing via legal agreement - (A) Bird Aware Solent scheme mitigation; (B) Provision and retention in perpetuity of a Country Park including provision for its future maintenance.

This is the second phase of an initial outline permission reference 14/04301/OUT for development including 750 dwellings in an allocated strategic development location site in the adopted local plan, to which The Conservancy raised no objections on 9 March 2015, subject to certain concerns regarding sewerage treatment and net surface water run-off from the land, with subsequent additional comments made 24 November 2015, 26 April 2016 and 6 June 2016.

I note that under the S.106 signed 11 April 2018 related mitigation for recreational disturbance at the shoreline of Chichester Harbour was secured and clauses also imposed to ensure the delivery of public open space as an alternative to visiting the Harbour shoreline for dog walkers.

It is noted that the Chichester Society has objected to the location of the Country Park within the site. Provided a Country Park is provided of sufficient size, The Conservancy would not object to an alternative siting within the site, if this delivers better biodiversity net gain overall, whilst noting mitigation cited in section 4.4 to the shadow HRA by Tetra Tech to ensure dark corridors, especially for foraging bats.

Subject to the matters set out in the recommendation above, The Conservancy does not wish to comment in detail on the application.

#### 6.5 Environment Agency

We have no objection to the proposals as amended during the course of the application. We note the method of foul drainage arrangements aligns with the existing approved arrangement for phase 1.

#### 6.6 Southern Water

All necessary agreements for connections to Southern Water's infrastructure must be obtained. Appropriate measures for the maintenance of SuDS should be secured. The developers will need to make appropriate arrangements and secure the necessary permissions in respect of any existing sewers passing through the site that may need to be diverted or protected as a result of the development.

#### 6.7 National Highways

##### Comments dated 23 December 2022

Further to our holding recommendation dated 26 October 2022 regarding the above application we have now received further information from the applicant and having reviewed this and following continued discussions with the Council on wider Local Plan related matters, we are now in a position to provide our full and final response:

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We will therefore be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, in this case the A27 Chichester Bypass.

Having assessed the application and taken into account all material considerations, I attach our formal recommendation of No Objection subject to the imposition of a condition (Construction Management Plan) on any permission granted and compliance with the Council's Planning Obligations & Affordable Housing Supplementary Planning Document dated July 2016 whereby this development is required to contribute financially towards the agreed A27 Local Plan Highway Mitigation schemes in line with Paragraph 4.51 and contained Table therein.

#### Comments dated 26 October 2022

National Highways recommends that planning permission not be granted until further information/justification has been provided by the applicant in respect of the following matters:

- Baseline traffic conditions
- Use of the TEMPro approach
- Traffic generation forecasts
- Trip internalisation
- Trip distribution and assignment
- Highway safety
- Framework Travel Plan
- Construction Management Plan
- Junction capacity assessment

**Officer Note** - *The detailed comments of National Highways in respect of each of the matters referred to in the above bullet points can be viewed in full on the application file via the 'View Planning Applications' page of the Council's website using the application reference 22/01485/OUTEIA. The document is under the Consultee Comment document type, is dated 27 October 2022 and is titled 'National Highways'.*

#### 6.8 Active Travel England (non-statutory consultee for this application)

No comment received.

#### 6.9 Natural England

##### Comments dated 25 October 2023

Natural England notes that your authority, as competent authority, has undertaken an Appropriate Assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your Appropriate Assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Please accept this email as Natural England's formal No Objection Subject to Mitigation Being Secured response.

##### Comments of 18 July 2023 following receipt of revised plans/additional information

Natural England has previously commented on this proposal and made comments to the authority in our response dated 19th May 2023. The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Comments of 19 May 2023 following receipt of revised plans/additional information

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, as well as Solent Maritime Special Area of Conservation (SAC) and Singleton and Cocking Tunnels SAC
- damage or destroy the interest features for which Chichester Harbour Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Financial contribution to the agreed strategic solution and the provision of alternative greenspace to mitigate increased Recreational Disturbance.
- Implementation of a CEMP and Sustainable Drainage Systems (SuDS) to mitigate against water quality impacts during both construction and operation.
- Implementation of mitigation measures preventing impact to Singleton and Cocking Tunnels SAC.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

Comments dated 4 August 2022

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES.

As submitted, the application could have potential significant effects on Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC) and Singleton and Cocking Tunnels SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. provide a Habitats Regulations Assessment.
- Further evidence to demonstrate that the Recreational Disturbance mitigation strategy has been considered and quantified in direct relation to the SPA/Ramsar sites.
- Provision of a confirmed, detailed management and maintenance plan for SuDS components. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

## 6.10 Sport England

Comments dated 26 July 2023 in respect of revised plans only

Thank you for re-consulting Sport England on this outline planning application. Sport England previously commented formally on the proposals in August 2022 at which time we made an objection due to our concern that the 3G AGP at that time proposed to

be located on the remaining school playing field would not adequately meet the needs of the local community including the new population in the area in a number of aspects including accessibility and design.

We recognise that the application proposals have gone through two more iterations since our comments were made. The current proposal that is expected to be the final one, now locates the proposed 3G AGP in phase two of the community sports hub within the Strategic Development Location (SDL) to the west of Centurion Way as originally proposed in the SDL Framework Masterplan.

### Statutory Consultation

In terms of the impact of the proposals on the school playing field, this is now minimised by moving the line of the required Southern Access Road southwards so that only a small area on the southern / southwestern school boundary is now required to facilitate the access. The result is that the existing playing pitches including the cricket non turf pitch (NTP) and grass athletics track can be retained on the playing field without any adverse impact on their use. In addition, a new area of playing field accommodating two junior grass football pitches, cricket nets and a long jump pit will still be provided on land within the SDL immediately to the west of Centurion Way and accessed via a new pedestrian / cycle route to the school. Sport England is satisfied that the amended proposals as they relate to the school satisfactorily mitigate the loss of the area of existing playing field and represent a significant improvement to the school's outdoor sport provision.

In light of that, we are able to withdraw our previous statutory objection to the application subject to conditions and/or planning obligations addressing/reserving the following matters:

- Provision of replacement pitches for Bishop Luffa at appropriate juncture
- Details of grass pitch specification based on ground conditions report
- Details of arrangements for community use of Bishop Luffa pitches outside of school/term time
- Specification of 3G artificial pitch
- Confirmation that AGP meets relevant accredited standards and has been registered with the FA
- AGP flood lighting details
- AGP hours of use
- AGP management and maintenance arrangements

### Comments dated 26 August 2022 - conclusion only

Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy specifically 4 and 5 or with Paragraph 99 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit

#### 6.11 South Downs National Park Authority

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination.

The SDNPA provided an initial response to a consultation on the current phase of development in July 2022. Those comments focussed on potential impacts upon the Centurion Way, a flagship accessible walking and cycling route connecting the City with the South Downs National Park. Following the submission of additional information and amendments, the following response sets out those matters which we feel have now been addressed or which may require further consideration.

Incorrect identification of Centurion Way as a footpath on Pedestrian and Cycleway Parameter Plan - ADDRESSED.

Centurion Way crossing over SAR - REQUIRES FURTHER CONSIDERATION - The SDNPA has previously questioned whether grade separated options had been considered and whether the proposed parallel crossing would be signal controlled (as had been proposed at the outline stage). The applicants have explained that footbridge and underpass design options were discounted due to environmental and engineering constraints. A raised table crossing is now proposed along with the introduction of a 20mph speed limit, with the crossing now described as a "priority parallel crossing" which gives legal priority to pedestrians and cyclists and so negates the need for it to be signalised. I have no objection to this in principle, if the County Council and other relevant consultees consider this to be acceptable. However, the width of the cycle element of the crossing seems rather narrow to accommodate the flow of users of the Centurion way in addition to pupils passing to/from the school.

Demarcation/warning of footway crossing over Centurion Way from the school to the playing fields - PARTIALLY ADDRESSED - the submitted plans show tramline/ladder or pavers to demarcate the crossing point, but advance signage would also alert users to the presence of this crossing point.

Link between Bishop Luffa Close and Phase 1 country park - safety concerns ADDRESSED through the inclusion of surfacing to route the Centurion Way over the bridge and the use of give way markings at the junction as indicated in drawing no JUB\_GA\_DR\_C\_180 Rev P02.

Link from Phase 2 Northern country park to Centurion Way - PARTIALLY ADDRESSED through inclusion of an indicative link "subject to further detailed technical feasibility at detailed design stage". I would encourage the LPA to seek delivery of this link and note that it was also sought by the Local Highway Authority in their consultation response.

#### 6.12 Sussex Police

Given that this outline application is only to determine the means of access and to seek approval in principle, Sussex Police has no detailed comments to make at this stage.

## 6.13 Network Rail

### Comments dated 28 July 2023

Following consideration of additional information there are no objections on drainage grounds.

In order to mitigate the impact of the development and to promote sustainable travel a financial contribution should be sought in order to improve cycling facilities at Chichester station.

### Comments dated 10 January 2023

Insufficient information has been submitted to support the detailed aspects of the drainage design and as such we do not believe that it has been demonstrated that flood risk to our asset would not be increased as a result of the scheme.

## 6.14 Stagecoach

### Comments dated 10 May 2023

The updated proposals are most helpful and do broadly address some of the concerns we had. We will take our discussions further with the developer and consider how this settlement could be integrated with the existing bus network in some form. For reference, c£400,000 would fund a single bus for a period of approximately 2 years.

### Comments dated 3 December 2022 - conclusion only

While we are keen to see the development brought forward there are a significant number of technical issues regarding highways to be resolved. We are especially concerned that no consideration has yet been given to how bus services will be provided and sustained within the development, that are required to meet Policy 15 in the Local Plan that governs the strategic allocation of this site; and satisfy wider policy in the Local Plan and NPPF.

We are available to engage with the applicants' consortium and its client team, alongside the County Council, to resolve these issues at the earliest reasonable opportunity.

In the meantime. Until these matters are resolved, it is with regret that we must conclude that the proposals cannot be considered to justify a positive determination by the Planning Authority

## 6.15 WSCC Local Highway Authority

### Comments dated 1 November 2023 - in full

WSCC have provided previous comments in relation to this planning application dated 3rd August 2022, 26th May 2023 and 2nd August 2023.

The applicant has recently submitted revised plans. The Highway Authority's last formal comments, dated 2nd August 2023, requested the following:

- Provide a response to the Highway Authority comments relating to the SAR including the submission of a DfS to agree the departure associated with the horizontal radii at the tie in with the junction of Westgate/Sherborne Road.
- Amending the Vehicle Trip Rate Generation Threshold Monitoring Note to replace the works to Centurion Way with other relevant works, because they have already been delivered.

- Agreeing the mechanism for how cycling will be permitted on Newlands Lane and the footpath south of the Phase 1 Country Park and connection between Phase 2 employment parcel.
- Providing a copy of the Road Safety Audit Decision Log and ensuring that it includes all matters that have been raised within all of the Stage 1 RSAs that have been undertaken on the scheme, to ensure that a full record of all decisions relating to the design have been recorded.

The latest submission by the applicant aims to address these points by confirming the following:

- The applicant has amended the proposals of the SAR to include the provision of flashing Wig Wag signs, confirming that the school pick up drop off area will be in private ownership and that the Departure of Standard associated with the horizontal radii has been designed out by amending the design.
- The applicant has confirmed that they are agreeable to replacing the previously sought works to Centurion Way to now cover a £30,000 contribution towards the promotion of active and sustainable travel between the development and local amenities.
- The applicant has agreed the principle of securing cycling on Newlands Lane and south of the Southern Country Park, the mechanism is to be agreed and included within the S106 agreement.
- The applicant has submitted all Road Safety Audits and completed and signed copies of these have been submitted alongside these comments. All issues raised by the auditors have been considered and the Highway Authority response to each point included within the RSA response table.

These comments also provide an overall summary of the Highway Authority's view on the proposals.

## 2) Design of the Southern Access Road (SAR)

The applicant has recently amended the design and alignment of the SAR from that included within earlier submissions. The latest design has addressed the outstanding points raised by the Highway Authority, in their comments dated 2nd August 2023, and is therefore considered acceptable in planning terms. The recent introduction of the school pick up and drop off arrangement adjacent to the SAR does, in the view of the Highway Authority, introduce increased levels of potential conflict between school and non-school traffic, which was less likely to occur in the earlier SAR proposals. The pick up and drop off facility would not be adopted by the Highway Authority and it is understood that this would be managed by Bishop Luffa School. Therefore, the school would be responsible for the management and co-ordination of the operation of the pick-up drop off facility. Parking restrictions are proposed and the enforcement of these would be a matter for Chichester District Council. Whilst the pick-up drop off facility introduces additional potential conflict the likely level of conflict is not considered to result in severe delays and the applicant has mitigated the road safety implications by introducing measures to slow vehicle speeds and prioritise pedestrian and cycle movements. The overall design of the SAR is therefore considered acceptable in planning terms from a highway capacity and road safety perspective and is considered to promote and encourage the use of active and sustainable transport.



As part of the design development of the SAR the applicant has appraised other junction arrangements for where the SAR meets the junction of Westgate and Sherborne Road. The applicant produced a Technical Note as an appendix to the TA which appraised the alternative junction options. One option had the priority of vehicles leaving the A259 going straight into the SAR and an alternative arrangement was provided where the SAR would directly connect into the A259 via a left in left out arrangement. The Highway Authority is also aware that alternative junction arrangements have been produced by various interested parties. None of these alternative junction arrangements have been submitted for planning and therefore are not for consideration formally. The Highway Authority consider that the proposals put forward for consideration as part of the planning application are acceptable from a planning perspective.

### 3) Stage 1 Road Safety Audit

The highway works associated with the SAR have evolved during the course of the application and, the applicant has undertaken three separate independent Stage 1 Road Safety Audit (RSA) to assess the road safety implications of the different designs. The design has evolved overtime for various reason and originally a roundabout access was provided to Bishop Luffa School, subsequently the design has changed and a priority junction is now proposed. This has meant additional RSAs have had to be undertaken to ensure the latest and final proposed design has been assessed. The applicant has undertaken RSAs in January 2022, November 2022 and June 2023. Each RSA is submitted alongside these comments and each issue raised by the auditors has been assessed by the designer (the applicant and their consultants Jubb), the overseeing organisation (WSCC) and an agreed action is identified for each point. The RSA process ensures that all road safety issues are considered at each stage of the design process. Should planning permission be granted and the works be delivered subsequent Road Safety Audits will be undertaken at Stages 2 (Completion of Detailed Design) and 3 (Completion of Construction) as part of the detailed design. The Highway Authority are of the view that all potential road safety issues identified at Stage 1 have been suitably considered or designed out.

### 4) Decide & Provide Approach Note

The applicant has produced a revised Vehicle Trip Rate Generation Threshold Monitoring note. This revised note now includes all the additional items requested by the Highway Authority and the applicant has now provided confirmation that they are agreeable to replacing the previously requested works to Centurion Way with a £30,000 contribution towards active and sustainable transport measures in the local area, should the relevant threshold be met within the note. The Vehicle Trip Rate Generation Threshold Monitoring note forms the basis for the ongoing monitoring that the applicant will be required to undertake and the necessary mitigation that may be required should the defined thresholds be met and additional vehicle trips are recorded. The note and monitoring requirements set out within should be a requirement of the S106.

### 5) Junction Capacity Assessments

The applicant has undertaken various junction capacity assessments of key junctions within the local area. The following junctions were originally assessed:

- Junction 1 B2178/Salthill Road/Hunters Race
- Junction 2 Proposed Northern Access (Old Broyle Road)
- Junction 3 B2178/Norwich Road/Sherborne Road
- Junction 4 Sherborne Road/Newlands Lane
- Junction 5 Sherborne Road/Neville Road

- Junction 6 Proposed Southern Access/Bishop Luffa Access
- Junction 7 Westgate mini roundabout
- Junction 8 Sherborne Road/Via Ravenna/A259 Cathedral Way

The applicant has subsequently modelled the revised Bishop Luffa School access that has recently been proposed within the revised SAR proposals. The applicant has modelled each junction in the following scenarios:

- Year 2021 Baseline Scenario
- Year 2035 Baseline Scenario
- Year 2035 + Phase 1 Development
- Year 2035 + Full Development - including both Phase 1 and Phase 2 scheme

The results of the modelling demonstrate that the junctions are not forecast to operate over their theoretical capacity in the future year scenarios. The forecast traffic impact from the development proposals is therefore not considered to be severe, as per the wording within the National Planning Policy Framework. The applicant has committed to monitoring traffic levels and should traffic levels be higher than those predicted, as set out within the Vehicle Trip Rate Generation Threshold Monitoring Note, additional mitigation may be required.

#### 6) Threshold for SAR

The Highway Authority have already stated, in their comments in May 2023, that there is no valid highway reason to prevent the construction of an additional 150 residential units in advance of opening of the SAR, subject to the previously detailed mitigation on Old Broyle Road. The applicant has however subsequently provided further details of an additional emergency access point on Old Broyle Road. The access point to the SANGS car park has been provided as part of Phase 1 and it is proposed that this would also form an emergency access to serve the additional 150 units to be initially delivered within Phase 2 and would provide an alternative access to using the sites main spine road, until the SAR road is constructed.

The Highway Authority have no objections to this but would recommend that its provision is secured as part of any permission granted. The Highway Authority had earlier requested that alongside the previously suggested pedestrian improvements to Old Broyle Road that the applicant also commits to providing street lighting between the site access roundabout on Old Broyle Road and where the lighting starts again on St Pauls Road, to the east of Centurion Way. The applicant has now agreed to this and included a revised drawing in Appendix C of the Jubb Highway Response technical note. This provision is welcomed by the Highway Authority and should be secured as part of the S106 agreement.

#### 7) Northern Country Park Access

As stated previously the Highway Authority welcome the additional pedestrian connections into the Northern Country Park. Previously WSCC asked that the developer seek comfort from WSCC Property that the proposed works, that are outside the applicant's control and are on land owned by WSCC Property, can in theory come forward. Subsequently, the Highway Authority have spoken to colleagues and the principle of these works is accepted subject to agreeing any post planning relevant legal and highway consents. Further details of the proposed connection can be provided at reserved matters stage.

#### 8) Pedestrian and cycle connectivity

Previously the Highway Authority had requested various on-site pedestrian and cycle connectivity improvements. The applicant did submit a revised parameter plan which included these improvements. These improvements are:

- The upgrade of the section of Newlands/Salthill Lane that is not a permissive cycle route to enable cycling to take place from the Centurion Way bridge to the phase 2 allotments,
- The footpath south of the Phase 1 Country Park being upgraded to a cycleway to where it connects with Centurion Way
- Provision of a cycle connection between the Phase 2 employment parcel and the Phase 1 Country Park.

The applicant has agreed to the principle of providing cycling on these routes which is welcomed by the Highway Authority. The legal mechanism for securing these improvements need to be set out and agreed within the S106 agreement.

#### 9) Public Transport Provision

The applicant has agreed to a public transport service provision contribution of £580,393. The applicant has requested for comfort that the contribution is provided on the basis that it will go towards bus provision on site. The Highway Authority can confirm that this will be the case and the wording of the S106 agreement will require that the contribution is used for the provision of bus services to serve the site.

#### 10) Parking Provision

Details of on-site parking provision shall be considered as part of future reserved matters applications. Future parking provision will be assessed against the WSCC Guidance on Parking at New Development document.

#### 11) Travel Plan

The applicant has submitted a Travel Plan and the need to produce a final document and a financial contribution of £5,000 to cover the cost placed upon the authority for the ongoing auditing of the travel plan should be secured via a S106 agreement.

#### 12) Construction Management Plan

It is noted that the applicant is in agreement of the need for a Construction Management Plan. The Highway Authority would look for this to be secured as part of any permission granted and implemented prior to commencement of development.

#### 13) Conclusion & S106 Heads of Terms

The Highway Authority considers the proposals acceptable in planning terms and that there are no valid transport, road safety, highway capacity or accessibility reasons to withhold planning permission. The Highway Authority would look for the following mitigation to be included on any permission that is granted.

- Southern Access Road trigger - a requirement within the S106 must require that the SAR is constructed, including all footways, cycleways and the closure of the existing Clay Lane access and be fully open to all traffic (vehicular, pedestrian and cycle). This could restrict no above ground works to any more than 150 units prior to the occupation the opening of the SAR road.
- Car Club Spaces - the applicant is proposing 3 funded car club spaces and vehicles to be provided on-site for the first two years, to serve the potential demand arising from the Phase 2 scheme. The need for this and details of the location and specification of this car club provision, including details of the vehicles should be secured via Section 106.

The applicant has now also committed to the monitoring of the use of the car club for a period of 2 years, to see if use suggests the need for an additional vehicle. If monitoring suggests there is a need for an additional vehicle the applicant will provide a single further funded car club space and vehicle.

- Public Transport Contribution - S106 contribution towards the provision of a bus public transport service to serve the development. The contribution will be £580,393 and will be used to provide a bus service serving the site.
- Construction Management Plan - suitably worded condition included on any permission granted. This condition could be worded to require submission of a CEMP for the works approved in detail and for each subsequent phase of development. Which was the approach taken for phase 1 of the development. This must require details of the likely vehicles and movements to and from the site during construction, a commitment to avoid HGV movements to or from the site around school start/end times, details of any traffic management or mitigation and details of wheel washing and road sweeping. Additionally, the Highway Authority would look for a HGV routing strategy, previously for phase 1 this was secured via S106.
- Travel Plan and TP auditing fee - the need to produce a Travel Plan and a financial contribution of £5,000 to cover the cost placed upon the authority for the ongoing auditing of the travel plan should be secured via a S106 agreement.
- TRO Contribution to amend speed limit on A259 - to submit details of the proposed speed limit change and a financial contribution of £8,322 towards the advertising of a TRO to change the speed limit on the A259 Cathedral Way between the college roundabout and A27 Fishbourne Roundabout. Should the TRO be approved, the applicant would be liable for updating the signing and lining associated with the TRO. If the TRO is approved this should be implemented prior to the opening of the SAR.
- Off-site highway works - the following off-site highway works should be secured via S106 to be delivered through a Section 278 agreement with the Highway Authority:
  - (i) footway works to Old Broyle Road to include replacing kerb line, removal and clearance of vegetation to ensure a minimum 1.5m width footway, footway resurfacing and street lighting provision between the existing site access roundabout on Old Broyle Road to the east of the crossing of Centurion Way. These works are set out in drawing entitled Old Broyle Road Uncontrolled Crossing to Northern Country Park, drawing number (JUB\_SR\_DR\_C\_170). These works should be delivered prior to the first occupation of the 1st dwelling.
  - (ii) Northern Country Park access - provision of a dropped kerb and tactile paving crossing to provide access into the northwest access to the Country Park and ensuring that the visibility splays (1.5m x 56m) are cleared of vegetation. These works are set out in drawing entitled Old Broyle Road Uncontrolled Crossing to Northern Country Park, drawing number (JUB\_SR\_DR\_C\_170). These works must be delivered prior to the first opening of the Northern Country Park.
  - (iii) Footway works to Cathedral Way (A259) - provision of dropped kerb and tactile paving on the western arm of College Roundabout (A259) as shown on drawing number JUB\_SR\_DR\_c\_001 Rev P13
- Decide & Provide Monitoring and Mitigation Plan - the Decide & Provide monitoring and mitigation plan should be secured via a S106 agreement. If the agreed thresholds are met, the applicant will be required to deliver/make payment of the necessary mitigation. The agreed monitoring and mitigation strategy is set out in the Jubb technical note entitled Vehicle Trip Rate Generation Threshold Monitoring.
- Estates Road Clause - clause relating to the construction and management of any roads not to be adopted by the Local Highway Authority, to include details of their ongoing management and maintenance.

- Internal Pedestrian & Cycle improvements - The parameter plan that highlights all the internal pedestrian and cycle improvements should be secured and an appropriate legal mechanism to legally allow cycling on the identified routes.
- Norwich Road/St Pauls Road/Sherborne Road Monitoring - extension of the monitoring of the Norwich Road/St Pauls road/Sherborne Road junction covered under the Phase 1 S106 agreement to cover the initial phases of Phase 2.
- Emergency access from the SANGS car park on Old Broyle Road - prior to the first occupation of any of the 150 residential units to be approved as part of Phase 2, which are being brought forward in advance of the SAR, the applicant should provide all details and implement the alternative emergency access for Phase 2 from the SANGS car park on Old Broyle Road.
- Details of bus stop waiting provision - details should be secured via condition of all the bus waiting facilities on the SAR between the current terminus of the site's spine road associated with phase 1 and where the SAR connects with Westgate/Sherborne Road.

Comments dated 2 August 2023 - summary of concluding comments only

WSCC as Highway Authority would look for the following outstanding issues to be addressed prior to determination of the application:

- Provide a response to the Highway Authority comments relating to the SAR including the submission of a DfS to agree the departure associated with the horizontal radii at the tie in with the junction of Westgate/Sherbourne Road.
- Amending the Vehicle Trip Rate Generation Threshold Monitoring Note to replace the works to Centurion Way with other relevant works, because they have already been delivered.
- Agreeing the mechanism for how cycling will be permitted on Newlands Lane and the footpath south of the Phase 1 Country Park and connection between Phase 2 employment parcel.
- Providing a word copy of the Road Safety Audit Decision Log and ensuring that it includes all matters that have been raised within all of the Stage 1 RSAs that have been undertaken on the scheme, to ensure that a full record of all decisions relating to the design have been recorded.

Once any revised information is reviewed, and subject to this being acceptable, it is likely that the following mitigation will be sought on any permission that is granted.

- Southern Access Road trigger
- Car Club Spaces
- Public Transport Contribution
- Construction Management Plan
- Travel Plan and TP auditing fee
- TRO Contribution to amend speed limit on A259 between the college roundabout and A27 Fishbourne Roundabout.
- Off-site highway works:
  - a) footway works to Old Broyle Road
  - b) Northern Country Park access
- Decide & Provide Monitoring and Mitigation Plan
- Estates Road Clause
- Internal Pedestrian & Cycle improvements
- Norwich Road/St Pauls Road/Sherborne Road Monitoring
- Emergency access from the SANGS car park on Old Broyle Road

### Comments dated 26 May 2023 - summary of concluding comments only

Given that the applicant is likely to be proposing a revised access arrangement for the SAR shortly the Highway Authority have commented on aspects of the development that are unlikely to materially change. From the information that has been assessed the Highway Authority have a few points of clarification from the applicant, which are summarised below. Given that the applicant is going to submit revised access arrangements not all the information has been assessed by the Highway Authority and further requests for information may be required as and when this revised information is submitted.

The following points should be considered and addressed by the applicant:

- The applicant should provide a commitment to implement street lighting in the missing section on Old Broyle Road and update the relevant drawings.
- The applicant should seek confirmation and provide comfort that they can obtain agreement from the third party to deliver the works, outside of their immediate control, to deliver an additional connection between the Northern Country Park and Centurion Way.
- The Decide & Provide Monitoring & Mitigation Plan should be amended in line with the Highway Authority comments.

Once any revised information is reviewed, and subject to this being acceptable and the Highway Authority having no objections to the proposals, it is likely that the following mitigation will be sought. However, given that not all the relevant parts of the proposals have been assessed the Highway Authority withholds the right to seek further mitigation than that detailed (summarised) here.

- Southern Access Road trigger
- Car Club Spaces
- Public Transport Contribution
- Construction Management Plan
- Travel Plan and TP monitoring fee
- TRO Contribution to amend speed limit on A259 between the college roundabout and A27 Fishbourne Roundabout.
- Off-site highway works
  - a) footway works to Old Broyle Road
  - b) Northern Country Park access

### Comments dated 3 August 2022 - concluding comments only

The applicant should provide clarification on the issues raised within these comments and amend the scheme accordingly. WSCC as Highway Authority should then be reconsulted and further comments will be provided.

- Design of SAR - the comments raised in the main body of the comments, in relation to the design of the SAR, should be considered and where necessary the design amended.
- Spine road extent between detailed phase 2 application and connection with phase 1 - the comments raised above should be responded to.
- RSA - the applicant needs to address all issues raised within the audit and highlighted within these comments, initially by seeking agreement with the auditor and if necessary going through the exception process.
- Decide & Provide Approach - WSCC are agreeable to the use of the Decide & Provide Approach in principle, but this is subject to the implementation of post planning monitoring as set out within the TRICS guidance note.

- Development traffic forecasts - the applicant should respond and provide further clarification in relation to some of the assumptions relating to trip generation and trip internalisation.
- Threshold for SAR - as requested at pre-app the applicant should undertake an assessment of impact of an additional 150 houses being brought forward in advance of the SAR from a sustainable transport provision and whether there is sufficient sustainable transport infrastructure to support these additional units.
- Northern Country Park - provide details of a safe means of access and explore the potential for an access onto Centurion Way.
- Off-site highway works - additional review of the need for off-site highway works is required and clarification from the applicant as to the level of contributions they intend to provide for off-site highway infrastructure.
- Public transport provision - the applicant should clarify the need for additional bus public transport contributions.

#### 6.16 WSCC Lead Local Flood Authority

##### Comments dated 24 and 31 October 2023

Thank you for your consultation on the above site. We have reviewed the application as submitted and wish to make the following comments.

This is an outline planning application with all matters reserved except access for Phase 2 of the West of Chichester Strategic Development Location (SDL) for up to 850 homes and other uses/activities including drainage infrastructure. Following a review of the submitted documents and the revised documents the details are in accordance with NPPF and Local Planning Policies. We therefore have no objections subject to the imposition of conditions addressing the following matters:

- (i) Access works drainage scheme
- (ii) Phase by Phase drainage scheme
- (iii) SuDS phasing plan
- (iv) Interim drainage measures during build out of site
- (v) SuDS maintenance and management
- (vi) Drainage works verification report

##### Comments dated 26 May 2023

This is an outline planning application with all matters reserved except access for Phase 2 of the West of Chichester Strategic Development Location (SDL) for up to 850 homes and other uses/activities including drainage infrastructure.

The current drainage layout could significantly increase flood risk elsewhere, as the total discharge rate for Phase 2 exceeds the greenfield runoff rate. This means the discharge locations could be susceptible to flooding due to additional flows as a result of this application.

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) & Drainage Layouts relating to:

- There are areas of high surface water flood risk along the side boundary, which are related to existing ordinary watercourses.

- The application is not in accordance with the NPPF paragraph 167 & 169, PPG Flood risk and coastal change, WSCC SuDS Policies & Policy 42 in the Chichester Local Plan: Key Policies 2014-2029.

#### Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the following issues are adequately addressed: 1. Issues on checklist. 2. There is extensive history of surface water flooding in the area east of this site, where the culverted watercourse is. It must be demonstrated that this system has capacity and can cope with the additional flows. Any increases in flood risk will not be accepted, as this would not be in accordance with the NPPF. 3. Flood risk associated with the ordinary watercourses/ditches within the site/along the site boundary must be assessed with detailed modelling to ensure there is no development within areas of flood risk. 4. Increased use of source control techniques are required, before site control techniques are considered, due to the history of flooding in the catchment. Source control techniques include rain gardens, swales & permeable paving. 5. Free flowing outfalls are not allowed as then the total discharge rate for all outfalls in Phase 2 will exceed  $Q_{bar}$  for the site.

#### Comments dated 26 July 2022

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water flood risk. We have no comments to submit with regards to this matter. Please consult the District Drainage Engineer

#### 6.17 WSCC Minerals and Waste Authority

No objections

#### 6.18 WSCC Rights of Way

The upgrading of parts of the routes of public footpaths located within the site to become permissive cycleways is acceptable in principle, although the mechanism for achieving this needs to be the subject of further discussion. The approval of the PROW Authority for any changes to the surface treatments (and any associated works) will need to be separately secured before they are carried out. Provision for the continued use of the PROW during the construction phase of the development should be made. Where public rights of way are intersected by proposed roads suitable crossing provision must be made for users of those rights of way.

#### 6.19 WSCC Planning Services

##### School Infrastructure Contribution

The Director for Children and Young People's Services advises that it appears that at present primary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested.



#### Primary, Early Years and SEN/SSC contributions

We will require a contribution of £5,000,000 towards the provision of an additional form of entry primary school as part of the Education Facility.

We will require a contribution of £1,200,000 towards the expansion of the existing provision of a 43 place nursery to serve the proposed development.

We will require a contribution of £700,000 towards the provision of SEN/SSC provision on the Land as part of the Education Facility, based on a yield of 4 SEN pupils.

#### Transport

The Transport requirements will follow separately, as part of the WSCC highway consultation response. Discussions with our highway officer regarding suitable highway mitigation are underway with the applicant.

#### 6.20 WSCC Local Education Authority

Phase 2 of the development will bring forward the requirement for the primary education facility to be expanded to mitigate the impact of the number of dwellings in the proposed development on the current 1 form entry education facility. We will require expansion by 7 classrooms (one for each year of age reception through to year 6) expansion of the nursery facility for a further classroom and ancillary accommodation. WSCC would also require SEN provision amounting to one classrooms. A review of the current plan/design for the 1 form entry school will be required to ensure that the onsite car parking is sufficient for a two form entry school due to the parking provision indicated at the time of the planning submission varying from the original design.

Subject to contract and agreeing the final details WSCC would expect to see the Section 106 agreement provide for the either/or option for the developer to construct the accommodation or make a financial contribution.

#### 6.21 WSCC Fire and Rescue Service

Planning conditions reserving details of the provision of an appropriate number of fire hydrants along with details of the measures for their long-term maintenance are required.

#### 6.22 CDC Housing Enabling Officer

850 homes would make a substantial contribution towards the 5-year housing land supply position of the council. Although only in outline at this stage, we are in support of the 30% affordable homes provision which would represent a policy compliant position. The resulting proposed 255 affordable homes will make a substantial and valuable contribution towards enabling the Housing Authority to continue to address our affordable housing supply.

The applicants' commitment to meeting the nationally described space standards is welcomed, and we would encourage that these standards are exceeded where it is practicable to do so. The nature and distribution of smaller units will need careful consideration at Reserved Matters stage. Large concentrations of 2 bed affordable flats should be avoided and all homes should be provided with access to private outdoor space where practicable or, where it is not practicable, these properties should either be provided with access to a communal outside space or are very near to useable public open space.

Appropriate provision should be made for aged persons, those with mobility impairment and for disabled persons. In this regard we would welcome the provision of some bungalows in the lower density areas of the site including in walking proximity to the allotments and/or the local centre.

We will be seeking for the affordable housing units to be spread across the site and pepper-potted with a view to achieving no more than 15 homes of any affordable housing tenure in any one given location.

Based on the currently available information including the HEDNA, the Local Plan requirements and the Social Housing Register I would recommend a housing mix broadly reflecting the following:

### 6.23 CDC Coastal and Drainage Engineer

**Flood Risk:** The site is wholly within tidal/fluvial flood zone 1 (low risk), there are some areas which are mapping shows as being at significant (greater than 1 in 100 year event) risk of surface water. These tend to be associated with the existing watercourses which cross the site. All existing watercourses will need to be retained and flow protected during

	Open Market		First Homes		Social Rent		Affordable Re		Shared Ownersh		Total
	Unit	%	Unit	%	Unit	%	Unit	%	Unit	%	
1 bed	30	5%	26	41%	36	40%	22	39%	-		114
2 beds	208	35%	38	59%	31	35%	21	38%	20	43.5%	318
3 beds	238	40%	-		16	18%	10	18%	24	52.5%	288
4 beds	119	20%	-		6	7%	3	5%	2	4%	130
<b>Total</b>	<b>595</b>	<b>100%</b>	<b>64</b>	<b>100%</b>	<b>89</b>	<b>100%</b>	<b>56</b>	<b>100%</b>	<b>46</b>	<b>100%</b>	<b>850</b>

and post construction.

**Surface Water Drainage:** The applicant has submitted groundwater monitoring and some initial percolations tests. These indicate that in the most northern parcels of the second phase there is potential for infiltration, which will need to be investigated /confirmed at detailed design stage.

The outline proposal is to drain to the central system (ultimately country park), or at a restricted rate (greenfield rate) to existing watercourses. We are satisfied that the approach should be able to sufficiently drain the developable area, but the approach will only be deemed acceptable where infiltration has first been ruled out. The groundwater monitoring submitted as part of this application is sufficient to rule out infiltration-based solutions for the southern portions.

We recommend that no surface water drainage details are approved at this stage. However, if you are minded to approve the application we recommend the same conditions with respect to surface water drainage, ordinary watercourses and maintenance which were applied to outline permission for phase 1, are also attached to this second phase. Please also add an advisory that the applicant will require ordinary watercourse consent for all alterations or discharges to ordinary watercourses.

## 6.24 CDC Sport and Leisure

### Comment dated 27 April 2023

Following my original comments, I am pleased to see my initial concerns about a shortfall in play provision being addressed with a good distribution of LEAPs throughout the site complimented by a number of LAPs and Play on the Way trails. The locations across the site make the facilities more readily accessible for the local residents and will help to promote more independent play opportunities.

Final specifications for the areas will need to be agreed including equipment choices, materials and fencing but in principle I believe the proposal is an acceptable provision for the development site.

When finalising designs the developer should consider accessibility for disabled users in their proposals.

In terms of the proposed sports pitch provision - two junior grass football pitches and a full size artificial grass pitch with floodlighting - although the phase 2 pitch development does not meet the full requirement identified in the SPD, due to the higher carrying capacity of the 3G pitch in comparison to a grass pitches I am satisfied that the proposals can meet the needs of the new development. The pitches all being on one site creates a community sports hub that will be more attractive to users and the sports pavilion will also be able to meet the needs of all of the sports pitches on the site in one building. Overall, the combined Phase 1 and Phase 2 formal sports provision aligns with the Masterplan for the site. It is essential that the sports pitches are delivered in line with National Governing Body/Sport England design guidance to meet the needs of community sport.

Future proposals of management of the pitches and pavilion are yet to be confirmed but access to the community must be maintained.

### Comments dated 28 July and 13 September 2022

#### Formal sports pitch provision

I object to the current layout of phase 2 sports pitches and request that the 3G pitch is returned to the community sports hub site to provide a more viable community facility. I do understand the school may require some additional access to small-sided football pitches and therefore we would be happy to enter into a usage agreement so that the 2 proposed small sided football pitches on the community hub site could be used by the school for daytime usage during the school term but they would be required for community access in the evenings, weekend and during the school holidays.

#### Equipped play provision

Further information is required in order to demonstrate the adequacy of what is being proposed. A mixture of play provision of Local Areas for Play (LAPs) aimed at very young children, in addition to Locally Equipped Areas for Play (LEAPs) aimed at older children who can go out to play independently should be provided throughout the development. 'Play on the way' provision through the site may be acceptable at suitable locations but depending on scale and location may not contribute to the overall LAP and LEAP requirements.

## 6.25 CDC Environmental Strategy Officer - summary of responses

### Protected Species

#### Bats

Buildings: As detailed within the Ecological Baseline Survey (Dec 2021) and the Environmental Statement (Dec 2021) there is negligible potential for bats to be within the agricultural buildings onsite and due to this no further survey work is required for this area.

Activity: Surveys have recorded high levels of bat foraging and commuting activity involving various species, although mainly Pipistrelle. In terms of SAC species, a relatively small number of Barbastelle bats are using the site for commuting, although they have been found at all three transect areas (north, central and south) across the site. Mitigation in respect of all bat species is therefore required and this should be secured by planning conditions.

Trees: Following submission of the bat survey letter (October 2023) and the confirmation that one of the trees due for removal has a bat roost (non-SAC species), removal of this tree will need to be done under a Natural England Protected Species Licence. We are satisfied that the mitigation proposed within the bat survey letter is suitable for the removal of this tree and a condition should be included to ensure this takes place.

Lighting: Revised lighting details have been submitted and we are satisfied that the information provided in terms of the provision of a network of dark corridors and for the 'hop over' which will ensure a dark route from Centurion Way to the south of the site. As detailed previously we would like as part of a future reserve matters application for information to be provided on how planting will also be used to help reduce light spill, particularly around the dark corridor areas.

#### Dormice

As detailed within the Ecological Baseline Survey (Dec 2021) and the Environmental Statement (Dec 2021) during the survey work dormice were found in the hedgerow to the east of field 1 and it has been determined that all the hedgerows onsite are well connected and suitable for dormice in wider landscape. Due to this the presence of dormice has been assumed in all scrub, hedgerows and woodland and is of county value. Two types of mitigation have been proposed and this must be secured by condition. A Natural England protected species licence will be required for this mitigation and as part of a future reserve matters application a full mitigation strategy will need to be submitted to us.

#### Reptiles

As detailed within the various submitted ecological information slow worms, common lizards and grass snake were found throughout the site within the field boundaries and throughout fields 7, 8a, 8b and 8c. Due to the level of reptile activity onsite, the site is considered as a KEY reptile site. Following submission of the Outline Application Enhancements Report (March 2023) and Outline Application Enhancement Report (Oct 2022) we are satisfied that the mitigation strategy for reptiles is suitable, and a condition should be used to ensure this takes place

#### Water voles

As detailed within the various submitted ecological information the water voles surveys did not find any evidence of water voles, however due to previous study work finding water voles onsite the site has been considered to have capacity to support dispersal and seasonal use by water voles. Following submission of the Outline Application Enhancements Report (March 2023) we are satisfied that the mitigation strategy for reptiles is suitable, and a condition should be used to ensure this takes place.

#### Birds

As detailed within the various submitted ecological information the bird surveys showed that there were a number of breeding birds onsite including 7 red listed and 10 amber listed species. Mitigation has also been included within the scheme with the inclusion of tawny owl, house sparrow, starling, house martin, swift, song and mistle thrush, dunnock, green woodpecker bird boxes. Farmland Skylark and yellowhammer species are also going to be displaced from site. Following submission of the Outline Application Enhancements Report (March 2023) and Outline Application Enhancement Report (Oct 2022) we are satisfied that the additional information including mitigation and management provided is suitable.

#### Badgers

There is low potential for badgers foraging and commuting. 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.

#### Habitats

Ancient woodland: Due to the presence of ancient woodland beside Upper Rouse Copse and the linear ancient woodland between field 5 and 6 a 15m buffer will be planted adjacent to the woodland areas. A condition should be used to ensure this area and buffer zones are protected in perpetuity and included within the landscaping plans. We require that a management plan for the protection of the ancient woodland and buffer zones is provided as part of future reserve matters applications.

Chalk Stream: following submission of the Outline Application Enhancements Report (March 2023) and Outline Application Enhancement Report (Oct 2022) we are satisfied that the additional information including mitigation and management provided during the construction and operational phases is suitable, and this should be secured by planning conditions.

Northern country park: We are satisfied with the 15m buffer for the paths around the ancient woodland. The western field is required as a reptile translocation area and the future management plan for the park should reflect this function. Management of all SANG land will need careful future consideration in order to ensure that it serves its purpose of deflecting recreational pressure from the Harbours, as well as responding appropriately to the character of an adjacent sensitive areas such as ancient woodland and the Brandy Hole Copse LNR.

Trees: All trees that are being retained should be adequately protected.

Proposed Fishbourne Wildlife Corridor: Due to the location of the Fishbourne Wildlife Corridor to the western boundary of the site, a buffer area needs to be maintained along this boundary. Currently plans show that this area will have a footpath /cycleway along it

and with sensitive lighting in these areas we are satisfied that this would provide a suitable buffer for the corridor.

#### Recreational Disturbance

For this application to resolve the HRA issue of recreational disturbance a contribution to the Bird Aware scheme will be required together with onsite SANGs. We require that the SANG strategy is considered in direct relation to the SPA/Ramsar sites and evidence is provided to show how the SANGs will deflect recreational pressure from the SPA/Ramsar sites and deliver sufficient mitigation for increased recreational disturbance.

#### Nutrient neutrality:

Calculations have been re-run following our earlier comments. This shows a net reduction of 500kgTN/yr and so no mitigation is required.

#### Hedgerow positioning

Following submission of the further information provided within the Outline Application Enhancements Report we are satisfied with the existing and proposed hedgerows shown within the plans. We require that as part of a future reserve matters applications these are integrated into any updated landscaping and ecological enhancement plans.

#### Biodiversity Net Gain and ecological enhancements

We are pleased to see extensive enhancements have been included within updated ecological information. The biodiversity net gain matrix shows a 10.84% improvement in habitats and a 21.47% hedgerow improvement which meets the requirements of Biodiversity Net Gain and we are satisfied that this is suitable. The following enhancements have been included and should be incorporated into an ecological enhancement plan for the site

- 50% of units to have swift bricks and bats bricks
- Bat boxes erected within trees in woodland and mature trees - number to be determined
- Kestrel nest box
- Tawny owl nesting / roosting box
- Sparrow terrace nest boxes
- Bird boxes in mature trees or Log piles and hibernacula in retained buffers
- Planting mix of flowering plants, trees, shrubs
- Hedgehog homes
- Hedgehog highways
- At least a 15m buffer will be retained beside Upper Rouse Copse and the linear ancient woodland

Full details on how the habitats and enhancements onsite will be managed during both the construction phase and post construction will need to be secured by planning conditions and/or at the reserved matters stage.

#### Local Plan Policy 40

We are pleased to see the energy hierarchy approach set out within the Planning Statement Addendum (March 2023). This involves the electrification of heat through the use of Air Source Heat Pumps and further decarbonisation through the use of solar photovoltaics. We accept that at this stage the detailed design of these systems is not possible however we require that a condition is put in place requiring the submission of an updated Sustainability Statement for each phase of the development which will need to provide this further information. We would like to confirm following the submission of the

Planning Statement Addendum (March 2023) that though some on the 2022 Part L Building Regulations standards will replicate some of the requirements of Policy 40 there are some areas where additional provision will be required including (but not limited to) more than one electric charging point for commercial properties and a higher level of renewable energy use onsite.

## 6.26 CDC Environmental Health Officer

### Noise

It is noted that the proposal for the artificial pitch provision at Bishop Luffa School (Ref: 22/02411/FUL) has been withdrawn. In addition, the previous proposed 2.8m barrier to the west of the Southern Access Road (SAR) has not been altered. It is noted that the Traffic Noise Assessment has been revised using the latest realignment to the SAR and development plans. Previous worst case traffic data has been used for the assessment, so there is an assumption that the proposed realignment shall not impact traffic flows. Our department accepts the findings of the SAR Realignment Technical Note, that a significant adverse noise impact can be avoided with the introduction of the proposed noise mitigation, as illustrated in Figure 4.1. It is considered that the exact location and specification of the acoustic barriers can be adequately controlled by condition and/or as part of the Reserved Matters process. The submitted Noise Assessments indicate that the relationship between the proposed playing pitches and existing dwellings is acceptable.

### Lighting

Our department agrees that, in terms of assessing the potential for nuisance and a loss of amenity, the Institution of Lighting Professionals' (ILP), Environmental Zone E2 Criteria, is appropriate for this location. It has been demonstrated that this criterion shall not be exceeded when assessing the proposed external lighting detail. Final details of the lighting scheme for individual components of the development shall be secured by condition and/or as part of the reserved matters approval process.

### Air Quality

As noted in the Planning Statement Addendum, section 8.24 on Air Quality, an updated assessment was undertaken to take account of the new site plan, updated traffic data provided by transport consultants, and to take account of the new (2023) PM2.5 Air Quality Objective (AQO) as well as incorporating comments made by the EP team in September 2022. Updates to the assessment were also carried out in order to reflect the changes to the alignment of the highways works at Westgate.

The AQ documents has been reviewed and following clarification from the Consultants (Tetra Tech) on some of the conclusions, final comments are as below. The report has followed appropriate methodologies and used accepted criteria to assess air quality and odour at the site. Air quality impacts during the construction and operational phases of the development have been presented and the following is noted.

Construction phase: We agree with the conclusions of the report with respect to construction phase impacts and the measures detailed in the report in Tables 7.1 and 7.2 should be implemented at the site to ensure impacts during the construction phase are not significant. These measures should be secured by a suitable condition requiring a Dust Management Plan to be submitted and implemented at the site.

Operational Phase: We agree with the outcomes of the modelling that, *'In combination with mitigation measures... it has been determined that overall, the scheme is not considered to have a significant impact on existing air quality'*. It is noted that section 7.2 suggests mitigation measures that are appropriate for the development in order to reduce the air quality impacts of the development on existing and future receptors. We support these suggestions and recommend a condition is applied to require the measures to be implemented. In addition to the measures listed in section 7.2 we support the following:

- Enhancements to off-site cycle network should be explored in line with WSCC Highways team. CDC has recently published its Chichester City Local Cycling and Walking Infrastructure Plan (LCWIP) - one of the routes (Route K) links the development to the City centre (to the East) and to NCN2 to the west.
- Provision of EV charging points - these should be provided in line with Building Regulations Part S requirements.

Ecological receptors: As indicated in Table 6-13 of the AQ assessment, the maximum predicted increase in the annual average exposure to NO<sub>x</sub> at any ecological receptor, due to changes in traffic movements associated with the development, is 0.11 µg/m<sup>3</sup> at Ancient & Semi-Natural Woodland and Brandy Hole Copse (LNR) (E7 and E8). This is below the 0.30 µg/m<sup>3</sup> development contribution stated within the guidance of 'A Guide to the Assessment of Air Quality Impacts in Designated Nature Conservation Sites', IAQM 2020. As a result, no further assessment is required and the impacts at Ancient & Semi-Natural Woodland and Brandy Hole Copse (LNR) (E7 and E8) are considered to be negligible.

Odour Assessment: A pumping Station is located within the Phase 2 site boundary and planning permission for the pumping station has been granted during the Phase 1 planning application. An odour scoping assessment has been undertaken to assess whether the pumping station poses any potential odour risk to the Phase 2 development. The pumping station will collect the sewage generated by the proposed residential development. The pumping station approved within the Phase 1 application will serve both Phase 1 and Phase 2 during their relevant operational phases. The process itself is totally enclosed below ground with the only point where emissions to air can take place being the air vent stack. We agree with the conclusions of the odour assessment and recommend the suggested measures in the Odour Technical Note are secured by condition.

In conclusion, we agree that the Phase 2 development is not considered to be contrary to any of the national and local planning policies regarding air quality and it is not predicted to have a significant impact on local air quality.

#### Land Contamination

A ground appraisal report has been submitted dated 14 Dec 2021 produced by Geo Environmental. The site investigation work was undertaken across most of the site except for a section near the derelict barn (near the centre of the site) and was carried out in accordance with accepted guidance. Section 6 of the report details the findings of the site



investigation works carried out to date. With respect to soil contamination affecting future site users, no exceedances above the respective generic guideline values were identified. Given that not all areas were tested at the site, further testing of soils will be required.

The report recommends in section 7 that a 'Discovery Strategy' is put in place in case unexpected land contamination is found during future site works. In conclusion, the ground appraisal report provides a preliminary risk assessment of land quality at the site. Further site investigation is required in order to fully characterise the site and a remediation strategy may then be required which would put in place the findings of sections 6 and 7 of the report and any additional recommendations following further site investigation. Conditions PC21, PC22 and PO14 should be applied in order to secure the further works at the site - reason - to protect future site occupiers and users of the site from potential land contamination.

#### 6.27 CDC Economic Development Officer

The Economic Development Service fully supports the provision of 5.2 hectares of employment land. The size and location of the employment land is consistent with the masterplan and the requirements of Local Plan Policy 15.

Given the size of the employment land site and number of jobs this is likely to create (over 1,000), we would expect this site to employ people from outside the immediate area of Chichester. This will be facilitated by the good links to the A27 in the south and by cycle and footways to Chichester City centre, including the railway and bus stations. This will ensure that both businesses and employees have good links into Portsmouth, Brighton and beyond. It would be beneficial to include an enhanced pedestrian/cycle access via the southern and eastern boundaries of the eastern employment land parcel, to connect with other proposed and existing footpaths. This make the site more appealing to businesses to ensure they are meeting their environmental impact targets.

The Solent Freeport will also likely have a positive impact on this site, as it is within easy travelling distance for businesses wishing to trade with Europe and beyond. Research and development and light industrial would be well suited to this area, rather than heavy industrial processes, due to the impact on local residents.

#### 6.28 CDC Archaeology Officer

I broadly agree with the assessment of the likely effects of the proposed development on structures and deposits of archaeological interest that the site contains and may contain. I also agree that this should be mitigated through a process of further archaeological investigation and that this should be secured via the imposition of a suitably worded planning condition. The purpose would be to enable evaluation by trial trenching in advance of development of those parts of the site where this hasn't already been done, and for the significance of anything of interest thus identified to be appropriately preserved, whether in-situ or through further investigation, recording and dissemination of the results. This should include the mitigation of potentially detrimental effects of development on deposits related to the Hook Dyke, such as ground-works associated with the provision of access roads or pathways.

I also agree that a management plan should be provided for the enhancement of the conservation of the Scheduled Chichester Entrenchment and that this should be secured via suitably worded planning conditions.

Care should be taken to mitigate the effects of the development on any upstanding remains of WWII defences (such as arrays of concrete obstacles associated with road-blocks) and on any significant structures associated with the disused railway.

## 6.29 Third Party Objection

315 objections have been received concerning the following matters;

- i. More homes aren't needed
- ii. Homes won't be affordable
- iii. Loss of much-needed agricultural land. Brownfield land should be developed first
- iv. Proposed road crossings and the pedestrian/cycling infrastructure associated with them are unsafe and fail to meet relevant standards and guidance
- v. Revised staggered junction arrangement will worsen congestion and delays - alternative junction designs should be considered
- vi. Southern Access Road will become a western by-pass for Chichester and should connect directly to A259 or A27
- vii. Removal of roundabout will reduce the flow of traffic around the junction and will increase traffic speeds on Sherborne Road
- viii. Centurion Way will be severed
- ix. Proposals for Northern Country Park are inadequate
- x. Inadequate measures in place to manage open spaces
- xi. Increased rat-running on Sherborne Road and Westgate
- xii. Unsafe arrangements for school pupils, elderly residents and the visually impaired
- xiii. Developers have failed to deliver SAR in line with previous commitments; further delay should not be allowed
- xiv. Traffic modelling is flawed and submitted baseline information is out of date
- xv. Harm to wildlife including to bats using the Centurion Way corridor
- xvi. Harm to local residents from traffic fumes and noise pollution
- xvii. Use of playing pitches at both Bishop Luffa School and off Clay Lane may harm local residents - controls over noise, lighting and hours of use must be imposed
- xviii. Proposed junction arrangement was rejected by the majority of respondents to the developers' public consultation
- xix. Westgate junction and other aspects of the highways proposals fail to address numerous Road Safety Audit recommendations
- xx. Queuing of school traffic on Westgate will increase risks to pedestrians and cyclists
- xxi. Sherborne Road/Norwich Road junction is already dangerous and should be improved
- xxii. Shared use paths are not appropriate
- xxiii. Queuing of school traffic on Westgate will result in increased use of Sherborne Road
- xxiv. Stagger of Westgate/Sherborne Road junction is inadequate.
- xxv. Proposals for foul and surface water disposal proposals are unacceptable
- xxvi. Loss of trees at Westgate is unacceptable
- xxvii. Adverse impact on Ancient Woodland
- xxviii. Crossing is too close to A259 roundabout and is dangerous and does not provided sufficient visibility spays
- xxix. Traffic volume on Westgate already exceeds guidance recommendations for mixed car/cycle traffic

- xxx. Contrary to LTN 1/20 guidance and NPPF policy regarding provision for cyclists specifically and that encouraging Active Travel generally
- xxxi. SAR not appropriate for use as western bypass
- xxxii. Proposals purport to follow the Decide and Provided transport philosophy, but fail to do so
- xxxiii. Existing 20mph speed limits are already ignored
- xxxiv. SAR junctions within development site fail to give priority for cyclists
- xxxv. Transport Statement's predictions about reduction in car use are unrealistic
- xxxvi. A new GP surgery should be provided
- xxxvii. Local infrastructure cannot cope with more development
- xxxviii. DfT, Manual for Streets and Highway Code guidance breached
- xxxix. Design of flat blocks is unacceptable
- xl. Chichester doesn't need any more commercial development
- xli. Emergency vehicle access will be restricted
- xl.ii. Much of the Phase 1 planting has died. What is to stop the same happening with Phase 2?
- xl.iii. Loss of parking on Westgate
- xl.iv. Applications documents and supporting information is too complex
- xl.v. Brandy Hole Lane should be reconfigured
- xl.vi. Cyclists will have to use too many crossings
- xl.vii. National Cycle Routes adversely affected

### 6.30 Third Party Other

3 other presentations have been received, neither supporting nor objecting, concerning the following matters;

- i. Employment areas should not be accessed via residential areas
- ii. Proposals will bring more residents and traffic to area but will help support local shop and services
- iii. Employment areas should be protected for that use by strict conditions

### 6.31 Applicant/Agent Supporting Information

Vistry Group and Miller Homes are pleased to have brought forward the proposals for the second phase of the West of Chichester Strategic Development site. The second phase of development complements the first phase currently being developed by providing additional community facilities and employment opportunities alongside the remaining 850 new homes. The proposals also deliver a southern access to the site as required by the Council's policies and masterplans for the site.

The proposals were subject to community consultation in 2021 ahead of our submission which included a series of pre-application virtual meetings with community stakeholders and an interactive online exhibition which attracted over 1,000 visits. The allocation site as a whole has also historically been subject to significant engagement to devise the overall master planned approach for the site which the council has endorsed via the site Concept Statement and Masterplan.

The phase 2 proposals, alongside the 850 homes, enables extensions to the primary school to accommodate a second form of entry, provides for an extension to the community centre to allow for a community sports hall, and delivers an all-weather 3G artificial pitch as part of the new high-quality community sports hub at the south of the site. The proposals also provide for new equipped play areas located within walking distance of

every property and large areas of open space, including a new northern country park north of Old Broyle Road designed, following feedback from the community, to compliment the adjacent Brandy Copse. The proposals also deliver over 10% net gains in biodiversity, exceeding current policy requirements.

The proposals have undergone detailed technical scrutiny by officers at the District and County Councils and by statutory bodies. We have worked closely with these bodies to address any concerns they may have had. For example, we have undertaken additional flood modelling at the Flood Authorities instruction to demonstrate, using the latest rainfall and climate change data, that the drainage proposals are robust and will not increase run off from the phase 2 site beyond existing levels.

We have also developed the road designs in response to community feedback and discussions with the Highways Authority and Bishop Luffa School. This has included reviewing alternative options presented to us. We are confident that the proposed southern access road and Westgate junction represents the best and safest option for this road whilst delivering on the Council's requirement to deliver a new southern access to the site. Proposals incorporate measures in line with LLTN1/20 guidance along the majority of the southern access road, as well as features to reduce vehicle speeds along the road, and particularly outside Bishop Luffa School.

Importantly the proposals also minimise the use of existing school land which minimise disruption to the school and enables the same level of pitch provision on their existing site whilst still providing them a significant net gain in playing fields.

Thanks to the work we have done no technical or statutory consultees, including both the Highways Authority and Highways England, has any overriding objections to the proposals and the application is recommended for approval.

The West of Chichester Allocation is the largest single housing allocation in the district and the housing it delivers, including policy compliant levels of affordable housing, represents a critical part of the Council's housing supply, which, if delayed, risks encouraging further speculative development in potentially less sustainable locations.

Overall, the proposals for phase 2 will complete the west of Chichester community through the provision of the new and enhanced community facilities, significant modern employment provision and the necessary supporting infrastructure whilst facilitating 850 new high-quality homes, including 255 affordable homes.

## **7.0 Planning Policy**

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document, the West Sussex Joint Minerals and Waste Local Plans and all made neighbourhood plans.
- 7.2 There is no made neighbourhood plan for Chichester City Parish at this time. The Lavant Neighbourhood Development Plan was made in 2017, however, given the very limited area of the site that falls within the parish - see paragraph 2.4(i) above – and the fact this area will form part of the essentially undeveloped Northern Country Park, the Plan's policies are of limited relevance to the principal planning considerations pertinent to this case.

7.3 The principal development plan policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- 1: Presumption in Favour of Sustainable Development
- 2: Development Strategy and Settlement Hierarchy
- 3: The Economy and Employment Provision
- 4: Housing Provision
- 6: Neighbourhood Development Plans
- 7: Masterplanning Strategic Development
- 8: Transport and Accessibility
- 9: Development and Infrastructure Provision
- 12: Water Resources in the Apuldram Wastewater Treatment Catchment
- 13: Chichester City Transport Strategy
- 15: West of Chichester Strategic Development Location
- 33: New Residential Development
- 34: Affordable Housing
- 38: Local and Community Facilities
- 39: Transport, Accessibility and Parking
- 40: Sustainable Design and Construction
- 42: Flood Risk and Water Management
- 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- 45: Development in the Countryside
- 47: Heritage
- 48: Natural Environment
- 49: Biodiversity
- 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
- 52: Green Infrastructure
- 54: Open Space, Sport and Recreation

The Lavant Neighbourhood Development Plan

- LNDP1 - Spatial Strategy and Settlement Boundaries
- LNDP6 – Development Principles
- POLICY LNDP8 - Dark Night Skies
- POLICY LNDP14 - Landscape Character and Key Views
- POLICY LNDP17 - Conserving and enhancing local heritage assets

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

7.4 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023) and it is expected to be submitted for examination in early 2024. Accordingly, the plan can 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:

S1 Spatial Development Strategy  
S2 Settlement Hierarchy  
NE2 Natural Landscape  
NE4 Strategic Wildlife Corridors  
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  
NE17 Water Neutrality  
NE19 Nutrient Neutrality  
NE20 Pollution  
NE21 Lighting  
NE22 Air Quality  
NE23 Noise  
NE24 Contaminated Land  
H1 Meeting Housing Needs  
H2 Strategic Locations/ Allocations 2021 - 2039  
H4 Affordable Housing  
H5 Housing Mix  
H8 Specialist accommodation for older people and those with specialised needs  
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  
P9 The Historic Environment  
P10 Listed Buildings  
P11 Conservation Areas  
P12 Non-Designated Heritage Assets  
P14 Green Infrastructure  
P15 Open Space, Sport and Recreation  
P16 Health and Well-being  
P17 New and Existing Local and Community Facilities including Local Shops  
E1 Meeting Employment Land Needs  
E2 Employment Development  
T1: Transport Infrastructure  
T2 Transport and Development  
T3 Active Travel - Walking and Cycling Provision  
T4 Parking Provision  
I1 Infrastructure Provision  
A6 Land West of Chichester

## National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF December 2023). Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

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

7.6 Consideration should also be given to the following Sections: 1-6, 8-12 and 14-16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

## Other Local Policy and Guidance

7.7 The following adopted and draft Supplementary Planning Documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- A27 Chichester Bypass Mitigation SPD August 2023 (Draft)
- WSCC Transport Plan (2011-2026)

7.8 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 workplace 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 the development
- ii. The key components of the development (excluding Access)
- iii. Access and movement
- iv. Phasing and the proposed Southern Access Road delivery threshold
- v. Landscape and visual impact
- vi. Trees and hedgerows
- vii. Ecology and Biodiversity Net Gain
- viii. Surface and foul water disposal
- ix. Air quality and land contamination
- x. Noise and lighting
- xi. Sustainable design and construction
- xii. Other matters
- xiii. Significant conditions
- xiv. Section 106 Agreement
- xv. Summary and conclusions

### **i. Principle of the development**

- 8.2 The principle of developing the SDL is established by Local Plan Policy 15 and, following the Planning Committee's endorsement of a Masterplan for the site in 2016, outline and reserved matters approval has already been granted for the first phase of the development which is well under way with approximately 500 residential occupations thus far. As noted at paragraph 3.2 above, the Phase 2 application essentially seeks to deliver the balance of Policy 15's requirements in terms of dwelling numbers (850), employment land (5.2Ha), community provision (extension to Phase 1 community building and primary school), a highway connection at Westgate, formal sports provision and a range of open space types. Consequently, with regard to the proposals relating to the part of the site that is within the SDL, there is in-principle support for the range and quantum of development sought.
- 8.3 The highway works proposed on land at Bishop Luffa school, which lie outside but adjacent to the boundary of the SDL, raise in-principle issues relating to the loss of school playing fields. NPPF paragraph 103 seeks to resist such loss unless, amongst other things, any such playing fields would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Local Plan policy 54 includes similar qualifying criteria. The nature and scale of the replacement pitches and the arrangements for community access to them are discussed further below. However, it is noted at paragraph 6.10 above that Sport England, a statutory consultee for proposals involving the loss of playing fields, raises no objections on the basis of revisions made during the course of the application and subject to, amongst other things, the replacement pitch provision being available for use at a suitable point in the development process.
- 8.4 In view of the above conclusions on in-principle matters, the remaining sections of this report primarily comprise an assessment of the proposals as set out in the submitted parameter, illustrative and detailed highway plans, and consideration of whether it has been demonstrated that the range and quantum of development sought can be satisfactorily accommodated within the site taking into account the relevant local and



national planning policies, the site's constraints and other material considerations. Clearly, key to this assessment is consideration of the site-specific criteria of Policy 15 which include requirements to: integrate the development with the City; protect views of the Chichester Cathedral spire; conserve and enhance heritage assets on and near the site; promote increased biodiversity and mitigate any impacts on Chichester Harbour SAC; provide sufficient open space and landscape buffers; provide satisfactory and safe access arrangements and mitigate any off-site highway impacts and; make appropriate provision for waste water disposal.

- 8.5 There is also a need to consider emerging planning policies. With regard to the emerging local plan, whilst paragraph 7.3 above confirms that a large number of the Proposed Submission Plan's policies are relevant to the application proposals, the West of Chichester SDL, specific policy (A6) is arguably of most relevance. Policy A6 essentially brings forward the requirements of existing Local Plan Policy 15, but with some minor amendments to reflect wider changes in policy and legislation that have come into effect since the existing Plan's adoption, for example, in relation to the aim of achieving Biodiversity Net Gain and the need to protect the proposed Wildlife Corridor to the west of the site.
- 8.6 The policies of the emerging plan can only be given moderate weight at this stage and, consequently, they do not alter the starting point for consideration of there being in-principle support for the proposed development. However, where it is appropriate to do so, the extent to which the proposals respond to the direction of travel of relevant emerging local and national planning policies will be discussed.

## **ii. The key components of the development (excluding Access)**

### **Housing**

- 8.7 The housing component of the proposals would be located in the north-western part of the site, within the area described at paragraph 2.4(ii) above.
- 8.8 The proposed affordable and market housing (indicative) mix is set out at paragraphs 3.14-3.17 above. In the event of permission being granted it will be necessary for the affordable housing mix to be set out in the accompanying S106 agreement (see paragraph 8.141 below), although the agreement will contain some flexibility to vary the mix should that be justified. Given the likely timescales of the development it is not intended to set the market mix at the outline permission stage; in order to reflect the most up-to-date evidence around housing need the market mix would be reviewed on a rolling basis as individual phases of the development come forward at the Reserved Matters stage. However, it is not envisaged that the final market mix will deviate significantly from that set out at paragraph 3.15 above.
- 8.9 The parameter and indicative layout plans indicate that the majority of the housing would be laid out in perimeter blocks formed by an interconnected and legible network of second and lower order streets, with only a relatively small proportion directly facing onto the primary road (Southern Access Road) which runs through the centre of the built-up part of the SDL. The northern and western boundaries of the housing area would adjoin Phase 1's Western Green Link, whereas its southern boundary would be separated from the Salthill/Newlands Lane corridor by a belt of landscaping that would be between 15 and 25m wide.

- 8.10 The indicative layout shows dwellings facing onto both external boundaries and the landscaping corridors that are internal to the site, thereby preventing prominent views of garden fencing and other domestic clutter from roads and pedestrian routes within these areas. A number of road connections to the Phase 1 development are proposed from the eastern side of the Phase 2 housing area - these connection points have already been established by the Phase 1 Reserved Matters approvals.
- 8.11 The Density and Density Parameter Plans indicate how the 850 dwellings could be distributed across this part of the site via areas of differing density - High (35-45dpHa), Medium (25-35dpHa) and Low (20-25dpHa). Density is generally shown to progressively reduce from the central part of the SDL towards the housing area's more sensitive external boundaries. The scale of proposed development is a Reserved Matter, however, the Storey Heights Parameter Plan indicates that the majority of the housing would be of 2 or 2.5 storeys, with occasional 3 storey buildings in focal or gateway positions within the areas of highest density.
- 8.12 The wider impact of the proposals on visual amenity and landscape character is discussed further below at paragraphs 8.94-8.101. However, the approach to layout, density and storey heights outlined above is considered acceptable in terms of it forming an appropriate basis for future detailed consideration at the reserved matters stage. In particular, the grading of density towards the outward-facing boundaries of the housing area represents an appropriate response to the SDL's edge-of-settlement location.
- 8.13 In summary on this issue, although the final number of dwellings and their mix and layout will be for consideration at the Reserved Matters stage, officers consider that the submitted parameter plans and associated illustrative drawings demonstrate that 850 dwellings are capable of being satisfactorily accommodated within the area of the site identified for housing development. Further, it is important to note that the approach described above is in broad accordance with the principles established by the SDL's Masterplan document.

## **Employment**

- 8.14 Details of the location of and access to the 5.2Ha of proposed employment land (for purposes within the light industrial and/or research and development Use Classes) are set out at paragraph 3.19 above.
- 8.15 During the course of the application the distribution of the employment land has changed, with the western of the two parcels being extended southward into the land adjacent to the SDL's sewerage pumping station. This change has enabled the width of the landscaped buffer to this parcel's western side - where it adjoins one of the emerging Local Plan's proposed Wildlife Corridors - to be widened significantly. The enlargement of the western parcel has also enabled the size of the eastern employment parcel to be reduced slightly, allowing the depth of the landscaped buffers surrounding it to be increased.

- 8.16 The final detail of the appearance, layout and total floorspace of the employment provision will be determined as part of future reserved matters applications. However, it is evident that, compared to more urban locations, a relatively sensitive approach will be required if a satisfactory relationship with the adjoining parts of the site is to be secured. With this context in mind, the submitted parameter and illustrative plans initially indicate a relatively dispersed layout of light-industrial-type buildings.
- 8.17 Specific issues relevant to the employment land concerning lighting, ecology and landscape impact and the relevant S106 obligations are discussed in more detail below. However, in general terms the details of the location, distribution and quantum of employment land set out in the submitted parameter plans accord with both Policy 15's requirements and the principles established by the approved Masterplan, and represent an appropriate response to the context of this part of the site.

## **Local Centre**

### *Primary School*

- 8.18 As noted at paragraph 3.19 above the developer is required to make provision for an extension to the primary school permitted as part of the Phase 1 proposals. The final detail of the additional provision will be resolved via the obligations contained within the S106 agreement and at RM stage following discussion between the developers and WSCC Local Education Authority (LEA). However, the LEA has initially indicated that the extension will be likely to consist of 7 classrooms, a dedicated SEND classroom an expansion to the Phase 1 building's nursery facility and various other ancillary development necessary to enable the creation of a second form entry.
- 8.19 The submitted plans indicatively show a linked, single storey addition to the eastern side of the Phase 1 building. Parking provision that was likely to be sufficient to serve the extended building was 'front-loaded' when the Phase 1 building was permitted. However, the LEA has indicated this will need to be reviewed when the detailed design of the extension is considered. In this regard, it would be relatively straightforward to extend the Phase 1 building's carpark should that prove necessary.
- 8.20 The detail of the S106 agreement is yet to be finalised, however, the LEA has indicated that, amongst other things, it will provide the developers with the option to either construct the extension themselves or to provide a financial contribution (totalling £6.9m as set out in the consultation response above) in lieu of that.

### *Community Building*

- 8.21 Detailed permission for the Phase 1 community facility was given in 2022 (21/00/0490/REM refers). Whilst the Phase 1 S106 agreement required the provision of a building of around 650m<sup>2</sup>, the approved building was in fact substantially larger, with a floor area of approximately 1250m<sup>2</sup>. The primary reason for this increase in size was that the intended operator of the building, the YMCA, wished to run a 100-child nursery alongside the more traditional community elements of the building.

- 8.22 Unfortunately, since that that time the developers have advised that the YMCA has withdrawn from the project. Whilst attempts to find an alternative operator with a similar business model are ongoing, it is likely that the approach to the Phase 1 building will in due course need to be revisited, with it potentially reverting to a smaller building more in line with the original expectations of the Phase 1 outline permission. Any revisions to the approved Phase 1 building will need to be secured via a fresh planning approval.
- 8.23 Indicative plans have been submitted in order to demonstrate how the Phase 2 addition, with a minimum area of 450m<sup>2</sup>, might be achieved via an extension to the southern side of the approved Phase 1 building on land that has been reserved for that purpose.
- 8.24 Whilst the detail of the extension will be controlled through a combination of obligations within the S106 agreement and a future Reserved Matters application, it is likely to primarily comprise a second, full height hall suitable for a range of activities such as performances, exercise classes and sports such as badminton. Under the terms of the Phase 1 consent, core facilities suitable to serve the extended building must be incorporated into the detailed design of the Phase 1 building and sufficient space has been reserved to accommodate the addition. In terms of car parking, the sufficient provision to serve the extended building is likewise a requirement of the Phase 1 consent.

### **SANG land, open space, allotments, equipped play and formal sport provision**

#### *Suitable Alternative Natural Greenspace (SANG) and other open space land*

- 8.25 The two elements of the proposed SANG provision are described in detail at paragraph 3.21 above.
- 8.26 With an area of almost 12Ha the Northern Country Park (NCP) SANG comprises a significant element of open space in its own right. Whilst its primary purpose is to provide a recreational resource for prospective residents, the NCP will also be of benefit to the existing community, with the current connections to this area's existing permissive path network supplemented by new pedestrian connections from Old Broyle Road (OBR), Brandy Hole Copse LNR and Centurion Way (subject to technical feasibility). Wider public access is further facilitated by the existing Phase 1 public car park located on the western side of OBR which was constructed in order to serve the Phase 2 Country Park, and by the new pedestrian crossing that is proposed slightly to the north of the carpark's entrance.
- 8.27 The final layout of the NCP will be subject to detailed approval at the Reserved Matters stage. However, in order to ensure that it serves its primary purpose of deflecting recreational pressure from the Chichester Harbour SAC a light-touch, naturalistic approach to the treatment of the area is likely, reflecting the proximity of Brandy Hole Copse LNR and building on both the area's existing mature tree belts and the views of the cathedral spire that are available from several parts of the larger of its two fields.
- 8.28 The second component of SANG land extends to 8.5Ha and serves to divide and surround the two employment parcels. The configuration of this area has been amended significantly during the course of the application and the parameter plans now show generous buffers to (and connections with) the adjacent public rights of way and site boundaries. An appropriate separation between the employment parcels and the adjacent area of Ancient Woodland is also provided.

- 8.29 Paragraph 3.21 also sets out the provision in terms of the other primary components of landscaping which are to be provided both internally to the site and adjacent to its boundaries - these primarily comprise a number of belts of mature trees and hedgerows that define existing field boundaries along with a 3Ha area of semi-natural greenspace located to the south of the proposed playing pitches. An approach based on the retention of as much as possible of the existing mature vegetation has obvious benefits in terms of biodiversity. However, it will also serve to maintain some of the site's existing landscape character whilst at the same time framing and adding a degree of 'instant maturity' to the more developed parts of the site.
- 8.30 There will be opportunities to secure further tree and hedgerow planting and areas of incidental landscaping and open space as Reserved Matters applications for individual development parcels come forward in due course. However, at the outline stage the amount and distribution of structural open space illustrated on the parameter plans is considered acceptable. When taken together with the Phase 1 provision the proposals will fulfil the Masterplan's aspiration of the SDL being served by an attractive, comprehensive and interconnected network of differing open space typologies which, alongside framing and softening the development, provide a multitude of recreational routes and experiences within the site, together with connections to the wider PRow network.
- 8.31 Arrangements for the long-term management of the open space and SANG-land will be secured via a combination of planning conditions and obligations within the S106 agreement. These areas will be managed generally in the interests of providing good levels of public access and maintaining and enhancing biodiversity. With regard to the SANG-land, however, it will be important to ensure that its design and management have particular regard to the aim of deflecting recreational pressure from the Harbour, including measures specifically aimed at providing a welcoming environment for dog-walkers. Further, arrangements in respect of the NCP should take account of the characteristics of the adjoining Brandy Hole Copse LNR, and those for the southern SANG will need to incorporate measures aimed at the protection of the Ancient Woodland located within it.

#### *Allotments*

- 8.32 The parameter plans indicate a single area of allotments located on the northern side of Salthill Lane where it adjoins the south-west corner of the Phase 2 housing area. At 0.6Ha the proposed allotment provision accords with the requirements of the Planning Obligations and Affordable Housing SPD. Being located 750m from the Phase 1 allotments (located in the south-east corner of the Phase 1 housing area) the SDL's overall allotment provision is suitably dispersed, being reasonably accessible by residents on both its eastern and western sides. Further, the proposed siting of the allotments has additional benefits in terms of softening the western edge of the development, helping to affect a transition from the more developed parts of the site to the undeveloped countryside that adjoins the site's western boundary.

8.33 The detailed layout of the allotments and associated issues such as access and parking provision will be dealt with at the Reserved Matters stage. Management of the allotments will be controlled via obligations within the S106 agreement and planning conditions, although it is anticipated that, like the Phase 1 provision, it will be administered by the development's Management Company. Whilst the need for the allotments is generated by the development, it is expected that they would be available for use by all members of the local community.

#### *Equipped Play*

8.34 The quantum of proposed equipped play provision has increased significantly during the course of the application. As set out in paragraph 3.21 above, the parameter plans now detail 4 no. Locally Equipped Play Areas (LEAP) - each with a minimum area of 400m<sup>2</sup> not including buffer areas - distributed throughout the site. Two of the LEAPs, which are aimed at children who are beginning to play independently, would be sited close to the housing area's eastern boundary, in positions that would have the benefit of also being readily accessible to nearby Phase 1 residents. A third LEAP would be located within the belt of landscaping running along the southern edge of the housing area, conveniently positioned in respect of both new residents and those who are passing through the area along the adjacent Salthill/Newlands Lane public footpath. The fourth LEAP would be located adjacent to the SDL's sports pavilion, complimenting the range of recreational facilities here.

8.35 Three Local Areas of Play (LAP), which are aimed at younger children, would also be distributed through the housing area. These areas, with a minimum area of 100m<sup>2</sup>, are not necessarily equipped, and would be designed and laid-out to encourage informal play and interaction between toddlers.

8.36 The final element of play provision comprises the two areas of 'play-on-the way' equipment that would be sited within the landscaped corridors that adjoin the housing area. These linear play trails are intended for more adventurous supervised or unsupervised play and, as their name suggests, could be utilised by those using the SDL's various recreational walking routes.

8.37 Overall the quantum, distribution and range of proposed play provision is acceptable. The proposals will complement the Phase 1 facilities within the Local Centre which include a large, equipped play area aimed at a range of younger age groups alongside a Multi-Use Games Area that is primarily intended for use by older children and youths.

8.38 The detail of the play provision and the arrangements for its management and maintenance will be controlled via a combination of Reserved Matters approvals, planning conditions and S106 obligations.

#### **Formal sport**

8.39 The formal sport provision for Phase 1 of the SDL's development comprises full size grass cricket, football and rugby pitches along with a pavilion, a machinery storage building and a 35-space car park, all of which is located on land to the west of Centurion Way - see paragraph 2.4(iv) above. Until completion of the SAR, vehicular access to the Phase 1 'sports hub' will be provided from Clay Lane. At the time of writing the Phase 1 provision is under construction and, when completed, the facilities will be managed by the

development's Management Company. Use of and access to the facilities is controlled via a legally binding Community Use Agreement which has been entered into by the Council and developers.

- 8.40 The principal element of the Phase 2 formal sport provision comprises a full sized (100m x 64m) artificial grass pitch (AGP) with associated safety margins, fencing and goal storage areas. The indicative position of the pitch has changed significantly during the course of the application, moving from a location with Bishop Luffa School's grounds to a position adjoining the Phase 1 pitches. Whilst the precise location of the pitch will be fixed at reserved matters stage, 'proving plans' have been submitted in order to demonstrate that there are no in-principle constraints to siting a FA match-play-compliant AGP on this part of the site, and that the relationship between it and the Phase 1 grass pitches immediately to its north is acceptable. In this regard it has been necessary to slightly amend the original alignment of the Southern Access Road in order to ensure that the pitch can be safely accommodated.
- 8.41 The specification of the AGP will be controlled via the S106 agreement and planning conditions, and this will ensure that it satisfies a number of criteria that have already been accepted in principle by the developers. These include the provision of FA-compliant floodlighting, a '3G' artificial surface that is suitable for league football match-play and an under-surface treatment that will also enable rugby training to safely take place. A preliminary 'ball-strike' assessment indicates that a peripheral fence of a maximum height of around 5m in height will be required in order to minimise ball-spill onto the SAR, and also to ensure that the AGP can be safely used at times when the adjacent cricket pitch is in use.
- 8.42 The second main component of proposed formal sports provision comprises two junior, grass football pitches to be located on land between the AGP and Centurion Way. As noted at paragraph 3.21 above, these are provided primarily in order to compensate Bishop Luffa School for the loss of playing field land resulting from the proposed SAR highway works. However, in order to meet community needs these pitches would also be available for wider community use at weekends and during school holidays. Access to the pitches from BLS would be provided via the proposed Centurion Way crossing arrangements described at paragraph 3.28 above.
- 8.43 The Phase 1 pavilion has been designed with facilities (e.g. 7 changing rooms, locker facilities and a large social area) that are sufficient to serve the additional Phase 2 provision. Similarly, the Phase 1 car park has been laid out so as to facilitate its expansion to serve the additional demand generated by the Phase 2 facilities, and this will be secured at Reserved Matters stage when the details of the Phase 2 pitches are determined.
- 8.44 As was the case with the Phase 1 sports provision, community use of the AGP will be secured through the S106 agreement via the production of a Community Use Agreement (CUA). Community use of the Bishop Luffa playing pitches is secured via condition 48 as set out in the Recommendation section of this report below.

- 8.45 In summary on this issue, the formal sport provision detailed on the submitted parameter and illustrative plans accords with both the requirements of Local Plan Policy 15 and the principles established by the approved Masterplan. Sport England raises no objections to the revised proposals and, subject to various matters being secured through planning conditions and obligations, considers that the replacement playing pitch provision for BLS meets the requirements of the relevant national planning policies which seek to carefully control proposals involving the loss of school playing fields. Likewise, the Council's Sports and Development Manager supports the range and quantum of facilities proposed. Issues relating to noise and ecology are discussed further below, however, it will be noted that any such impacts are capable of being satisfactorily controlled via suitably worded planning conditions.
- 8.46 Careful consideration of the finer detail of the formal sport provision will be required at Reserved Matters stage and through the discharge of relevant planning conditions, and further discussion around access to and management of the facilities will be necessary before a Community Use Agreement can be finalised. However, in view of the preceding assessment officers consider the proposals in respect of both the new community sports provision and the replacement school playing pitches can be supported.

### **iii. Access and movement**

#### *Introduction*

- 8.47 Local Plan Policy 15 has a number of transport-related criteria including requirements to: support development proposals with detailed transport assessments; provide access to the SDL from both Old Broyle Road and Westgate; provide or fund mitigation for potential off-site traffic impacts; make provision for bus services and for new and improved walking and cycling routes that link the site to the surrounding area.
- 8.48 The Outline and Reserved Matters approvals for Phase 1 of the SDL established a connection to Old Broyle Road and also 'front-loaded' a number of off-site works including, amongst other things, various traffic calming, crossing and other improvement measures at Sherborne Road and Westgate together with the remodelling of the Westgate-West Street roundabout (to form a 'dutch-style' roundabout). Furthermore, the Phase 1 planning permission was subject to a substantial (£1m+) contribution towards the A27 improvement scheme along with various measures aimed at encouraging modal shift including the implementation of a Travel Plan alongside financial contributions towards bus service provision and improvements to cycling infrastructure at St Paul's Road and on the Parklands Estate.
- 8.49 In support of the Phase 2 application a number of plans and supporting documents have been submitted in order to justify the proposed on and off-site highway works and the approach to mitigation and delivering modal shift. The highway proposals - which are described in detail in paragraphs 3.22 to 3.39 above - are primarily set out in the submitted highway drawings, Transport Statement and associated technical notes, with these being subject to several rounds of amendment during the course of the application in order to respond to the comments of various parties including the two Local Highway Authorities, the City Council and local interest groups. The merits of the applicants' approach to highway matters are discussed in the following sections of this report.

#### *Baseline Traffic, Trip Generation and the 'Decide and Provide' approach*



- 8.50 In order to establish the baseline traffic situation for the highway network in the vicinity of the site the applicants have updated the data that was used to assess the Phase 1 planning application. The previous baseline figure has been uplifted to reflect more recent automatic traffic count data. Committed development in the locality has also been taken into account, as have likely changes in travel behaviour resulting from local measures designed to promote modal shift. Following further clarification by the applicant and the carrying out of additional manual traffic counts, neither of the LPAs (WSSC and National Highways) have raised objections to the applicants' approach to establishing the baseline traffic situation.
- 8.51 The applicants' approach to establishing the development's trip generation - which, in conjunction with the baseline data, informs both the design of the highway-related elements of the development and the assessment of its impact on the wider highway network - adopts a relatively new approach to transport planning known as Decide and Provide (D&P). D&P can be described as an outcome-led approach that seeks to achieve a preferred future of reduced car dependence by providing a development path that is best suited to providing it. This is partly a response to recently observed changes in travel behaviours due to factors such as technological change and what appears to be the lasting legacy of the Covid 19 pandemic. D&P contrasts with the traditional Predict and Provide approach to transport planning which is often criticised as serving to perpetuate car reliance by delivering over-engineered solutions based on worse case traffic predictions, failing to give proper consideration to opportunities for and strategies aimed at achieving modal shift. WSSC Local Highway Authority supports the D&P approach, although its support is conditional upon the implementation of monitoring and mitigation measures as discussed further below.
- 8.52 The applicants' trip generation calculations are based on previously agreed trip rates for the proposed residential and employment uses within the SDL, which have been re-verified at the request of WSSC LHA. Following a D&P approach, deductions are then applied on the basis of a number of factors including trip 'internalisation' (trips within the site itself), recent travel trends based on DfT figures and behaviour changes resulting from Travel Plan measures and the proposed strategy in respect of bus access/contributions and the promotion of walking and cycling.
- 8.53 Based on the above methodology the applicant's prediction of the peak time traffic generated by the completed development of the SDL (Phase 1 + Phase 2) can be summarised as follows (the figures for the whole development are divided into Phase 1/2 components within the adjacent brackets):
- AM Peak (08.00-09.00) total of 501 (209/292) vehicle movements: 178 (49/129) arrivals and 324(162/162) departures
  - PM Peak (17.00-18.00) total of 599 (250/349) movements: 325 (168/157) arrivals and 274 (82/192) departures.
- 8.54 As noted from the consultation responses set out at paragraph 6.15 above, whilst WSSC LHA broadly accepts the approach to trip generation set out in the application, this is subject to verification of the applicants' underlying assumptions through the monitoring of actual movements both during and after completion of the development. Exceedance of the applicants' predicted traffic movements would trigger the need for mitigation aimed at reducing these 'excess' journeys.

8.55 Final details of a Monitoring and Mitigation Plan would be secured by obligations contained within the S106 agreement. However, an initial scope for the Plan has been agreed by the LPA. This indicates that, at each monitoring point, any exceedances of forecast movement thresholds would trigger a sliding scale of cumulative mitigation measures. These would range from 'soft' behavioural interventions such as the provision of travel vouchers and travel planning advice, through to 'hard', physical measures such as identified improvements to pedestrian and cycling facilities in the locality of the site. The largest exceedances would result in an additional requirement for a £250k contribution to an active travel fund aimed at enhancing pedestrian and cycle connectivity in the locality, potentially aimed at key transport corridors such as Westgate which, as Members will be aware, has been the subject of recent public consultation by WSCC in respect of potential cycleway improvements. It should be noted that, in the event of the need for mitigation being triggered, such measures would be required in addition to complementary measures set out in a Travel Plan which would also be secured via the S106 agreement.

8.56 In summary on this issue, it is considered that the applicants' approach towards establishing both baseline traffic and trip generation is acceptable and that, subject to the implementation of the Monitoring and Mitigation Plan referred to above, it forms an appropriate basis upon which to consider the highway impacts of the development.

*Trip distribution and junction capacity*

8.57 The applicants have used industry-standard software to model the distribution of the predicted vehicle movements (set out at paragraph 8.53 above) following the completion of the SDL's development (including the SAR).

8.58 By way of example, the impact of the completed development on movements on Sherborne Road and Westgate East are set out in the table immediately below. These predictions indicate a relatively significant post-development reduction in movements on Sherborne Road in the morning and afternoon peak periods, and a relatively modest increase in movements along Westgate East during the same periods.

Scenario	AM Peak				PM Peak			
	Sherbourne Rd		Westgate (east)		Sherbourne Rd		Westgate (east)	
	North bound	South bound	East bound	West bound	North bound	South bound	East bound	West bound
<b>2035 Baseline</b>	229	290	399	182	218	178	180	374
<b>2035 + Devt. + Potential SAR Diversion</b>	183	190	434	195	160	141	202	412
<b>Change</b>	-46	-100	35	13	-58	-37	22	38

8.59 The applicants have also modelled the impact of the distributed traffic movements on the operation of both existing key junctions in the vicinity of the site and the remodelled Westgate-Sherborne Road and Bishop Luffa-Westgate junctions. This modelling indicates that none of the existing or proposed junctions are forecast to operate over their theoretical capacities in the post-development, 'future years' scenario. As noted from the consultation response above, WSCC LHA accepts the conclusions of the applicants' modelling and forecasts and concludes that the impact upon the operation of these junctions will not be 'severe' for the purposes of the definition contained within the NPPF's highways-related policies.

8.60 In terms of the A27, a contribution towards the mitigation scheme in compliance with the adopted and emerging supplementary planning documents will be secured via the S106 legal agreement that would accompany the planning permission. National Highways raises no objection to the application subject to the contribution being secured.

*Discussion: The merits of the various proposed highway works*

8.61 The detailed highway proposals have evolved during the course of the application and, at each stage, they have been the subject of a Stage 1 Road Safety Audit (RSA). The RSA is conducted by an independent highway safety auditor, and the process involves scrutiny of the road safety implications of the proposals. Where potential problems are identified, the safety auditor recommends how these can be addressed. These recommendations are then subsequently reviewed by the designer and the Highway Authority and an action is agreed in order to address each recommendation.

8.62 As noted in the LHA response of 1 November 2023 the outcome of the RSA process is that, other than a small number of minor issues which the LHA agrees can be reviewed as part of subsequent (Stages 2, 3 and 4) Safety Audits that form part of the process of the detailed technical design and adoption of the highway works, the proposed access arrangements, which have been subject to various amendments as a result of the RSA process, have appropriately addressed the problems identified by the auditor. Subject to planning permission being granted, subsequent road safety audits will be undertaken at detailed design stage to ensure that the road safety implications of the highway proposals are fully considered and addressed at each design stage.

8.63 Whilst noting that the Stage 1 RSA process has not identified any unresolvable safety concerns, it is acknowledged that various aspects of the highways proposals have attracted a significant volume of comments from local residents and stakeholders. Consequently, the following sections of the report briefly discuss the merits of the main aspects of the proposed highway works.

8.64 Turning first to the SAR itself, it should be noted that the provision of a route through the SDL from Old Broyle Road to Westgate is a requirement of Policy 15 and forms part of the approved masterplan for the SDL. The principle of completing this link, as detailed in the current proposals, is therefore fully supported. Further in this regard, as previously noted the completion of the SAR is predicted to result in some beneficial changes in terms of trip distribution in the locality of the site including, most notably, a forecast reduction in

movements on Sherborne Road. In addition, it is the case that journey choices will be further influenced by various off-site traffic works forming part of the Phase 1 development, including extensive traffic-calming on Sherborne Road (mini roundabouts, zebra crossings, road narrowings and gateway features) and a more limited range of measures at Westgate East.

- 8.65 In general terms, a number of changes to the design of the SAR have been secured during the course of the application in order to, amongst other things, ensure that proposed speed limits are likely to be adhered to and that appropriate provision for cyclists and pedestrians is made.
- 8.66 With regard to more specific issues, it is acknowledged that the focus of concern for a large number of local residents and stakeholders has been the operation of the Westgate-Sherborne Road junction, which will change from the current mini roundabout arrangement to a staggered junction, with priority for vehicles travelling along Sherborne Road.
- 8.67 As noted above, the proposed junction design is considered acceptable by the LHA following scrutiny of both the applicants' capacity assessment modelling and the RSA process.
- 8.68 However, it is fully accepted that the junction is likely to be busy at peak times, and particularly so during the pick-up and drop-off periods associated with Bishop Luffa School. Whilst a period of short-term queuing may take place around the junction at these times, a degree of such queuing is not uncommon in the case of roads in the vicinity of schools of this size, and such instances do not necessarily equate to an unacceptable impact in terms of highway safety or network operation, as the RSA and forecasting processes indicate. Moreover, designing the junction to fully accommodate short-lived, peak-use periods could prove counter-productive in terms of potentially encouraging more movements through it at other times.
- 8.69 In terms of movements through the junction more generally, as highlighted at paragraph 3.36 above all four approaches would be immediately preceded by new ramped crossing features. Allied to the 20mph speed limit applicable to all approaches, these features should help ensure that the staggered junction will comprise a relatively low speed environment. Further, a financial contribution will be secured in order to fund a Traffic Regulation Order that seeks to reduce the speed limit on Cathedral Way from 60mph to 40mph (see para 8.141 below). Whilst there can be no guarantee as to the outcome of the TRO process, WSCC LHA has already expressed in-principle support for the TRO which would help to ensure that the speed of vehicles approaching the junction from the A259 would be lowered when compared to the pre-development situation.
- 8.70 Concerns about the potential for 'rat running' along local roads as a result of the implementation of the revised junction arrangements are noted, however, these are not borne-out by the modelling referred to above. Indeed, as referred to in paragraph 8.58 above, there is a potential for movements on Sherborne Road to reduce. With regard to movements along Westgate East, the change from a roundabout to a priority junction would, on the face of it, make such movements less convenient and attractive.

- 8.71 In terms of provision for cyclists and pedestrians, the segregated cycleway to be provided alongside the SAR will, in combination with a short section of Centurion Way that would be effectively incorporated into it, arguably comprise the highest quality element of urban cycling infrastructure in the District. Not only would it provide a dedicated, off-road route between the Phase 1 site and Sherborne Road/Westgate (with further off-road connections to/from the city centre and railway station via the shared cycle/footway on Via Ravenna), but it would also provide a link to Clay Lane via a short spur off the SAR cycleway located to the south of the SDL's sports hub. Compared to the current situation, this connection will provide a safer and more convenient cycling route between the northern part of Fishbourne and the city centre; there will be no longer be requirement to cross the railway line twice between these points.
- 8.72 It is noted that space constraints around the staggered junction have resulted in its design incorporating relatively short sections of shared foot/cycleway on three of its sides. This broadly follows the recently implemented approach that was accepted by the LHA in respect of the Phase 1 development, although in places the Phase 2 proposals will result in some of these shared surfaces being increased in width (generally from 3.5m to 4.5m), with minor re-alignments also proposed in order to maximise visibility between the users of these and adjacent paths. All of the proposed crossings benefit from pedestrian visibility splays that are appropriate for prevailing traffic speeds.
- 8.73 Although the previously mentioned space constraints mean that the 'gold standard' of segregated routes for pedestrians and cyclists around all parts of the junction cannot be achieved, the proposed arrangements comply with the guidance contained in LTN1/20 regarding situations where shared space may be acceptable.
- 8.74 The proposed highway arrangements at Westgate will result in a notable change in terms how students access Bishop Luffa school, particularly to and from the school's southern side. In order to reflect the increase in traffic arising from the SAR a number of safety features have been incorporated into the highway design including; a 20mph speed limit; a total of 4 controlled and uncontrolled crossings between the proposed drop-off area and the Westgate-Sherborne Road junction, with the 'controlled' Centurion Way crossing incorporating dedicated provision for cyclists; a number of raised table traffic calming features; highway build-outs and; 'no-waiting' road markings. Whilst all users of the highways in the vicinity of the school will need exercise mutual care, the arrangements are considered to be acceptable and safe.
- 8.75 Students accessing the school via the railway footbridge (and others using Centurion Way to the north of it) will be required to cross the SAR via the above-mentioned crossing, with students on cycles being encouraged to use CW to access the school via the new gated access referred to at paragraph 3.28 above. It is noted that new, covered parking facilities for 72 cycles are to be provided within the school grounds adjacent to the proposed access point. In general terms, the pre and post-development walking distance between the school reception area and base of the footbridge will not be materially different.
- 8.76 As mentioned above, where achievable, the hard surface of the southernmost part of Centurion Way is to be widened to 4.5m in order to safely accommodate use of the section leading up to the new school access, with details of the widening secured through condition 20 as set out below. The widening should serve to ease potential conflicts between cyclist and pedestrians using CW, which is acknowledged as an existing issue around times of peak usage. The minor change to the alignment of the eastern end of CW

is reasonably necessary in order for it to tie in with the adjoining highway infrastructure, and this should not materially detract from the enjoyment of the route.

- 8.77 It is acknowledged that some will not welcome the fact that it will be necessary for users of Centurion Way (National Cycle Route 288) to cross the SAR via the above-mentioned controlled crossing. In this regard the applicants were asked to look at alternative options - namely, the use of a bridge or underpass. The applicants' reasoning for rejecting these options on a number of grounds including significant engineering challenges, visual intrusion and land ownership constraints are accepted. The proposed option - of an at-grade crossing with separate provision for cyclist and pedestrians who would have priority over road users - is considered the best solution, and an arrangement which should not significantly inconvenience Centurion Way's users. Moreover, in terms of cyclists, any such perceived inconvenience should be balanced against the enhanced cycling provision on Westgate, with the segregated cycleway proposed here effectively serving as a 200m extension to Centurion Way's eastern end.
- 8.78 The proposed bus turning area, dedicated pick-up/drop-off and bus stop provision to serve Bishop Luffa School can all be considered to represent enhancements over the existing provision in this respect and are therefore supported.
- 8.79 The proposed pedestrian crossing of Old Broyle Road (see para 3.39 above) is acceptable in highway safety terms. It will facilitate access to the Northern Country Park and, more generally, is integral to delivery of the SDL's peripheral and other walking routes.
- 8.80 In summary, in terms of highway considerations, the proposed access works for which detailed consent is sought are considered acceptable in terms of the relevant requirements of the CDLP policy 39 and the NPPF insofar as they would be both safe and would not result in severe residual cumulative impacts on the local road network. Associated issues relating to matters such as noise and air quality are discussed in more detail below.
- 8.81 Finally in this regard, it is acknowledged that a number of stakeholders, including the City Council, have suggested alternative arrangements to the proposed staggered junction at Westgate-Sherborne Road. In this regard it is noted that the applicants have carried out their own assessment of a number of these alternatives and rejected them on the various grounds. The LHA has acknowledged the issue of potential alternative junction arrangements in its latest consultation response, stating that none have been submitted for formal consideration and reiterating that the arrangements forming part of the application are acceptable from a highway point of view.
- 8.82 Whilst it is often the case that alternative solutions to a particular planning issue might exist, it is fundamental principle of the planning system that decision-makers base their consideration on the proposals that are before them. For the reasons set out in detail above, the proposed highway works are considered acceptable based on their own merits, and the existence of potential alternative highway options does not alter that conclusion.

### *Movement and connectivity more generally*

- 8.83 The immediately preceding sections of this report have highlighted aspects of highway connectivity relevant to the Southern Access Road and the directly associated elements of highway infrastructure for which detailed consent is sought. However, it is important to note that these elements form part of a wider movement network comprising an indicative layout based on a hierarchy of streets, together with a range of pedestrian and cycle routes and connections which are detailed in the parameter plans.
- 8.84 As set out in paragraphs 3.40 to 3.43 above, this network not only integrates with the Phase 1 development, but also provides connections to multiple off-site routes including a number of existing public rights of way. For example, in terms of cycling, various options for routes between the site and the city will be possible, including via Newlands Lane and the SAR's segregated cycleway. A number of foot and cycleway links to Centurion Way are also incorporated, further enhancing connections between the residential, commercial, open space and community elements of the SDL and the adjoining parts of the city. Centurion Way also provides access to the National Park. Routes to and from areas to the west of the site are also possible via connections to the existing public footpath within the site that runs through to Salthill Road, and also via the proposed cycleway connection to Clay Lane (and to/from Fishbourne and the Harbour AONB beyond). Various pedestrian connections to the Northern Country Park are proposed in order to ensure that it can serve as a recreational resource for both new and existing residents.
- 8.85 In summary on this issue, the parameter and detailed highway plans demonstrate that the proposals will comprise a well-connected and appropriately integrated development which, in terms of the leisure, work and school-related journeys associated with it, offers genuine alternatives to the use of private vehicles. Furthermore, opportunities to increase active travel will be enhanced via a number of complementary measures including:
- the provision and implementation of a Travel Plan incorporating measures such as travel personal planning and vouchers for residents and employees and three, funded car club spaces to be provided on site (with vehicles to be funded for the first two years).
  - a contribution of approximately £580k towards the provision of a bus service for the site (in addition to the £400k Phase 1 contribution).

### **iv. Phasing and the proposed Southern Access Road delivery threshold**

- 8.86 In the event of planning permission being granted, the submission and agreement of a Phasing Plan for the development will be a pre-commencement requirement, and this would be secured by condition 5 as set out in the recommendation below. The Phasing Plan would incorporate and align with various delivery triggers set out in the S106 legal agreement (see para 8.141 below).
- 8.87 However, before the grant of planning permission the applicant is seeking to establish a delivery threshold for the SAR - namely that 150 Phase 2 dwellings could be occupied before the SAR (and associated highways works) is complete. This could effectively result in a total of 900 (150 Phase 2 + 750 Phase 1) dwellings and the Phase 1 commercial and community elements (located in the Local Centre) being accessed solely via the SDL's existing Old Broyle Road access. An illustrative plan submitted by the applicants indicates that the first 150 houses would be likely to be provided on the part of the site that adjoins the southern end of the Phase 1 spine road.

8.88 The applicants' reasoning for requesting this delivery threshold are summarised in the following extract taken from the submitted Planning Statement:

*'...The SAR is a significant piece of infrastructure that will take time to undertake detailed design, obtain all required approvals and agreements, procurement and then implement. It requires careful timing so as not to cause excessive disturbance to the operation of Bishop Luffa School and existing residents and will likely need to be constructed in stages over an extended period to minimise disruption. A later trigger for its completion of 150 homes on Phase 2 will enable homes to be started on phase 2 whilst the SAR is being built enabling swifter delivery and a smoother transition between development on phase 1 and 2...'*

8.89 In support of their proposal, the applicants have carried out a capacity assessment of the surrounding highway network. This indicates that the junctions in the vicinity of the site will continue to operate safely with the additional development, with only a notional increase in queuing.

8.90 As noted in the Local Highway Authority's consultation responses, there is no adopted standard that establishes a maximum quantum of development that can be served via a single point of vehicular access. Each case must be considered on its own merits based on the particular characteristics of the proposed development and the surrounding highway network. Based on the specifics of this case the LHA has confirmed that, from a capacity perspective, there is no justification to restrict an additional 150 dwellings being served by the existing access in advance of completion of the SAR.

8.91 However, the LHA's support on this issue is conditional upon securing improvements to the section of Old Broyle Road between the site's access and the St Pauls Road/Centurion Way road bridge which will incur additional use in advance of the provision of the SAR. These works, which comprise the installation of street lighting and full-height kerbs together with surface improvements and clearance of vegetation and debris so as to achieve a minimum footway width of 1.5m, would be secured via the S106 agreement.

8.92 In terms of emergency access, the Phase 1 development includes provision for an alternative access point onto Old Broyle Road, with this controlled by operation of lockable bollards which can be operated by the Fire and Rescue Service. This alternative route would also be available to the proposed additional 150 dwellings and, accordingly, there are no objections in this regard.

8.93 In summary on this issue, the proposed delivery threshold for the SAR is considered acceptable, and this is reflected in condition 6 set out in the recommendation below.

#### **v. Landscape and visual impact - impact and opportunities**

8.94 Local Plan policy 15 contains a number of criteria relating specifically to the consideration of landscape and visual impact. These include requirements in respect of the provision of appropriate landscape buffers to the boundaries of the site and the preservation of views of the Chichester cathedral spire.



- 8.95 In order to demonstrate compliance with both Policy 15's criteria and the related objectives of local and national planning policies and guidance more generally concerning the design and impact of development, the applicants have produced a Landscape and Visual Impact Assessment (LVIA). Against the backdrop of relevant background studies and evidence, the LVIA assesses the landscape and visual effects of the development over a range of timescales, and suggests mitigation where it is considered necessary.
- 8.96 In terms of landscape effects, the LVIA notes that the site is relatively well-contained by mature tree belts and hedgerows, and concludes that the retention of the majority of the boundary vegetation and internal woodland, hedgerows and mature trees would substantially limit any landscape harm resulting from the development. The Northern Country Park should ensure the protection of the setting of both Brandy Hole Copse LNR and the Chichester Entrenchments Scheduled Monument. Intervisibility in respect of both the Harbour AONB and National Park would be limited, with views of the development from within those areas likely to be limited to no more than distant glimpses.
- 8.97 In terms of visual effects, the LVIA concludes that visual receptors beyond the 'external' boundaries of the SDL are unlikely to experience significant change, with impacts largely limited to filtered views of the built elements of the development. However, a noticeable change, resulting in a level of harm, would, even after mitigation has been provided, be apparent to users of the two public rights of way that run E-W through the site. Users of the southern (elevated) part of Centurion Way would experience a similar change.
- 8.98 Whilst the LVIA's conclusions as to the relatively limited landscape and visual effects of the development are broadly accepted, during the course of the application amendments have been secured in order to further limit any such impacts. In particular, amendments to the Newlands/Salthill Lane 'corridor' have been secured in order to soften the impact of the development when viewed from the public footpath that runs through it. These amendments include increasing the set back of the housing area from Salthill Lane together with reductions in density and storey heights here. Further, reconfiguration of the employment areas has allowed the corridor to be widened (to an average of 70m in width), alongside increasing the landscape buffer that wraps around the site's south-western corner (between 30m-40m deep) where it adjoins the emerging Local Plan's proposed Wildlife Corridor and a second public footpath.
- 8.99 In terms of lighting, the indicative lighting strategy is based on the provision of dark corridors to site boundaries and internal landscaped corridors. Whilst details will be secured pursuant to the conditions set out below, this approach will help to further limit any wider visual impacts.
- 8.100 With regard to views of the cathedral spire, the enhancement of the Newlands/Salthill Lane corridor will ensure that existing views from various points along its length are preserved. However, significant amendments to the parameter plans have been secured in order to ensure that new views will form an integral part of the development. For example, the second order streets within the southern housing area have been realigned so as to provide a number of spire 'viewing corridors'. Spire views will also be available from a number of the proposed play areas, open spaces and landscaped corridors, and from a number of points within the employment areas.

8.101 In conclusion on this issue, it is unrealistic to expect that the development of a strategic greenfield site of this scale can be carried out without a level of landscape and visual impact being caused. Clearly, this was accepted at the time of allocating the site for development and when granting permission for the Phase 1 development. However, the previously described approach to layout, structural landscaping, density, storey heights and the distribution of the various elements of the development should help to ensure that any such impact will be minimised and that the remaining part of the SDL will, as far as is reasonably possible, be integrated into its surroundings. Careful future consideration of the detail of the development through the Reserved Matters and discharge-of-conditions processes will, though, be required in order to ensure this indicative approach is followed-through. The opportunity to embed new public views of the cathedral spire into the development's layout is welcomed.

#### **vi. Trees and hedgerows**

8.102 The submitted Arboricultural Impact Assessment (AIA) details the loss of a total of 24 individual trees with further works to around a dozen tree groups, alongside the removal of around 250m linear metres of hedgerows. These removals are required primarily to accommodate highway infrastructure (and visibility splays), mainly where roads cross existing planting belts located on field boundaries and also where the SAR would cross Centurion Way. The highway works at Westgate West also necessitate the removal of a number of (mainly self-sown) trees to the edges of the woodland parcel on its southern side.

8.103 Whilst the loss of any trees or hedgerow is always regrettable, the extent of such removals is relatively limited given the scale of the site. Further in this regard, it is noted that the alignment of the highway infrastructure has been chosen so as to minimise impacts (with no A category trees being lost), and that the most significant elements of hedgerow to be removed are of moderate quality and/or are species-poor. The Council's Tree Officer has visited the site and has not raised any concerns with the AIA's methodology or conclusions.

8.104 The development of the site provides opportunities for new planting and, by way of comparison, it is noted that, when it is completed, the Phase 1 development will result in a net gain of several thousand trees and several hundred metres of hedgerow on that part of the SDL. In advance of Reserved Matters coming forward it is difficult to quantify such gains for the Phase 2 site, however, it is clear that the various substantial areas of proposed SANG and other structural open space provide opportunities for significant additional planting, as demonstrated by the submitted illustrative Landscape Masterplan.

8.105 In summary on this issue, in order to deliver the remainder of the SDL it is accepted that some trees and sections of hedgerows will need to be removed. However, as Reserved Matters applications come forward, there will be opportunities to achieve a significant overall gain in tree and hedgerow planting when measured against the baseline condition. Careful protection of retained trees and hedgerows during the construction process will be required via appropriately worded planning conditions as detailed in the recommendation below.

## **vii. Ecology and Biodiversity Net Gain**

- 8.106 The application is supported by a number of reports and assessments (updated variously during the course of the application) relating to the potential impact of the development on habitats and species both on and in the vicinity of the site. The relevant protected and other species include bats, dormice, statutorily protected and nesting birds, badgers, hedgehogs, water voles, reptiles and amphibians. The key potentially affected habitats include the ephemeral chalk stream which runs through the centre of the SDL and the areas of Ancient Woodland within and adjacent to it.
- 8.107 Protection of ecological assets on and near the site during the development's construction phase will be secured primarily via a requirement for the submission and approval of an Ecological Construction Management Plan (ECMP) prior to the commencement of each component or phase of the development. Whilst final details of each ECMP will be secured at the discharge-of-condition stage, their parameters, as set out in the above-mentioned reports and assessments, have been established following detailed input from the Council's ecologists.
- 8.108 Various operational phase (i.e. post-occupation) ecological mitigation and enhancement measures are also proposed. These include species-specific enhancements such as the provision of bird and bat boxes/bricks, reptile hibernacula and hedgehog-highways which would be incorporated into the detailed design of the development. At a larger scale, the layout of the development, within its extensive areas of SANG, meadow grassland and landscaping belts should provide habitats suitable for a range of species, whilst also providing appropriate buffers to sensitive existing habitats such as the Ancient Woodlands on and adjacent to the site, and to the emerging Local Plan's Wildlife Corridor which flanks the site's western boundary. An indicative lighting strategy indicates a network of dark wildlife corridors suitable for commuting and foraging bats, with connections to off-site movement networks. Although not a designated wildlife site, the chalk stream is defined as priority habitat under s41 of the Natural Environment and Rural Communities Act so would benefit from 6m wide, development-free buffers to each of its sides where it runs through the sports hub element of the Phase 2 site.
- 8.109 The provision of appropriate operational phase mitigation and enhancements and the long-term protection and management of species and habitats on the site will be secured via a mixture of planning conditions and obligations, including requirements to gain approval for an Ecological Mitigation and Enhancement Strategy and a Landscape and Ecological Management Plan for each Phase of the development.
- 8.110 As noted at paragraph 2.8 above, the site is located within the Zones of Influence of both the Chichester and Langstone Harbours Special Protection Area/Ramsar and the Singleton and Cocking Tunnels Special Area of Conservation (SAC). Consequently, given the potential for the development to result in likely significant effects on these European Sites, it has been necessary for the Council to carry out an Appropriate Assessment (AA) under the Habitats Regulations 2017.
- 8.111 Turning first to the Harbours SPA/Ramsar and Solent Maritime SAC, potential impacts in terms of recreational disturbance would be mitigated via a financial contribution to the Bird Aware scheme and through the provision of extensive SANGs. In terms of potential nutrient enrichment, the combination of a decrease in agricultural run-off and a connection to the Tangmere WwTW ensures the Phase 2 development would result in a significant

net-decrease in nutrients entering the Harbours. The potential for pollutants entering both the Harbours SPA and Solent Maritime SAC from surface water run-off in both the construction and operational phases of the development can be avoided by safeguarding measures to be secured via appropriately worded planning conditions.

- 8.112 With regard to the Singleton and Cocking SAC, it is noted that the applicants' surveys indicate that a small number of SAC species have been recorded as using the site for foraging and commuting. Given the nature of the mitigation that will be embedded in the development, it is considered that the impact on the integrity of the SAC will be negligible.
- 8.113 In view of the above the Council's Appropriate Assessment concludes that, given the avoidance and mitigation measures to be secured in perpetuity, there will be no adverse effect on the integrity of these European sites. Natural England has confirmed that it agrees with the Council's conclusions in this respect.
- 8.114 In terms of Biodiversity Net Gain (BNG), whilst not a statutory requirement for this application the applicants have been keen to demonstrate BNG in line with aims and objectives of existing national and emerging local policies. Using Natural England's latest metric, the submitted information suggests a gain of a minimum of 10.83% in habitat units and 21.47% in hedgerow units. This gain, which would exceed the requirements of the forthcoming statutory regime, would be achieved primarily through the previously-mentioned creation of large areas of SANG, open space and wildflower meadow, and also through the tree and hedgerow planting referred to above. Securing, monitoring and maintaining this BNG will be achieved by planning condition 30 as set out below.

#### **viii. Surface and foul water disposal**

- 8.115 The means of disposing of surface water from the site, which is entirely located within Flood Zone 1, has been the subject of lengthy discussion during the course of the application. Following the input of the LLFA, updated modelling has been undertaken which is based on the most up-to-date national guidance in terms of climate change and rainfall intensity design allowances. The resulting indicative approach is set out in detail in the submitted Flood Risk Assessment but, as summarised in paragraphs 3.44 above, it primarily involves the use of a number of attenuation basins which intercept excess surface water from various components of the development and then discharges it to the local land drainage network at no greater than greenfield rates. It should also be noted that, at the LLFA's request, the applicants have also carried out a detailed review of the Phase 1 site's final drainage design. This review has resulted in the ability to reduce previously agreed discharge rates from the attenuation basins with the Southern Country Park which, as noted above, will also serve a significant area of the Phase 2 development. The resulting reduction in previously anticipated flows from this part of the SDL to the downstream drainage network is strongly welcomed.
- 8.116. In view of the above, it is considered that the revised and updated information submitted during the course of the application demonstrates that the quantum and distribution of the development as detailed in the submitted parameter plans is capable of being

satisfactorily drained for its lifetime in a manner that will both protect the site from flooding whilst and not increase the risk of off-site flooding. The proposals therefore comply with the relevant local and national planning policies and guidance. The final detail of the site's surface water drainage design, including measures to control run-off during the construction phase, will be secured by a number of conditions set out in recommendation below as recommended by the LLFA.

8.117 As noted at paragraph 3.46 above, foul water is to be disposed of via the public sewage system to Tangmere WwTW using the recently completed strategic pipeline. Phase by phase details of the foul system - which may include the need for additional pumping stations to serve the employment parcels - are secured by condition 12 below.

#### **ix. Air quality and land contamination**

8.118 The application is accompanied by an Air Quality Assessment (AQA) which has been updated during the course of the application in order to address the comments of the Council's Environmental Health Officers, and also to reflect changes to the proposals. In broad terms, the AQA models the air quality impacts of the development on a range of prospective and existing sensitive receptors located both within and in the vicinity of the site. Existing receptors include a range of residential properties located along Westgate and Sherborne Road, Bishop Luffa School, Chichester College and a number of nearby primary schools.

8.119 As can be noted from the consultation response set out above, the EHO agrees with the AQA's methodology and its conclusions that, in terms of traffic emissions (both NO<sub>2</sub> and particulates), the impact of the development on existing and prospective sensitive receptors during both its construction and operational phases will not be significant. This conclusion is, however, conditional upon achieving appropriate mitigation during (i) the construction phase, via appropriate dust control measures within the Construction Management Plan; and (ii) the operational phase, by securing the various on and off-site provision for cycling and walking that forms part of the proposals, a Travel Plan (including car club spaces/contributions) and EV charging infrastructure.

8.120 Odour arising from the sewerage pumping station located adjacent to the western employment parcel should not be significant, and appropriate odour control measures can be secured when the detailed layout of the parcel is known at the Reserved Matters stage.

8.121 In terms of land contamination, preliminary testing has not revealed any exceedances of generic contamination guideline levels. Further investigation and testing will, however, be required in order to fully characterise the site and, if necessary, to inform a remediation strategy. Various conditions in relation to these requirements are included in the recommendation below.

#### **x. Noise and lighting**

8.122 The Noise Assessment (NA) submitted with the application has been updated in response to the EHO's comments and to reflect changes to the proposals, most notably relating to amendments to the alignment of the SAR and the relocation of the proposed artificial playing pitch.

- 8.123 With regard to traffic noise, the EHO agrees with the NA's conclusion that with mitigation - in the form of a total of four sections of acoustic fencing at Westgate and to the north-east of properties on Clay Lane - the impact of the proposals upon existing sensitive receptors will fall within acceptable levels. The noise environment for prospective residents should also be acceptable, although conditions are proposed below to ensure that noise issues (including, where necessary, mitigation) are considered at the formative stage of the detailed design of the development.
- 8.124 The re-positioning of the proposed artificial pitch away from the properties on Westgate and onto the sports hub represents a significant improvement in terms of potential noise nuisance and should help ensure that the pitch will be able to sustain high levels of community usage. However, some control over the hours of use of the pitch will be necessary in order to ensure impacts on the residents of Clay Lane are minimised. Such controls will be secured at Reserved Matters stage when the final detail of the location and specification of the pitch is known.
- 8.125 Construction phase noise issues will be controlled via the Construction and Environment Management Plan to be secured by condition 13 below.
- 8.126 With regard to lighting, the application is supported by a lighting assessment and indicative lighting plans which have been updated during the course of the application to reflect both changes to the parameter plans and the comments of various consultees in respect of potential impacts on receptors located within and adjacent to the site.
- 8.127 In terms of ecological receptors, as noted in previous sections of this report the parameter plans demonstrate a layout that includes a network of dark corridors positioned within and around the boundaries of the site in order to ensure their continued usage by light-sensitive species such as bats. In order to ensure the integrity of this network a number of amendments to the initially submitted indicative lighting scheme have been secured including the removal of proposals to illuminate the widened section of Centurion Way together with a reduction in street-lighting levels where it is crossed by the SAR. The updated assessment also now confirms a low-key approach to the lighting of the employment parcels which are located close to areas of Ancient Woodland and the proposed Wildlife Corridor. As noted at paragraph 8.99 above the approach outlined above will also help to minimise the impact of the development on the wider landscape, reflecting the site's edge-of-settlement location.
- 8.128 With respect to residential amenity, concerns around potential light nuisance connected with the floodlit artificial playing pitch have largely been negated by the above-mentioned re-positioning of the pitch. Technical details of the floodlighting and its operating hours will be secured via planning conditions when the final position and specification of the pitch is established following the grant of detailed approval at Reserved Matters stage.
- 8.129 The technical details of lighting to serve each component of the development are secured via planning conditions set out in the recommendation below. However, in summary on this issue, the relevant consultees have confirmed that the updated assessments demonstrate that any impacts on sensitive receptors are capable of being satisfactorily controlled.

## **xi. Sustainable design and construction**

- 8.130 Given the rapidly evolving nature of technologies, guidance and national standards in the field of sustainable design and construction, it could prove counter-productive to be overly prescriptive in terms of establishing such criteria at the time of granting Outline planning permission. Focusing on these matters at the Reserved Matters stage should help ensure that climate-adaptation measures are maximised by taking into account the latest technological innovations and the most up-to-date relevant planning policies and the latest national guidance, legislation and standards (such as the Future Homes and Buildings Standards and the Building Regulations).
- 8.131 With the above context in mind, proposed condition 28 set out below requires the first application for Reserved Matters in respect of each phase to be accompanied by a Sustainability Strategy. A requirement to submit the Strategy at the outset of the RM process should help ensure that climate adaption fully informs both the layout of each development parcel as well as the design of the individual buildings within it. Each Strategy will set out details of the approach that is to be taken to, amongst other things, the incorporation of climate change-adaptation considerations into the layout of the phase including orientation principles and the use of landscaping; the detailed design and construction of all new buildings including measures to minimise water and energy consumption through sustainable building techniques and technology; the maximisation of renewable energy sources; electric vehicle charging for residents, workers and visitors. Other related issues, such as the approach to the potential overheating of buildings, are addressed by planning conditions set out in the recommendation below.
- 8.132 Subject to careful future consideration of the detail of the proposals, the approach required by condition 28 as summarised above should ensure that the objectives of adopted and emerging planning policies and related guidance and legislation that require developments to fully address climate change, are met.

## **xii. Other matters**

- 8.133 It is acknowledged that part of the site meets the NPPF's definition of best and most versatile agricultural land. Clearly, this matter was considered when the principle of allocating the SDL for development and, accordingly, the loss of any such land as a consequence of the current proposals does not constitute a reason to resist the application.
- 8.134 In terms of heritage issues, the parameter and detailed access plans demonstrate satisfactory relationships with the listed buildings located adjacent to the site (see paragraph 2.10 above). Subject to careful consideration of the detail of the development at the Reserved Matters stage, material harm to their special character, setting and significance should be avoided.
- 8.135 As noted from the Archaeology Officer's consultation response, safeguarding of the designated and undesignated archaeological heritage assets located on and adjacent to the site is capable of being satisfactorily addressed via a number of planning conditions set out in the recommendation below.

Likewise, the potential for unknown archaeological deposits is addressed via a requirement for a site-wide archaeological investigation scheme which would incorporate ongoing 'watching-brief' monitoring throughout the development process. The process was investigation was successfully employed as part of the Phase 1 development, with a number of interesting features and deposits being found and recorded.

- 8.136 Network Rail's request for a contribution towards cycling facilities at Chichester station is acknowledged. Officers have sought clarification from Network Rail on a number of occasions as to what facilities are proposed, however, no response has been received. It is therefore not possible to ascertain that a planning obligation requiring such a contribution would meet the statutory tests for them and, consequently, it has not been possible to pursue this request.
- 8.137 Various issues relevant to the potential impacts of the development on existing and proposed occupiers' residential amenity - for example in respect of noise, lighting and air quality - are discussed in previous sections of this report. More general issues around the relationship between existing and proposed buildings and uses are capable of being satisfactorily controlled at Reserved Matters stage.
- 8.138 It is noted that in its most recent consultation response the SDNP Authority has referred to a number of matters that it considers require further attention. With regard to the Centurion Way-SAR controlled road crossing, the revised plans indicate that the element of the crossing dedicated to cyclists would be 3m in width, which complies with the relevant standards and is adequate for two cyclists to safely pass one another. In respect of the comment relating to the proposed crossing of Centurion Way (which would allow Bishop Luffa School pupils to access the new playing fields and drop-off area), safety concerns are addressed by condition 22 which requires warning signage to be erected to the north and south of this point. With regard to the provision of a pedestrian connection to the Northern Country Park from Centurion Way, although careful future consideration of the details of this connection will be required due to the significant level differences here and the presence of a large number of mature trees, there is no evidence to suggest that a satisfactory connection cannot be secured in accordance with the parameter plans.

### **xiii. Significant Conditions**

- 8.139 The recommendation to permit this outline application is subject to a number of planning conditions that are considered necessary in order to make the development acceptable. Some of these conditions have been discussed in detail in the preceding sections of this report, however, for completeness the key areas to be addressed can be summarised as follows: compliance with parameter plans; construction management plan; phasing of development including provision of the SAR and all related highway works no later than occupation of the 150th dwelling; Biodiversity Net Gain provision, monitoring and management; ecological mitigation and enhancement; tree and Ancient Woodland protection; landscaping provision and long-term management; SuDS provision and management/maintenance arrangements; a minimum of 20 bungalows; Use Classes restriction for commercial floorspace; foul water disposal details; submission of Design Codes and Sustainability Strategies with RM applications; playing pitch provision and arrangements for public access; noise, lighting and overheating details on a phase-by-phase basis; archaeological investigations and reporting; land contamination investigation and reporting.



8.140 Further conditions may be imposed at Reserved Matters stage.

#### **xiv. Section 106 Agreement**

8.141 This development is liable to pay the Council's CIL charge (indexed at £120 sqm) which will address most of the infrastructure requirements arising from the development. If the resolution to grant permission is agreed, then it will also be necessary for the District and County Council's to complete a legal agreement with the applicants and other relevant landowners and parties in order to secure various obligations that must be met in order to make the development acceptable in planning terms. The detail of the agreement is still under negotiation with the relevant parties, however, the following draft Heads of Terms and indicative triggers have been agreed with the applicants:

##### **District Council Obligations**

1. Affordable Housing - Phased provision of 255 (30% no more, no less) dwellings in the size/tenure mix set out at paragraphs 3.13-3.15 above. Appropriate management by an approved body and a nominations agreement. Provision of commuted sum in respect of any residual fraction of a unit, if relevant.
2. Extension to Phase 1 community building - to be delivered prior to occupation of the 250th dwelling.
3. Open space - delivery of strategic/structural open space described at paragraph 3.21 along with details of long-term management and measures to ensure in-perpetuity public access. Delivery with relevant Phase of the development.
4. Equipped play provision - phased delivery of the play provision described above at paragraphs 8.34-8.36 along with details of ongoing management and maintenance.
5. Allotments - provision by 300th occupation and details of management, maintenance and public access.
6. SANG Land - delivery, management, maintenance and future ownership. Delivery of Northern Country Park prior to first occupation, Southern SANG area by 426th occupation.
7. Sports Facility - delivery of artificial turf pitch by 200th occupation along with details of future ownership, management and maintenance, with these details to be secured via a Community Use Agreement as was the case with the Phase 1 sports facilities.
8. Employment Provision - safeguarding, marketing and preparation/servicing of the Employment Land. Practical completion of a minimum of 3000m<sup>2</sup> of employment floorspace prior to occupation of the 426th dwelling.
9. Highway Network Contribution - phased payment of £1,535,550 (indexed) towards A27 junction infrastructure improvements and/or other identified highway capacity improvements to mitigate the impact of the development on the strategic and local highway networks.
10. Chichester/Langstone Harbours Recreational disturbance mitigation - Phased payment towards Bird Aware Scheme
11. S106 monitoring fee - £6338.

##### **County Council Obligations**

1. Construction of extension to Phase 1 primary school to form second form entry together with additional nursery and SEN provision (1 classroom), or financial contribution of £6.9m in lieu. To be completed by 151st occupation if developer elects to deliver.
2. Public transport contribution - £580k towards bus service provision (in addition to £400k Phase 1 contribution)

3. Cycle routes - arrangements for allowing public cycling along two sections of public footpaths located with the site. The mechanism for securing these arrangements remains under discussion.
4. Car club spaces - 3 funded spaces for 2 years with monitoring of use to inform potential need for additional space.
5. Travel plan and TP auditing fee - £5k
6. TRO Contribution to amend speed limit on A259 - £8,322 relating to the process of seeking to potentially secure the proposed speed limit change (to 40mph from National Speed Limit) on the A259 Cathedral Way between the college roundabout and A27 Fishbourne Roundabout (see paragraph 8.69 above).
7. Decide and Provide Monitoring and Mitigation Plan - various potential mitigation works and financial contributions (up to a total of £280k) as referred to at paragraph 8.55 above.
8. Of-site highway works schemes - (i) upgrade works to Old Broyle Road between Phase 1 site access and St Pauls Road-Centurion Way road bridge; and (ii) Northern Country Park Access; and (iii) minor crossing improvement works to A259 Cathedral Way roundabout
9. Estates Road clause - details of the management and maintenance arrangements for any roads not proposed to be adopted by the LHA.
10. Norwich Road/St Pauls Road/Sherborne Road junction monitoring - extension of the monitoring required by the Phase 1 S106 agreement to cover the initial phases of Phase 2 to inform the need for potential mitigation measures at the junction.
11. HGV routing agreement.

## **xv. Summary and conclusions**

- 8.142 The West of Chichester Strategic Development Location is the largest strategic site allocated by the current Local Plan. CDLP policy 15 requires the site to deliver a range of residential, commercial, community and other uses in accordance with a number of criteria, with the overall aim of creating a sustainable urban extension to the City.
- 8.143 Based on the submitted parameter and highway plans and extensive supporting technical information, the preceding analysis demonstrates that the application site can deliver the balance of Policy 15's requirements in a manner that is both appropriate and safe, and which reflects the principles established by the approved Masterplan. In summary, following extensive amendments secured during the course of the application, the Phase 2 proposals will deliver:
- 850 dwellings, which will significantly strengthen the Council's 5 Year Housing Land Supply position
  - 30% (255) affordable dwellings in an appropriate mix of sizes and tenures
  - 5.8Ha of employment land and the necessary enlargement of both the Phase 1 community building and primary school
  - a phased development that aligns occupation/first use with the delivery of the necessary on and off-site infrastructure
  - a range and quantum of development that, as demonstrated by the submitted parameter plans, can be accommodated in a manner that will respond appropriately to the site's context and minimise landscape and visual impacts
  - an appropriate range of formal sport and equipped play provision including a high quality artificial playing pitch and a significant net increase in the area of playing fields serving Bishop Luffa School

- significant open space and SANG provision, completing an extensive SDL-wide network of connected spaces and recreational routes benefitting both existing and prospective residents, as well as deflecting recreational pressure from the Harbour
- appropriate protection of species and habitats both on and adjacent to the site along with enhancements that will result in a meaningful Biodiversity Net Gain
- appropriate measures to avoid or satisfactorily mitigate potential likely significant effects on nearby European Habitat Sites
- a comprehensive range of pedestrian and cycling infrastructure with connections to the existing network that ensure realistic active travel options for journeys associated with the site
- requirements that ensure sustainable design and construction measures will be considered at the outset of the Reserved Matters process
- various on and off-site highway works and measures that are safe, and which will not result in severe residual cumulative impacts on the local road network
- appropriate contributions toward public transport and A27 mitigation
- post occupation monitoring of predicted vehicle journeys followed by, if necessary, mitigation to address any 'excess' movements
- a robust framework for the satisfactory disposal of surface and foul water; and
- appropriate safeguards and controls in terms of archaeology, lighting, contamination, noise and air quality.

8.144 The proposals as outlined above comply with both the site-specific requirements of CDLP Policy 15 and the wider aims and objectives of the various relevant local and national planning policies and associated guidance referred to in the preceding assessment. The proposals therefore benefit from the presumption in favour of sustainable development set out at paragraph 11 of the NPPF and, consequently, the application should be approved 'without delay'. Having considered all other material planning considerations it is therefore recommended that, subject to completion of the S106 agreement referred to above, permission should be granted.

### **Human Rights**

8.145 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account, and it is concluded that the recommendation to permit, subject to completion of a S106 legal agreement, is justified and proportionate.

### **RECOMMENDATION**

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

1) (i) Approval of the details of the layout of the site, the scale and the appearance of the buildings or place and the landscaping of the site (hereinafter called "Reserved Matters") shall be obtained from the Local Planning Authority for each Phase of the development before any development in that Phase is commenced.

Plans and particulars of the Reserved Matters referred to in paragraph (i) above, relating to the scale and the appearance of the buildings or place and the layout and 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 four 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 access works for which detailed permission is hereby granted as identified within the parts of the site defined by application drawing 19342\_JUB\_GA\_DR\_C\_101 Rev P03 shall be carried out in accordance with the approved plans listed hereinunder:

- **19342\_JUB\_SR\_DR\_C**: 001 P13, 002 P12 and 003 P13.

- **19342\_JUB\_PH\_DR\_C**: 101 P8 and 102 P9.

- **19342\_JUB\_SR\_DR\_C**: 151 P10, 152 P9, 153 P8, 161 P9, 162 P8, 163 P8 and 170 P4.

- **19342\_JUB\_PH\_DR\_C**: 151 P4, 152 P4, 161 P4 and 162 P4.

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

4) The Reserved Matters submitted pursuant to condition 1 shall be in substantial compliance with the approved parameter plans listed hereinunder:

**CB\_78\_228\_PARAM**: 001 Rev M, 002 Rev M, 003 Rev M, 004 Rev M, 005 Rev N, 006 Rev N, 007 Rev M and 008 Rev M.

Reason: For the avoidance of doubt, in the interests of proper planning and to ensure that the Reserved Matters substantially comply with the parameters established at the point of granting planning permission.

5) **No development shall commence** until a Phasing Plan including details of the order in which development will come forward on the site and the quantum and type of development to be carried out in each Phase, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved Plan unless alternative details are approved pursuant to this condition or as part of a Reserved Matters application.

Reason: To ensure consideration is given to the development as a whole in the interests of the safe and efficient operation of the highway network at and near the site and to enable coordination of the delivery of infrastructure with the housing, employment, community, open space and other uses as they are brought forward during the construction of the development.

6) With the exception of the highway works detailed in drawing 19342\_JUB\_SR\_DR\_C\_170 which must be provided in accordance with condition 23, the access works detailed in the drawings listed at Condition 3 which comprise the highway connection from the terminus of the spine road serving Phase 1 of the West of Chichester Strategic Development Location to the existing public highway at Westgate West and all associated works (hereinafter referred to as the Southern Access Road) shall be carried out in their entirety and be available for public use prior to:

- completion and occupation of the 151st dwelling hereby permitted; and
- works in respect of the 151st and any subsequent dwellings proceeding beyond stage 8 of the programme set out in the submitted Dwelling Build Programme document dated 8 December 2023.

In the event of the detailed design or highway adoption processes resulting in a requirement for non-material changes to any aspect of the Southern Access Road, such changes shall not be implemented unless and until they have first been approved by the Local Planning Authority following submission of the relevant details under the terms of this condition.

Reason: In the interests of the safe and efficient operation of the highway network at and near the site.

7) **No development shall commence** unless and until a site-wide General Specification of Archaeological Works (GSAW) has been submitted to and approved in writing by the Local Planning Authority. This GSAW shall include an overall methodology for the archaeological evaluation for both the access works hereby permitted and each Phase of the development approved pursuant to the Reserved Matters submitted under condition 1, and any subsequent further investigations as required and the subsequent publication of results.

Following approval of the GSAW no development comprising the commencement of the access works or any Phase shall commence until a detailed Written Scheme of Investigation (WSI) for those Works or that Phase has been submitted to and be approved in writing by the Local Planning Authority. Each WSI shall accord with the site-wide GSAW and shall include a programme of archaeological works comprising initial evaluation, the recording of findings and the preservation of the significance of deposits of importance thus identified whether in situ or through further site investigation. The WSI shall be undertaken by an appropriately qualified archaeologist.

The approved details shall be implemented for the works or Phase to which they relate unless any variation is agreed in writing by the Local Planning Authority under the terms of this condition.

Reason: This site is of potential archaeological significance and it is important that it is recorded by excavation before it is destroyed or re-covered by development.

8) **No development shall commence** until further site investigation is undertaken as detailed in Section 6 of the Ground Appraisal report dated 14 Dec 2021 produced by Geo Environmental (submitted with the application) in order to fully characterise the site. This Phase 2 intrusive investigation report shall be submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

9) If the Phase 2 report submitted pursuant to condition 8 identifies that site remediation is required then **no development shall commence on the relevant Works or Phase** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM) technical framework guidance. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

10) **Prior to (i) commencement of the Southern Access Road or (ii) the submission of the first application for Reserved Matters approval in respect of each Phase of the development**, a detailed Site SuDS Phase plan for those Works or Phase which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase (3.3 l/s/ha) and that source control measures are installed within each phase to adequately address the phase's own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the development of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan 2014-2029.

**11) No development in connection with (i) the Southern Access Road or (ii) any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** until details and a method statement for interim and temporary drainage measures in connection with those works or Phase 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. This includes changing flow control devices as required during construction, to ensure the discharge rate from the site does not exceed greenfield runoff rates. 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.

**12) No development in connection with any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** unless and until details of the means of conveying foul sewage arising from that Phase to the Tangmere Wastewater Treatment Works via the public sewer system have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is satisfactorily drained and to protect the integrity of ecological assets in the vicinity of the site.

**13) No development in connection with (i) the Southern Access Road or (ii) any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for the Southern Access Road or that Phase have 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 of the relevant works or Phase unless any alternative is agreed in writing by the Local Planning Authority under the terms of this condition. The CEMP shall, as a minimum, provide details/confirmation of the following:

- (a) the phased programme of the construction works;
- (b) the anticipated number, frequency and types of Heavy Goods Vehicles (HGV) used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the timing of HGV movements to and from the site on weekdays during school term time (as defined annually by the Local Education Authority for West Sussex) having regard to the start and finish of the school day of any schools within the vicinity of the site that may be passed by construction traffic arising from the access works or Phase of the development,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,

- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) of the arrangements for public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) a Dust Management Plan , which shall incorporate (but not necessarily being limited to) the recommendations of the submitted Air Quality and Odour Assessment 2023,
- (l) measures to control the emission of noise and vibration during construction (measures shall be in accordance "BS5228:2009+A1 (2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites - Part 1: Noise and Part 2: Vibration and shall make provision for the monitoring of noise and vibration.
- (m) all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including the prohibition of burning,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.
- (r) a construction phase surface water management plan designed to prevent flooding and pollution both on and off site and to protect all surface water drainage features

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.

**14) No development in connection with (i) the Southern Access Road or (ii) any Phase approved pursuant to the Reserved Matters submitted under condition 1, shall commence**, nor shall any plant, machinery or equipment shall be brought onto the site, unless and until an Ecological Construction Management Plan (ECMP) in connection with those highway works or Phase of development, comprising a schedule of management measures and accompanying plans for those works/Phase have been submitted to and approved in writing by the Local Planning Authority. The ECMP shall as a minimum include the relevant recommendations of the submitted ecological reports and assessments (set out at Informative 20 below) and, once approved, shall be implemented and adhered to throughout the entire construction period unless any alternative details are agreed by the Local Planning Authority under the terms of this condition. The ECMP shall as a minimum provide details of the following:



- (a) full details of buffers and protective fencing to be provided or erected around all retained hedgerows, planted areas and areas of Ancient Woodland on and adjacent to the site. The buffer areas shall be undisturbed at all times during the construction period and the fencing shall be retained until all equipment, machinery, surplus materials and soil have been removed from the site of the Southern Access Road or Phase,
- (b) specifications of protective and construction fencing to ensure suitability for wildlife,
- (c) ecological and environmental safeguards for any works required within buffer areas or to existing trees, hedges or vegetation, including details of timing of works and any requirements for additional surveying or an ecological watching brief on site during works,
- (d) protection of all retained trees and hedges in accordance with BS5837:2012,
- (e) details of how any lighting required for construction purposes will be designed and installed to minimise disturbance to wildlife,
- (f) management of the development area prior to works commencing to minimise disturbance to wildlife during the construction of the highway works or Phase,
- (g) species-specific mitigation measures in relation to bats, water voles, badgers, protected birds and reptiles,
- (h) measures to protect the water environment on, beneath and downstream of the site
- (i) measures to demonstrate that the management of topsoil during the construction period will comply with the guidance contained in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*

Reason: This information is required pre-commencement to protect the environmental value of ecological assets both on and near to the site during the carrying out of the development and to ensure that there are no likely significant effects on nearby Habitats sites.

**15) No development in connection with any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** unless and until plans relating to that Phase showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls and other retaining features have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter not be carried out other than in accordance with the approved details.

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

**16) No development in connection with any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** unless and until details of the number, specification and location of the fire hydrants proposed to serve that Phase (in accordance with West Sussex Fire and Rescue Guidance Notes and relevant British Standards) and a timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority, in consultation with West Sussex County Council's Fire and Rescue Service.

The hydrants shall be provided in accordance with the agreed details and timetable and WSCC FRS shall be notified in writing of their installation. Thereafter the fire hydrants shall be retained fully in accordance with the approved details for the lifetime of the development.

Reason: In the interests of public safety and to accord with the provisions of the F&RS Act 2004 and Local Plan policy 9. The details are required pre-commencement to ensure that the required infrastructure is installed during the groundworks phase.

**17) No development in connection with the Southern Access Road shall commence** unless and until a fully detailed hard and soft landscaping scheme for those works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not necessarily be limited to,:

- details of all existing trees and hedgerows within the vicinity of the works that are to be retained, together with measures for their protection during the course of development
- details of specialist construction measures to be employed where roads, services and associated infrastructure are to be provided within retained trees' Root Protection Areas
- a planting specification and plan and schedule of plants noting species, plant size, proposed numbers/densities and measures to ensure compatibility of trees and other planting with hard surfaces and associated infrastructure.
- details of any hard landscaping features associated with the Southern Access Road including fencing, barriers and any reinstatement and modification works required in connection with the remodeling of the existing public Highway at Westgate

The works shall be carried out in accordance with the approved details and the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved hard landscaping works shall be completed prior to first use of the Southern Access Road and the approved planting shall be carried out no later than the first planting season after practical completion of the Southern Access Road, unless an alternative timetable is agreed under the terms of this condition. Any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority via a submission under the terms of this condition.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees. These details are necessary prior to commencement of the Southern Access Road in order to ensure that (i) during and after the works proper consideration is given to the protection of important trees that are located in close proximity to them, and (ii) the construction of the works takes into account the need to accommodate the future growth of street trees that, in accordance with the submitted indicative landscaping details, shall form part of the planting scheme.

**18) Prior to commencement of the Southern Access Road**, details of a scheme for the disposing of surface water in connection with those works by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the submitted drainage strategy and discharge rates as contained within the submitted Flood Risk Assessment by Jubb, 4/10/2023, version V7, Phase 2 Primary Infrastructure Drainage Layout Sheet 1 to 3 by Jubb, 20/09/2023, revision P09 & Phase 2 Development Drainage Layout Sheet 1 to 3 by Jubb, 20/09/2023, revision P07 or an alternative strategy agreed in writing under the terms of this condition. The scheme shall be implemented in full in accordance with the approved details prior to first use of the Southern Access Road. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
- Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration.
- Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes and remains safe.
- Detailed drawings and hydraulic calculations demonstrating the incorporation of above ground source control features that meet the four pillars of SuDS;
  - (i) The hydraulic calculations shall take into account the connectivity of the different surface water drainage features; and
  - (ii) The detailed design shall include information on how surface water flows exceeding the design capacity of the surface water drainage features will be managed safely. Details shall include:
    - a) construction drawings of the surface water drainage network;
    - b) associated sustainable drainage components;
    - c) flow control mechanisms; and
    - d) construction method statement-
- 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, prioritising the use of source control measure and maximising their use throughout each phase.
- Where relevant, details for the proposed diversion of any drainage ditch, ensuring that this diversion does not adversely impact on the surface water drainage for the relevant phase and does not increase flood risk to the site or surrounding area.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan 2014-2029.

**19) No above-ground development in respect of the Southern Access Road shall commence** unless and until a noise mitigation scheme that addresses potential noise impacts on existing dwellings has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of measures to secure external sound levels resulting from the operation of the SAR that do not exceed 50dB LAeq,16hours (07:00-23:00) and 45dB LAeq,8hours (23:00-07:00) at 1m from the façade of nearest sensitive receptors. Additionally, a level of 60dB LA[F]max resulting from the operation of the SAR shall not be exceeded on a regular basis (10 times) during night-time (23:00 07:00) at 1m from the façade of nearest sensitive receptors.

Mitigation shall aim to provide for protection from external noise so that the noise level in amenity areas does not exceed 50 dB, LAeq,16h (0700-2300 hrs), but shall not exceed 55 dB, LAeq,16h (0700-2300 hrs).

The development shall not be carried out other than in accordance with the approved mitigation measures, and such measures shall be maintained for the lifetime of the development.

Reason: In the interests of residential amenity.

**20) The Southern Access Road shall not be brought into use** unless and until Centurion Way has been widened in accordance with a Scheme of Widening that has first been submitted to and approved in writing by the LPA in consultation with the WSCC Local Highway Authority. The Scheme shall relate to the section of Centurion Way indicated as being widened to 4.5m on application drawing JUB\_SR\_DR\_C\_002 and shall, alongside technical construction and surfacing details, include a methodology for the protection of exiting trees and biodiversity.

Reason: The control the detail of development in the interests of maintaining highway safety, the character and appearance of the locality and biodiversity.

**21) The access works detailed at condition 3 shall not be brought into use unless and until** visibility splays have been provided in accordance with the approved drawings. The splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety.

**22) The proposed Secure Pedestrian Link providing access between Bishop Luffa School and land on the western side of Centurion Way shall not be brought into use** unless and until warning signage has been erected on Centurion Way to the north and south of the crossing point in accordance with details that have first been approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety.

23) **The Northern Country Park shall not be brought into use** unless and until the pedestrian crossing detailed on drawing 19342\_JUB\_SR\_DR\_C\_170 has been provided in accordance with the approved details.

Reason: in the interests of highway safety.

24) **The Southern Access Road shall not be brought into use unless** and until details of the provision to be made for on-carriageway bus waiting and associated bus stops (including arrangements for their future maintenance and the inclusion of Real Time Passenger Information) and a timetable for their implementation have been submitted to and agreed by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable and shall thereafter be maintained for the lifetime of the development.

Reason: To ensure adequate and safe bus waiting and bus stop provision.

25) **Prior to or in conjunction with the first application for Reserved Matters approval in respect of each Phase of the development**, details of a scheme for the disposal of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the submitted drainage strategy and discharge rates as contained within the submitted Flood Risk Assessment by Jubb, 4/10/2023, version V7, Phase 2 Primary Infrastructure Drainage Layout Sheet 1 to 3 by Jubb, 20/09/2023, revision P09 & Phase 2 Development Drainage Layout Sheet 1 to 3 by Jubb, 20/09/2023, revision P07 and or an alternative strategy agreed in writing under the terms of this condition. The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the Phase. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
- Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration.
- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes and remains safe.
- Detailed drawings and hydraulic calculations demonstrating the incorporation of above ground source control features that meet the four pillars of SuDS;
  - (i) The hydraulic calculations shall take into account the connectivity of the different surface water drainage features; and
  - (ii) The detailed design shall include information on how surface water flows exceeding the design capacity of the surface water drainage features will be managed safely. Details shall include:
    - (a) construction drawings of the surface water drainage network;
    - (b) associated sustainable drainage components;
    - (c) flow control mechanisms; and
    - (d) construction method statement.
- Demonstrate 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 surrounding ground level, whichever is the more precautionary.

- 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, prioritising the use of source control measure and maximising their use throughout each phase.

- Where relevant, details for the proposed diversion of any drainage ditch, ensuring that this diversion does not adversely impact on the surface water drainage for the relevant phase and does not increase flood risk to the site or surrounding area.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan 2014-2029.

26) A Design Code applicable to all parts of the site with the exception of the part identified as Employment land on application drawing CB\_78\_228\_PARAM\_006 Rev N **shall be submitted either before or with the first application for the approval of Reserved Matters** for a Phase of the development that involves the erection of a dwelling. The Code shall be prepared so as to be consistent with the principles set out in the latest National Design Guide and National Model Design Code.

Following approval (either in writing pursuant to this condition or as part of the Reserved Matters approval process), all subsequent applications for Reserved Matters relating to parts of the site covered by the approved Design Code shall demonstrate how they comply with the it.

Reason: To ensure a framework is established at the outset of the detailed design stage of the development in the interests of achieving consistent and high quality design.

27) A Design Code applicable to the part identified as Employment land on application drawing CB\_78\_228\_PARAM\_006 Rev N **shall be submitted with the first application for the approval of Reserved Matters** for a Phase of the development that involves the erection of an employment building. The Code shall be prepared so as to be consistent with the principles set out in the latest National Design Guide and National Model Design Code and any adopted local Code.

Following approval (either in writing pursuant to this condition or as part of the Reserved Matters approval process), all subsequent applications for Reserved Matters relating to parts of the site covered by the approved Design Code shall demonstrate how they comply with the it.

Reason: To ensure a framework is established at the outset of the detailed design stage of the development in the interests of achieving consistent and high quality design.

28) The Reserved Matters submitted pursuant to condition 1 shall include provision for at least 20 single storey bungalows on the site as a whole.

Reason: To ensure an appropriate mix of housing having particular regard to the requirements of an ageing population

29) The first application for Reserved Matters in respect of each Phase of the development shall include a Sustainability Strategy which sets out details of the approach that is to be taken to the design and construction of all new buildings and places within that Phase including, but not limited to, the following areas: the minimisation of water and energy consumption through sustainable building techniques and technology; the maximisation of renewable energy sources; climate change adaptation including layout and orientation principles and the use of landscaping; electric vehicle charging for residents, workers and visitors.

The submitted details shall accord with the requirements of the relevant national and local planning policy and guidance that is in force at the time of submission.

Following approval (either in writing pursuant to this condition or as part of the Reserved Matters approval process), the development of that Phase shall not be carried out other than in full accordance with the agreed details.

Reason: In the interests of ensuring that the development mitigates and adapts to climate change, and that the measures employed to do so reflect the most up to date legislation, technical guidance and national and local (Local Plan policy 40 at the time of this decision) planning policies.

30) The first application for Reserved Matters approval in respect of each Phase of the development shall include a Biodiversity Net Gain Implementation, Management and Monitoring Strategy (BNGIMMS) which shall:

- be produced by an appropriately qualified person; and
- identify and quantify the net gains in biodiversity to be achieved in that Phase, including a plan to show the location of habitat creation and enhancement areas; and
- be updated throughout the Reserved Matters approval process so as to demonstrate how, with each of its successive Phases, the development as a whole is on target to meet the minimum gains of 10.47% in Habitats Units and 21.47% in Hedgerow Units calculated against the Biodiversity Metric 4.0 as set out in the submitted Biodiversity Impact Assessment West of Chichester Phase 2 (October 2023 Revision); and
- set out arrangements, roles and responsibilities for the adaptive management and maintenance of the above-mentioned net gains for a period of at least 30 years following the completion of the development; and
- set out details of a periodically reviewed Monitoring Plan that will be used to inform and then implement any changes to the ongoing management of the above measures that are necessary in order to ensure that progress is made towards achieving the habitat condition levels set out in the Strategy and then maintaining net gain targets, including the periodic reporting of that Plan to the Local Planning Authority during the 30 year monitoring period.

Following approval of the BNGIMMS (either in writing pursuant to this condition or as part of the Reserved Matters approval process), the most recent version of the Strategy shall be implemented in its entirety for the duration of its 30 year management and monitoring period.

Reason: To ensure the net gain in biodiversity identified at the time of granting outline planning permission is secured and maintained, in line with Section 15 of the NPPF.

31) The Reserved Matters submitted in connection with the Phase of the development containing the sports provision shown indicatively on application drawing CB\_78\_228\_900 Rev J shall include:

- the elements numbered 7-11 and shall, as a minimum, accord with the dimensions specified on the above-mentioned drawing
- full details of the design and layout of the 3G Artificial Grass Pitch including its surface details, surface markings, fencing, floodlighting, spectator and storage provision.

Reason: For the avoidance of doubt and to ensure the sports provision meets the needs of the development.

32) The first application for Reserved Matters in respect of each Phase of the development involving the erection of dwellings shall include an Acoustics, Ventilation and Overheating (AVO) Scheme.

The Scheme shall apply to all dwellings in that Phase and shall demonstrate compliance with the hierarchy of good acoustic design (GAD) outlined below which shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS):

- i. Maximising the spatial separation of noise source(s) and receptor(s).
- ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources
- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise
- v. Using the layout of the scheme to reduce noise propagation across the site
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms
- vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise
- viii. Using the building envelope to mitigate noise to acceptable levels

The Scheme shall also a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 4 of BS8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings" and b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax more than 10 times per night between 23:00 and 07:00, in line with Table 1 World Health Organisation (2009), "Night Noise Guidelines for Europe".

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the Scheme demonstrate how those standards will be met with windows closed and how adequate ventilation and cooling will be provided. Where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE's Design Methodology for the Assessment of Overheating Risk in Homes (TM59: 2017). The cooling hierarchy below shall be applied to the scheme:



1. Minimise internal heat generation through energy efficient design
2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
3. Design the properties to enable passive ventilation (e.g. cross ventilation)
4. Provide mechanical ventilation
5. Provide active cooling (ensuring they are the lowest carbon options).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO Scheme and, once approved (either in writing pursuant to this condition or as part of the Reserved Matters approval process) relevant dwellings shall not be occupied until the measures set out in the Scheme have been implemented in full. If as a last resort mechanical ventilation is to be used, it must be demonstrated that the internal noise levels, specified above, will be complied with while providing sufficient ventilation.

Reason: In the interests of providing a satisfactory living environment for residents.

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

- (i) a timetable for its implementation,
- (ii) details of SuDS features and connecting drainage structures and maintenance requirements for each aspect,
- (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

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

**34) No above ground works in connection with (i) the Southern Access Road or (ii) any Phase approved pursuant to the Reserved Matters submitted under condition 1, shall commence** unless and until details of an operational phase Ecological Mitigation and Enhancement Strategy (EMES) relating to those highway works or that Phase have been submitted to and approved in writing by the Local Planning Authority. The EMES shall as a minimum include the relevant recommendations of the submitted ecological reports and assessments (set out in Informative 20 below) and associated completed Biodiversity Metric 4.0 Calculation Tool dated 2/10/2023. The EMES shall:

- include details of the mitigations and enhancements and a programme for their implementation
- in respect of (ii) demonstrate consistency with the Biodiversity Net Gain Implementation, Management and Monitoring Strategy submitted pursuant to condition 30.

The approved EMES shall be implemented in its entirety and any ongoing measures shall be maintained for the lifetime of the development.

Reason: To ensure that post-construction ecological mitigation, enhancement and net gains are secured in accordance with adopted and emerging local policy and the provisions of the NPPF and to ensure that there are no likely significant effects on nearby Habitats sites

**35) No above ground development in connection with (i) the Southern Access Road or (ii) any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** unless and until a Landscape and Ecological Management Plan (LEMP) that sets out measures to ensure the delivery and long term management of open spaces, SANG, areas of Ancient Woodland, street trees, landscaped corridors and other areas of areas of ecological value within the area of those highway works or Phase, has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be prepared in accordance with the methodology and recommendations of the submitted ecological reports and assessments and, following approval, the development shall be carried out fully in accordance with the measures contained therein, including timing and phasing arrangements, unless alternative measures are approved pursuant to this condition.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat, to secure opportunities for enhancement of the nature conservation value of the site in line with national planning policy and to ensure that there are no likely significant effects on nearby Habitats sites.

**36) No above ground development in connection with (i) the Southern Access Road or (ii) any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** unless and until a full schedule of all materials and finishes and, where so required, samples of such materials and finishes to be used for the: external walls and roofs of buildings, boundary treatments and hard surfaces of those highway works or that Phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise alternative details are agreed under the terms of this condition.

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.

**37) No above ground development in connection with (i) the Southern Access Road or (ii) any Phase approved pursuant to the Reserved Matters submitted under condition 1 shall commence** unless and until details of an external lighting scheme for those highway works or Phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, the timings of any lighting and the mechanism for turning on/off any external lighting). The lighting scheme shall set out how the design of the lighting shall not exceed thresholds set out in the Institution of Lighting Professional's for Environmental Zone E2, 'Guidance Notes for the Reduction of Obtrusive Light (Guidance Note 01/20)'; and shall, in accordance with the information submitted with the application, demonstrate how potential impacts on any bats using the site will be minimised. The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: In the interests of protecting the appearance of the area, residential amenity and biodiversity.

**38) No above-ground development in any Phase involving the erection of dwellings shall commence** until measures to protect gardens and balconies from external noise have been submitted to and approved in writing by the Local Planning Authority. The design specifications of the gardens and balconies should aim to provide for protection from external noise so that the noise level does not exceed 50 dB, LAeq,16h (0700-2300 hrs), but shall not exceed 55 dB, LAeq,16h (0700-2300 hrs). A relaxation of up to 10dB may apply to residential balcony areas (only), where it can be demonstrated that all practicable mitigation measures have been explored. Thereafter development shall be carried out in accordance with the approved measures.

Reason: In order to mitigate and reduce to a minimum the adverse impacts of noise on the health and quality of life of noise sensitive receptors.

**39) Prior to installation of any Air Source Heat Pump (ASHP)** in any Phase of the development an acoustic assessment applicable to all relevant dwellings within that Phase shall be submitted to and agreed in writing by the Local Planning Authority. This assessment shall demonstrate that the installation of heat pumps will comply with the Chartered Institute of Environmental Health and Institute of Acoustic's guidance: 'Heat Pumps, Professional Advice note.' The assessment shall outline that the rating level from ASHPs, including the cumulative impact of multiple ASHPs if relevant, shall not exceed 35dB LAeq,15min at any noise sensitive façade of a neighbouring residential premises. If it is not practical to achieve this value for any of the heat pumps, and the local context supports a relaxation, then a report providing a full justification as to why such a relaxation in rating level is required, shall be submitted in writing to the Local Authority for approval.

The development shall not be carried out other than in accordance with the agreed details and, following the installation of ASHPs across the development site, post-installation noise monitoring shall be undertaken by the applicant at the reasonable request of the Local Planning Authority.

Reason: In the interests of providing a satisfactory living environment for residents.

**40) Prior to the installation of any external mechanical plant and/or externally venting plant** (including ventilation, refrigeration, air condition, air handling units) as part of the E-Class commercial development hereby permitted, a scheme for the control of noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. Upon approval all specified measures to mitigate any identified observed adverse effect levels due to the operation of the plant, machinery or equipment shall be implemented and thereafter maintained as approved.

Reason: In the interests of protecting residential amenity and the local area.

**41) Prior to the installation of any non-domestic extraction system** (to include but not restricted to, cooking or paint spraying), a detailed odour control scheme shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the extraction system will be designed, constructed and maintained so as to control odour. The scheme shall comprise plans, drawings, calculations and appropriate description of the components and their performance as a system. It shall include details of the canopy; air flow rates; primary grease filtration; secondary filtration; electrostatic precipitation; odour treatment technique be it ozone injection, carbon abatement or UV or any combination thereof; the characteristics of the exhaust point and the relationship of this to the building to which it is attached and other buildings in the locality; and how replacement air will be supplied. The scheme shall also include plans and a written schedule to detail the appearance, materials and finish of all external parts of the system. A proposed maintenance programme shall be included within the scheme. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details and the system shall thereafter be retained, in accordance with the approved details.

Reason: To avoid adverse impacts from air pollution and odours on health and quality of life and amenity.

**42) No development in respect of any part of the Bishop Luffa School playing fields located within the application site shall be carried out** unless and until:

- (i) Reserved Matters approval has been given for the elements of sports provision shown illustratively and numbered 8-11 on application drawing CB\_78\_228\_900 Rev J (or equivalent provision) including the Sport England/National Governing Body recommended dimensions specified therein; and
- (ii) a programme for the delivery of the approved sports provision has been agreed in writing by the Local Planning Authority.

The required programme shall demonstrate that the approved replacement provision will be available for use by the school at the earliest practical juncture, and in that regard must confirm that all necessary sub-surface works in connection with its implementation, including any ground preparation, levelling and land drainage, will be completed prior to the cessation of the use of any existing playing field land for that purpose, and that any seeding or turfing works will be carried out in the first available planting season following the completion of those works. Once agreed, the programme shall be adhered to in its entirety.

Reason: To ensure that adequate replacement playing field provision is in situ at the earliest practical point in the development programme in accordance with paragraph 103 of the NPPF

**43) No development shall commence in respect of the natural turf playing pitches hereby permitted** (pitches 8 and 9 on application drawing CB\_78\_228\_900 Rev J) unless and until details of their technical specification, including the proposed method of sub-surface construction, have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The details shall include, but not be limited to, the following:

- i) A detailed assessment of ground conditions of the land proposed for that pitch has been undertaken and submitted to the Local Planning Authority (including site drainage characteristics and topography) to identify constraints which could affect playing field quality; and
- ii) Based on the results of the assessment at (i) a detailed scheme designed to ensure that the playing pitches will be provided to an acceptable standard (including appropriate drainage where necessary)

Thereafter the pitches shall not be constructed other than in accordance with the approved details.

Reason: To ensure that appropriate site surveys are undertaken for the new playing pitches and that any ground condition constraints can be identified and mitigated in order to ensure provision of an adequate quality of playing pitch that is fit for purpose and sustainable.

**44) No development shall commence in respect of the 3G artificial grass playing pitch** hereby permitted unless and until details of:

(i) a scheme setting out the type, design, lux levels and measures to control glare and overspill light from its floodlights, the hours within which lights will be used and the measures to be employed to ensure that floodlights are switched off when not in use, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall accord with Sport England's "Outdoor Sports Lighting" Briefing Note published in 2012 or successor document. After commencement of use of the Artificial Grass Pitch the sports lighting shall be operated in accordance with the approved scheme.

The lighting scheme shall be installed prior to first use of the artificial pitch and shall thereafter be operated and maintained in accordance with the approved details, and

(ii) measures to ensure compliance with the predicted noise levels set out in the submitted Noise Assessment (Rev 7, March 2023) have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented prior to first use of the pitch and maintained thereafter for the lifetime of the development.

Reason: To balance the maximisation of the use of the pitch with the need to protect the character of the locality and residential amenity.

**45) Prior to (i) first use of the Southern Access Road or (ii) occupation of each Phase of the development**, a detailed verification report in respect of the agreed surface water disposal scheme carried out in connection with those works or that Phase, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be 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/s.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with the NPPF.

**46) Prior to occupation of any dwelling** where the details submitted pursuant to condition 32 indicate that requirements cannot be met with windows open details of sound validation testing to be conducted in a representative 10% sample of the dwellings within that Phase that require windows to be closed shall be submitted to and approved in writing by the Local Planning Authority. The Report shall assess the sound validation testing results against the internal sound levels specified in the condition 32 and shall be conducted with the acoustic, ventilation and overheating mitigation in place and operational. Any mechanical ventilation shall be operational in the required settings to achieve the required air flow rates. Where exceedance of internal sound levels is identified, the submitted details shall set out remediation measures, and shall confirm their effectiveness through further testing. Failures of the sound validation testing may result in a requirement for other dwellings to be randomly tested at the request and specification of the Local Planning Authority.

Reason: In the interests of providing a satisfactory living environment for residents

**47) No premises comprising part of the E-Class commercial development hereby permitted shall be occupied** unless and until a Noise Mitigation and Management Scheme setting out details of measures to limit the impact of the activities associated with the unit/service yard on the locality, together with a programme of implementation; has been submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation and Management Scheme shall detail practicable noise control measures to mitigate noise impacts emanating from the units/service yard at neighbouring receptors. Appropriate noise control measures may include, but not necessarily be limited to: the operational and delivery hours for each unit; not letting vehicles idle; no overnight running of refrigerated/air conditioned commercial vehicles (and/or their fridge/air-conditioning units); on-site noises such as the use of radios; noise from unloading vehicles; keeping doors closed where appropriate; providing suitable smooth surfaces or matting for any cages/trolleys; training of staff; specifying the type of vehicles accessing the unit/service yard; only the use of broadband reversing alarms including fork lift trucks, details of site vehicle manoeuvres to demonstrate minimum need to reverse etc. Once approved the Noise Mitigation and Management Scheme shall be carried out in full and shall be adhered to at all times including any ongoing requirements and for all subsequent operators of the site, unless any specific variation is first agreed in writing by the Local Planning Authority via a submission under the terms of this condition.

Reason: In order to preserve the character of the area and the amenity of both nearby residents and noise sensitive receptors within the development hereby permitted.

**48) The natural turf playing pitches** identified illustratively as pitches 8 and 9 on application drawing CB\_78\_228\_900 Rev J **shall not be brought into use** unless and until details of the arrangements for those pitches to be used by the community outside of school hours and term-time have first been submitted to and approved by the Local Planning Authority. Thereafter the pitches shall not be used other than in accordance with the agreed arrangements.

Reason: Alongside comprising replacement school playing field provision the pitches are also required to meet the needs of the population of the development hereby permitted.

**49) Use of the 3G artificial grass playing pitch hereby permitted shall not commence** unless and until confirmation of all of the following has been provided to the Local Planning Authority's satisfaction:

- (i) that the Artificial Grass Pitch has been certified as meeting FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS); and
- (ii) that the pitch has been registered on the Football Association's Register of Football Turf Pitches; and
- (iii) that the sub-surface construction of the pitch meets the relevant standards required to enable use for rugby training

Reason: To ensure the development is fit for purpose and sustainable and provides sporting benefits that meet the needs of the development's residents.

**50) No dwelling within a Phase of the development that is subject to contaminated land remediation (as may be required pursuant to conditions 8 and 9) shall be occupied** until a verification report in respect of that remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

51) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. **Any development that the LPA considers could be affected by the identified contamination shall not be first occupied until;**

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

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

Reason: In the interests of residential amenity.



53) No part of the site shall be used for sales or marketing purposes associated with the development unless and until details of the same have first been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the details shall include (i) any operational development associated with the proposed sales and marketing activities; and (ii) confirmation of the duration of those activities and the trigger for the removal of any operational development that is not in accordance with the detailed planning permission for the relevant part of the site. Once approved, the sales and marketing activities shall not be carried out other than in accordance with the agreed details.

Reason: To control the details and duration of any sales and marketing activities associated with the development in the interests of amenity and highway safety and to ensure removal of any operational development that does not already benefit from planning permission at an appropriate time.

54) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the employment floorspace hereby permitted shall be used for purposes within Use Classes E(g)(ii) and (iii) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To comply with the terms of the application and the requirements of Local Plan Policy 15, and to ensure that the traffic generated by the development can be satisfactorily accommodated by the local highway network.

## **INFORMATIVES**

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

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

3) With regard to condition 5 you are advised that the Scheme of Phasing should have regard to and align with the various triggers set out in the S106 legal agreement which should be read alongside this planning permission

4) For the purposes of this decision and for the avoidance of doubt the LPA shall interpret the term 'above ground works' as including any hard surface such as a highway carriageway or foot or cycle path.

5) With regard to condition 6 and any other conditions which refer to 'Southern Access Road' in this Decision Notice, for the avoidance of doubt, for the purposes of this decision the term 'Southern Access Road' shall be interpreted as meaning the proposed highway infrastructure that provides a vehicular/pedestrian/cycle link between the southern terminus of the spine road serving Phase 1 of the West of Chichester Strategic Development Location and the existing public highway at Westgate West as demarked by the 'Southern Access Road Works' on plan 19342\_JUB\_GA\_DR\_C\_101 Rev P03 and detailed on the following plans approved pursuant to condition 3:

- **19342\_JUB\_SR\_DR\_C**: 001 P13, 002 P12 and 003 P13.

- **19342\_JUB\_PH\_DR\_C**: 101 P8 and 102 P9.

- **19342\_JUB\_SR\_DR\_C**: 151 P10, 152 P9, 153 P8, 161 P9, 162 P8, 163 P8

- **19342\_JUB\_PH\_DR\_C**: 151 P4, 152 P4, 161 P4 and 162 P4.

**For the further avoidance of doubt**, the Southern Access Road includes the various works to and around the junction of Westgate with Sherborne Road, the revised vehicular access to Bishop Luffa School, the widening of Centurion Way and the proposed school pick-up/drop-off and associated cycle parking and pedestrian access provision, but **EXCLUDES** all the works detailed on plan 19342\_JUB\_SR\_DR\_C\_170 P4 including the Northern Country Park Crossing Point Works.

6) You are advised that in the event of the occupation of any housing being proposed prior to completion of the Southern Access Road it will be necessary for it to be demonstrated, via the relevant Reserved Matters application, that adequate access for emergency vehicles from Old Broyle Road can be provided in respect of all such dwellings.

7) You are reminded that this planning permission is without prejudice to any requirement to obtain the separate consent of the PROW Authority in connection with any proposals involving the temporary (construction-related) or permanent alteration to or obstruction of an existing public right of way including their crossing by proposed roads or paths, the alteration of existing PROW surfaces or the granting of permissive cycling rights over them. In this regard your attention is drawn to the various comments of the PROW Authority provided during the course of the application, and you are advised to discuss your proposals further with the PROW Authority at an early stage in the development process.

8) You are advised that the Reserved Matters, LEMP and EMES submitted in connection with the Northern Country Park Suitable Alternative Natural Greenspace (SANG) should have particular regard to (i) the purpose of this area to deflect recreational pressure from the Chichester Harbour SAC/SPA and (ii) the character and management objectives of the adjacent Brandy Hole Copse Local Nature Reserve, details of which can be found on the District Council's website.

9) You are advised that the Reserved Matters, LEMP and EMES submitted in connection with the SANG that adjoins and surrounds the two employment land parcels shall have particular regard to (i) the purpose of this area to deflect recreational pressure from the Chichester Harbour SAC/SPA and (ii) the character and ecological sensitivities of the adjacent area of Ancient Woodland and adjacent proposed Ecological Corridor.

10) With regard to condition 33 where any such infrastructure is to be adopted by a public authority, evidence of such adoption is likely to be sufficient to enable the discharge of the condition in respect of that element of the site's drainage system.

11) With regard to conditions 43 and 44 you are advised that the design and layout of the sports pitches should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Sport England's Artificial Surfaces for Outdoor Sports and Natural Turf for Sports design guidance and the FA's Guide to 3G Football Turf Pitch Design Principles and Layouts. Further, pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

12) With regard to condition 31 you are advised that the height of the fencing to the periphery of the pitch should be informed by a Ball Strike Assessment conducted by a suitably qualified person, and should be sufficient to confirm that concurrent use of the pitch and adjoining sports pitches can safely take place.

13) With regard to condition 44, in the interests of minimising noise impacts the submitted information should have regard to the guidance contained in Sport England's Guidance note *Artificial Grass Pitch Acoustics - Planning Implications* with particular regard to the specification and maintenance of any internal kick-board fencing.

14) It will be necessary for applications for Reserved Matters in respect of the western employment parcel to demonstrate how they comply with the odour-management principles set out in the submitted AQ document Odour Technical Note dated 14 August 2023.

15) With regard to condition 13, criterion (k), the measures detailed in the AQ report produced by Tetra Tech dated 14 August 2023 Tables 7.1 and 7.2 should be incorporated into the CEMP as part of a dust management plan.

16) The Council has taken account of the content of the submitted Environmental Statement *West of Chichester Phase 2 Environmental Statement Addendum Report Volumes 1 and 2* and the updated environmental information submitted during the course of the application and is satisfied that the environmental impacts of the development have been fully assessed and, subject to the mitigation secured by the planning permission and accompanying S106 agreement, will not be significant under the terms of the Environmental Impact Assessment Regulations 2017.

17) With regard to conditions 26 and 27 you are advised that in addition to adherence to each of the principles established by the National Design Guide and National/local codes, the submitted Codes shall, where relevant to the type of development subject to that Code, also address the approach to the following matters of detail:

- solar panel installation (flush fitting units are a likely requirement)
- air source heat pump siting and installation principles
- the introduction of an appropriate level of visual interest to corner-turning units
- boundary treatments, particularly where those treatments are visible in the street scene and/or where significant level differences along those boundaries are likely
- the use of features such as chimneys to introduce roofscape interest
- the termination of material types part-way along an elevation
- car parking provision including parking courts (lighting/access/natural surveillance)
- the provision of appropriate amenity space to serve flatted accommodation
- compliance with nationally described space standards

18) With regard to condition 29, for the avoidance of doubt you are advised that the requirements of the Building Regulations and other statutory regimes that are relevant to matters contained with the Strategy shall not necessarily be treated as maximum requirements for the purposes of this condition.

19) With regard to condition 30 you are advised that:

- it is a likely requirement that monitoring reports will need to be submitted in years 1, 2, 5, 10, 15, 20, 25 and 30 of the monitoring period; and
- in order to demonstrate the trajectory of BNG provision throughout the reserved matters process it is recommended that a cumulative BNG Tracker forms part of each updated version of the BNGIMMS.

20) With regard to conditions 14, 34 and 35, for the avoidance of doubt the submitted ecological information referred to therein comprises the following assessments and reports, noting that elements of those reports and assessments may have been superseded during the application process:

- West of Chichester Phase 2 Environmental Statement Addendum Report Dec 2021
- Biodiversity Mitigation, Enhancement and Management Plan Rev: 22 June 2023
- Ecosupport Phase 2 Addendum Report letter 01 March 2023
- Bat survey update letter 13 Oct 2023

21) Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat;
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use);
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

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

23) With regard to condition 20 you are advised that illumination of the widened section of shared path is unlikely to be acceptable

24) With regard to conditions 40, 41 and 47 any external mechanical plant or neighbouring commercial activities shall be assessed in accordance of BS4142:2014+A1:2019 "Methods for Rating and Assessing Industrial and Commercial Sound". External mechanical plant can include existing neighbouring plant as well as new plant to be installed as part of the development. Commercial activities include vehicle movements on private land and deliveries to commercial units. A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

For further information on this application please contact Steve Harris on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RD5XQTERHEL00>