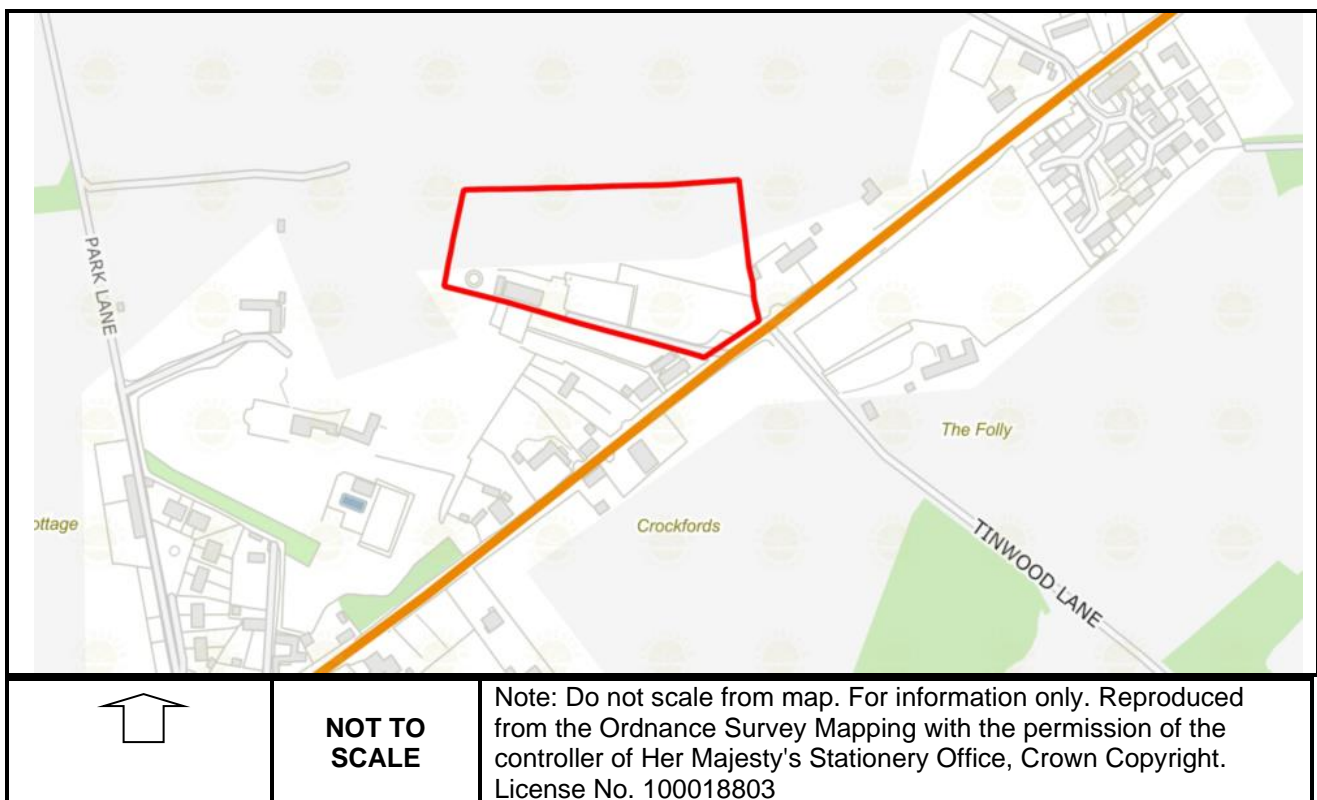


Parish: Boxgrove	Ward: Goodwood
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BX/23/02169/FUL

Proposal	Demolition of existing equestrian buildings and structures and the erection of 26 no. dwellings, together with the provision of public open space, parking, landscaping and access improvements.		
Site	Land North West Of 56 Stane Street (Rohan Stables), Halnaker PO18 0NG		
Map Ref	(E) 491090 (N) 108360		
Applicant	B.Yond Homes Ltd	Agent	Peter Rainier

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



1.0 Reason for Committee Referral

1.1 Departure from the provisions of the Chichester Local Plan: Key Policies 2014-2029.

1.2 Parish Objection – Officer recommends permit.

1.3 This item was withdrawn from the 12 June 2024 Planning Committee meeting agenda to allow officers to seek clarification on the weight to be given to Paragraph 14 of the NPPF and advice in the Written Ministerial Statement (19 December 2023) (WMS) in the decision-making process.

1.4 Since the publication of the agenda for the 12 June Planning Committee, the applicant has submitted an updated Proposed Site Access plan, to accord with the already submitted changes to the overall site layout. The updated Proposed Site Access plan is numbered JNY11474-RPS-0100-001/Rev.G.

2.0 Site and Surrounds

2.1 The 1.77 hectare (ha), broadly rectangular, largely greenfield site, lies predominately within the Rural Area (i.e., outside any defined Settlement Boundary), within the Parish of Boxgrove. The existing use of the site is an equestrian use (see Site History below) and it is currently used for livery stables (known as Rohan Stables), with existing buildings comprising of; stables, a flood lit arena (manege), horse walker, storage barn for animal food and machinery, waste collection area, staff welfare facilities and vehicular parking for cars and horse boxes and pony paddocks. The site, therefore, also comprises partially (approximately 17%) of some Previously Developed Land (PDL).

2.2 Halnaker village forms one of four villages located within Boxgrove Parish. Halnaker is a dispersed, linear village with the majority of buildings comprising of dwellings fronting onto Stane Street and has no defined settlement boundary (as identified by Policy 2 of the Chichester Local Plan (CLP)). Boxgrove village is located 300m to the south of Halnaker village and is designated as a 'Service Village' in the CLP, with a reasonable range of everyday facilities and reasonable road and public transport links. Boxgrove village benefits from a primary school and pre-school, a village shop/café, a village hall, and recreation ground. Halnaker itself benefits from a Public House.

2.3 To the south of the A27 is located the 'Settlement Hub' of Tangmere (at a distance of around 2.5km) within which is located a further primary school, a medical centre, a convenience food store (Co-Op) and a petrol station with an integrated shop (Spar), together with further community facilities, including sports pitches. The services and facilities at Boxgrove and Halnaker are accessible from the application site by footpaths and/or Public Rights of Way (PRoW). The City of Chichester is located approximately 6.4km from Halnaker village. With regard to transport connections, regular bus services (via stops on Stane Street less than 500m from the site entrance) exist linking the site to the services and facilities at Chichester City Centre, with approximately 3 buses per hour during peak periods and an 18-minute average journey time. The bus service is a regular/7 day a week service.

2.4 Further to the south-west of the site is Redvins Copse and Redvins Copse West, which act as natural screening to central Halnaker, as is Goodwood House (with the site situated at the foot of the Goodwood Estate).

2.5 The application site borders Stane Street to the south-east and the residential curtilage of a dwelling (Stanefield). The southern boundary of the site adjoins the curtilage of a terrace of dwellings (Adelaide Cottages) which benefit from deep rear gardens which adjoin the

southern boundary of the site. A driveway, stabling/tack room storage and yard comprise the majority of the southern boundary of the site. Existing vegetation and trees also form part of the southern boundary of the site, with patchy boundary screen planting in places, although mature trees are located along parts of the site boundary within deep rear curtilages of the neighbouring dwellings. The western boundary of the site comprises of a mature treed hedgerow boundary adjoining the extensive grounds of Halnaker House (Grade II Listed).

- 2.6 The northern boundary of the site is formed by the Devils Ditch Scheduled Ancient Monument (SAM), which represents an extensive linear earthwork, covered by trees and other vegetation. The raised bank of the SAM, and established shrub planting with mature trees, form the northern boundary of the site. The northern boundary of the site also adjoins the South Downs National Park (SDNP). Halnaker Windmill forms a prominent landmark feature, located 1.4Km to the north of the site. The south, west and northern boundaries of the site abuts the Halnaker Conservation Area.
- 2.7 The site is currently accessible for vehicles from Stane Street (A285) via an existing gated vehicular access. Tinwood Lane is situated to the east of Stane Street, across the A285. The site is not directly affected by a Public Right of Way (PRoW) or Bridleways. However, there are 5 nearby PRoWs within 500 metres of the site. The site is in Flood Zone 1 (low risk) and is located outside of fluvial risk and surface water flood risk zones. The site also lies over a Principal Aquifer and in a Source Protection Zone Three (SPZ3) for Portsmouth Water's Aldingbourne abstraction point, which is used for public water supply.
- 2.8 As outlined in the 'Shadow' Habitats Regulations Assessment: Appropriate Assessment, the site is not covered by any areas which are subject to a statutory ecological designation. However, there are nine Natura 2000 sites within 10km of the application site, including the Singleton and Cocking Tunnels Special Area of Conservation (SAC) (within the buffer for the SAC, which is 6.6 km to the north), and the Duncton to Bignor Escarpment SAC.

3.0 Proposal

- 3.1 The application seeks full planning permission for the demolition of the existing equestrian buildings and structures and the erection of 26 no. dwellings consisting of 4 no. 1 bed flats, 2 no. 2 bed bungalows, 7 no. 2 bed houses, 1 no. 3 bed bungalow, 8 no. 3 bed houses and 4 no. 4 bed houses together with the provision of public open space, parking, landscaping and access improvements.
- 3.2 Access to the site is proposed via the existing access that currently serves the existing stables. The existing crossover will be upgraded to form a priority junction of 5.5m in width at the access and along the access road, to allow two cars to pass, and will achieve suitable visibility splays (2.4m x 65.6m northeast and 2.4 x 82.1m southwest) commensurate with the 30mph speed limit in force at this location. Kerbed radii are provided at 6m at the access, which would allow a refuse vehicle to manoeuvre the access, turn on site and exit in a forward gear.
- 3.3 To accommodate the needs of pedestrians the access arrangement would include the provision of a 2m footway on the southern side of the access with the footway linking into the existing footway on Stane Street. A dropped kerb tactile paved crossing is also shown to facilitate movement for pedestrians across the newly formed junction.

3.4 The proposed mix of dwellings includes 4 no.1 bed flats provided in a detached dwelling (divided horizontally), 3no. 2 and 3-bed detached bungalows and 19 no. 2, 3 and 4-bed dwellings comprising detached, semi-detached and short terrace houses. The layout comprises a simple cul-de-sac, with the 26 new dwellings grouped into three distinct character areas, including a farmstead/cluster arrangement to the western (rear) side of the site.

3.5 A mix of two-storey and single-storey dwellings are proposed, with the dwellings set towards the southern part of the site and the open space and landscape buffer (including trees, footpaths and boundary hedgerow), set to the northern and western parts of the site, comprising approximately 47% (0.83ha) of the total site area. The proposed layout incorporates a buffer area of proposed wildflower meadow to the north, adjacent to the boundary of the South Downs National Park (SDNP), whilst also providing a buffer to the Scheduled Ancient Monument (SAM, the Devils Ditch).

3.6 A total of 57 car parking spaces are shown provided across the site, including garages, car ports, on-plot, lay-by and a small parking court. The proposal also includes an additional 3 car parking spaces to serve the existing residential properties (who currently have no curtilage parking) located to the south of the site (Adelaide Cottages).

3.7 The overall housing mix comprises:

Size	Market Housing Mix	First Homes	Social Rented	Affordable Rent	Shared Ownership
1-bed	0	0	4	0	0
2-bed	7	2	0	0	0
3-bed	7	0	0	1	1
4-bed	4	0	0	0	0
Total	18	2	4	1	1

3.8 The proposal indicates the provision of 18 (70%) open market dwellings and 8 (30%) affordable dwellings. Based on the total site area (1.77ha) the overall density of housing equates to approx. 15dph. The density of housing on the net developed land area (i.e. not including the open space, SuDS, landscaping and landscape buffer) is approximately 30dph.

3.9 The maximum height of the proposed dwellings is 2-storey. The style and appearance of the housing utilises hipped, pitched, cat-slide and gabled roofs in a mix of red and grey, over red/brown brick and knapped flint elevations, with the use of weatherboarding. Projecting bay windows, chimneys, porches, eaves height dormer windows and brick detailing/coining are also part of the design package.

3.10 Whilst the application was submitted ahead of the legislative requirements for 10% Biodiversity Net Gain (BNG), the application has included a BNG Metric together with a BNG calcs area and enhancement plan, setting out how the proposals would provide a biodiversity net gain of 1.82 habitat units, and a biodiversity net gain of 0.77 hedgerow units. This is a percentage gain of 50.42% in habitat units and 137.61% in hedgerow units,

which would meet and exceed the requirements of BNG. An Outline Landscape and Environmental Management Plan (OLEMP) has also been produced to ensure the long-term management of the proposed habitat creation. Existing mature boundary trees and hedging to the boundaries are retained and reinforced where necessary. New planting is proposed to the street frontages, rear gardens and areas of open space.

- 3.11 In terms of foul drainage the proposal would connect to the existing mains sewage network in Stane Street, which drains to Tangmere Wastewater Treatment Works (WwTW).
- 3.12 With regards to the sustainability of the development, the application proposes a combination of fabric first and the installation of air source heat pumps which together will deliver a 31% carbon saving.
- 3.13 During the course of the application amended plans and documents were received which sought to respond to comments in relation to design, landscaping and highways. The amendments are summarised below:
- Changes to the layout.
 - Revised house type plans and elevations including car ports.
 - Updated streetscenes.
 - Revised and co-ordinated drainage design including soakaway calculations.
 - Updated Outline Landscape and Ecological Management Plan (OLEMP including co-ordinated Landscape Framework Plan.
 - Landscape and Visual Impact Assessment Addendum.
 - Arboricultural Planning Statement Addendum - this includes analysis of plot 3.
 - Highway Technical Note including vehicle tracking and parking.
 - Revised BNG with update to the Ecological Impact Assessment.
 - Updated Biodiversity Enhancement Plan.

4.0 History

81/00016/BX	REF	Outline - Agricultural dwelling & garage.
82/00020/BX	DISMIS	Outline - four-bedroom dwelling and garage.
78/00005/BX	PER	Timber building for private stabling.
97/02653/OUT	REF	Two numbered detached dwellings.
11/05041/ELD	REF	Mixed use of land and buildings for private and livery equestrian purposes.
11/05044/ELD	REF	Construction of menége with earth banking.
11/05115/ELD	REF	Erection of a building comprising 3 no stables.
12/03287/FUL	PER	Retention of stables, tack room, storage shed and menége and continuation of use of land and

		buildings for mixed full livery and personal use.
12/04667/FUL	PER	Retention of horse walker and increase in number of horses to 12.
14/03270/OUT	REF	Erection of up to 2no. dwellings.
15/02257/OUT	REF	Erection of a pair of semi-detached cottages.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Boxgrove Parish Council

Further comment received 24th June 2024

Boxgrove Parish Council objects to this application. Please find here additional comments to our previous objection.

Should CDC be minded to approve this application, then we believe that it should be subject to a condition requiring a full survey of the Halnaker sewerage system (carried out at the developer's expense), to prove its capacity and viability. Any necessary modifications and upgrades would then need to be completed before construction could commence.

As the detailed drawings and any samples have not been seen, we would also request that a condition be applied that the CDC Conservation Officer approves the design of the windows and doors, brickwork and flint work, roofing materials and design, and wall cladding materials. Before construction commences samples or sample boards should be approved. This because the site is adjacent and borders the Halnaker Conservation Area which is subject to Article 4 Direction.

A further condition to the Construction Management Plan should be added to prevent the use of reversing beepers. All plant, machinery and delivery vehicles must be fitted with

'white noise squawkers' to prevent the continuous disturbance to existing residents of the village.

The council would also ask for a condition preventing any contractor vehicle parking outside the confines of the site. Parking on the A285 would severely affect traffic flows and considerably compromise the safety and amenity of the existing residents.

Further comment received 16th May 2024

The proposed development is outside the settlement area, and therefore contrary to the made Boxgrove Neighbourhood Plan; nor does the site figure in the Chichester Local Plan HELAA, which if this development were to be approved would be disquieting. The site is next door to an Article 4 conservation area and is next to the protected Devil's Ditch.

If this development were to be approved Boxgrove Parish would like a condition of permission to be that the Conservation and Design team of CDC have a regular input into the site. Several schemes in Boxgrove have won design awards and this should be respected and aspired to. The Conservation and Design team should access to detailed drawings of all aspects of the design, masonry, doors, windows and facades to ensure that it sits well in its surroundings. This input should be on a regular basis throughout construction, say, every two to three months.

Original comment received 17th November 2023

Boxgrove Parish Council, working with the Neighbourhood Plan team is currently reviewing the Neighbourhood Plan Policy.

A 'call for sites' is being reviewed and therefore the PC and the NP team is in the process of assessing both this site and those in the HELAA. It also plans to hold public engagement sessions early in 2024. Consequently, any decision made in respect of housing developments before this time would damage the democratic process.

Whilst the PC accepts that this site may be suitable for an element of potential development, the appropriate size of any scheme must be properly considered. This large proposal for 26 units, on such a sensitive site is highly questionable.

It is noted that there are 20 or so strong objections from local residents to this application, which the Parish Council should respect.

The proposed site has had previous planning applications for residential development. These were significantly smaller in scale and were refused, most recently, a pair of semi-detached cottages in 2015 (15/02257/OUT). The reasons for refusal were as follows: "The proposed development would result in the creation of new units of residential accommodation outside of the Settlement Boundary, where policies seek to protect the countryside for the sake of its intrinsic character and beauty from inappropriate development. The proposal would result in an unsustainable and unacceptable form of development that would result in an intrusive and undesirable extension and consolidation of an existing loose-knit linear pattern of development, harmful to the character and appearance of the locality. The development of the site would see the further erosion of a gap in the built form along the northern side of Stane Street and would lead to

inappropriate and harmful development to the detriment of the open, undeveloped character of this part of Halnaker." Clearly an important point.

The PC considers that the actual design of the proposal is hugely disappointing, being of typical developer crudely designed dwellings. This is a very special location, demanding compelling design thought, to be in-keeping with a rural hamlet. Currently, the proposal is more of a suburban development, with an overwhelming use of brick, which is clearly inappropriate. The proposal does little to preserve the historical character of the buildings, in line with the present article 4 direction of the conservation area. The proposed positioning of the properties on the site, would substantially change the appearance of the land, introducing urban features into the countryside and the established character of the landscape.

The scale of the proposed development is also of great concern as it would clearly add to the issue of infilling within the settlement boundary. General planning policy aims to prevent coalescence of built-up areas. This policy needs consideration in determining this application.

The planning statement in the application suggests that the site is on previously developed land, when in fact the current development comprises livery equestrian facilities on a fraction of the land, the vast majority being paddocks for the grazing of horses. The Neighbourhood Plan recommends the retention of equestrian facilities in the area, so this proposal would be against the plans that were voted upon in 2021.

It is not possible to compare this peaceful greenfield site to the brownfield site on which the Oakford Park housing development was built on a few years previously. The latter was the site of a busy and noisy chicken processing factory, consisting of extensive buildings and was already hugely more developed than the Rohan Stable site.

The Parish Council also questions the sustainability of the proposed development, due to its substantial size. Halnaker itself has limited local facilities, the shop and school both being within the Boxgrove village cluster and the nearest doctor's surgery is in Tangmere. The majority of trips to these facilities tend to be undertaken by car from Halnaker, because of the distance and the fact the current footpaths are narrow and dangerous. No effort has been made to offer improvement to any pedestrian or bicycle routes from the site. It should also be noted that the primary school is already at capacity and in its current form is unable to accommodate a development of this size.

Traffic impact concerns need to be considered properly. The planning statement appears rather unrealistic in terms of traffic movements.

We have historic experience from the Oakford Park development, where most properties have 3-4 cars and from which residents seldom walk anywhere.

An environmental concern is that the foul drain which serves Halnaker, which would conceivably also serve this proposed development, may potentially be at capacity. It has previously been blocked on several occasions over the years. It is therefore suggested that a potential developer needs to fund a detailed survey of the existing foul sewer to ensure it can support further dwellings. The surface water drainage strategy appears to be directed to the lowest part of the site, next to the properties of Adelaide Cottages and Stanefield, and the tree lined boundary. This proximity is of concern and the impact this

may have on the root protection areas of the trees. The long-term longevity of these trees is important.

The impact on neighbouring properties will be significant. Contrary to the statements in the application, these properties are homes and not generally "holiday rentals". The proposed houses would be very close to the to the existing properties at Adelaide Cottages and Stanefield, such that substantial overlooking by the proposed development would significantly reduce the enjoyment of their gardens, quality of life and privacy for those residents. There is also no consideration regarding the existing parking issues for these properties, which should have been offered and clearly thought about in the layout design.

It is for the various reasons stated above, that the Parish Council objects to this application as it stands.

6.2 Chair of Boxgrove Neighbourhood Plan Team

Further comment received 13th May 2024

The Boxgrove Neighbourhood Plan Team (NP) wish to OBJECT to this application on the following grounds and request clarification of the questions posed in the comments below.

We acknowledge that some positive revisions have been made to this scheme since the original application was made in 2023. Our comments about these specifically are amended as appropriate in square brackets.

The site of this application is a greenfield site on Grade 3 agricultural land outside the settlement boundary, and the proposed housing is at a much higher density to those existing in Halnaker. It is therefore contrary to current CDC Policy and does not comply with the Boxgrove Neighbourhood Development Plan 2017-2029.

CDC has given the parish an allocation of 50 homes to deliver through the NP process. The figure is contested and not yet tested by the Local Plan Examiner. To continue to promote this site for development makes a mockery of the NP process. If this site is to be considered it should be through the NP process, not determined by CDC. If it is approved the Parish Council will claim the homes against its allocation.

The revisions that the developer has made to the scheme have mitigated some of the shortcomings of the scheme, however, the number of 26 dwellings remains the same and the density would change the character of the village and put unmanageable pressure on the already fragile water and sewerage system. Additionally, the Boxgrove Primary school is at capacity, forcing any children to be driven to school out of Parish, further adding to the Parish traffic issues.

Reducing the number of dwellings below 20 would be more acceptable.

Should CDC be minded, to approve this application, then we believe that a 'Condition' should be attached such as to have a full survey of the Halnaker sewerage system carried out at the developer's expense to prove the capacity and viability of the system. Any necessary modifications and upgrades would then need to be completed before construction commenced.

As the detailed drawings and any samples have not been viewed, we request that a 'Condition' be applied so that the CDC Conservation Officer can approve the design of the windows and doors, brickwork and flint work, roofing materials and design, and wall cladding materials. Before construction commences samples or sample boards should be approved. This because the site is adjacent and borders the Halnaker Conservation Area which is subject to Article 4 Direction.

A 'Condition' to the Construction Management Plan should also be added to prevent to use of reversing beepers. All plant, machinery and delivery vehicles must be fitted with 'white noise squawkers' to prevent the continuous disturbance to existing residents of the village.

A further 'Condition' should also be added to prevent any contactors vehicle parking outside of the confines of the site. Parking on the A285 would severely affect traffic flows and considerably compromise the safety and amenity of the existing residents.

The application does not comply with existing CDC and Boxgrove Neighbourhood Plan policies as follows:

1 Policy SB1: Settlement Boundary.

The site is located outside of the SB.

2 Policy EH1: Protection of trees and hedgerows.

At least one mature tree is proposed to be removed on the A285. There are proposed to be additional hedging and trees in the development. The expectation is that these will not simply be whips but more mature plantings. What is the proposed management regime for these and the landscaped 'public' areas?

3 Policy EH5: Development on agricultural land.

It is currently used as a Livery yard therefore most of it agricultural land. The land is Grade 3. The emerging CDC Local Plan states that 'poorer quality agricultural land is fully considered in preference to the best and most versatile land (Grades 1,2 and 3)'.

4 Policy EH6: Development in Conservation Areas.

The site is adjacent to the Halnaker Conservation area and has a boundary in the Southwest, West and North directions. There is an important view from the north looking south to the site from the scheduled monument (old Halnaker House) and listed buildings in Halnaker Park. To the west are the Grade 11 listed buildings 46/47 Halnaker and Halnaker House will be visible during the winter months so their setting will be affected. Policy P1 of the emerging CDC Local Plan states that development will only be permitted where they preserve or enhance the character or appearance of a conservation area by: Protecting the setting (including views in and out of the area).

5 Policy EH7: Dark Skies.

There are no streetlights in Halnaker as it is a rural hamlet and most of the residents wish it to stay that way. How can the developer ensure that future residents maintain the requirement for this? How are controls over future roof windows and external lighting to be managed?

6 Policy EH8: Respecting Landscape and Historic Environment.

The proposal gives details of mitigation to protect the setting of the Devils ditch and the

Conservation Area but how will the developer ensure the control and management of these in the future. Page 38 of the D&A, 'Built form', states 'Single storey units are positioned adjacent to existing properties/amenity space to protect from overlooking'. This principal has not been applied to the east of the development where four 2 storey properties overlook the existing adjacent Stanefield property. These should be re-distributed in the development.

[An attempt has been made to improve the view of the frontage of the development from the A285 and minor changes to the layout and site vegetation will affect adjoining properties]

7 Landscape Gaps

The emerging CDC Local Plan has a Policy NE3 which is designed to prevent coalescence of built-up areas. This policy needs consideration in determining this application.

8 Policy EH9: South Downs National Park

The SDNPA have yet to comment on the revised scheme.

9 Policy EE2: Loss of land and building for employment use.

Whilst the livery is currently operated on a 'self-service' basis the site could potentially be sold as a going concern and operated as a business providing employment.

10 Policy H1: Quality of Design.

The proposal goes into detail to identify the character of different 'typologies'. There seems to be some confusion about 'brick banding', whilst this may exist on a few local properties this is not the norm on existing flint dwellings. It generally only exists on some brick dwellings. Page 26 of the D&A statement shows the mix of building materials, i.e., brick, flint, and timber cladding. There seems to be more brick than flint rather than about 50/50. Our expectation is that the flint work will be coursed field flint rather than prefabricated blocks. This requirement will be in the emerging Boxgrove revised NP and is part of Policy P8 in the emerging CDC Local Plan. '10. Avoid the use of flint blocks as a substitute for traditional flint work unless it can be demonstrated that their use will not result in the blocks being readily legible once the development is complete'.

[The ratio of flint/brock elevations and clay/slate roofs have been improved]

The lack of any chimneys is noticeable and detracts from the vernacular of the buildings.

[These have now been added to some properties]

The D&A does not give any details of the design of windows and doors.

Halnaker has a new build site, now known as Blunden Way Cottages and Thoresby House which is an excellent example of the design and workmanship we would expect. (Coalyard site 16/01196/FUL)

11 Policy GA1: Footpath and Cycle network.

The proposal includes the provision of a footpath on the site which connects to the footway and the crossing point on the A285. This proposed footpath winds around the north side of the development and is proposed to have an interpretation board about the Devils Ditch. How will the Land and Ecological Management Plan be managed in the future? The connecting footway from the site to Halnaker Crossroads is only 1.5m wide in places and very close to live traffic. As an alternative the Transport Statement suggests surface improvements to footpath 369 (Tinwood Lane to Halnaker Crossroads) and

widening the connecting high-level path down to Boxgrove village with low level lighting on the latter. It would be possible to improve the surface of 369 but as this is situated in an avenue of trees the options are limited. Whilst some form of surface and widening improvements could be introduced to the high-level footpath at the Halnaker end of The Street low level lighting would be unacceptable. Any changes would need to be sanctioned by WSCC. Para 3.15 in the Transport Statement states that the Windmill Trail is identified as a possible cycle route, but this is incorrect as the Windmill Trail is predominantly along public footpaths where cycling is prohibited.

12 Policy GA2: Parking

The proposal identifies a total of 59 parking spaces of which 8 are unallocated. Due to the rural nature of the development the experience of the nearby Oakford Park housing is that this is insufficient as many dwellings have 3 or 4 cars. The existing occupants of most of Adelaide Cottages have a problem as these dwellings were built at a time without any provision for car parking or the ability to create any. Consequently, the area beyond the footway adjacent to the existing site access is currently used by them for parking. Most of this area is likely to be lost to them due to the enlargement of the splays for the new access. Provision should be made for spaces in the development for the cottages, a right of way created for them to access the rear of their properties, or an alternative off road arrangement.

[3 spaces for Adelaide Cottages have now been provided with a potential access path]

13 Policy H2: Housing mix/Affordable housing.

Page 37 of the D&A includes the following statement to support grouping all the affordable housing together. 'The affordable properties have been clustered within two locations to enable clear separation for future on-going maintenance of shared areas- in particular a communal gardens and parking areas.' What is the relevance of this statement? Surely, if the dwellings are to be 'tenure neutral' these should be distributed around the development. This would 'encouraging integration and interaction' as stated in the summary on page 46 of the D&A. Para graph 5.15 of the emerging CDC Local Plan states 'Affordable housing should be indistinguishable from market housing in terms of location etc'.

[The affordable housing is now grouped in 2/3 locations]

14 Transport Speed survey

The transport statement has chosen to use off peak data to illustrate the highest speeds recorded on the ATC located just by the proposed site. If peak time data is used, which is the time that most vehicles will be exiting or entering the site, the actual speeds are often much more than 40mph. Traffic travelling over 60 mph is measured daily. This is as measured by the WSCC ATC located on the A285 by 51 Halnaker. Site #63 ref A029515L02.

Site access

It is intended to utilise and improve the existing access to the stables site to provide a 5.5m access road width, 6m radii junction radii with 2x 2m footways each side. Whilst the access road width is adequate, the 6m junction radii are rather tight for HGV's turning into

the site from the A285 and this could result in HGV's standing on the main A285 whilst a vehicle exits the junction. It is recommended that the junction radii are increased to 9m. Visibility splays of 2.4m x 65.6m (LHS) and 2.4m x 82.19m (RHS) are shown as being achievable at the junction of the access which are more than the standards in Manual for Streets (2.4m x 45m). However, as verge parking from Adelaide Cottages exists to the south of the access (the important nearside approach), this could result in an obstruction of visibility by parked cars making it unsafe. Some extra parking provision therefore needs to be made within the site for Adelaide Cottages and measures taken to prevent verge parking south of the access (i.e., bollards or low level fence and landscaping).

[3 spaces for Adelaide Cottages have now been provided with a potential access path]

15 Sewerage

The foul drain which serves Halnaker and will also serve this proposed development has been blocked many times over the years. In February 2023 it was blocked for 3 weeks before Southern Water could solve the problem. The developer needs to fund a detailed survey of the exist foul sewer to ensure it can support a further 26 dwellings. Southern Water have yet to submit a comment on the revised scheme.

16 Sustainability

No mention is made of charging points for EVs. [50% of the dwellings now have these] No mention is made of use of solar panels. Boxgrove primary school currently does not have any vacancies. There is no doctor's surgery in the parish. There are no local facilities in Halnaker apart from the pub, vineyard, and a florist.

17 Noise

The developer needs to demonstrate that the noise from heat pumps will not adversely affect the existing adjacent properties and any new properties should the development be permitted.

18 Environment

It is noted that the Environment Impact Assessment survey has yet to be completed.

Original comment received 1st November 2023

The Boxgrove Neighbourhood Plan Team (NP) wish to OBJECT to this application on the following grounds and request clarification of the questions posed in the comments below.

The proposal does not comply with the Boxgrove Neighbourhood Development Plan 2017-2029.

1 Policy SB1: Settlement Boundary.

The site is located outside of the SB.

2 Policy EH1: Protection of trees and hedgerows.

At least one mature tree is proposed to be removed on the A285. There are proposed to be additional hedging and trees in the development. The expectation is that these will not simply be whips but more mature plantings. What is the proposed management regime for these and the landscaped 'public' areas?

3 Policy EH5: Development on agricultural land.

It is currently used as a Livery yard therefore most of it agricultural land. The land is Grade 3. The emerging CDC Local Plan states that *'poorer quality agricultural land is fully considered in preference to the best and most versatile land (Grades 1,2 and 3)'*.

4 Policy EH6: Development in Conservation Areas.

The site is adjacent to the Halnaker Conservation area and has a boundary in the Southwest, West and North directions. There is an important view from the north looking south to the site from the scheduled monument (old Halnaker House) and listed buildings in Halnaker Park. To the west are the Grade 11 listed buildings 46/47 Halnaker and Halnaker House will be visible during the winter months so their setting will be affected. Policy P1 of the emerging CDC Local Plan states that development will only be permitted where they preserve or enhance the character or appearance of a conservation area by: protecting the setting (including views in and out of the area).

5 Policy EH7: Dark Skies.

There are no streetlights in Halnaker as it is a rural hamlet and most of the residents wish it to stay that way. How can the developer ensure that future residents maintain the requirement for this? How are controls over future roof windows and external lighting to be managed?

6 Policy EH8: Respecting Landscape and Historic Environment.

The proposal gives details of mitigation to protect the setting of the Devils ditch and the Conservation Area but how will the developer ensure the control and management of these in the future. Page 38 of the D&A, 'Built form', states *'Single storey units are positioned adjacent to existing properties/amenity space to protect from overlooking'*. This principal has not been applied to the east of the development where four 2-storey properties overlook the existing adjacent Stanefield property. These should be redistributed in the development.

7 Landscape Gaps

The emerging CDC Local Plan has a Policy NE3 which is designed to prevent coalescence of built-up areas. This policy needs consideration in determining this application.

8 Policy EH9: South Downs National Park

As the northern boundary is with the SDNP and as they are a consultee, we will await with interest their comments.

9 Policy EE2: Loss of land and building for employment use.

Whilst the livery is currently operated on a 'self-service' basis the site could potentially be sold as a going concern and operated as a business providing employment.

10 Policy H1: Quality of Design.

The proposal goes into detail to identify the character of different 'typologies'. There seems to be some confusion about 'brick banding', whilst this may exist on a few local properties this is not the norm on existing flint dwellings. It generally only exists on some brick dwellings. Page 26 of the D&A statement shows the mix of building materials, i.e. brick, flint and timber cladding. There seems to be more brick than flint rather than about 50/50. Our expectation is that the flint work will be coursed field flint rather than refabricated blocks. This requirement will be in the emerging Boxgrove revised NP and is

part of Policy P8 in the emerging CDC Local Plan. '10. Avoid the use of flint blocks as a substitute for traditional flint work unless it can be demonstrated that their use will not result in the blocks being readily legible once the development is complete'. The lack of any chimneys is noticeable and detracts from the vernacular of the buildings. The D&A does not give any details of the design of windows and doors. Halnaker has a new build site, now known as Blunden Way Cottages and Thoresby House which is an excellent example of the design and workmanship we would expect. (Coalyard site 16/01196/FUL)

11 Policy GA1: Footpath and Cycle network.

The proposal includes the provision of a footpath on the site which connects to the footway and the crossing point on the A285. This proposed footpath winds around the north side of the development and is proposed to have an interpretation board about the Devils Ditch. How will the Land and Ecological Management Plan be managed in the future? The connecting footway from the site to Halnaker Crossroads is only 1.5m wide in places and very close to live traffic. As an alternative the Transport Statement suggests surface improvements to footpath 369 (Tinwood Lane to Halnaker Crossroads) and widening the connecting high-level path down to Boxgrove village with low level lighting on the latter. It would be possible to improve the surface of 369 but as this is situated in an avenue of trees the options are limited. Whilst some form of surface and widening improvements could be introduced to the high-level footpath at the Halnaker end of The Street low level lighting would be unacceptable. Any changes would need to be sanctioned by WSCC. Para 3.15 in the Transport Statement states that the Windmill Trail is identified as a possible cycle route, but this is incorrect as the Windmill Trail is predominantly along public footpaths where cycling is prohibited.

12 Policy GA2: Parking

The proposal identifies a total of 59 parking spaces of which 8 are unallocated. Due to the rural nature of the development the experience of the nearby Oakford Park housing is that this is insufficient as many dwellings have 3 or 4 cars. The existing occupants of most of Adelaide Cottages have a problem as these dwellings were built at a time without any provision for car parking or the ability to create any. Consequently, the area beyond the footway adjacent to the existing site access is currently used by them for parking. Most of this area is likely to be lost to them due to the enlargement of the splays for the new access. Provision should be made for spaces in the development for the cottages, a right of way created for them to access the rear of their properties, or an alternative off road arrangement.

13 Policy H2: Housing mix/Affordable housing.

Page 37 of the D&A includes the following statement to support grouping all the affordable housing together. 'The affordable properties have been clustered within two locations to enable clear separation for future on-going maintenance of shared areas- in particular a communal gardens and parking areas.' What is the relevance of this statement? Surely, if the dwellings are to be 'tenure neutral' these should be distributed around the development. This would 'encourage integration and interaction' as stated in the summary on page 46 of the D&A. Paragraph 5.15 of the emerging CDC Local Plan states 'Affordable housing should be indistinguishable from market housing in terms of location etc'.

14 Transport Speed survey

The transport statement has chosen to use off peak data to illustrate the highest speeds recorded on the ATC located just by the proposed site. If peak time data is used, which is the time that most vehicles will be exiting or entering the site, the actual speeds are often much more than 40mph. Traffic travelling over 60 mph is measured daily. This is as measured by the WSCC ATC located on the A285 by 51 Halnaker. Site #63 ref A029515L02.

Site access

It is intended to utilise and improve the existing access to the stables site to provide a 5.5m access road width, 6m radii junction radii with 2x 2m footways each side. Whilst the access road width is adequate, the 6m junction radii are rather tight for HGV's turning into the site from the A285 and this could result in HGV's standing on the main A285 whilst a vehicle exits the junction. It is recommended that the junction radii are increased to 9m. Visibility splays of 2.4m x 65.6m (LHS) and 2.4m x 82.19m (RHS) are shown as being achievable at the junction of the access which are more than the standards in Manual for Streets (2.4m x 45m). However, as verge parking from Adelaide Cottages exists to the south of the access (the important nearside approach), this could result in an obstruction of visibility by parked cars making it unsafe. Some extra parking provision therefore needs to be made within the site for Adelaide Cottages and measures taken to prevent verge parking south of the access (i.e., bollards or low-level fence and landscaping).

15 Sewerage

The foul drain which serves Halnaker and will also serve this proposed development has been blocked many times over the years. In February 2023 it was blocked for 3 weeks before Southern Water could solve the problem. The developer needs to fund a detailed survey of the exist foul sewer to ensure it can support a further 26 dwellings.

16 Sustainability

No mention is made of charging points for EVs. No mention is made of use of solar panels. Boxgrove primary school currently does not have any vacancies. There is no doctor's surgery in the parish. There are no local facilities in Halnaker apart from the pub, vineyard, and a florist.

17 Noise

The developer needs to demonstrate that the noise from heat pumps will not adversely affect the existing adjacent properties and any new properties should the development be permitted.

18 Environment

It is noted that the Environment Impact Assessment survey has yet to be completed.

6.3 Active Travel England

No comment.

6.4 Natural England

Further comment received 14th May 2024

No comment.

Further comment received 10th January 2024

No comment.

Original comment received 1st November 2023

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although Natural England have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, they offer the further advice and references to Standing Advice.

6.5 National Highways

Further comment received 15th May 2024

Having reviewed the amendments, these do not alter our previous conclusion.

Further comment received 8th November 2023

National Highways are satisfied that the proposal would not materially affect the safety, reliability and/or operation of the strategic road network. As such, National Highways would offer no objection.

Original comment received 20th October 2023

It is recommended that the application should not be determined for a period of 3 months from the date of this response (until 20 January 2024).

Trip Distribution/ Assignment

The applicant has not presented any diagrams showing anticipated traffic impacts at certain A27 junctions.

There is a need to consider the likely mode(s) of transport that will be used by future residents of the site bearing in mind the likely arrival/ departure locations of journeys to be undertaken.

Updated analysis needs to identify and consider all SRN junctions which are expected to be impacted.

The applicant needs to provide appropriate trip distribution/assignment data (including junction diagrams) within the Transport Statement, in order for National Highways to determine the need or otherwise for junction capacity analysis. This needs to be supported by appropriate evidence.

Other Matters

At such time the degree of traffic impact on the SRN is agreed, it will be possible to determine the need or otherwise for further assessment. Such assessment may include (but not necessarily be limited to) the following:

- Highway Capacity Analysis in accordance with DfT Circular 01/2022 to determine the need or otherwise for highway mitigation
- Consideration of Committed/ Local Plan developments
- Collision Analysis

6.6 South Downs National Park Authority

The boundary of the National Park runs along the northern edge of the site, at this point it is following the course of the Devils Ditch SAM. The setting of the SDNP is acknowledged in the LVIA, which also includes an illustration of a view from Halnaker Hill - which is the most sensitive visual receptor for views toward the site from within the SDNP. In terms of direct impacts upon the SDNP, the SDNPA do not have an in principle objection to the proposals, subject to your Ecologist being satisfied with any additional information requested with regard to protected species. If permission is to be granted, the SDNPA would recommend consideration of the following:

- Controls on lighting both during and after construction in order to respect the adjacent South Downs International Dark Skies Reserve and to protect nocturnal species (noting that your ecologist has requested no external lighting);
- Full LEMP to be agreed in due course, to include retention and continued protection of trees and landscape buffer to the north of the site to respect the setting of the SDNP;
- Inclusion of interpretation with regard to the Devils Ditch SAM;
- Use of suitably high quality materials to reflect the site's setting on the edge of a conservation area on the approaches to the SDNP.

6.7 Portsmouth Water

Further comment received 7th November 2023

Portsmouth Water (PW) have reviewed the additional information submitted in respect of mitigation of potential groundwater pollution during the construction of the development. PW note that this is a 'proof of concept' proposal with full details being provided once a contractor has been appointed. PW look forward to being further consulted on the final CEMP in due course.

Original comment 25th October 2023

Site Background

The site lies on Bedrock consisting of the Lewes Nodular Chalk Formation, which is overlain by approximately 10 metres (BGS borehole viewer; borehole ID: SU90NW77) of Head Deposits (Clays, sands and gravels, of varying permeability). The Chalk bedrock beneath the site is classified as a Principal Aquifer and lies in a Source Protection Zone Three (SPZ3) for our Aldingbourne abstraction point, which is used for public water supply.

Portsmouth Water's Position

Portsmouth Water have no objections in principle to the proposed development, however due to the sensitivity of the groundwater environment at the proposed site we request further information is provided:

- Revised conceptual site models (CSMs) within the 'Desk Study, Site Investigation and Risk Assessment report
- Submission of a Construction Environmental Management Plan (CEMP) to the LPA, with Portsmouth Water being consulted on its content. The CEMP should be informed by the revised CSMs.

Desk Study, Site Investigation and Risk Assessment report

Whilst this report is thorough, the conceptual site models (section 9.2 - 'Pollutant Linkages and Conceptual Site Model Summary'; section 29.1 - Revised conceptual model) omit potential risks to groundwater from the construction phase of the development e.g. potential fugitive emissions of sediments and hydrocarbons/chemicals.

These conceptual models should inform the CEMP and therefore we request that the CSMs are reviewed for potential risks to groundwater. For example, sediments entering groundwater (turbidity - this can impact upon disinfection of raw water) or losses of hydrocarbons during refuelling of plant.

It is recognised that the Head deposits offer some degree of protection to the underlying Chalk aquifer; however, the permeability of Head deposits can be variable with more permeable lenses being possible, especially if solution features in the Chalk are present below the Head. Additionally, during the construction phase some of this Head cover will be removed, thereby reducing the protection it offers.

Construction and Environmental Management Plan (CEMP)

We request that a Construction Environmental Management Plan (CEMP) be submitted to and approved in writing by the Planning Authority in consultation with Portsmouth Water detailing all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.

Reason- Fugitive emissions from the site during construction could pose a significant threat to groundwater and therefore the local public water supply source.

Surface Water Drainage

It is understood that the proposed surface water drainage system is based upon SUDs principles including permeable pathways and communal soakaways. It is noted in the Flood Risk Assessment that the underlying Head deposits limit soakaway potential to the upper 4 metres of the subsurface due to impermeable strata below this depth. We support the use of shallow soakaways however, if the proposed drainage strategy is to deviate from this proposal we have a presumption against the use of deep bore soakaways due to the risk to groundwater quality.

We will only agree to deep bore soakaway systems (including boreholes or other structures that bypass the soil layers) for surface water if the developer can show that all of the following apply:

- there are no other feasible disposal options such as shallow infiltration systems (for surface water) or drainage fields/mounds (for effluents) that can be operated in accordance with current British Standards;
- the system is no deeper than is required to obtain sufficient soakage;
- pollution control measures are in place;
- risk assessment demonstrates that no unacceptable discharge to groundwater will take place, in particular that inputs of hazardous substances to groundwater will be prevented; and
- there are sufficient mitigating factors or measures to compensate for the increased risk arising from the use of deep structures.

Details of how the scheme shall be maintained and managed after completion shall also be included.

The requested CEMP should specifically outline the proposed means of surface water management during development. Fugitive emissions from the site during construction could pose a significant risk to groundwater.

Foul Water Drainage

The proposed foul water strategy is to construct a new sewer on site to connect to the existing public foul water sewer on Stane Street. We have no comments or concerns regarding foul water drainage.

Piling and Foundations

On review of the documentation (Flood Risk Assessment) conventional strip or pad foundations are proposed, with no mention of piled foundations.

If deviation from this proposed foundation solution occurs and piling were to be considered, we request that a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: Piling has the potential to impact on groundwater used for public water supply.

Thus, if piling were to be considered it should be demonstrated that any proposed piling:

- a. Will not result in contamination of groundwater. This is in accordance with National Planning Policy Framework paragraph 109.
- b. Nor any increased risk to drinking water supplies (including turbidity).
- c. Nor deterioration in the transmissivity of the aquifer

Solution Features

Chalk overlain by clay containing deposits, such as Head, is known to result in the formation of solution features in the Chalk due to acidic conditions associated with clay, and the focusing of recharge through permeable lenses.

We support the recommendation in appendix 3 of the Flood Risk Assessment that all soakaways should be located 10 metres away from any building, structure or asset, including water and sewer mains.

Water Efficiency

Portsmouth Water encourage local planning authorities to consider higher standards of water efficiency in new developments, with all new homes being built to a minimum standard of 100 litres per person per day. Planning policy can help to ensure long-term sustainability and management of water supplies, which is likely to reduce the need to take less water from the environment to protect local streams and rivers and the wildlife which rely on them.

We welcome that the development is aiming for a water consumption rate of 110 litres per person/per day, by utilising an number of measures as outlined in the report. However, if this can be revised to no more than 100 litres per head per day by adoption of further measures, Portsmouth water offer an incentive of a 50% discount on the Infrastructure charge.

6.8 Southern Water

Southern Water (SW) requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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

SW request that should this planning application receive planning approval, the following condition is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

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

6.9 Scottish and Southern Electricity Network

SSEN have existing assets that look to be within the development site and will be covered by trees. Advise that the developer contacts SSEN regarding this matter.

6.10 Sussex Police

The development has created a good active frontage with the streets and the public areas being overlooked. The development is providing 59 vehicular parking spaces. Where communal parking occurs, it is important that they must be within view of an active room within the property.

There are increasing crime problems associated with letter plate apertures, such as identity theft, arson, hate crime, lock manipulation and 'fishing' for personal items (which may include post, vehicle and house keys, credit cards, etc). In order to address such problems SBD strongly recommends, where possible, that mail delivery is via a secure external letter box meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS 009) or delivery 'through the wall' into a secure area of the dwelling. These should be easily accessible i.e., at a suitable height for a range of users.

With regards to footpath and cycle design - routes for pedestrians, cyclists and vehicles should be integrated into the development to ensure easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, which are proven deterrents for crime and anti-social behaviour. As stated in the Department for Transport Local Transport Note 1/20 (July 2020) Cycle Infrastructure Design: "Cycle networks should be planned and designed to allow people to reach their day-to-day destinations easily, along routes that connect, are simple to navigate and are of a consistently high quality.

With regards to the cycle stores within the development - research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment: Galvanised steel bar construction (minimum thickness 3mm), filled with concrete; Minimum foundation depth of 300mm with welded 'anchor bar'.

In order to maintain as much natural surveillance as possible - ground planting throughout the development should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will enable capable guardians to report incidents to the authorities should they occur. A capable guardian has a 'human element' that is usually a person who, by their mere presence would deter potential offenders from perpetrating a crime.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid potential issues. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020. It is also recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to very low levels of illumination. If this is the case, it is acceptable.

Finally, construction sites often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs. The SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel.

It is also recommended that contact is sought by the developer with local Neighbourhood Police Team (NPT) to establish good relations whilst the development is in the construction phase. Further advice on construction site security can be obtained from the Secured by Design Website.

6.11 WSSC Education

No objection.

6.12 WSSC Fire and Rescue Service

Condition recommended to secure the requirement of additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

6.13 WSSC Highways

Further comment received 7th May 2024

This response should also be read alongside previous WSSC Highways responses dated 30 October 2023 and 14 December 2023.

Having reviewed all the latest drawings and accompanying Technical Note, the Highway Authority generally recommends the same S106 requirements, planning conditions and informatives, as set out in the previous WSSC responses below.

However, with regard to electric vehicle (EV) provision for the site, it is noted that no planning condition is recommended. Therefore, the Highway Authority recommends a condition be added to the list of highways conditions already recommended, unless the LPA considers that EV provision is a matter solely for consideration as part of Buildings Regulations.

Further comment received 14th December 2023

No objection.

In comments dated 30 October 2023 the LHA raised no objection to the proposals, subject to advised conditions and informatives. A Highways Technical Note and Construction Environmental Management Plan (CEMP) have been submitted. The Highways Technical Note seeks to address National Highways comments. The CEMP is focused on environment protection measures. The LHA would therefore still advise the previous conditions are secured, including a CEMP that includes the highways information as requested below.

Conditions

- Access
- Visibility

- Vehicle parking and turning
- Travel Information Pack
- CEMP
- Cycle parking
- Works within the highway (informative)
- Temporary developer signage (informative)

Original comment received 30th October 2023

Site Context & Sustainable Transport

The site is currently served by private driveway/access road which joins with the A285 via a vehicle crossover. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the existing access with A285. There is no evidence to suggest that the access is operating unsafely, or that the proposed development would exacerbate an existing safety concern.

The A285 is subject to a 30mph speed restriction in this location. The A285 joins with A27 to the southwest and onward to Chichester. To the north-east the A285 provides a rural route to Petworth passing through small villages.

Stane Street features footway on the northern side of the carriageway and across the site frontage. There is a dropped kerb tactile paved crossing a short distance to the east of the existing access which provides a crossing point to Tinwood vineyard estate. There is a further dropped kerb tactile paved crossing of A285 to the east of Tinwood Lane which links to footway on the southern side of the carriageway also. Tinwood Lane forms part of Windmill Trail leisure routes and several PROW are accessible from Tinwood Lane. Whilst there are limited facilities in Halnaker it is acknowledged that an off-road route alongside The Street provides a link for pedestrians to Boxgrove where facilities include a local store and school within 15-20-minute walk from the site.

The nearest bus stops appear to be to the southwest near to the Old Store guest house and 6 minute (0.3 mile) walk from the site. There is a dropped kerb tactile paved crossing that would aid pedestrians wishing to reach the southern side (southwest bound) bus stop and this also features a shelter. The 55 service is frequent and provides a route between Chichester and Tangmere. The bus route provides a link to Chichester bus station where travellers can also link to the rail station at Chichester for onward journeys.

There are no segregated cycle route facilities near the site though the route from Halnaker through Boxgrove to the A27 is within the 30mph limit. A connection to Tangmere via the footbridge over the A27 can be reached within 1 mile cycle of the site.

It is understood that WSCC Highways carried out several highway safety measures along the A285 in 2021 including white lining, high friction surfacing and new improved pedestrian crossing points (dropped kerbs and tactile paving) providing additional locations for pedestrians to cross.

A Travel Plan Statement has been provided which outlines some basic measures that will be included in the travel information packs for residents. Considering the scheme is under 50 dwellings a full TPS and monitoring fee would not be required though it is suggested the TPS that has been provided is secured under condition.

Access Arrangements

The existing crossover will be upgraded to form priority junction of 5.5m width in access and along access road to allow two cars to pass. Kerbed radii are provided at 6m at the access - tracking shows a refuse vehicle can manoeuvre the access, turn on site and exit in a forward gear.

The footway will continue into the site on the western side of the access road and link with existing footway on Stane Street. A dropped kerb tactile paved crossing is also shown to facilitate movement for pedestrians across the newly formed junction.

A Stage 1 Road Safety Audit has been undertaken on the proposed access arrangements and no issues were raised.

Maximum visibility splays of 2.4m by 65.6m northeast and 2.4m by 82.1m southwest on to Stane Street from the site access have been demonstrated. The TS states that the maximum 85th percentile speeds recorded between 10am-12pm and 2pm-4pm have been used (Northeast bound = 34.6 mph; and Southwest bound = 29.9 mph). These speeds would require splays of 53m southwest direction and 43m northeast direction. Whilst it would be beneficial to see the total average 85th percentile speeds over the entire 7 day 24hr/day surveys, the LHA is mindful that the splays provided exceed the Manual for Streets 2 requirements and achieve the Desired Minimum Design Manual for Roads and Bridges standards. Furthermore, the alignment of the A285 in vicinity of site is generally straight and thus forward visibility is also anticipated to be sufficient in this location. It is considered that the access arrangements have been demonstrated as safe and suitable in line with National Planning Policy Framework para. 110.

The access works should be carried out under a s278 agreement which can be secured by s106/ legal agreement. If the Local Planning Authority prefer the access works can be secured under condition; the wording at the end of this report.

It is noted that para. 5.20 of the TS suggests a potential s106 contribution toward improvements to the existing off-road footway between Stane Street and the Old Granary. The LHA are not aware of any current WSCC scheme to improve this route. It is considered that CIL money could contribute toward this. However, it is considered that this is not essential to make the application acceptable in planning terms considering the existing pedestrian infrastructure (footways and crossings) that serve the site and allow for a continuous connection between Halnaker and facilities in Boxgrove.

Car Parking

WSCC Guidance on Parking at New Developments shows the area in zone 1 and thus the parking demand requirement would be as follows:

- 4 x 1 bed units (flats) - 1.5 spaces each (6 total)
- 9 x 2-bed units (4 x bungalows and 5 x houses) - 1.7 spaces each (15.3 total)
- 9 x 3-bed units (1 x bungalow and 8 x houses) - 2.2 spaces each (19.8 total)
- 4 x 4-bed units (houses) - 2.7 spaces each (10.8 total)

A total 51.9 allocated spaces would be suggested on this basis. The guidance also stipulates that visitor parking should be provided at 0.2 spaces per dwelling (5.2 spaces total). A total 51 allocated spaces and 11 x visitor spaces are shown. Whilst there may be some benefit to providing additional allocated spaces per 4-bed plot, it is acknowledged that the visitor unallocated parking provision exceeds the guidance and could provide overspill space. It is therefore considered that sufficient parking for the development has been demonstrated.

Cycle parking details can be secured by condition.

Internal Layout

There is good connectivity for pedestrians within the site with off-road footway links provided linking all areas of the site and segregated footway where traffic movements and manoeuvres are expected to be more frequent. Whilst it would be beneficial for the applicant to confirm dropped kerbs/transition locations between segregated footway and shared surface areas, it is acknowledged further detail would be expected at detailed design stage.

Full swept path tracking for fire appliance and refuse vehicle shows that these vehicles can turn within the site to exit in a forward gear.

Trip Generation

TRICs has been used to estimate the likely peak hour traffic movements from the development using similar sites as comparison. It proposes that 14 in the AM and 15 additional two-way traffic movements in the PM peak hours could result. This is not anticipated to result in a 'severe' impact to the operational capacity of the nearby road network.

Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Recommended conditions

- Access
- Visibility
- Vehicle parking and turning
- Travel Information Pack
- CEMP
- Cycle parking
- Works within the Highway (informative)
- Temporary Developer Signage (informative)

Further comment received 25th May 2024

We have no objection to the updated drainage documents. We request that the document references in condition 1 from our previous response are updated to match the updated documents.

Further comment received 6th March 2024

The applicant has provided updated information to account for the local flood risk issues and surface water drainage in this location. Following a review of the submitted documents, the details are in accordance with the NPPF and local planning policy 42. No objection subject to recommended conditions.

Further comment received 14th December 2023

We maintain our objection to this planning application in the absence of an acceptable Drainage Strategy and supporting information relating to:

- The application is not in accordance with the NPPF, PPG Flood risk and coastal change or Policy 42 in the Chichester Local Plan.

We will consider reviewing this objection if the issues as highlighted below are adequately addressed:

1. Reconsideration of the location of the trees compared with soakaways as tree roots can affect soakaways and affect tree growth.
2. No area has been inputted to the run-off rate calculations.
3. Scheduled monument is not a valid reason for not creating multifunctional benefit SuDS. (BNG is separate to biodiversity as a benefit to SuDS features).
4. A Cv value of 0.75 is currently being used in calculations, which means that not all the water within the catchment is draining into the proposed drainage system. A Cv value of 1 should be used instead.

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.

Original comment received 1st November 2023

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

- Lack of evidence in the form a detailed layout, detailed design, supporting calculations in evidence of storage, capacity, connections, safety, and feasibility.
- The development not complying with current NPPF, PPG or local policies in respect of the above.

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 issues highlighted in bold on the attached document are adequately addressed.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance Chichester District Council and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. Therefore, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to the 1st April 2024. This includes those applications that are currently at an advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

6.15 WSSC Minerals and Waste

No objection. The proposed development meets the consultation exception criteria as defined within paragraph 2.4 of the Minerals and Waste Safeguarding Guidance.

6.16 CDC Archaeology Officer

I agree that harm to the setting of the Scheduled Chichester Entrenchment would be appropriately mitigated through the utilisation of the proposed site layout and sympathetic design and the adoption of the proposed Conservation Management Plan. I also agree that the impact of the development on any other archaeological interest that might be present should be mitigated through a programme of further intrusive archaeological works, to be secured via the imposition of a suitable standard planning condition.

6.17 CDC Conservation and Design Officer

Further comment received 14th May 2024

This scheme has undergone really positive improvements which will help it to sit more successfully within its context particularly in the setting of the SDNP and Halnaker Conservation Area. Improvements have been made to the layout including changes to the layout of parking which is now considered to be more appropriate for the rural location. The roof forms are now more locally characteristic with steeper slopes and greater use of clay tiles. Significant design evolution has taken place to the proposed fenestration arrangements and facades for the dwellings this moved the proposals away from a more anywhere design appearance to one that should be better rooted in its context. The

proposed alterations have overcome previous concerns and it is considered that the application is now capable of support in terms of conservation and design matters.

Original comment received 4th January 2024

Proposal not supported.

The proposal site sits just outside of the boundary of the Halnaker Conservation Area and is boarded along three sides by the conservation area boundary. There are also a number of listed buildings locally with the closest being 46 & 47 Petworth Road (it is not however considered the proposals would detrimentally impact the setting of any listed buildings). Halnaker is a dispersed linear village with the majority of its buildings being cottages or modestly sized houses. Nearly all of the buildings within the village were built for residential uses apart from a blacksmiths which is a single storey weather boarded barn. The Anglesey Arms Public House also has an outwardly residential appearance. Within the village there is a cohesion of scale as most of the buildings are two storeys high with pitched roofs. Variation does exist in age and status which is reflected in fenestration design and eaves heights however overall buildings are read as being two storey in height and mostly as being cottages or modestly sized village dwellings so none of them stand out.

Steeply pitched roofs covered in handmade clay tiles can be seen on nearly all of the historic buildings in Halnaker. Alongside the use of clay tiles there is also some use of Welsh slate however this is not the dominant roofing material locally. Roof forms are a mixture of hipped and gable ends and projecting feature gables are commonly found. There is variation in wall finishes with flint, brick and render / painted brick all being seen locally. In terms of detailing brick detailing including quoins, arches and drip moulds are common features. Windows are most commonly white painted timber casements however some sash windows are also present.

Between Adelaide Cottages and the house Stanefield to the East of the site there is a shift in character from very linear development which in many cases sits close framing the edge of the road with either a walled boundary treatment or the building itself to a more green tree / hedge lined character with properties of a slightly larger scale, looser arrangement of development and larger frontages. It is considered the scale and density of the development proposed aligns more closely with that found in the more linear development to the West than the looser development to the East.

It is acknowledged that The Devil Ditch scheduled Ancient Monument and the provision of a buffer zone to the National Park have resulted in a level of constraint in terms of the layout of the development. This has resulted in the number of dwellings proposed being condensed into a smaller area within the overall site. This has resulted in a high density of units in places and a number of very small gardens, particularly in length, such as plot 22 and a number of gardens of awkward shape. It is considered as currently proposed the layout represents a missed opportunity to provide a development that could better reflect the existing character of Halnaker particularly the area closest to the site for which the majority of development sits close to the highway and in many cases have very small frontages bordered by low flint walls.

The use of car ports / car barns is welcomed in principle and in this location are considered to help create more continuous / enclosure street scenes within the

development and reduce the potential for car dominance. There are however some areas in the development which would likely end up being quite dominated by parked cars including the front of plots 22-26 and 6-9. It is not considered this approach is in keeping with existing local character and along with the small gardens is potentially a sign of the site proposals over developing the site given the character of the locality and the sites constraints to the East. A less dense form of development in certain areas of the site appears likely to free up the provision of on plot parking which if designed appropriate could lessen its visual impact.

It is acknowledged that the building lines have been considered as is evidenced in the Design and Access statement with a stepped approach being taken. It is not however considered that this is the most appropriate approach to fronting onto the main road given that the proposals appear to more greatly be reflecting the character of the housing to the West. A closer more linear relationship with the road and more greatly reflecting the layout of the adjacent dwellings frontages would be likely to result in a more sensitive integration of the development into the street scene particularly immediately adjacent to the conservation area than the currently proposed approach. The proposed appearance for plots 1-4 is also not considered well resolved. The eaves height matches that of the adjacent Victorian terrace yet the fenestration design accords more with the vernacular cottages for which the buildings proportions are different including lower eaves heights. It is considered the design and scale of this proposed building would be harmful to the character of the setting adjacent to the conservation area and negatively impact the authentic appearance of the historic street scene.

It is clear that the scheme has taken a traditional route in terms of its proposed appearance. This in principle could be an acceptable approach however does require very careful design and detailing in order that the development would appear authentic and not pastiche, particularly given the sites adjacency to the conservation area. It is clear from the Design and Access statement that to an extent local character has been assessed and used to inform the proposed design. In places it is considered the proposed dwellings could successfully achieve a traditional appearance subject to material specification and how the design is built out on site, an example are plots 15 & 16.

In other areas however it is not considered that the designs are as well resolved and whilst reflecting the locality in terms of materiality the detailing, proportions and fenestration design are not considered to result in a successful appearance. It is considered there are a number of examples within the proposals where relatively minor alterations to the design would result in the creation of a more authentic appearance and character within the development. The integration of chimneys and rebalancing of the amount of slate vs clay tile proposed is also considered to be essential to appropriately reflect the existing character of the locality. Plots such as 17 & 18 are considered to need greater revision to better reflect the locality in terms of proportions and detailing overall but particularly to the side elevations.

The conservation area character appraisal sets out that within the village there is a cohesion in scale with most of the buildings being two storey. Within the proposed development it is not considered this cohesion is reflected with a large number of single storey buildings proposed and large changes in heights between certain plots such as between plots 17 and 10 and 18 and 26 (the ground level change here creates an even greater contrast). Whilst it is acknowledged that the provision of bungalows would lessen the visibility of the built forms in views across the adjacent fields it is considered the

resulting contrast compared to the existing local character would be more harmful than the provision of more visible dwellings that better reflected and related to the overall character of the area.

More detailed design advice can be provided in advance if amendments to the scheme are to be proposed. However overall as currently designed it is considered that the developments impact on the setting of the conservation area would result in harm the character of the Halnaker Conservation Area. It is also considered that the proposal would overall fail to provide a visually attractive development that maintains a strong sense of place and is sympathetic to local character. Therefore it is considered the proposals are currently contrary to Para 135 and Para 203 of the NPPF.

6.18 CDC Economic Development Service

Further comment received 26th February 2024

The Economic Development Service thanks the planning agent for their clarification on the extent of employment at the site. Economic Development considers the loss of employment currently on the site would not be significant and therefore have no objections to the planning application.

Original comment received 22nd December 2023

The Economic Development Service cannot support this application.

There is little acknowledgement, within the application, that this site is currently in a commercial use. Paragraph 7.29 of the Planning Statement does acknowledge that there is existing employment on site. The only mention of the economic benefits of the application references additional Council tax (it is worth noting that Chichester District Council will only retain 8% of the council tax liability, the rest going to other bodies), the construction phase providing employment and the expected increase in spend in the local area from the new occupiers. However, this is not weighed against the loss of employment, and we would expect to see that within any application that is proposing the loss of a commercial site.

6.19 CDC Environmental Protection Officer

Further comment received 22nd May 2024

It is noted there have been changes to the layout of the development particular at the entrance of the site. The noise assessment submitted with the application was based on the previous layout (and the report had a caveat regarding the assessment being a preliminary assessment as the design and layout had not been finalised). The applicant should submit an updated noise assessment (particularly for the properties closest to Stane Street) in order that the glazing/ventilation requirements and overheating assessment (sections 5.27-5.30) can be amended where necessary.

Similarly, the assessment of the air source heat pumps was preliminary within the report as the specification/location of the ASHPs had not been finalised. The noise assessment should be updated to include the revised locations for the ASHPs (see plan 1061-FA-09)

and the plant noise criteria should be corrected if applicable. Council's noise assessment guidance should be referred to.

Further comment received 12th February 2024

We agree with the conclusions set out in the Air Quality Assessment and recommend the following points are put in place via a suitably worded condition:

The proposed package of dust mitigation measures set out in the AQA report dated December 2023 submitted with the application should be put in place during the construction phase of development, it is suggested these measures should form part of a dust management plan, to minimise the potential to create dust which could impact nearby residential receptors.

The good design measures specified in Section 9.3 of the AQA report dated December 2023 should be implemented at the development in order to mitigate the impacts of the development on local air quality.

Further comment received 24th October 2023

In the light of the desk study, site investigation and risk assessment report, I would suggest that an unexpected land contamination condition can be applied (rather than the originally suggested conditions). If unexpected land contamination is encountered the suggested condition requires that site investigation, remediation and verification should be undertaken.

Advise that an informative is added with regards to the potential for asbestos to be present within the stable buildings.

Original comment received 23rd October 2023

Land contamination

The site has been in equestrian use for many years and prior to that was undeveloped/agricultural land. There is considered to be a low potential for land contamination however given the proposed land use (residential dwellings) it is recommended a phased risk assessment is implemented and conditions are recommended in respect of contaminated land.

During demolition of buildings and structures at the site, measures to minimise pollution should be undertaken. Appropriate controls can be put in place through the Construction Environmental Management Plan.

Noise

A noise assessment has been submitted produced by Cass Allen Associates Ltd dated July 2023. The report has been undertaken in accordance with appropriate guidelines and used acceptable methods to assess existing noise levels and predict the impact at the proposed properties from external traffic noise sources at the development. The report concludes as follows:

- Noise affecting the development has been assessed in accordance with the ProPG guidance. The design of the development is considered to be acceptable subject to the adoption of acoustically upgraded glazing and ventilation. This can be investigated further at a later design stage and may be secured by the imposition of a noise related planning condition by the Local Planning Authority.

We agree with the conclusions of the report. A condition should be applied to require a façade acoustic specification scheme is submitted to meet the requirements stated in the report - for the majority of facades, it has been predicted that satisfactory internal noise levels will be achieved with the appropriate glazing and windows can be opened to prevent overheating.

For some facades, facing Stane Street, an overheating assessment is recommended at a later design stage (see section 5.30 of the report). It is recommended that a condition is applied to secure a scheme that addresses the issues of acoustics, ventilation and overheating (AVO)

It is proposed to install air source heat pumps (ASHPs) at each property. A plant noise limit has been recommended to ensure that noise from the plant does not impact residents - a condition should be applied to ensure the proposed limits (BS4142 noise limits given in Table 4 of the report) are met.

Noise levels in all gardens are predicted to comply with recommended levels, and are predicted to be even lower in reality due to the installation of fencing around the gardens. No conditions are required with respect to external noise levels in gardens.

Lighting

A lighting impact assessment has been submitted produced by DFL dated August 2023. The assessment has been undertaken in accordance with recognised guidance. A lighting strategy has been developed and the report concludes that:

- The Lighting Strategy contained within Appendix 1 will ensure the lighting of the Proposed Development will not result in significant adverse effects on the identified sensitive receptors (Table 6).

We agree with the conclusions of the lighting assessment and recommend a condition is applied to require the proposed lighting strategy to be implemented at the site and thereafter to be kept in place.

Air quality

The site does not lie within an air quality management area (AQMA) however given the scale of the development, there is potential for it to result in air quality impacts at nearby receptors. An air quality assessment should be submitted covering both impacts during the construction and operational phases. The approach detailed in the Institute of Air Quality Management documents should be followed when undertaking the assessment (Land Use Planning & Development Control: Planning for Air Quality 2017 and Guidance on the Assessment of Dust from Demolition and Construction 2014).

The parking standards produced by WSCC should be followed with respect to cycle parking and electric vehicle charging points should be provided in accordance with Building Regulations Part S.

Construction

A construction environmental management plan (CEMP) should be applied to control impacts such as noise, dust, waste, lighting and land contamination - this should be secured via a condition.

6.20 CDC Environmental Strategy Officer

Further comment received 8th May 2024

Following submission of the Biodiversity Enhancement Plan (April 2024), BEP 15548/P06 appended to the EclA 15548/R01 we are satisfied that the enhancements proposed go above and beyond the BNG is suitable and a condition should be used to ensure these are incorporated into the scheme.

Further comment received 15th November 2023

Bats

SAC bats

Following submission of the 'Shadow' Habitats Regulations Assessment: Appropriate Assessment (Nov 2023), EIA (Nov 2023) and Construction and Environment Management Plan and Precautionary Working Method Statement (Nov 2023) we are satisfied that the mitigation proposed would be suitable to complete the HRA and AA for this proposal.

Bats trees

Following confirmation that trees 44, 45, 46, 13, 36, and 40 are being retained and the protection for these trees with is provided within the Construction and Environment Management Plan and Precautionary Working Method Statement (Nov 2023) we are satisfied that this is suitable and a condition should be used to ensure this takes place. For trees 13, 36, and 40 as there is low potential for roosting SAC bats the mitigation proposed should be incorporated into the HRA and AA.

Dormice

Following the completion of the dormouse surveys and no dormice being recorded onsite, we have happy that no further work for this species is required.

Reptiles

Following submission of the Construction and Environment Management Plan and Precautionary Working Method Statement (Nov 2023) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Enhancements

Following submission of the BEP 15548/P06 appended to the EclA 15548/R01 we are satisfied that the enhancements proposed above and beyond the BNG is suitable and a condition should be used to ensure these are incorporated into the scheme.

Original comment received 9th October 2023

Bats

As detailed within the EIA (Aug 2023) the bat transit surveys are still being undertaken and will be completed in October 2023. Unfortunately, until these surveys have been completed we are unable to assess this further. However it has been noted that Barbastelles and possibly Bechstein bats have been recorded foraging and commuting across the site particularly along the northern and western boundary. Due to this and the location of the site within the buffer zone for Singleton and Cocking Tunnel SAC an extensive mitigation strategy will need to be put together for this species. This will need to include extensive buffer areas around all bat corridors and no lighting across the site. A HRA and Appropriate Assessment will need to be undertaken. We note that a shadow HRA report has been provided however without the completed survey data this will be making assumptions for some of the records.

As detailed within the EIA (August 2023) trees 13, 40, 44, 45, 46 and 36 have potential for roosting bats. Due to the presence of barbastelles onsite we require that emergence surveys are undertaken on these trees to determine if bats are roosting onsite. We note that these trees are being retained, however if any SAC qualifying species are roosting onsite the HRA and Appropriate assessment will need to address this further and currently there is not enough information for us to be able to do this.

Until the completed bat transit survey is undertaken we are unable to assess the lighting scheme for this site, though based on current information and as detailed above we require that there is no external lighting on the site.

Dormice

Unfortunately as detailed above and as stated within the EIA (Aug 2023) the dormice surveys were not complete at the time of writing. Unfortunately until these surveys have been completed we are unable to assess this further. If evidence of dormice is found onsite a full mitigation strategy will be required and must be submitted with this application. A license from Natural England may also be required.

Reptiles

We are concerned that though there are reptiles recorded within the local area and the site boundaries have suitable habitat for these species no further survey work has been recommended within the EIA (Aug 2023). Due to this a reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptiles are onsite. If reptiles are found a mitigation strategy will also need to be produced. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works. Both the reptile activity survey and the mitigation strategy (if required) will need to be submitted with this application prior to determination.

Badgers

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

Nesting Birds

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

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

BNG

We are pleased to see extensive enhancements have been included within section 4 of the EIA (Aug 2023). The biodiversity net gain matrix shows a 44.53% improvement in habitats and a 137.61% hedgerow improvement which meets the requirements of Biodiversity Net Gain and we are satisfied that this is suitable.

Enhancements

Along with BNG we require that a range of other enhancements are provided across the site and are included within a habitat enhancement plan for the site. We note that Outline Landscape and Ecological Management Plan (OLEMP) have been included however this looks at habitats only. We require that the following are also incorporated into this plan;

- Any trees removed should be replaced at a ratio of 2:1.
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.
- Bird box to be installed on the buildings / and or tree within the garden of the property.
- Grassland areas managed to benefit reptiles.
- Log piles onsite.
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site
- Hedgehog nesting boxes included on the site.

CEMP

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

Sustainable Design and Construction

Following submission of the Sustainability Design and Construction Report (Sept 2023) we are pleased to see the inclusion of PV and air source heat pumps onsite. Along with the installation of vehicle charging points onsite. We require that full details of the proposals made within the report are provided via condition prior to state on site.

6.21 CDC Housing Officer

Further comment received 10th May 2024

Further to the Schedule of Accommodation provided by the applicant, the Housing Delivery team can confirm that they are content with the space standards being delivered for both the affordable and open market homes.

Further comment received 3rd May 2024

Content with the changes made to the positioning of the affordable homes, which remain well pepper potted. We note that the floor plans provided do not give GIFA, we would require confirmation that all properties meet the minimum technical space standards.

Original comments received 13th October 2023

In responding to the application, we have used the latest housing register data available (October 2023) along with the updated (April 2022) HEDNA and Planning Policy Guidelines for First Homes.

The application is for 18 market dwellings and 8 affordable homes. On all residential developments where there is a net increase of 11 or more dwellings a 30% contribution to affordable housing is sought. For a development of 26 dwellings this equates to 7.8 units. The application provides for 8 units and is therefore policy compliant.

National planning policy requires a minimum of 25% of all affordable homes secured through developer contributions to be First Homes. Local authorities should then prioritise securing their policy requirements for rented properties once they have secured the First Homes requirement. Other tenure types should be secured in the relative proportions set out in planning policy and supporting evidence.

For Chichester the required proportions are as follows:

First Homes - 25%
Social Rent - 35%
Affordable Rent - 22%
Shared Ownership - 18%

The open market housing is broadly in line with the 2023 HEDNA, excepting for the absence of 1 bed properties, however we are cognisant that the proposal is providing 4 x 2 bed bungalows and 1 x 3 bed bungalow and overall provides a balanced mix of dwelling sizes.

The applicant has also considered pre-application advice which was sought on the local housing need and is providing maisonettes, instead of flats, negating the need for additional service charges.

The number of 1 bed dwellings is reflective of local need.

The applicant has not split out the rented affordable housing between social and affordable rent, we would recommend that the 4 x 1 bed units are provided as social rent and that the 3-bed unit is provided as affordable rent.

We are pleased to note the applicant's statement that the development will be tenure blind, and each affordable housing unit will have access to its own private, outdoor amenity space. The units are reasonably well pepper potted.

We understand that the site sits outside the settlement boundary but understand that development has since taken place to the Northeast of the site and that the proposed development abuts existing housing and is within walking distance of village facilities.

6.22 CDC Landscape Officer

Further comment received 14th May 2024

Following submission of the revised site layout and landscape related documents it is observed that several of the amendments that were previously requested have been made to the landscape strategy and site layout. Units that were previously proposed near the site entrance have been pushed back, providing the site with a greater green relief space and a more substantial visual buffer.

Previously cited issues concerning residual green spaces including pinch points and unmaintainable corners have now been resolved in many instances and appear to be more pragmatic to manage and maintain.

Issues concerning with the size and shape of rear gardens have been resolved and they appear to be more usable.

Other concerns vis a vis proximity of proposed trees to the Schedule Monument has also been revisited and looks acceptable, provided a management plan is put in place and followed. There is provision made for more usable green relief spaces that help with both visual mitigation and integration of the scheme within the immediate and wider surroundings.

Overall, it appears that there have been improvements from the viewpoints of both landscape strategy and design. Hence, it is considered that the scheme can be successful from a landscape and visual impact perspective.

Original comment received 18th December 2023

Summary of comments

It is considered that the proposal requires a reasonable degree of design improvement/consideration to integrate itself within the wider and immediate surroundings

and to be practical and successful. A landscape led approach is required from the outset and not as an afterthought, to balance and mitigate any harm caused to the visual amenity of the landscape.

6.23 CDC Contract Services

No objection, standard advice provided regarding provision of bins, site layout and bin collection points. Developer is advised to review the Council's Waste Storage and Collection Service Guide.

6.24 Third Party Representations

23 letters of objection have been received from local residents, concerning the following:

- a) Development is not in-keeping with surrounding area and will be harmful to the Conservation Area.
- b) Proposal is overbearing and results in overdevelopment which is not consistent with existing linear development.
- c) Will result in loss of privacy and overlooking with regard to amenity of existing properties.
- d) Impact on landscape character, views and setting of South Downs National Park and Devil's Ditch earth mound (SAM).
- e) Increase in comings and goings, leading to increase in noise and disturbance.
- f) Future occupiers will be dependent on using car and therefore traffic will increase.
- g) Very dangerous stretch of road as existing and the proposal will further impact on safety of road users (including pedestrians and cyclists).
- h) Increase in light pollution.
- i) Too much development (including speculative development) in and around Chichester already.
- j) Proposal will place further pressure on schools and health care services.
- k) Noise pollution from heat pumps
- l) Concern around sewage capacity leading to an increase in sewage problems.
- m) Increase in localised flooding.
- n) The scheme will negatively impact on the ecology and biodiversity of the site.
- o) Impact on quality of life during construction and for lifetime of development.
- p) Site is outside of Settlement Boundary and not sustainable.
- q) Loss of equestrian business which is used by locals.
- r) Houses will likely become second homes or used for Air B&B purposes.
- s) There are several previously refused schemes on the site and this proposal should not set a precedent for further speculative development.
- t) The site is largely greenfield and not Previously Developed Land.
- u) The site is not comparable with the chicken processing site.
- v) Lack of chimneys in the proposed design.
- w) The proposal is not in accordance with the Interim Position Statement.
- x) Loss of verge (used for parking for existing properties) due to requirement for visibility splays.
- y) Concerns regarding design approach.
- z) Loss of agricultural land and loss of views of ancient chestnut trees in a quiet unspoilt green field area.

1 general comment has been received on behalf of the Goodwood Estate, concerning the following:

If the development is demonstrably sustainable, can address all material considerations affecting the site positively, and will meet the spatial housing requirement of both District and Parish, there is little reason for the Estate to oppose the development. However, until further information is available to demonstrate long-term control, the Estate ask the planning authority to ensure that:

- all material concerns have been addressed positively for the longer term (i.e. that sufficient controls are in place through any planning permission to ensure this development is delivered, not any variation);
- any permission is sufficiently detailed or precise; and
- the benefits offered will be delivered locally and secured early.

The Estate request that before any determination is made, further evidence and commitment is secured from the applicant to ensure 'what we see presented now is what we get' when implemented. It is reasonable given the circumstances within which the proposal is justified, particularly in respect of meeting a housing supply deficit which is claimed to exist now, that a condition is applied to secure full implementation of the proposal within a reasonable time period that will meet that need, avoid developer land-banking, and remove uncertainty generated through the indeterminate selling-on of the land.

7.0 Planning Policy

- 7.1 The Development Plan for the area comprises the Chichester Local Plan 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans.
- 7.2 The Boxgrove Neighbourhood Plan was made on 22 June 2021 and forms part of the Development Plan against which applications must be considered.
- 7.3 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012-2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity

Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

Boxgrove Neighbourhood Plan 2017-2029

Policy SB1: Settlement boundary
Policy EH1: Protection of trees and hedgerows
Policy EH2: Renewable and low carbon energy
Policy EH4: Surface water management
Policy EH5: Development on agricultural land
Policy EH6: Development in conservation areas
Policy EH7: Dark skies
Policy EH8: Respecting landscape and historic environment
Policy EH9: South Downs National Park
Policy EH10: Utility infrastructure
Policy EE4: Communications and infrastructure
Policy H1: Quality of design
Policy H2: Housing mix
Policy H3: Windfall sites
Policy H4: Outdoor space
Policy GA1: Footpath and cycle path network
Policy GA2: Parking in new development
Policy GA3: Access to new development
Policy GA4: Promoting sustainable movement

National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF, December 2023) and related policy guidance in the NPPG.
- 7.5 Paragraph 11 of the current Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.6 The following sections of the revised NPPF are relevant to this application: 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.7 The following documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD (July 2016)

- Surface Water and Foul Drainage SPD (September 2016)
- Chichester Landscape Capacity Study (March 2019): Strettington and Halnaker Coastal Plain (Sub-area 72)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Interim Position Statement for Housing Development (November 2020)
- National Character Areas (2014): South Coast Plain Character Area (Area 126) / South Downs (Area 125)
- West Sussex Landscape Character Assessment (2003): Ashlings, Halnaker and Fontwell Upper Coastal Plain (Area SC7)
- WSCC Transport Plan (2011-2026)
- Draft A27 Chichester Bypass Mitigation SPD (May 2024)

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

7.8 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3 February to 17 March 2023, and the Submission Local Plan was submitted to the Secretary of State for independent examination in May 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2025. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy in the NPPF.

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

S1: Spatial Development Strategy

S2: Settlement Hierarchy

NE2: Natural Landscape

NE3: Landscape Gaps Between Settlements

NE5: Biodiversity and Biodiversity Net Gain

NE6: Chichester's Internationally and Nationally Designated Habitats

NE8: Trees, Hedgerows and Woodlands

NE10: Development in the Countryside

NE15: Flood Risk and Water Management

NE16: Water Management and Water Quality

NE18: Source Protection Zones Policy

NE20: Pollution

NE21: Lighting

NE22: Air Quality

NE23: Noise

NE24: Contaminated Land

H1: Meeting Housing Needs

H3: Non-Strategic Parish Housing Requirements 2021-2039

H4: Affordable Housing

H5: Housing Mix
H10: Accessible and Adaptable Homes
P1: Design Principles
P2: Local Character and Distinctiveness
P3: Density
P4: Layout and Access
P5: Spaces and Landscaping
P6: Amenity
P8: Materials and Detailing
P9: The Historic Environment
P11: Conservation Areas
P14: Green Infrastructure
P15: Open Space, Sport and Recreation
P16: Health and Well-Being
T1: Transport Infrastructure
T2: Transport and Development
T3: Active Travel - Walking and Cycling Provision
T4: Parking Provisions
I1: Infrastructure Provision

7.10 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 the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. The Principle of Development
- ii. Access, Highways Safety and Parking
- iii. Layout, Density, Scale, Appearance, Landscaping and Impact on Visual Amenity and Setting of Conservation Area, South Downs National Park and Heritage Assets
- iv. Residential Amenity
- v. Surface Water Drainage and Foul Disposal
- vi. Ecology and Biodiversity
- vii. Sustainable Construction and Design
- viii. Other Matters

i. The Principle of Development

8.2 The application site is located outside of the settlement boundary defined by the Local Plan and Neighbourhood Plan and is, accordingly not a location where the Local Plan Development Strategy, set out at Policy 2 of the Chichester Local Plan

(CLP), or the Neighbourhood Plan would seek to direct development. The site is also not considered to be an exception site, as defined by Policy 35 of the CLP, as it does not meet all the policy criteria including proposing to 'provide 100% affordable housing'.

- 8.3 Following the issue of a revised NPPF, Council's like Chichester that have an emerging Local Plan which has completed its 'Regulation 19' formal consultation stage and has now been submitted for examination, need only identify a four-year supply of housing sites for the 5-year period. The Council has recently re-issued its Updated Position Statement on its Five Year Housing Land Supply (5YHLS) (as of 1st April 2023). The current assessment for the Chichester Local Plan area demonstrates a four-year housing land supply of 4.19 years. However, the important caveat to the new policy in NPPF paragraph 226 is that the new arrangements on housing supply is only a temporary arrangement which will apply for just a 2-year period from the date of publication of the NPPF. By the 12 June 2024 Planning Committee, the Council will, therefore, already be 6.5 months into that temporary 2-year period which ends on 20th December 2025. Under the new NPPF, the relevant housing policies in the CLP (policies 2, 5 and 45) which were previously considered out-of-date when measured against a requirement to demonstrate a 5YHLS, are no longer out-of-date when measured against the requirement for a 4YHLS which the Council is able to demonstrate. By virtue of housing policies which are temporarily not out-of-date and a 4YHLS, officers maintain that the 'tilted balance' to decision making is not engaged, and the Council is able to determine the application on the basis of a flat balance.
- 8.4 Although the Council's housing land supply position is greater than 4 years, this is not by a significant margin, and it is therefore important that the Council grants permission for appropriate developments to ensure that the housing supply remains positive to meet the identified needs of the District and enable the Council to control the location of development by defending against inappropriate development proposals. In addition, it is important that housing supply remains buoyant to ensure the Council is able to maintain the provision of a 5YHLS upon adoption of the emerging local plan.
- 8.5 In the absence of a 5YHLS the Interim Position Statement (IPS) was introduced. Whilst the Council is currently only required to demonstrate a 4YHLS, the document remains a useful tool to consider the merits of a proposal and to ensure that where housing is needed to maintain a housing land supply it is guided to appropriate and sustainable locations. The development can be assessed against the (abridged) criteria-based approach of the IPS as follows:

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

The site lies approximately 0.72km to the north-west of the Boxgrove Settlement Boundary. The site boundary is therefore not in whole or in part contiguous with an identified Settlement Boundary. However, it is acknowledged that the site sits between existing residential development, resulting in a relatively well-contained plot. As such the development would not encroach further into the countryside. It is also duly noted that the site is currently used for livery stables, with existing buildings comprising of; stables, a

flood lit arena (manege), horse walker, storage barn for animal food and machinery, waste collection area, staff welfare facilities and vehicular parking for cars and horse boxes and pony paddocks. The site, therefore, also comprises partially (approximately 17%) of some Previously Developed Land (PDL).

With regard to the above, whilst the location of the site does not meet the requirements of Criterion 1 of the IPS; given, the site is enclosed by existing development on either side, it is not considered that the proposal would result in urbanisation of the countryside and therefore it is not possible to identify harm in respect of its location which could be substantiated at appeal. The proposal therefore generally complies with the objectives of Criterion 1, to locate development in a sustainable location close to existing development.

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

Boxgrove is defined as a Service Village in the CLP (Policy 2). In this context the proposed scale of this development of 26 dwellings in Halnaker, with walking links to Boxgrove village is considered appropriate in terms of access to local amenities. Criterion 2 is therefore met.

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

The application site is not recognised as an important gap within the Council's 2019 Landscape Gap Assessment. Given the location of the site, in-between existing residential development along Stane Street, the proposal would not result in the actual or perceived coalescence of settlements. Criterion 3 is therefore met.

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

Based on the total site area the overall density of housing equates to approx. 15dph. The density of housing on the net developed land area (i.e., not including the open space, SuDS, landscaping and landscape buffer) is approximately 30dph. This is considered to strike an appropriate balance between respecting the landscape setting/character and the SAM, ensuring housing is provided to meet the needs of the District and a quantum of development appropriate within the context of the site's location. Criterion 4 is therefore met.

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

It is considered the proposal would comply with the above criterion, given the site's location between existing residential development and significant proposed landscape buffer to the north and west of the proposed dwellings. Furthermore, the South Downs National Park Authority (SDNPA) raise no objection to the proposal. Criterion 5 is met.

See Section iii. Layout, Density, Scale, Appearance, Landscaping and Impact on Visual Amenity and Setting of Conservation Area, South Downs National Park and Heritage Assets for detailed assessment.

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

Not applicable.

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

It is considered the proposal would meet the above criterion. As set out in the foul drainage statement, the applicant proposes to connect to the existing mains sewage network in Stane Street, which drains to Tangmere Wastewater Treatment Works (WwTWs) to serve the proposed development. The estimated remaining dry weather flow headroom within the Q80 as of 1st January 2024 detailed an estimated remaining dwelling capacity (based on 500lphpd) of 3197 at Tangmere WwTW, as such it is considered there is sufficient capacity to accommodate the 26 dwellings proposed. Wastewater disposal would be through the statutory undertaker, affordable housing and open space would be secured through the Section 106 Legal Agreement and/or by planning conditions. Criterion 7 is met.

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to: - Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use; - Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling; - Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and - Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.

The applicant has submitted a Sustainable Design and Construction report (Desco, December 2023), which proposes a combination of fabric first and renewable technologies to reduce energy demand and deliver carbon savings through thermally efficient, well

designed and suitably orientated buildings. See Section vii. Sustainable Construction and Design for detailed assessment. Criterion 8 is met.

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

The layout and detailed design of the proposal has been amended in response to the comments from the Council's Design and Conservation Officer. See Section iii. Layout, Density, Scale, Appearance, Landscaping and Impact on Visual Amenity and Setting of Conservation Area, South Downs National Park and Heritage Assets for detailed assessment. Criterion 9 is met.

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

Halnaker village forms one of four villages located within Boxgrove Parish. Halnaker is a dispersed, linear village with the majority of buildings comprising of dwellings fronting onto Stane Street. Boxgrove is designated as a 'Service Village' in the CLP, with a reasonable range of everyday facilities and reasonable road and public transport links. Boxgrove village benefits from a primary school and pre-school, a village shop/café, a village hall, and recreation ground. Halnaker itself benefits from a Public House.

To the south of the A27 is located Tangmere (at distance of around 2.5km) within which is located a further primary school, a medical centre, a convenience food store (Co-Op) and a petrol station with an integrated shop (Spar), together with further community facilities, including sports pitches. The services and facilities at Boxgrove and Halnaker are accessible by footpaths and/or Public Rights of Way (PRoW). With regard to transport connections, regular bus services (via stops on Stane Street Less than 500m from the site entrance) exist linking the site to the services and facilities in Chichester City Centre, with approximately 3 buses per hour during peak periods and an 18-minute average journey time. The bus service is a regular/7 day a week service. WSCC Highways raise no objection to the proposal, subject to recommended conditions. Criterion 10 is met.

11) Development is to be located in areas at lowest risk of flooding first and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency. Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.

This criterion is satisfied (see Section v. Surface Water Drainage and Foul Disposal for detailed assessment). The site is in Flood Zone 1 (low risk) and is located outside of fluvial risk and surface water flood risk zones. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development. Criterion 11 is therefore met.

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

Not applicable.

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

The application is submitted in full and is partly PDL and partly a greenfield site. There are no known impediments to the delivery of the development. As such, subject to a condition requiring development to commence within 30 months, to allow for further ground water monitoring and infiltration testing, this criterion is satisfied.

Sub-Conclusion

- 8.6 The proposed development is considered to score well when assessed against the relevant criteria in the IPS. The IPS provides an appropriate development management tool for assessing housing applications and in this context and for the reasons outlined above and in the subsequent assessment the 'principle' of housing development on this site is therefore considered acceptable.

The weight to be given to Paragraph 14 of the NPPF and advice in the Written Ministerial Statement in the decision-making process

- 8.6a This item was withdrawn from the 12 June 2024 Planning Committee meeting agenda to allow officers to seek clarification on the weight to be given to Paragraph 14 of the NPPF and advice in the Written Ministerial Statement - The next stage in Our Long Term Plan for Housing update (19 December 2023) (WMS) in the decision-making process. Following the withdrawal of the item, the Council's Principal Solicitor instructed Counsel to provide an opinion on this issue.

Paragraph 14 of the NPPF

- 8.6b Paragraph 14 of the NPPF states "In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).”

8.6c Paragraph 11 states “Plans and decisions should apply a presumption in favour of sustainable development. ...

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-date⁸, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; 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.”

8.6d Counsel’s opinion is that paragraph 14 of the NPPF states explicitly at the beginning that it only applies where paragraph 11(d) of the NPPF applies. Paragraph 11(d) of the NPPF only applies “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date”. Footnote 8 to paragraph 11(d) states that policies most relevant to housing applications will be “out-of-date” if a local planning authority does not have a 5-year supply “or a four year supply, if applicable, as set out in paragraph 226”.

8.6e Counsel’s opinion goes on to state that the Committee Report on this application proceeded correctly on the basis that paragraph 11(d) does not apply in this case because the Council only has to demonstrate a 4-year supply currently given the status of its emerging Local Plan. The Council can show that it has at least a 4-year supply (4.149 years as set out in paragraph 8.81 in the Committee Report). As a matter of objective policy interpretation, paragraph 14 is simply not engaged in this case because “the presumption (at paragraph 11d)”, as referenced in the first sentence of paragraph 14, does not apply.

Paragraphs 14(a) and 14(b) of the NPPF

8.6f Notwithstanding the above, the Counsel’s opinion also considered (for the purposes of argument) whether the tests in paragraphs 14(a) and 14(b) would be met with regard to this application.

8.6g Boxgrove Parish has a Neighbourhood Plan (NP), which was made on 22 June 2021. In terms of paragraph 14 of the NPPF, the Boxgrove NP complies with paragraph 14(a) of the NPPF as it is less than 5 years old.

8.6h Paragraph 14(b) requires that the neighbourhood plan in question “contains policies and allocations to meet its identified housing requirement”. The

indicative housing number for Boxgrove Parish, as set out in Policy 5 (Parish Housing Sites) of the Chichester Local Plan: Key Policies 2014- 2029, is 25 dwellings. There is only a single policy/allocation in the Boxgrove Neighbourhood Plan that makes provision for housing, that is Policy H5 - Land at The Old Granary, Boxgrove. Policy H5 in the NP doesn't specifically identify the number of houses to be constructed on the site, but a realistic level of delivery on that site would be circa 4 - 6 houses. Policy H5 is clearly not capable of delivering as many as 25 dwellings. In summary, in terms of paragraph 14(b), the Boxgrove NP includes one allocated housing site which goes some way to meet its identified housing requirement but doesn't meet the full requirement.

- 8.6i The Counsel's opinion states that 'if the indicative housing number for Boxgrove Parish had already been met by planning permissions already granted when the independent examiner reported on the draft neighbourhood plan, such that it was not necessary to make provision for 25 dwellings in the neighbourhood plan, it must follow necessarily that the neighbourhood plan does not meet the test in paragraph 14(b)'.
- 8.6j Planning Application 18/00696/FUL relates to Land West of Abbots Close, Priors Acre, Boxgrove for 22 units. This proposal was granted planning permission in September 2018, construction started on site in 2018 and the dwellings were completed in 2019/20. This permission forms part of the indicative housing number (25 dwellings) for Boxgrove Parish required under Policy 5 of the Chichester Local Plan: Key Policies 2014- 2029. No provision, however, was made for the site in the Boxgrove NP as the site had already been constructed and therefore the housing numbers it delivered had already been met without the need to allocate it in the NP. Therefore the Land West of Abbots Close site is not a site that is relevant to the test in paragraph 14(b). Counsel's opinion states that 'as a matter of objective policy interpretation, the test in paragraph 14(b) can only be met by "policies and allocations" contained in a neighbourhood plan'.
- 8.6k Counsel's opinion goes on to state that 'this approach to paragraph 14(b) makes sense in practice because if a neighbourhood plan does not contain (for whatever reason) the "policies and allocations" required to meet the housing requirement for that plan, there are no (or not enough) "policies and allocations" in the neighbourhood plan to warrant the protection of paragraph 14 for the 5-year period. The fact that the housing requirement might have been met in another way does not change this. The purpose of paragraph 14 is to give a 5-year period of protection to a neighbourhood plan on the ground that it contains "policies and allocations" that meet the neighbourhood housing requirement; if it does not do so, the rationale for this protection falls away as there are no (or not enough) "policies and allocations" in the plan to protect.

Written Ministerial Statement - The Next Stage in Our Long Term Plan for Housing Update (19 December 2023)

- 8.6l Under the title Neighbourhood Plans the WMS states 'the poor performance of local planning authorities will lead to consequences. But local communities that have worked hard to put neighbourhood plans in place should not be

penalised for the failure of their council to ensure an up-to-date local plan. The new NPPF therefore protects neighbourhood plans from speculative development from two to five years, where those plans allocate at least one housing site.’

8.6m The Written Ministerial Statement made on 19 December 2023 (“the WMS”) to say something different to paragraph 14(b) of the NPPF when it states: “The new NPPF therefore protects neighbourhood plans from speculative development from two to five years, where those plans allocate at least one housing site”. The Counsel’s opinion states ‘it seems to me that the clumsy first clause of this sentence was an attempt to explain that the latest version of the NPPF has increased the period of protection for neighbourhood plans from two years (which was the duration of the period in paragraph 14 of the previous version of the NPPF) to five years. As for the second clause of the sentence (“where those plans allocate at least one housing site”), this is also expressed clumsily when the stated intention is to describe the policy in “The new NPPF...” (see the beginning of the sentence). There is no suggestion in this sentence of the WMS that it is intending to set out policy that is different from or additional to that in the NPPF; to the contrary, the sentence is no more than an attempt to summarize the relevant policy in the NPPF, specifically the new paragraph 14. The attempt is inaccurate given that the test in paragraph 14(b) will clearly not be met simply if a plan contains a single housing allocation; paragraph 14(b) also requires that allocation (or allocations) to meet the housing requirement of the neighbourhood plan. I am entirely satisfied that it is the original wording of paragraph 14(b) of the NPPF that prevails here, and that it would be an error to apply the inaccurate summary of paragraph 14(b) in the WMS when the WMS states explicitly that it is only seeking to describe NPPF policy in this section, and not setting out additional policy of its own’.

Sub conclusion

8.6n Counsel’s opinion concludes ‘I am satisfied that officers were correct not to apply paragraph 14 of the NPPF in their Committee Report. They would have erred had they done so given that “the presumption (at paragraph 11d)” did not apply. In any event, even if officers had engaged (erroneously) with paragraph 14 of the NPPF in this case, it would not have applied as the test in paragraph 14(b) was not met. Nothing said in the WMS changes this analysis’.

ii. Access, Highways Safety and Parking

8.7 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation.

8.8 Access to the site is proposed via the existing access that currently serves the existing stables. The existing crossover will be upgraded to form a priority junction of 5.5m in width at the access and along the access road, to allow two cars to pass, and will achieve suitable visibility splays (2.4m x 65.6m northeast and 2.4 x 82.1m southwest) commensurate with the 30mph speed limit in force at this location. Kerbed

radii are provided at 6m at the access, which would allow all vehicles (including larger refuse and fire vehicles) to manoeuvre the access, turn on site and exit in a forward gear.

- 8.9 The vehicle trips generated by the proposal would be acceptable in terms of highways safety and traffic levels and have not been found to result in a residual cumulative impact on the road network. WSCC as the Local Highways Agency raise no concern from a capacity perspective.
- 8.10 To accommodate the needs of pedestrians the access arrangement would include the provision of a 2m footway on the southern side of the access road and would link with the existing footway on Stane Street. A dropped kerb tactile paved crossing is also shown to facilitate movement for pedestrians across the newly formed junction.
- 8.11 A Travel Information Pack has been provided which outlines some basic measures that will be included in the travel information packs for residents. WSCC Highways recommend this is to be secured via planning condition.
- 8.12 In terms of parking, a total of 57 car parking spaces (comprising 48 allocated spaces and 9 unallocated/visitor spaces) are shown provided across the site, including garages, car ports, on-plot, lay-by and a small parking court. The proposal also includes an additional 3 car parking spaces to serve the existing residential properties (who currently have no curtilage parking) located to the south of the site (Adelaide Cottages). Under Building Regulations Part S (2021), all new build homes must have electric vehicle charging facilities for each associated parking space that is equal to the total number of dwellings. The submitted Sustainable Design and Construction report states that the development will comply with Buildings Regulations with regard to the provision of Electric Vehicle Charging (EVC). A condition is recommended to secure details of the EVC provision.
- 8.13 Therefore, in relation to highways safety and access, a number of conditions (relating to access, visibility, vehicle parking and turning, CEMP, vehicle and cycle parking, EV charging and the submitted Travel Information Pack) are recommended.
- 8.14 With regard to the Strategic Highway Network, National Highways have confirmed that they consider the proposal would not have an unacceptable impact upon the safety, reliability and operational efficiency of the Strategic Road Network (SRN) within the vicinity of the site. However, there would be, alongside other committed developments, a cumulative impact upon one or more junctions of the A27 Chichester bypass and, as such, a proportionate financial contribution should be made towards the highway works on the A27 (in line with the Draft A27 Chichester Bypass Mitigation SPD (May 2024) which the applicants have agreed.
- 8.15 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the proposed junction into and out of the site, the proposed access would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (paragraph 115), the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The application is therefore considered to be in accordance with Policies

9 and 39 of the Chichester Local Plan and Policies GA1, GA2, GA3 and GA4 of the Boxgrove Neighbourhood Plan.

iii. Layout, Density, Scale, Appearance, Landscaping and Impact on Visual Amenity and Setting of Conservation Area, South Downs National Park and Heritage Assets

Layout, Density, Scale, Appearance and Landscaping

- 8.16 The NPPF places emphasis on achieving sustainable development, for which good design is a fundamental element. One of the Core Planning Principles set out in the NPPF is to: *'support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.'*
- 8.17 Paragraph 131 of the NPPF further emphasises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 135 sets out that developments should ensure that they function well and add to the overall quality of an area; developments are visually attractive; developments are sympathetic to local character and history; developments should establish or maintain a strong sense of place and should optimise the potential of a site to accommodate and sustain an appropriate mix of development.
- 8.18 Policy 33 of the CLP also required new development to meet the highest standards of design and to be in keeping with the character of the surrounding area and its setting in the landscape. In addition, Policy 33 of the CLP states that development should respect and where possible enhance the character of the surrounding area and site, in terms of proportion, form, massing and siting, layout, density, height, size, scale, neighbouring amenity and detailed design.
- 8.19 Policies 45, 47, 48, 49, 52 and 54 of the CLP support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of conservation areas, heritage assets and the SDNP. The acceptability of the layout, density, scale and appearance of the buildings and landscaping is set out below.
- 8.20 As set out above at paragraph 3.13, during the course of the application amended plans and documents were received which sought to respond to comments in relation to design, landscaping and highways. The key changes included: revisions to some of the proposed building typologies across the development; changes to the layout and typologies that form the frontages to the development on Stane Street; and, rationalising areas of proposed soft landscaping, whilst integrating SuDS features throughout. Following amendments, the Council's Design and Conservation Officer and Landscape Officer raise no objection to the proposal, subject to recommended conditions.
- 8.21 The proposed mix of dwellings includes 4 no.1 bed flats provided in a detached dwelling (Plots 1 & 2 and 10 & 11 - divided horizontally), 3no. 2 and 3-bed detached bungalows and 19 no. 2, 3 and 4-bed dwellings comprising detached, semi-detached and short terrace houses. The layout comprises a simple cul-de-sac, with the 26 new dwellings

grouped into three distinct character areas, including a farmstead/cluster arrangement to the western side of the site.

- 8.22 A mix of two-storey and single-storey (bungalows) dwellings are proposed, with the dwellings set towards southern part of the site and the open space and landscape buffer (including trees, footpaths and boundary hedgerow), set to the northern and western parts of the site, comprising approximately 47% (0.83ha) of the total site area. The proposed layout incorporates a buffer area of proposed wildflower meadow to the north, adjacent to the boundary of the South Downs National Park (SDNP), whilst also providing a buffer to the Scheduled Ancient Monument (SAM, the Devils Ditch).
- 8.23 The proposal indicates the provision of 18 (70%) open market dwellings and 8 (30%) affordable dwellings. Based on the total site area the overall density of housing equates to approx. 15dph. The density of housing on the net developed land area (i.e., not including the open space, SuDS, landscaping and landscape buffer) is approximately 30dph. This is considered to strike an appropriate balance between respecting the landscape setting / character and the SAM, whilst ensuring housing is provided to meet the needs of the District. The Council's Housing Delivery Officer is content with the mix for the open market and affordable housing and the submitted Schedule of Accommodation confirms that the proposed dwellings meet the required space standards. Furthermore, the affordable provision is well pepper potted throughout the site. Consequently, the Council's Housing Delivery Officer raises no objection to the proposal.
- 8.24 The maximum height of the proposed dwellings is 2-storey. The proposed dwellings are designed to reflect nearby architectural styles. The design vernacular of the scheme is traditional in character, comprising, hipped, pitched, cat-slide and gabled roofs in a mix of red and grey, over red/brown brick and knapped flint elevations, with the use of weatherboarding. Projecting bay windows, chimneys, porches, eaves height dormer windows and brick detailing/coining are also part of the design package. Final details of facing elevations (including flint sample panels), window details, roof materials, verge details and boundary treatments are recommended to be secured by planning condition. Furthermore, given the site's location (within the setting of the Halnaker Conservation Area and the South Downs National Park), it is also considered appropriate to remove Permitted Developments rights with regard to additions and/or alterations to roofs (Class B).
- 8.25 The overall height of the proposed dwellings reflects the residential nature of the site. The variety of house types across the development provides an appropriate mix and also provides visual interest and variety to the scheme. There is also good garden depths across the site.
- 8.26 With regard to the original elevations, the Council's Conservation and Design Officer raised concerns with regard to a number of issues (see comment above). Through the course of the application amended plans have been received to address these issues. The amended elevations have successfully addressed officer concerns, adding interest to the visible elevations and better reflecting the existing character.
- 8.27 An Outline Landscape and Ecological Management Plan (OLEMP) has been submitted, which has been informed by the site layout, the landscape assessment (LVIA) and the Biodiversity Net Gain (BNG) requirements. The OLEMP will inform a more detailed Landscape and Ecological Management Plan (LEMP) which will need to be based on final

detailed proposed development and the results of the final protected species surveys and is recommended to be secured post-permission by condition. A Conservation Management Plan (CMP) has been prepared for the SAM along the northern boundary of the site. Existing mature boundary trees and hedging to the boundaries are to be retained and reinforced where necessary. New planting is proposed to the street frontages, rear gardens, and areas of open space. The proposed BNG area plan details the provision of 0.39ha neutral grassland, largely to the northern boundary and entrance of the site, 0.05ha of mixed shrub planting to the western boundary and 0.40ha of modified grassland areas surrounding the residential area, together with 0.31ha of vegetated private garden area. This is to be secured by recommended condition.

8.28 Overall, it is considered that the approach that has been taken to the layout and detailed design of the development is appropriate to the site's context and consistent with the objectives of the relevant Development Plan Policies, including the aims and objectives of the NPPF, Policy 33 of the Chichester Local Plan and Policies H1, H2 and H4 of the Boxgrove Neighbourhood Plan.

Impact on Visual Amenity and Setting of Conservation Area, South Downs National Park and Heritage Assets

8.29 The site sits just outside of the boundary of the Halnaker Conservation Area and is boarded along three sides by the Conservation Area boundary. There are also a number of listed buildings locally, with the closest being 46 & 47 Petworth Road (grade II), however, given the enclosed nature of the site and the separation distance, it is not considered the proposals would detrimentally impact the setting of any listed buildings.

8.30 Paragraph 182 states that development within the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

8.31 The application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape warranting protection (NPPF paragraph 180). The CDC Landscape Capacity Study (March 2019) found the site to have a 'medium/low' capacity to accommodate development. The report concludes that '*Sub-area 72 has a medium capacity, constrained by its historic landscape and its role as part of the setting of SDNP. There are views from roads, public footpaths, settlements, conservation areas and views into and out of the SDNP to the north including long views to the South Downs. The area has a clear sense of history as manifest in the Devil's Ditch, the nearby Boxgrove Priory, the listed buildings and the conservation areas. It is possible that a small amount of development may be accommodated within or around existing settlements or clusters of built form provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape although great care would need to be taken to avoid any landscape or visual harm. Particular care would be needed to protect the existing heritage assets, the historic settlement pattern and local distinctiveness and to maintain the separate identities of the individual settlements and to avoid coalescence.*'

8.32 The submitted Landscape and Visual Impact Assessment (LVIA), in acknowledging the sensitivity of the site, sees the scheme adopt a number of inherent design

measures to ensure a sensitive scheme, which limits its impacts on immediate and surrounding areas.

- 8.33 As noted above, amended plans have been received to address the comments received from the Council's Landscape Officer. These included: providing space for substantial new landscape planting throughout the development; space for new trees throughout; and use of materials that reflect the local distinctiveness such as flint and brick.
- 8.34 The original LVIA (submitted prior to receiving amended plans) identified one significant effect on landscape character and one significant effect on public views. The submitted LVIA addendum, details that the proposals continue to seek to protect and conserve the majority of the mature trees and hedgerows around the edges of the site. The layout continues to include a buffer area in relation to the Devil's Ditch SAM to the north. In addition, the layout shows a buffer area close to the existing trees to the southern boundary and the layout now includes a set-back and buffer to the west to protect and conserve the existing woodland and veteran trees within the neighbouring land. It is considered the applicant has acknowledged the constraints of the site, by proposing a landscape led approach to the layout of the development.
- 8.35 As summarised in the updated Ecological Impact Assessment, based on habitats present on site that will be lost and those that would be created, the revised development would result in a biodiversity net gain of 1.82 habitat units, and a biodiversity net gain of 0.77 hedgerow units. This is a percentage gain of 50.42% in habitat units and 137.61% in hedgerow units. Overall, the amendments do not significantly change the previously identified effects on landscape character or on views towards the site. However, the new layout and the proposed typologies of housing have been changes, so as to help reduce the potential effect on the character of Stane Street and the edge of settlement. This, in turn, also assists in reducing the potential visual effects for those receptors using Stane Street and the nearby PRoW.
- 8.36 The boundary of the SDNP runs along the northern edge of the site, at this point it is following the course of the Devils Ditch SAM. The setting of the SDNP is acknowledged in the submitted LVIA, which also includes an illustration of a view from Halnaker Hill, which is the most sensitive visual receptor for views toward the site from within the SDNP. In terms of direct impacts upon the SDNP, the SDNPA do not have an in-principle objection to the proposals, subject to the Council's Ecologist being satisfied with any additional information requested with regard to protected species.
- 8.37 The SDNPA recommend consideration of the following: controls on lighting both during and after construction in order to respect the adjacent South Downs International Dark Skies Reserve and to protect nocturnal species; full LEMP to be agreed, to include retention and continued protection of trees and landscape buffer to the north of the site to respect the setting of the SDNP; inclusion of interpretation with regard to the Devil's Ditch SAM; and, use of suitably high quality materials to reflect the site's setting on the edge of a conservation area on the approaches to the SDNP. These conditions have all been recommended.

8.38 All new development will of course involve a change to the character and appearance of that land, but that change in or by itself is not sufficient on its own to warrant refusal. As such and with regard to the above, it is considered the proposal would conserve the landscape character of the surrounding area, including the setting of the Halnaker Conservation Area and the SDNP, in accordance with Chichester Local Plan Policies 45, 47, 48, 49, 52 and 54 and Policies EH1, EH6, EH7, EH8, EH9 of the Boxgrove Neighbourhood Plan.

iv. Residential Amenity

8.39 The NPPF states at paragraph 135 that planning should ensure a good quality of amenity for existing and future uses of places. In addition, Policy 33 of the CLP requires that new development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.

8.40 A consequence of developing out a site is that it will potentially have some bearing on the established amenities of existing adjacent residential properties. However, loss of or change of 'outlook' is not necessarily a reason for refusing new development. Given the distance to the nearest existing neighbours, it is not considered the proposed development would result in any issues of overlooking, loss of light or overshadowing. It is noted that Plots 1 & 2 (on the site frontage adjacent to Adelaide Cottages) would have obscure glazing to the first-floor side (west) window (serving a bathroom), as well as to the ground and first floor window to the western side of the principal elevation (serving the living room and landing), in order to mitigate overlooking to amenity areas. Plots 23-26 are set approximately 14m (at the closest point) from the existing residential property 'Stanefield' to the east, and consequently not close enough to cause any harm. Conditions are recommended to secure appropriate boundary treatments buffered through landscaping and as such the above issue is not considered to weigh adversely against the proposal in terms of the final planning balance. A condition is also recommended to secure a Construction and Environmental Management Plan (CEMP) to protect residential amenity and permitted development rights for Classes B and C have been removed from all dwellings, and additionally permitted development rights for Class A (extensions and alterations) have been removed for plot 3 .

8.41 In terms of the new dwellings on the site itself, it is considered the layout is successful in that it respects the required separation distances between dwellings, so as to avoid direct overlooking and to ensure a satisfactory level of residential amenity.

v. Surface Water Drainage and Foul Disposal

Surface Water Drainage

8.42 The site is in Flood Zone 1 (low risk), located outside of fluvial risk and surface water flood risk zones and is where the NPPF seeks to sequentially direct new development in this regard.

8.43 Preliminary infiltration testing on site has confirmed that infiltration drainage systems will be viable for use as part of the proposed drainage strategy. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface

water from the development. The applicant's design team have reviewed through the site layout to ascertain where multifunctional SuDS features can be accommodated as well as addressing the positioning of trees near to soakaways.

- 8.44 As part of this process, areas of hardstanding have been reduced and areas of soft landscaping have been increased to facilitate SuDS features. At the same time, this process has also addressed a number of comments received from the Council's Landscape Officer.
- 8.45 The site part contains and borders the Devil's Ditch SAM, as such man-made earthworks such as attenuation ponds and ditches were avoided across the site in preference to soakaways which are discrete, and sit below ground and therefore do not detract from the Devil's Ditch SAM.
- 8.46 Rain garden features have been carefully chosen to be integrated within the landscaping proposals and scattered throughout the site in areas not to detract from the SAM, this is primarily within the development area or near to clusters of proposed planting. The chosen areas also work with the existing site contours. The detail of the rain gardens will be further developed in accordance with the landscape detailed design as secured by planning condition. A mixture of rain gardens have been provided for both ecological benefit and also for amenity.
- 8.47 Therefore WSCC Lead Local Flood Authority (LLFA) raise no objection to the proposed use, scale or location based on flood risk grounds, subject to subject to satisfactory surface water drainage (including the need for further groundwater monitoring and infiltration testing) and the recommended conditions.
- 8.48 It is therefore considered that, subject to planning conditions, the application has demonstrated that it will not increase flood risk elsewhere, has taken the opportunity to reduce flood risk overall and is located in a sequentially appropriate place for new development. It is therefore considered in accordance with Policy 42 of the Chichester Local Plan and Policy EH4 of the Boxgrove Neighbourhood Plan.

Foul Disposal

- 8.49 As set out in the foul drainage statement, the applicant proposes to connect to the existing mains sewage network in Stane Street, which drains to Tangmere WwTWs to serve the proposed development. The estimated remaining dry weather flow headroom within the Q80 as of 1st January 2024 detailed an estimated remaining dwelling capacity (based on 500lphpd) of 3197 at Tangmere WwTW, as such it is considered there is sufficient capacity to accommodate the 26 dwellings proposed.
- 8.50 Southern Water as the statutory undertaker has not raised any objections to the proposal, stating that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water.
- 8.51 Local concerns regarding drainage and sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is

the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. On the basis of the consultation response received from Southern Water no formal objection to the application is raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis.

vi. Ecology and Biodiversity

- 8.52 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated. Whilst the application site is subject to no particular ecological designations, the site does lie within the 12km buffer zone for the Singleton and Cocking Tunnels SAC.
- 8.53 The applicant's Ecological Impact Assessment (April 2024) details a number of measures to improve the biodiversity of the site. During the course of the application the applicant has also submitted a Shadow Habitats Regulations Assessment: Appropriate Assessment (November 2023) and an Outline Landscape and Ecological Management Plan (April 2024). A Construction and Environment Management Plan and Precautionary Working Method Statement (November 2023), BNG Metric, BNG Enhancement Plan, BNG Calcs Area, Lighting Impact Assessment and Light Spill Analysis (August 2023) have also been submitted in support of the application.
- 8.54 Whilst the application was submitted ahead of the legislative requirements for 10% Biodiversity Net Gain (BNG), the application has included a BNG Metric together with a BNG calcs area and enhancement plan, setting out how the proposals would provide a gain of 1.82 habitat units, and a gain of 0.77 hedgerow units. This is a percentage gain of 50.42% in habitat units and 137.61% in hedgerow units, which would meet and exceed the requirements of BNG. An OLEMP has also been produced to ensure the long-term management of the proposed habitat creation.
- 8.55 In terms of lighting, the submitted Lighting Impact Assessment (Design for Lighting Ltd, August 2023), sets out that the lighting strategy for the development. Due to the location of the development site, the residential roads will be lit with Dark Skies approved bollards, this forms a system of illumination for wayfinding purposes and fits in with other lighting units within the area. To ensure that the lighting levels meet with the Dark Skies Policies and with ecological sensitivities, it has been decided to provide bollard lighting for safety and wayfinding purposes only. Light spill onto boundary features will be restricted due to the bollards having a zero degree upward light ratio, which means that the focus of light is directed downwards to where it is needed during the hours of darkness. These luminaires are designed to reduce potential for upward light, shielding the dark skies from potential additional light spill.
- 8.56 Lighting will also be provided to the dwelling front and rears to enable wayfinding for access to entrances. These luminaires will be wall mounted and will direct light downward only with no upward light component, they will use LEDs which have a maximum beam angle of 20 degrees. This is to ensure the impact of external lighting on the night sky and the identified ecology is mitigated as far as possible.

- 8.57 The submitted Lighting Impact Assessment details that the northern boundary will see a significant reduction in vertical spill light, when compacted to the existing situation (flood lights), with Lux levels dropping from the maximum site survey reading of 2.7 Lux to an average of less than 0.1 Lux across both the northern and western boundaries. It is also noted that the northern boundary will see a reduction in horizontal spill light, when compared to the existing situation, with Lux levels dropping from the maximum site survey reading of 9.44 Lux, to less than 0.2 Lux across both the northern and western boundaries. This is considered a significant long-term enhancement over what is currently present.
- 8.58 The application has been subject to a Habitats Regulation Assessment (HRA) in consultation with Natural England to ensure the protection of European important species and the Council's Environmental Strategy Unit has assessed the proposals in terms of protected species and habitats. Natural England and the Council's Environmental Strategy unit raise no objection, subject to the recommended conditions and appropriate mitigation being secured.
- 8.59 A CEMP has also been submitted, which includes measures to control impacts to ecological features. The OLEMP ensures the long-term management of the proposed habitat enhancements, including proposed tree, hedgerow, grassland and shrub planting. The Biodiversity Enhancement Plan includes provision of enhancements such as bird and bat boxes, hedgehog holes in fencing, brash/log piles, hedgehog nest boxes and loggeries.
- 8.60 The Council's Environment Officer has assessed the proposals and made a number of recommendations (see above). The conditions/S106 obligations include the protection of trees/hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements. Subject to the recommended conditions/S106 obligations, there is no ecological reason to resist the application. In addition, Natural England raise no objection (see above), subject to appropriate mitigation being secured.

vii. Sustainable Construction and Design

- 8.61 The applicant has submitted a Sustainable Design and Construction report (Desco, December 2023), which proposes a combination of fabric first and renewable technologies to reduce energy demand and deliver carbon savings through thermally efficient, well designed and suitably orientated buildings.
- 8.62 The proposals address Local Plan Policy 40. This development is targeting 31% total reduction in carbon emissions, which exceeds the overall reduction sought in the IPS and meets Building Regulation requirements Part L (2023). The development will meet this criterion through a combination of fabric first and the installation of air source heat pumps. A condition is recommended to secure final details of the sustainable measures. A maximum 110 per person per day water use is also recommended to be conditioned.
- 8.63 Under Building Regulations Part S (2021), all new build homes must have electric vehicle charging facilities for each associated parking space that is equal to the total number of dwellings. The submitted Sustainable Design and Construction report states that the development will comply with Buildings Regulations with regard to the

provision of Electric Vehicle Charging (EVC). This would result in 26 on site EV charging points.

8.64 It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40.

viii. Other Matters

Archaeology

8.65 As shown in the consultation responses section of this report, the site is located within an area of potential archaeological interest and as such a condition is recommended requiring an investigation of the site to identify any archaeological deposits that might be present and to implement appropriate measures for their preservation prior to development.

8.66 The Council's Archaeology Officer is satisfied that the harm to the setting of the Scheduled Chichester Entrenchment would be appropriately mitigated through the layout and the adoption of the proposed Conservation Management Plan.

Contamination

8.67 The site has been in equestrian use for many years and prior to that was undeveloped/agricultural land. There is considered to be a low potential for land contamination. Following the submission, of the Desk Study, Site Investigation and Risk Assessment Report (Southern Testing, May 2023), the Council's Environmental Protection Officer recommends that a condition is applied in the event that unexpected land contamination is encountered, which would require that site investigation, remediation and verification is undertaken. This condition is recommended.

8.68 With respect to the potential for asbestos to be present within the stable buildings, an informative is recommended advising the applicant to have regard to the Control of Asbestos Regulations 2012, and to be aware that it may be necessary to notify, or obtain a licence from, the relevant enforcing authority.

Noise

8.69 A noise assessment (based on the original layout) was submitted (Cass Allen Associates Ltd, July 2023). The report was undertaken in accordance with appropriate guidelines and used acceptable methods to assess existing noise levels and predict the impact at the proposed properties from external noise sources at the development. The Council's Environmental Protection Officer agreed with the conclusions of the report and recommends that conditions are applied requiring a facade acoustic specification scheme is submitted to meet the requirements in an updated report (taking into account the amended layout).

8.70 In addition, for some facade, which face Stane Street, an overheating assessment is recommended at a later design stage (see Section 5.30 of the report). The Council's Environmental Protection Officer recommends that a condition is applied to secure a scheme that addresses the issues of Acoustics, Ventilation and Overheating (AVO).

8.71 As mentioned above, the scheme proposes to install air source heat pumps for each property. A plant noise limit has been recommended to ensure that noise from the plant does not impact residents. The Council's Environmental Protection Officer recommends that a condition should be applied to ensure the proposed limits (BS4142 noise limits given in Table 4 of the report) are met. Noise levels in all gardens are predicted to comply with recommended levels and are predicted to be even lower in reality due to the installation of fencing around the gardens. As such no conditions are required with respect to external noise levels in gardens. The recommended conditions all form part of the recommendation in this report.

Air Quality

8.72 The site does not lie within an Air Quality Management Area (AQMA) however, an Air Quality Assessment (AQA) has been submitted, produced by Air Quality Consultants (December 2023). The report has been undertaken in accordance with the relevant guidance and covers both the construction and operational phases of the development. Suitable criteria and policy have been used to assess the predicted impacts of each phase of the development. The Council's Environmental Protection Officer has reviewed the report and agrees with the conclusions set out in the report and recommends conditions to secure the proposed package of dust mitigation measures set out in the AQA report and that the good design measures specified in the report are implemented to mitigate the impacts of development on local air quality. These requirements are secured by the CEMP and Travel Plan Statement/Travel Information Pack conditions.

Loss of Land/Buildings for Employment Use

8.73 Whilst the comments from the Boxgrove Neighbourhood Planning Team are acknowledged, the applicant has confirmed the extent of employment at the site is significantly limited. Having assessed the situation with the equestrian facility occupying the site; there are 12 stables (6 liveryes and 6 occupied by the site owner's horses). The liveryes are full liveryes, and consequently there are 2 people employed at the site, one is the owner's daughter and the other is a stable hand, working 7am-1pm, 5-days a week (30 hours). It can therefore be reasonably assumed therefore, that the owner's daughter looks after the owner's 6 horses and the stable hand looks after the 6 full liveryes. So, employment lost would be minimal (i.e., 1 person (30 hours)). In addition, following further assessment, the Council's Economic Development Service (EDS) raise no objection to the proposal. Consequently, the site cannot be reasonably described as an employment site protected under Policy 26 of the CLP.

8.74 With regard to the loss of the stables, although this loss is regrettable, Policy 55 (Equestrian Development) of the CLP does not address the protection or loss of this particular use and only the provision of new equestrian development is considered.

8.75 In view of the above, whilst the Council is currently able to demonstrate a housing land supply this is only by a small margin and it is therefore important that the Council continues to grant permission for suitable sites that can make a meaningful and deliverable contribution to meeting the District's housing needs, and where 8 of the 26 units proposed (30%) would be affordable, this position is accepted, together with

the package of economic benefits the proposal would deliver, and therefore, in this instance, the benefits are considered to outweigh the limited harm (i.e. the loss of the stables).

Loss of Agricultural Land

- 8.76 Council mapping indicates the application site is grade 3 agricultural land. As noted above, the 1.77ha site is currently used for livery stables, with existing buildings comprising of; stables, a flood lit arena (menége), horse walker, storage barn for animal food and machinery, waste collection area, staff welfare facilities and vehicular parking for cars and horse boxes and pony paddocks. The site, therefore, also comprises partially (approximately 17%) of some Previously Developed Land (PDL). According to historic mapping the site has not been ploughed or cultivated in the last 20 years (mapping dating back to 2001). This is further supported by the Site History (see Section 4.0 above), which suggests the equestrian use of the land dates back to the 1970s. Constraints such as the SDNP, Chichester Harbour AONB and areas at risk of flooding mean that the main areas for new housing are focused predominantly on 'greenfield' sites close to existing residential development.
- 8.77 Given the amount of land loss would be marginal (approximately 1.47ha), together with its low grading (i.e., it is not 1 or 2), and that the site has not been in active cereal production in recent history, it is the view of Officer's that, in the context of the Council's housing land supply, the package of benefits are considered to outweigh the limited harm (i.e. the loss of agricultural land).

Significant Conditions

- 8.78 Key conditions attached to the recommendation include securing a CEMP, LEMP, ecological mitigation and enhancement measures, vehicular and pedestrian access arrangements, car/cycle parking together with EVC details, the precise details of the foul water and surface water drainage systems and the sustainable development components.

Infrastructure / Planning Obligations

- 8.79 This development is liable to pay the Council's CIL indexed at £120 sqm which will address most of the infrastructure matters. If planning permission is granted, it will be subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990. This section of the report is important in that it sets out the Heads of Terms that are currently envisaged would need to be included in any such Agreement.

- 30% Affordable Housing (8 units) (no more and no less) in accordance with the required HEDNA mix, with a rent/shared ownership/first homes tenure as follows:
 - 4 Social Rented mix comprising: 4 x 1-bed
 - 1 Affordable Rented mix comprising: 1 x 3-bed
 - 1 Shared Ownership mix comprising: 1 x 3-bed
 - 2 First Homes mix comprising: 2 x 2-bed

First Homes to be delivered in compliance with the model template planning obligations set out in the National Planning Practice Guidance, which include freehold tenure at a

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

A local occupancy clause for all the affordable housing units, giving first priority to residents of Boxgrove Parish.

- Financial contribution towards the coordinated package of highway works on the A27 Chichester bypass, in accordance with the formula set out in the draft A27 Chichester Bypass Mitigation SPD (May 2024) calculated at the time of granting any permission. The current contribution required is £116,800.
- Provision of 3 car parking spaces for residents of Adelaide Cottages (who currently don't have any available curtilage parking).
- Provision, management and on-going maintenance of Public Open Space (POS) and Landscape/SAM Buffer.
- Section 106 Monitoring Fee of £2,750

Planning Balance and Conclusion

8.80 The application site is not allocated for development nor proposed as an exemption site. However, the site is sustainably located, and the proposed development is technically acceptable and can be delivered without significant harm.

8.81 Whilst the Council is currently able to demonstrate a 4.149 years housing land supply, this is only by a small margin and it is therefore important that the Council continues to grant permission for suitable sites that can make a meaningful and deliverable contribution to meeting the District's housing needs.

8.82 The tilted balance set out at Paragraph 11(d) of the NPPF does not apply to the application. **Counsel's opinion has also concluded that the requirements set out in Paragraph 14 of the NPPF do not apply, given that "the presumption (at paragraph 11d)" does not apply. Counsel's opinion goes on to state that 'In any event, even if officers had engaged (erroneously) with paragraph 14 of the NPPF in this case, it would not have applied as the test in paragraph 14(b) was not met. Nothing said in the WMS changes this analysis'.** However, the meaningful contribution that the proposal would make to meeting housing needs is given significant weight when the planning balance is applied.

8.83 Therefore, given that the application is technically acceptable and broadly policy compliant in all other regards, overriding weight is given to the meaningful and deliverable contribution that the application would provide to meeting housing need and the application is accordingly recommended for approval.

Human Rights

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

RECOMMENDATION

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

1) The development hereby permitted shall be begun before the expiration of 30 months from the date of this permission.

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

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

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

3) **Prior to the commencement of development**, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. This shall be informed by further groundwater monitoring and infiltration testing in accordance with BRE365 standards, in locations where soakaways are planned. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (revision F, 08.09.2023) and Drawing HAL-HSP-00-00-DR-C-2000 (HSP Consulting, rev P03, 29.04.2024) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Plan Policy 42.

4) **No development shall commence** on the site until a written scheme of archaeological investigation of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified; a schedule for the investigation, and the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

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

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

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

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

- (a) the anticipated number, frequency and types of vehicles used during construction;
- (b) the location and specification for vehicular access during construction;
- (c) the provision made for the parking of vehicles by contractors, site operatives and visitors. The applicant is advised that contractor vehicle parking will need to be provided on site;
- (d) the loading and unloading of plant, materials and waste;
- (e) the storage of plant and materials used in construction of the development;
- (f) the erection and maintenance of security hoarding;
- (g) the location of any site huts/cabins/offices;
- (h) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- (i) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties;
- (j) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse;
- (k) measures to control the emission of noise during construction, including restricting the use of reversing beepers;
- (l) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety;
- (m) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas;

- (n) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing;
- (o) waste management including management of litter and prohibiting burning;
- (p) measures to prevent the discharge of water or other substances to ground or surface waters without the prior written approval of the Environment Agency;
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction; and
- (r) measures to be taken in the event of emergency spillages.

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.

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

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

8) No development shall commence until a Landscape and Ecological Management Plan (LEMP) setting out measures to ensure the delivery and long term management of the Devil's Ditch buffer, the west, south and eastern boundaries and the public realm within the development, has been submitted to and approved in writing, by the Local Planning Authority. The LEMP shall be prepared in accordance with the submitted Outline Landscape and Ecological Management Plan (OLEMP) (Allen Scott Landscape Architecture, April 2024) and the Archaeological Conservation Management Plan (Orion, August 2023), unless an alternative is agreed in writing, by the Local Planning Authority. Thereafter development shall be carried out in accordance with the measures included in the LEMP, including timing arrangements, unless otherwise agreed in writing, by the Local Planning Authority.

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

9) **No works shall commence above ground level**, until a detailed Sustainable Design and Construction Statement, based on the Sustainable Design & Construction Report (Desco, December 2023), has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the proposal complies with these approved details. The statement shall demonstrate how CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources, are to be met for the approved use in accordance with the IPS. The statement shall also include the exact location, form, appearance and technical specification (including acoustic performance) of the air source heat pumps proposed for all dwellings. All solar panels must be set in the roof and of a black, non-reflective material. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

10) **Prior to operation of the Air Source Heat Pumps**, a sound validation test shall be conducted by a competent acoustic professional and the results submitted to and approved in writing by the Local Planning Authority. The approved Air Source Heat Pumps, in maximum operation, shall give rise to a rating level that does not exceed the representative background sound level 1m from the façade of the most sensitive residential dwelling, as measured in accordance with BS4142:2014+A1:2019 "Methods for Rating and Assessing Industrial and Commercial Sound". Once approved the noise levels shall thereafter be maintained. Any noise mitigation that is required to ensure compliance with the noise levels specified, shall be maintained for the duration of the development.

Reason: In the interests of ensuring an appropriate sound level is reached and in the interests of neighbour amenity.

11) **No development shall commence above ground level**, until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority. The scheme 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 e.g. 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 a) outline the level of noise exposure at the 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 45 dB(A) LAFmax between 23:00 and 07:00.

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 relevant dwellings shall not be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that 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.

12) Notwithstanding any details submitted, no development shall commence above ground level, until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings 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 agreed in writing by the Local Planning Authority.

Reason: To ensure the materials and finishes to be used are appropriate in the interest of amenity, visual quality and to conserve the setting of the Halnaker Conservation Area and South Downs National Park.

13) Notwithstanding any details submitted no development shall commence above ground level, until a sample panel(s) of flint have been constructed and made available for inspection on site, to accurately reflect the proposed bond, coursing and finish of the materials and type, composition and profile of the mortar. The flint sample panel(s) shall be approved in writing by the Local Planning Authority before work commences on the flint elevations. The approved flint sample panel(s) shall be retained on site until work is completed on the dwellings comprising flint and the work shall be carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate in the interest of amenity, visual quality and to conserve the setting of the Halnaker Conservation Area and South Downs National Park.

14) No development shall commence above slab level shall until verge details for all roofs (main roofs, garages, car ports and porches) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate in the interest of amenity, visual quality and to conserve the setting of the Halnaker Conservation Area and South Downs National Park.

15) Notwithstanding the approved plans, no windows, doors and garage doors shall be installed until details have been submitted to, and approved in writing by the local planning authority. The details shall include:

- a) Plans to identify the windows, door and garage doors in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure the materials and finishes to be used are appropriate in the interest of amenity, visual quality and to conserve the setting of the Halnaker Conservation Area and South Downs National Park.

16) The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby

approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,

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

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

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 Chichester Local Plan.

17) Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 3. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 42 in Chichester Local Plan.

18) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments or any superseding document). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

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

approved fire hydrant(s) shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details. Within 1 month of the completion of the fire hydrant installation, confirmation that the fire hydrant is ready for operational use shall be made to the WSCC Fire and Rescue Service's Water and Access Manager.

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

20) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access and numbered JNY11474-RPS-0100-001/**Rev.G**.

Reason: In the interests of road safety.

21) No part of the development shall be first occupied until visibility splays of 2.4m by 65m northeast and 2.4m by 82.1m southwest have been provided at the proposed site vehicular access onto Stane Street (A285) in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

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

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

23) Upon first occupation, the developer shall implement the measures incorporated within the approved Travel Plan. The developer shall thereafter monitor, report and subsequently revise the Travel Plan Statement / Travel Information Pack as specified within the approved document.

Reason: To encourage and promote sustainable transport.

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

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

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

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

26) Before first occupation of any dwelling details of any proposed external lighting of the site shall be submitted to and be approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall be based on the recommendations contained within the submitted Lighting Impact Assessment and Light Spill Analysis (Designs for Lighting Ltd, August 2023), Construction and Environment Management Plan and Precautionary Working Method Statement (Tyler Grange, November 2023), and the 'Shadow' Habitats Regulation Assessment: Appropriate Assessment (Tyler Grange, November 2023). The lighting scheme shall take into consideration the presence of bats in the local area, including the northern and western boundaries of the site and shall minimise potential impacts to any bats using trees and hedgerows by avoiding artificial light spill through the use of directional lighting sources and shielding. The layout and detailed design should be designed to show that it can deliver an increase in light level of no more than 0.2 lux for woodland edge habitat and less than 0.5 lux for almost all areas of proposed mixed scrub and grassland habitats. The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

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

27) Prior to first occupation of the dwellings hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours and to ensure the materials and finishes to be used are appropriate in the interest of amenity, visual quality and to conserve the setting of the Halnaker Conservation Area and South Downs National Park.

28) In accordance with the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, the dwellings at plot 1 and shall not be first occupied until the ground floor living room window in the south elevation of plot 1, the first floor bathroom window in the west elevation of plot 2, and the first floor landing windows in the south elevation of plot 2 of the development hereby permitted shall be permanently glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer) installed. The windows shall thereafter be maintained as approved in perpetuity.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

29) The hard and soft landscaping of the site shall be based on the submitted Landscape Framework Plan drawing no.736-01 Rev.E and shall be in accordance with a further detailed set of landscape drawings specifying the location, numbers, size and species (including native species) of trees and shrubs to be planted together with details of the proposed watering infrastructure and regime, together with the proposed finished levels of contours, means of enclosure, car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials, and a programme/timetable for implementation to be submitted to and approved in writing by the Local Planning Authority **before occupation of the first dwelling on the site**. Due to the presence of bats in the area, the planting scheme shall take bats into consideration with regard to planting and landscaping. The scheme shall also include an indication of the proposed lighting columns and any underground services/easements on the planting plan (this is to avoid any future unresolved conflicts with the proposed/existing trees). The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which are removed, die, or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as those that are removed, damaged or die, or as originally approved, unless otherwise first agreed in writing by the Local Planning Authority.

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

30) Prior to first occupation, details of the on-site interpretation panels and a timetable for installation, as set out in section 6.4 of the Archaeological Conservation Management Plan (Orion, August 2023) shall be submitted to and approved in writing by the local planning authority. Thereafter the implementation panels shall be maintained as approved in perpetuity.

Reason: In the interests of archaeology

31) 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. The development shall not be first occupied until;

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

ii) 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.

32) 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.

33) Before construction of the final wearing course of the main internal roads within the development hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority of the surfacing materials which shall be suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The final wearing course of the internal roads shall thereafter be constructed in the approved surfacing materials.

Reason: To ensure that the internal roads are designed and constructed to withstand the weight of the heaviest vehicles using them.

34) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures (in particular with Section 5: Precautionary Working Methods for Reptiles) detailed in the submitted Construction and Environment Management Plan and Precautionary Working Method Statement (Tyler Grange, November 2023).

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

35) The implementation of this planning permission shall be carried out in accordance with the methods of works and mitigation/enhancement measures detailed in the 'Shadow' Habitats Regulation Assessment: Appropriate Assessment (Tyler Grange, November 2023), Construction and Environment Management Plan and Precautionary Working Method Statement (Tyler Grange, November 2023), Ecological Impact Assessment (Tyler Grange, April 2024) and the Biodiversity Enhancement Plan (15548/P06a, April 2024)

Reason: In the interests of protecting biodiversity and wildlife.

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

Reason: In the interests of protecting the amenity of neighbours and the setting of the Halnaker Conservation Area and the South Downs National Park.

37) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A shall be erected or made on the dwelling and plot 3 without a grant of planning permission.

Reason: In the interests of protecting the amenity of the adjacent properties.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION PLAN	1061-FA-01			Approved
PLAN - SITE LAYOUT	1061-FA-02	C		Approved
PLAN - GROUND FLOOR PLAN	1061-FA-04	A		Approved
PLAN - PARKING ALLOCATION PLAN	1061-FA-05	A		Approved
PLAN - REFUSE AND RECYCLING LAYOUT	1061-FA-06	A		Approved
PLAN - FIRE TENDER TRACKING PLAN	1061-FA-07	A		Approved

PLAN - AFFORDABLE HOUSING PLAN	1061-FA-08	A		Approved
PLAN - AIR SOURCE HEAT PUMP PLAN	1061-FA-09	A		Approved
PLAN - DEVELOPMENT GRAIN PLAN	1061-FA-10	A		Approved
PLAN - TREE WORKS PLAN	1061-FA-11	A		Approved
PLAN - BNG AREA CALCS PLAN	1061-FA-12	A		Approved
PLAN - PLOT 3 ELEVATIONS	1061-FA-203			Approved
PLAN - PLOTS 1 & 2 FLOOR PLANS	1061-FA-200			Approved
PLAN - Plots 1 & 2 Elevations	1061-FA-201			Approved
PLAN - PLOT 3 FLOOR PLANS	1061-FA-202			Approved
PLAN - PLOT 4 FLOOR PLANS	1061-FA-204			Approved
PLAN - PLOT4 ELEVATIONS	1061-FA-205			Approved
PLAN - PLOT 5 FLOOR PLANS	1061-FA-206			Approved
PLAN - PLOT 5 ELEVATIONS	1061-FA-207			Approved
PLAN - PLOT 6 FLOOR PLANS	1061-FA-208			Approved
PLAN - PLOT 6 ELEVATIONS	1061-FA-209			Approved
PLAN - PLOT 8-9 ELEVATIONS	1061-FA-213			Approved
PLAN - PLOT 7 FLOOR PLANS	1061-FA-210			Approved
PLAN - PLOT 7 ELEVATIONS	1061-FA-211			Approved
PLAN - PLOT 8-9 FLOOR PLANS	1061-FA-212			Approved

PLAN - PLOTS 10 & 11 FLOOR PLANS	1061-FA-214			Approved
PLAN - PLOTS 10 & 11 ELEVATIONS	1061-FA-215			Approved
PLAN - PLOTS 12 & 13 FLOOR PLANS	1061-FA-216			Approved
PLAN - PLOTS 12 & 13 ELEVATIONS	1061-FA-217			Approved
PLAN - PLOT 14 FLOOR PLANS	1061-FA-218			Approved
PLAN - PLOT 14 ELEVATIONS	1061-FA-219			Approved
PLAN - PLOTS 15 & 16 FLOOR PLANS	1061-FA-220			Approved
PLAN - PLOTS 15 & 16 ELEVATIONS	1061-FA-221			Approved
PLAN - PLOT 17 FLOOR PLANS	1061-FA-222			Approved
PLAN - PLOT 17 ELEVATIONS	1061-FA-223			Approved
PLAN - PLOT 18 FLOOR PLANS	1061-FA-224			Approved
PLAN - PLOT 18 ELEVATIONS	1061-FA-225			Approved
PLAN - PLOTS 19-21 FLOOR PLANS	1061-FA-226			Approved
PLAN - PLOTS 19-21 ELEVATIONS	1061-FA-227			Approved
PLAN - PLOTS 22 & 23 FLOOR PLANS	1061-FA-228			Approved
PLAN - PLOTS 22 & 23 ELEVATIONS	1061-FA-229			Approved
PLAN - PLOTS 24 & 25 FLOOR PLANS	1061-FA-230			Approved
PLAN - PLOTS 24 & 25 ELEVATIONS	1061-FA-231			Approved
PLAN - PLOT 26 FLOOR PLANS	1061-FA-232			Approved
PLAN - PLOT 26	106A-FA-233			Approved

ELEVATIONS				
PLAN - CAR PORTS SHEET 1	1061-FA-234			Approved
PLAN - CAR PORTS SHEET 2	1061-FA-235			Approved
PLAN - BIODIVERSITY ENHANCEMENT PLAN	15548/P06a			Approved
PLAN - LANDSCAPE FRAMEWORK PLAN	736-01	E		Approved
PLAN - PROPOSED SITE ACCESS	JNY11474-RPS-0100-001	G		Approved

INFORMATIVES

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

2) S106

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

3) The applicant should have regard to the Control of Asbestos Regulations 2012, and be aware that it may be necessary to notify, or obtain a licence from the relevant enforcing authority. Further information is available online at <http://www.hse.gov.uk/asbestos/detail.htm>.

4) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.

5) For further information and technical guidance regarding land contamination the applicant should contact the District Council's Environmental Protection Team (01243 785166).

6) 278 Agreement of the 1980 Highways Act - Works within the Highway

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

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

8) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild

animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England Sussex and Kent Area Team (Worthing Office: Guildbourne House Chatsworth Road Worthing West Sussex BN11 1LD Telephone: 0300 060 3900, consultations@naturalengland.org.uk) for advice. If nesting birds are present on site, works should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October.

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

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

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

For further information on this application please contact Jane Thatcher on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S18NVDERMOA00>