

**PLANNING APPLICATION FOR 9 NO. NEW
DWELLING HOUSES AND 9 NO.
CARPORTS/STUDIOS WITH ASSOCIATED ACCESS,
INFRASTRUCTURE, PARKING AND LANDSCAPING.**

PLANNING STATEMENT

**LAND NORTH OF 1 TO 16 STURT AVENUE
CAMELSDALE LINCHMERE WEST SUSSEX GU27 3SJ**

ON BEHALF OF CASA COEVO GROUP LTD



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Appendix 1 – Relevant Appeal Documentation

Appendix 2 – Appeal Decision Notices



1. Introduction

- 1.1 This planning statement is submitted to Chichester District Council (the Council) in support of a resubmission of a planning application for 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping on land north of 1 to 16 Sturt Avenue, Camelsdale, Linchmere. West Sussex. GU27 3SJ.
- 1.2 The planning application subject to this resubmission responds to advice set out in three very recent appeal decisions by the Planning Inspectorate in relation to proposed development on site.
- 1.3 Appeal refs: APP/L3815/W/23/3318221 and APP/L3815/W/23/3318265 which together proposed the creation of a new Bridge Access and access to the site from the public highway on Sturt Avenue, were both allowed by the Planning Inspectorate and therefore do not form part of this application save for the inclusion of this land within the red line for administrative purposes.
- 1.4 The two approved appeals relate to applications for a New Bridge Access that were initially submitted to the Council, ref: LM/22/01593/FUL and the adjacent Waverley Borough Council (WBC), ref: WA/2022/02242. Two applications were made given that the bridge straddled administrative boundaries, with the access road also mainly sitting within WBC.
- 1.5 As no part of the developable area subject to this application sits within the adjacent WBC, a separate application is not being made to that Council. Instead, notification of the application being made to the Council will be made to WBC.
- 1.6 Appeal ref: APP/L3815/W/22/3298478, relating to the proposed development of 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping on site that had been made to the Council, ref: LM/21/0428/FUL, was dismissed by the Planning Inspectorate, but only on very limited grounds:



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1. Failure to demonstrate that the site is a sequentially suitable location in terms of flood risk;
 2. Adverse effect on biodiversity in conflict with Policies 49 and 52 of the Chichester Local Plan (CLP)
- 1.7 Application LM/21/0428/FUL, which preceded the dismissed appeal, was refused on a number of grounds, including:
- (a) failed to demonstrate that the development could access fresh water;
 - (b) failed to provide an invasive species management plan;
 - (c) failed to provide adequate details of on-site mitigation concerning trees and wildlife;
 - (d) failed to provide adequate information in relation to the scheme's potential impact on a Source Protection Zone; and
 - (e) failed to secure a financial contribution in respect of affordable housing.
- 1.8 Following the receipt of further information during the appeal process, CDC withdrew its objections on grounds (a) and (b) and indicated that its objections on grounds (c) and (d) could be resolved by condition. CDC additionally confirmed that a Unilateral Undertaking (UU) submitted with the appeal addressed its objection on ground (e).
- 1.9 Taking the above into consideration, the Planning Inspector determined the appeal on the basis of remaining matters to the extent that they remained relevant:
- whether the site is a suitable location for the proposed developments in relation to flood risk;
 - the effects of the proposed developments on biodiversity;
 - the effect of the proposed developments on the character and appearance of the area; and
 - whether the scheme subject of Appeal A would provide an appropriate mix of dwellings.



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- 1.10 As part of the Planning Inspectors' determination, it was identified that the proposals did not have an unacceptable impact on the character and appearance of the area, nor was the proposed mix unacceptable.
- 1.11 Accordingly, only the matters leading to the dismissal of the appeal; that being related to the undertaking of a sequential test and proposals to set out an acceptable approach to biodiversity remain outstanding and are therefore dealt with within this statement. Importantly, the Council was given opportunity during the appeal process to raise any further issues requiring consideration or against which objection was raised but chose not to do so.
- 1.12 The planning application is subject to material changes to respond to the comments provided by the Planning Inspector, in particular change to the red line to ensure all of the developable area subject to determination sits within Flood Zone 1. The changes do not affect decisions made by the Planning Inspector in terms of quantum, mix, design and layout. Other matters relating to initial reasons for refusal remain as submitted during the earlier planning application and appeal process and are therefore able to be dealt with by planning condition or S106.
- 1.13 It is the applicant's intent to amend the earlier UU proposed in respect of the dismissed Appeal in order to enter into a S106 to control matters relating to provision of a financial contribution in respect of affordable housing and the delivery of off-site Biodiversity Net Gain (BNG) to ensure appropriate mitigation is put in place to offset on-site BNG loss, taking into consideration the status of much of that on site as Invasive Non Native Species (INNS).
- 1.14 As part of the dismissed Appeal, the Council suggested a number of planning conditions, which the Applicant agrees to, as appropriate to this application. To provide relevant context, a copy of the Applicant's (Appellant) Appeal Statement, the Council's Statement of Case, which included detail of proposed planning conditions, our Rebuttal of the Council's Statement of Case and the signed Unilateral Undertaking are appended for reference and use where necessary to the determination of this application.



2. Supporting Documents

2.1 In addition to this Statement, the planning submission is accompanied by the following:

- Completed Planning Application Form and Certificates
- Completed CIL Additional Information Form
- Planning Drawings by DSP Architecture, including:
 - Site location plan
 - Existing Site Plan
 - Proposed Site Masterplan
 - Proposed Houses and Studios 1 – 5
 - Proposed Houses and Studios 6 – 9
 - Proposed North West Site Elevation
 - Proposed South East Site Elevation
 - Proposed Site Section CC
 - Schematic 3D View of Houses 1 – 5
 - Schematic 3D View of Houses 6 - 9
 - Sketch View of Houses 7, 8 and 9
- Arboricultural Impact Assessment by Arbortrack Services
- Contaminated Land Investigation Report by Aviron
- Delivery Statement by Opus Works (within Planning Statement)
- Design and Access Statement and 2023 Addendum by DSP Architecture



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- Ecological Assessment and 2023 Update Letter by Ecology Co-op
 - Energy and Sustainability Strategy by Envision
 - FRA and Drainage Strategy by Scott White and Hookins
 - INNS Impact Report letter, produced by Environet;
 - Invasive Species Management Plan, March 2022, produced by the Ecology Co-op
 - Landscape Masterplan and supporting documentation by ACD Environmental, including:
 - Soft Landscape Management and Maintenance Plan
 - Soft Landscape Specification
 - Landscape Proposals
 - Noise Assessment by ACCON
 - Planning Statement by Opus Works
 - Sequential Test, produced by Luken Beck
 - Transport Assessment and Travel Plan by Pulsar
 - Utilities Assessment by Envision

2.2 The reports accompanying this submission have been reviewed against Revision B of the Chichester District Council (CDC) Local Validation List 2020 and equally follow that validated and used in the determination of the earlier planning application; updated where necessary.

2.3 Accordingly it is considered that there should be no impediment to early validation of the application.



3. Site Description and Background

- 3.1 The site is roughly rectangular in shape and is approximately 0.62 ha in size. It is currently unoccupied land, covered mostly by vegetation and trees which are protected by Tree Preservation Order ref: FH/93/00478/TPO.
- 3.2 The site is situated to the north of Sturt Avenue and is accessed by a private road at the eastern end of Sturt Avenue. Planning consent exists for the access to the site, as set by the recent appeal decisions for the New Bridge Access.
- 3.3 The site immediately backs on the gardens of the residential properties fronting Sturt Avenue on its southern boundary. To the north of the site is further trees and vegetation with residential properties beyond off Sturt Road. To the west, are further residential gardens backing on to the site, with community buildings beyond, including St Paul's Church and Camelsdale Primary School. The River Wey runs the length of the eastern boundary of the site.
- 3.4 Access to the site is via a private road off the eastern end of Sturt Avenue. This is owned by Thames Water and serves the pumping station, but a right of access is in place for the site.
- 3.5 The site is located within the primarily residential, Camelsdale area of Linchmere, Haslemere, some 1.5km to the south west of Haslemere town centre. It is characterised by primarily two storey, detached and semi-detached properties and buildings.

Planning History

- 3.6 The planning history relevant to this site is primarily as set out within the recent Appeal decisions, a copy of which are appended for reference.
- 3.7 The Appeal decisions have had the effect of setting the baseline for what is acceptable on site and the outstanding matters that need to be addressed by the applicant to meet the advice set out by the Planning Inspector, namely matters relating to provision of a sequential test and to satisfactory meet policy requirements of the CLP in respect of biodiversity.



4. Proposed Development

- 4.1 The description of the proposed development at Land to the rear of Sturt Avenue is: *'Proposed development of 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping'*.
- 4.2 The proposed development provides for some 9 family dwellings. It is proposed that this will consist of 4 bed houses, all of which are of two storeys, and incorporate flat, green sedum roofs.
- 4.3 The principle of development, alongside design, layout, quantum and mix have all been recently found to be acceptable by the Planning Inspectorate. Further detail on the design approach is set out in the updated Design and Access Statement (DAS) which supports this application alongside the detail set out below, which is provided for reference to assist with wider decision-making on the outstanding matters requiring determination by this application.
- 4.4 There are two differing main house types to provide variety to the streetscene and each house also has a separate single storey studio space within its curtilage, providing a dedicated area for working from home, which also incorporates a flat, green Sedum roof. This green roof extends over the parking areas for each property.
- 4.5 It is proposed that all housing on the site would be market housing in line but that affordable housing would be provided as a contribution towards off-site provision as per the requirements of Policy 34 of the CLP.
- 4.6 A UU has previously been submitted to the Council, as part of the Appeal process, with the details considered to be acceptable by the Council. As part of this application it is intended to agree a S106 Legal Agreement between parties to control this aspect of the development.
- 4.7 Vehicular access to the proposed development would be via the private road off Sturt Avenue at the south eastern corner of the application site, which will be served by the consented access bridge. The Applicant is willing to accept a planning condition requiring delivery of the consented bridge prior to commencement of any development.

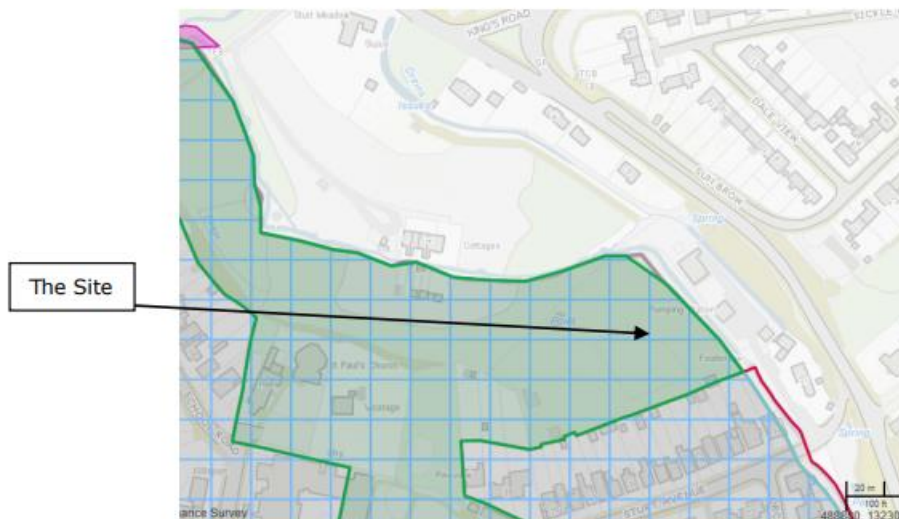


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- 4.8 Three allocated parking spaces, predominantly off-street parking and under car ports with green roofs, are proposed for each dwelling, 27 spaces in total for the development as a whole. Secure cycle parking will be provided in the carport areas of each property.
- 4.9 Each of the units is proposed to be provided with private amenity space in the form of a rear garden and first floor balconies. This not only provides for the amenity of future occupants, but also ensures that there is adequate spacing and screening between the proposed dwellings and the existing dwellings on Sturt Avenue.
- 4.10 A significant landscape buffer is retained on the northern and eastern sides of the development, just outside of the red line. This area is within the Applicant's ownership and can be used to ensure the retention and protection of existing trees. Additional landscaping works and planting in this area will improve the setting of the proposed development.
- 4.11 The intent is that the landscape and ecological buffer will fall outside of the domain of future occupants to ensure longevity and control over the upkeep of this space. The applicant is willing to accept a planning condition to enable further detail to be provided post-consent. A S106 Legal Agreement will also be used to control delivery of BNG offset planting, management and maintenance of this area.



5. Assessment against Planning Policy

- 5.1 The Chichester District Council (CDC) Development Plan currently comprises the Chichester Local Plan 2014-2029 (CLP).
- 5.2 The CLP Proposals Map shows the site being located adjoining the defined settlement area for Camelsdale/Hammer.
- 5.3 Importantly, the recent Appeal decision identified that the location was acceptable in principle for the provision of housing, subject to resolution of outstanding matters relating to provision of a sequential test and delivery of an acceptable approach to biodiversity.
- 5.4 Also, the site and the wider area are located in what is defined as the Local Plan Area North which is subject to its own specific policy. An extract of the Proposals Map is provided below.



Emerging Development Plan

- 5.5 The Council began the review process of the Local Plan with a Regulation 18 draft of the Local Plan Review (LPR) being published in December 2018. Subsequently, a Regulation 19 consultation has been undertaken in 2023 and the Council anticipates that it will submit its Local Plan for Examination in Public (EiP) early in 2024.



- 5.6 As no date has been set for EiP, it is considered that the Emerging Development Plan can only be attributed limited weight at this stage. Notwithstanding this, reference will be made to relevant policy where it is pertinent to the determination of outstanding matters relating to this application.

Interim Position Statement for Housing Development (IPSHD)

- 5.7 Published in November 2020 to proactively identify means of boosting housing supply in the District in the absence of the Emerging Development Plan coming forward, the IPSHD provides advice on the detail required of planning applications and how the Council will judge planning applications on their own individual merits with reference to the adopted Development Plan and national planning policy including the NPPF paragraphs 11 and 74.
- 5.8 The IPSHD statement aims to provide interim guidance which will apply until the Council has adopted the Local Plan Review or until the Council can identify a five year housing land supply (5YHLS). At this stage, the Council can only identify a 4.74 year supply of housing (as identified in the April 2022 update to the IPSHD).
- 5.9 To provide clarity for applicants and other parties, a series of 13 criteria are set out to highlight what the Council considers good quality development in the Chichester Local Plan area, with reference to adopted and emerging Local Plan and made Neighbourhood Plan policy and evidence.
- 5.10 Our adherence to this approach is set out below, with more detail provided in the policy assessment sections and within supporting documentation. In all, the site is wholly and quickly deliverable and, importantly, able to accommodate housing of the proposed quantum, mix, design and layout as set by the Planning Inspector in respect of the Dismissed Appeal.

Adherence to IPSHD Criteria:

- 1. The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it). Where a proposal is separated from the settlement boundary by road, railway line, cycle*



path or pedestrian footpath, it will meet this criterion where it is shown be sustainable and integrated with the settlement it adjoins.

Response - As set out above in paragraph 5.2, the CLP Proposals Map shows the site being located outside, but adjoining the defined settlement area for Camelsdale/Hammer. As such, the development is contiguous with the settlement boundary and this criteria is met.

2. *The scale of development proposed is appropriate having regard to the settlement’s location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development.*

Response - The scale of development represents a minor extension to the existing settlement of Camelsdale/Hammer, which is identified as a ‘service village in Policy 2 of the CLP and LPR. Review of the Settlement Hierarchy, undertaken in 2018 by the Council identified that the location ranks 8th in terms of population centres within the District with access to 14 facilities. In this regard, it is ranked joint third of the service villages in terms of access to services. Section 2 of the Transport Statement identifies that the site is within appropriate walking distances of local schools, shops, leisure and community facilities and bus stops.

Settlement	Population size	Population rank	Total facilities
Camelsdale & Hammer	2,392	8	14

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 proportionate evidence. Where a proposed development is environmentally significant (by virtue of its size, location or degree of prominence in the locality), development proposals must be accompanied by a Landscape and Visual Impact Assessment.*

Response - The site is located sustainably, but through the access to the side of existing dwellings ensures that it provides a sensible and sensitive rounding off of the settlement boundary. The Landscape Masterplan identifies a self-contained



development that proposes a strong landscape and ecological buffer around the site perimeter. The site sits within an existing urban area characterised by development off Camelsdale Road to the South and Sturt Road to the north and east. In addition, development in the form of the Thames Water STW and residential development on the site access and on School Road to the west extends in a similar manner to that proposed. As such, the site represents a logical residential infill that does not contribute to any further coalescence between settlements. Importantly, in respect of the dismissed Appeal, for which this planning application is submitted in response, the Planning Inspector concluded that *'the developments subject of Appeal...A would have an acceptable effect on the character and appearance of the area. The developments subject of Appeal... A... would not therefore conflict with Policy 45 of the CLP as set out above; Policies 25 and 48 of the CLP, which largely concern landscape character; or Policy 33 of the CLP, insofar as this seeks to secure the highest standards of design, including in relation to local character'*.

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

Response - The applicant has sought to provide a high-quality, landscape led development, which appropriate reflects the setting and on-site constraints As such, a relatively low gross housing density is proposed. Policy 33 of the CLP refers to a density of 35 dwellings per hectare being broadly acceptable the policy wording itself clarifies that the appropriate density of a scheme "will be determined by its immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of dwellings". The recommended housing mix within the HEDNA identifies a significant need (25%) for 4 bedroom market dwellings, which this scheme will help to deliver. The proposals comply with Policy 33 of the CLP as identified by the Planning Inspector in respect of the dismissed Appeal, who concluded that *'the scheme subject of Appeal A would provide an*



appropriate mix of dwellings. It would therefore comply with Policy 33 of the CLP as set out above.'

- 5. Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.*

Response - As set out above, the proposals provide for a self-contained development incorporating a significant landscaping/ecological buffer, which ensures that the transition between urban and rural is appropriately managed and that there is not an unacceptable adverse impact upon surrounding landscape and townscape character.

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

Response - The development is not identified as falling within a Strategic Wildlife Corridor.

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

Response - The submitted documents identify the position in terms of infrastructure and proposed improvements required in relation to the proposals. It is intended that these would be controlled either via planning condition or S106 and the applicant welcomes early discussions with the Council to cover these matters and expected planning obligations, particularly in light of the recent Appeals where the Council set out an acceptable position in terms of planning conditions and that to be covered by Legal Agreement. As previously noted, it is proposed to enter into a S106 Agreement to control matters relating to affordable



housing and provision of required BNG planting, alongside management and maintenance relating to this.

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 Sustainable Construction and Design Statement or chapter within the Design and Access Statement to include, but not be limited to:*

o Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;

o 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 and ventilation systems of the dwelling;

o 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

o Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance. Proposals that can commit to delivery of EV charging infrastructure that exceeds policy requirements will be given strong positive weight.

Flexibility – the standards achieved as detailed above may be a matter for negotiation at the time of the planning application, having regard to abnormal site costs, economic viability and the technical feasibility of meeting the standards on a specific site.

Should central government introduce equivalent or higher standards during the lifetime of this Interim Statement then the first three bullet points above will cease to be used and said national standards will replace them.



Response - Sustainability has been a key consideration for the applicant from the outset, and the design has evolved to address a wide range of sustainability criteria with exemplar levels of performance in key areas. The scheme will deliver a series of sustainability measures that generally exceed the requirements of the Chichester Local Plan and the development will be fully electrified, futureproofed for decarbonisation and will achieve an overall 70.56% reduction in carbon emissions (calculated using SAP 10 Elmhurst Calculation Method). Further detail is provided within the Executive Summary of the Sustainable Design and Construction Statement.

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.*

Response - As set out in the Design Statement supporting this application, the proposals are bespoke, landscape-led and environmentally friendly. The design of proposed dwellings wholly reflects this, identifying contemporary, low-impact, energy-efficient dwellings which positively respond to their location.

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.*

Response - The development is located adjacent to existing housing settlement and therefore a network of roads, paths and cycleways, providing modal choice in terms of travel to local destinations. Discussions regarding that appropriate in terms highways contributions and control were proposed as part of planning conditions by the Council as part of the dismissed Appeal. In this regard, the Applicant agrees to these conditions which will provide the requisite control over matters.

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 Council 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 effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes 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.

Response - The development is wholly located within Flood Zone 1, where there is the lowest risk of flooding. The River Wey also benefits from the Flood Alert process from the Environment Agency. A sequential test has been undertaken to identify that the site is acceptable in planning terms. In addition, there is no drainage in place currently on site, which will not assist some localised flooding that currently happens to the south of the site. As such, not only will the site significantly benefit from the attenuation measures put in place to control the discharge and flows of waters in a storm event, there will be a wider benefit to surface water catchment. Responses from the Environment Agency during the previous application and appeal processes demonstrate the robustness and acceptability of the proposed drainage strategy, which were also recognised by the Planning Inspector who in point 12 of the Appeal decision notice identifies that there is low risk of flooding from the River Wey.

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.*

Response – Since submission of the earlier application, guidance has been updated and new calculators have been published. Review of the river catchment for the development identifies that it does not fall within one where increase in nutrients can lead to significant effects to designated sites. The Environment Agency



Catchment Explorer mapper shows that both the development and WwTW are outside of any hydrological catchment of the Solent Marine Habitat sites and therefore not within a nutrient sensitive area and a nutrient assessment is not mandatory for this planning application.

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.

Response - In line with advice elsewhere in the IPSHD, a full planning application has been submitted to allow the Council to determine the detail of the proposals, therefore ensuring that no further reserved matters are required and an expedited planning process can be followed. Further, it is clear from the Planning Inspector's comments in respect of the dismissed Appeal that the matters requiring determination are limited and that these matters can be dealt with through submission of details and/or agreement to appropriately-worded planning conditions and Legal Agreement.

The scheme is for minor development, therefore carrying a statutory determination timeframe of 8 weeks. Given current delays within the Planning Department, assuming that planning permission is granted, the following development timeframe is considered appropriate to this scheme:

- o Discharging planning conditions – within 20 weeks

- o Marketing the site for development and securing contracts – within 26 weeks
- o Site clearance (accounting for ecological constraints) – within 36 weeks

- o Scheme construction and completion – within 75 weeks

Principle of Development

5.11 As is shown on the Proposals Map the site is contiguous with the Camelsdale/Hammer area, which is highlighted as a Service Village (third tier) in terms of the settlement hierarchy. Policy 2 of the CLP and emerging Policy S2 of the LPR both identify such areas as an appropriate focus for development.



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- 5.12 The change in wording between current Policy 2 and emerging Policy S2 is significant in that it demonstrates Chichester's acceptance of a more flexible approach to the delivery of housing within the Borough.
- 5.13 Importantly it is clear from the Planning Inspector's comments that Policy 45 of the CLP 'Development in the Countryside' provides scope for development immediately adjacent to an existing settlement, which was concluded to be applicable to the development proposed. The Inspector went on to opine that the *'development would...be very well contained and not clearly visible within the broader streetscene.*
- 5.14 Further, the Planning Inspector concluded that the *'developments subject of Appeal... A... would have an acceptable effect on the character and appearance of the area. The developments subject of Appeal.. A... would not therefore conflict with Policy 45 of the CLP as set out above; Policies 25 and 48 of the CLP, which largely concern landscape character; or Policy 33 of the CLP, insofar as this seeks to secure the highest standards of design, including in relation to local character. Whilst CDC additionally cited Policy 52 of the CLP, its relevance is more specifically to the matter of biodiversity, as considered above'.*
- 5.15 Emerging Policy H4 reinforces this position, identifying that in meeting the overall housing requirement, there is an assumption that some sites within come through at the parish level, via Neighbourhood Plan or non-strategic Parish housing requirements (sites of 6 or more dwellings), whilst others will be progressed as windfall via a small sites allowance (up to 657 units). Windfall sites are defined as those of 5 or less units, whilst the parish level sites can be of a larger size.
- 5.16 Whilst the Local Plan Review policy which provides flexibility is welcomed, albeit this can only be attributed limited weight at this stage, there is an acute housing need within the District meaning that housing delivery should be maximised.

National Planning Policy Framework

- 5.17 In addition to the Development Plan and the emerging Local Plan, the National Planning Policy Framework (NPPF), as amended September 2023, is a relevant material consideration in the determination of any planning application. Paragraph 11 of the NPPF is key in this instance. It states that:



"11. 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-date, 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 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."

- 5.18 The NPPF makes it clear that a situation where policies for determining a planning application are considered out of date would include when a local authority could not demonstrate a five-year supply of housing, as is the case for CDC.
- 5.19 The Council recently updated its Housing and Economic Development Needs Assessment (HEDNA) in April 2022 to consider the need for housing and employment floorspace in the District for the 2021-2039 period.
- 5.20 The HEDNA identifies that the Council's most recent assessment of housing need for the Plan Area is 638 dwellings per annum (dpa), this not including the area within the South Downs National Park Authority (SDNPA) for which a further requirement of 125 dpa is identified, giving a total of 763 dpa for the District using the standard methodology.
- 5.21 In comparison to the 2020 HEDNA overall need for the District using the Standard Methodology has increased from 746 dpa to 763 dpa of which 638 is expected in the Plan Area which compares to 621 dpa in the previous report. This reflects worsening affordability in the district and accordingly the higher adjustment, which this application will assist through provision of the requisite off-site contribution to the Council.
- 5.22 The increased housing need identified suggests a requirement for additional sites to come forward over and above that proposed in the Local Plan. Despite this, the Submission Version LPR has sought to deliver a lower housing figure of currently focuses on a lower number of 575 dpa, citing constraints in the District, particularly



the capacity of the A27, which means that the District will not be seeking to accommodate unmet need from the South Downs National Park.

5.23 Review of Policy H1 of the Submission Version Local Plan identifies this constraint to supply with very significant outstanding permissions needed to meet envisaged supply alongside a high windfall allowance on small sites of 657 dwellings.

5.24 Taking the above into consideration, it is clear that:

- The Council needs to identify further sites for housing
- The Council needs to utilise sites that are not constrained by planning and environmental designations
- The Council should be seeking to secure contributions from potential housing sites to help meet affordable housing need
- The site subject to this application meets the above criteria and later paragraphs will identify how the proposals overcome the Planning Inspector's reasons for refusal, having (through the recent allowed appeals) overcome the access issues that led to the draft housing allocation on site not being moved forward.
- It is important to note that the Council selected this site for housing during the Local Plan process. The site was not discounted for any reasons other than access and flooding, which have now both been overcome.
- Given the evidence available regarding this site, required housing need and constrained supply, it is clear that the application is in line with existing and emerging policy and should be approved without delay.

Five Year Housing Land Supply (5YHLS)

5.25 The Council produced its latest 5YHLS in April 2022. Within this document, the local housing need is calculated to be 638 dpa as 31 March 2022, which with the 5% buffer required by the NPPF represents a requirement to provide 670 dpa or 3,350 net additional dwellings over the five-year period to 2027.



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- 5.26 On the basis of the need identified in the 5YHLS, the Council's current assessment of 5YHLS for the Chichester Local Plan area (not SDNPA) identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. Compared with the identified housing requirement of 3,350 net dwellings this results in a deficit of 176 net dwellings, equivalent to 4.74 years of housing supply; this, however, identifying a windfall allowance of 332 dwellings over this period, which this application can help satisfy.
- 5.27 Given the findings of the Council's updated HEDNA Report, in light of the increased housing need set out in this document, in emerging Governmental Standard Methodology and also within the 5YHLS Report, it is clear that the Council needs to identify further sites to help meet housing need.
- 5.28 Given that the site has overcome access issues, only flooding concerns remain, albeit these relate to a technicality regarding submission of a Sequential Test given that earlier consultation with the Environment Agency has found the site to be acceptable in terms of the approach to flooding and drainage strategy.
- 5.29 In view of this, and the requirements of the NPPF outlined above, it is therefore considered that the titled balance is in effect and that deliverable sites, such as Land north of Sturt Avenue, should be considered favourably.

Deliverability of Land north of Sturt Avenue

- 5.30 The site has previously benefitted from a draft allocation within the CLP, although this was subsequently rescinded on grounds of flooding and access concern.
- 5.31 It was not possible to progress the site through a more recent 'Call for Sites' as part of the HELAA process, as technical discussions relating to the reasons for non-inclusion of the site in the Local Plan had not been finalised and so the existing reasons for rejection of the site would have therefore continued to stand.
- 5.32 In the intervening period, significant work with relevant stakeholders has been undertaken to overcome concerns regarding flooding and access constraints. A supportive response from the Environment Agency has been received in relation to the earlier planning application and the allowed appeals have successfully overcome the access constraints. In this regard, it is more than evident that the reasons given for the site not being included within the CLP are now surmountable.



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- 5.33 It is therefore considered that, if the current circumstances had been prevailing at the time of the latest Local Plan and HELAA reviews, the site would have been identified as suitable, available and deliverable and accordingly there would have been a sensible rationale for the site to have been allocated in the Submission Version Local Plan.
- 5.34 Irrespective of this, as the site is considered to be deliverable and the Council cannot demonstrate a five year supply of housing, the 'tilted balance' of the NPPF should result in the development proposals for the site being viewed favourably.
- 5.35 As such it is considered that the principle of residential development of the site accords with the NPPF and the CLP.

Environmental Impacts

- 5.36 As set out above, the NPPF states that where the most important policies for determining the planning application are out of date, which includes the council not being able to demonstrate a five year supply of housing, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits." Given the nature of the site and the issues raised with it in the rescinding of its draft allocation, all potential impacts from the proposed residential development have been fully explored.

Flood Risk

- 5.37 Policy 42 confirms that flood risk will be taken into account at all stages of the planning process and directs development away from the areas of highest risk. A Flood Risk Assessment and Drainage Strategy (FRA) has been prepared in support of the planning application and it confirms that the development is indicated as being in Flood Zone 1 on the EA Flood Maps; a site plan to demonstrate location of proposed development in respect of flood zones has been prepared and submitted with the application to demonstrate this, ref: STU 011 Rev P3. Therefore, the site is not considered to be at risk of fluvial or tidal flooding and will not require mitigation against these sources of flooding.
- 5.38 Furthermore, whilst the proposed development will result in an increase in the impermeable area of the post-developed site, the surface water runoff from the proposed development will discharge into the existing River Wey, located on the



northern boundary of the site at a maximum rate of 18.2 l/sec. This flow will be achieved and controlled by an attenuation tank and hydrobrake.

- 5.39 Ground and Water has undertaken further on-site works to help determine how the site will cope with surface water. This concluded that based on the aquifer classification, the site itself has the potential to flood from groundwater, due to the site being located on a Secondary Undifferentiated Superficial Aquifer, underlain by a Principal Bedrock Aquifer, underlain by Unproductive Strata.
- 5.40 Against this, due to the relatively low permeability rates of the cohesive soils encountered, the amount of groundwater was likely limited, with limited mobility horizontally and vertically through the cohesive soils. Limited sub-surface structures (i.e. foundations, services etc) were noted, which are not likely obstruct groundwater flow and cause ponding issues upstream.
- 5.41 As perched water may be encountered on top of the cohesive Head Deposits, within the shallow surface soils, especially after periods of prolonged or intense rainfall, which may cause localised surface water flooding from pluvial (rainfall) sources, it has been recommended that this is mitigated by SUDS and/or drainage infrastructure, which has been proposed within the FRA report and has been subject to previous sign-off by the Environment Agency.

Sequential Test

- 5.42 Further to advice given at appeal by the Planning Inspector, a Sequential Test has been undertaken to determine the acceptability of the proposed housing site despite the fact that the entire development area now sits within Flood Zone 1, negating the requirement for this to be produced.
- 5.43 The report demonstrates that there are no other reasonably available alternative sites within the defined, justified area of search. For the above reasons the application site is considered to pass the sequential test.
- 5.44 Even the sites identified in combination, though they are not preferable, along with local plan site allocations, are not sufficient in terms of supply to meet the short term 5-year supply requirement set out by the Local Plan.



- 5.45 In addition, as noted within Policy H1 of the Submission Version Local Plan, the District has severe constraints to delivering against defined housing need, instead seeking to provide a lower, as yet justified, level of housing through emerging planning policy. In following this approach, the Council is essentially admitting a lack of available sites and therefore any site coming forward within Flood Zone 1, as this site is, will fulfil the requirements of the Sequential Test.
- 5.46 The entirety of the developable area of the application site is within Flood Zone 1, and the accompanying Site Specific Flood Risk Assessment demonstrates that the development sits within that and can be made safe for its lifetime.

Trees

- 5.47 Policy 52 of the LCP states that the council will seek to protect and enhance existing green infrastructure including trees and hedgerows and that new development will be required to incorporate new green infrastructure where appropriate. The existing trees at the site have been the main driver of the scheme proposed. Avoidance of their canopies and root systems has effectively dictated the developable area of the site and the layout, ensuring that the trees can be protected, and the development accommodated.
- 5.48 It is recognised that the site is subject to a blanket Tree Preservation Order, number 93/00478/TPO (“the TPO”). This is a ‘woodland’ order that covers everything that is, or will be a tree and lists that ‘various species within a woodland including – silver birch, willow, rowan, sycamore, hazel, larch, alder and hawthorn’. However, an Arboricultural Impact Assessment accompanies the planning submission and confirms the following:
- Whilst a number of trees will be removed to allow or facilitate development, they are largely low-quality trees and their loss is considered an acceptable impact in the context of the site and these proposals, and is likely to have minimal amenity impact on the surrounding area.
 - New planting has been provided on a 1:1 basis in mitigation. This planting will improve boundary screening and reinforce the sylvan character of the proposals.



- Minimum areas of driveway, patio/terrace or parking within the root protection areas (RPA) of retained trees will be constructed to a 'No Dig' specification.
- RPA encroachments from dwellings or studio footprints are generally low & acceptable.
- Dwellings can be constructed to a conventional specification - no mitigation is necessary. The studio on plot 7 can be constructed on a shallow concrete raft to minimise the risk of root damage to tree 60.
- The great majority of site works will take place beyond the RPA of retained trees and canopies. Retained trees will be protected throughout the course of development by fencing to the specification recommended by BS5837:2012 - see Appendix C of the Arboricultural Impact Assessment for details.

5.49 It is therefore considered that the requirements of Policy 52 have been acceptably met by the proposed scheme.

Ecology

5.50 Policy 49 of the CLP requires that a number of criteria are met by proposed developments with regards to biodiversity, including safeguarding the biodiversity of the site, avoiding or mitigating harm to habitats or species which are protected, and incorporating that enhance biodiversity as part of good design and sustainable development.

5.51 The biodiversity of the site has been carefully considered from the outset, but given the current nature and condition of the site's habitats, the Ecologist's preliminary view was that one of the most realistic and achievable enhancements for the site (and beyond) is the eradication of non-native invasive plant species such as Japanese knotweed, Himalayan balsam, American skunk cabbage and yellow archangel.

5.52 The following surveys have been undertaken on site:

- Preliminary Ecological Appraisal + Phase 1 Habitat survey
- Dormouse presence/likely absence survey



- Great crested newt eDNA survey
- Reptile presence/likely absence survey
- White-clawed crayfish presence/likely absence survey
- Water vole presence/likely absence survey
- Badger presence/likely absence survey
- Bat activity survey
- Potential roost features (tree climbing survey)

5.53 The survey data has been used to inform appropriate impact assessments, to develop suitable mitigation strategies accordingly, as well as identifying any residual impacts and need for compensation. This is set out in full in the accompanying Ecological Impact Assessment and has also informed the scheme proposals, especially the Landscaping Strategy and Detailed Scheme, which also accompany the application submission.

5.54 The consequent proposals allow for the sensible management and eventual eradication of invasive non-native species that would otherwise continue to pose a threat to local ecology and adjacent properties.

5.55 The approach to net biodiversity gain also needs to consider the baseline; whilst INNS have been included within the baseline assessment, the reality is that such species are to be treated and removed and therefore have little to no biodiversity benefit, as well as forming a threat to the site and surroundings. A letter from Environet, as submitted with the Planning Application, provides further detail on this issue.

5.56 The net loss of biodiversity on-site therefore needs to be considered in the context of INNS and balanced against the benefits associated with the proposals, including inter alia improvements to local drainage, provision of housing and contributions to affordable housing. The applicant is also committed to ensuring a minimum 10% net biodiversity gain overall and welcomes the opportunity to enter into a S106 Legal Agreement to ensure appropriate delivery, management and maintenance of required BNG, alongside on-site planting and improvement works to eradicate INNS.



- 5.57 It is important to note that a DEFRA Metric calculator is not required to support this submission given the Small Sites exemption that is in place. However, in light of the Planning Inspector's comments, it is important to identify how the site can be protected and improved and a biodiversity net gain delivered in line with Policy 49 of the CLP. Accordingly, a BNG calculation is being prepared using the latest DEFRA Metric 4.0 and will be submitted shortly for the Council's consideration. It is on the basis of this document and the resultant identification of land within the Environment Bank's database for delivery of local off-site mitigation that the S106 will be produced.
- 5.58 On the basis of the works proposed, mitigation and balancing benefits, which are to be controlled by appropriately-worded planning conditions and S106 Legal Agreement, it is considered that the proposals satisfactorily accord with Policy 49 of the CLP.

Landscaping

- 5.59 In order to appropriately protect and enhance the landscape of the site, a thorough, detailed landscaping proposal is provided as part of the application submission. This, in combination with the Arboricultural Impact Assessment, sets out how the existing site features will be protected, provides an extensive landscaping scheme for the site which includes a substantial buffer around the northern and eastern boundaries of the site, green Sedum roofs for all buildings, and permeable block paving for the hard landscaped areas. A Management Plan has also been provided to ensure long term maintenance. It is therefore considered that the proposals both account for the protection of the existing trees and consider the requirements of Policy 52 in the new landscaping that is proposed.

Energy and Sustainability

- 5.60 Sustainability has been a key consideration for the applicant from the outset, and the design has evolved to address a wide range of sustainability criteria with exemplar levels of performance in key areas. The scheme will deliver a series of sustainability measures that generally exceed the requirements of the Chichester Local Plan, as follows:



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- The development will be fully electrified, futureproofed for decarbonisation and will achieve an overall 70.56% reduction in carbon emissions (calculated using SAP 10 Elmhurst calculation software) through the application of:
 - o i. Building fabric construction U-values significantly improved compared with standard Building Regulations U-values;
 - o ii. Reduced Air Permeability, lower than standard Buildings Regulations;
 - o iii. HVAC system controls to ensure installed equipment will be operating efficiently and automatic monitoring and targeting with alarms for out-of-range values;
 - o iv. High efficiency LED lighting utilising low-energy control systems such as daylight dimming and occupancy sensing;
 - o v. Mechanical Ventilation with Heat Recovery (MVHR) to each dwelling;
 - o vi. Reduction in solar gain through the specification of glazing with low g-values;
 - o vii. High-efficient Air-Source Heat Pumps providing efficient space and water heating to each dwelling; and
 - o viii. Roof mounted PV installations, in total generating 24,000 kWh of renewable electricity per annum.

 - Incorporation of climate adaptation measures, including water efficient sanitaryware, SuDs measures, landscaping and passive building design, plus Mechanical Ventilation Heat Recovery to help mitigate overheating and increase efficiency;

 - A comprehensive Ecological Enhancement strategy to mitigate losses in biodiversity, including new habitats, hedgerow and bird and bat roosting features;

 - Sustainable material selections with timber to be procured with Forest Stewardship Council accreditation and the main contractor to adopt best practice measures to reduce water and energy use through construction;



- The development of a Site Waste Management Plan to ensure waste generation is minimised during construction;
- All dwellings on-site will make use of all-electric heating and hot water systems, reducing the impact on local air-quality;
- Development of sustainable procurement plan by contractor to maximise the environmental performance of chosen materials;
- Water conservation measures within the units to comply with 110 litres / bedspace per day.

5.61 The development is considered to comply with the sustainability requirements outlined by Chichester District Council sustainability and energy policies.

Environmental Summary

5.62 In the light of the above, it is considered that there are no environmental constraints which would prevent the residential redevelopment of the site and outweigh the tilted balance set in the NPPF. Rather, the existing trees at the site have effectively set the parameters for the developable area of the site and helped inform the scheme layout and design.

Access and Parking

5.63 Policy 39 of the CLP addresses transport, accessibility and parking and requires that a safe and adequate means of access and internal circulation/turning arrangements are provided.

5.64 A Transport Statement accompanies this planning application for the site and confirms that the proposals will have a minimal impact on the public highway network and from a transport perspective meets the tests of the NPPF namely to ensure:

- opportunities for sustainable transport modes have been taken up;
- safe and suitable access to the site can be achieved by all people;



- that where necessary, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development; and
- The impact of the development is not severe.

5.65 Access to the site is currently from a short private road leading off Sturt Avenue, consists of approximately 50m of single track with two sets of passing places. The access road is owned (and used by) Thames Water for access to their pumping station at the northern end of the access road. The Applicant has unrestricted rights to access their land using the road. A new vehicle bridge over the adjoining river, which would lead from the access road into the site has been approved through the allowed appeals and will be designed as a shared surface road given the very low numbers of road users anticipated. This is consistent with the highway authorities' guidance for roads leading to small developments. Vehicle swept path analysis has been undertaken showing that the development can be accessed using a variety of vehicle types.

5.66 The proposals have been developed through liaison with both West Sussex County Council and Surrey County Council.

5.67 The scheme further accords with Policy 39 in relation to parking and parking management. Measures such as parking management controls along the access road and waiting areas for TW vehicles within the site, have also been proposed in discussions with TW. However, the proposals incorporate the maximum level of car parking, as per Chichester's standards set in Policy 39, of 3 spaces per dwelling. Two covered and secure cycle spaces are also provided per dwelling.

Density, Mix and Tenure of Dwellings

5.68 The suitability of the site for residential development was previously endorsed by the draft allocation in the CLP with the only reasons for its ultimate exclusion from allocation being the access and flood risk issues, both of which have now been addressed. However, a typical residential scheme is not considered appropriate for this site.

5.69 The supporting text to Policy 33 of the CLP refers to a density of 35 dwellings per hectare being broadly acceptable the policy wording itself clarifies that the appropriate density of a scheme "will be determined by its immediate context, on-site constraints,



the type of development proposed and the need to provide an appropriate mix of dwellings". Given the nature of the site, it is considered that a low-density scheme with the dwellings carefully designed and integrated into the natural setting would be the most appropriate residential solution, with this approach being considered acceptable by the Planning Inspector in relation to dismissed Appeal.

- 5.70 The scheme proposals provide for some nine 4 bedroom detached dwellings. As the accompanying Design Statement outlines, the houses have been designed as contemporary 'villas' set amongst the trees with generous garden areas. The family dwellings will have separate studios providing dedicated areas for working from home.
- 5.71 The houses will be set back from the boundaries of the site which will have enhanced planting to provide a natural buffer to the existing houses on Sturt Avenue. New trees will also be planted, to replace existing poor-quality trees, to screen the new houses and provide privacy.
- 5.72 Given the characteristics of the immediate area providing primarily larger detached dwelling houses and the nonstandard, innovative design approach being proposed, the mix of accommodation proposed is considered appropriate and accords with Policy 33, this again according with the conclusions of the Planning Inspector in regard of the dismissed Appeal.
- 5.73 The nine dwellings proposed for the site would all be market housing, albeit a financial contribution towards the provision of 30% affordable housing will be provided via Section 106 Agreement. This accords with Policy 34 of the CLP which states that for developments of between 6 and 10 dwellings in the defined rural areas the Council will seek a financial contribution for the provision of affordable dwellings as a commuted sum unless the developer makes, with this approach being agreed by the Council as part of the dismissed Appeal.
- 5.74 In view of the above, it is considered that the proposed development scheme provides an appropriate density, mix and tenure which accounts for the environmental constraints of the site, and the requirements of the Development Plan.



Residential Amenity

- 5.75 All the proposed dwellings will have private amenity space in the form of landscaped rear gardens and terraces. This not only provides an important amenity for future residents of the development but also ensures adequate separation of the proposed dwellings to existing properties, namely those on Sturt Avenue. There is a significant distance between the rear of the houses on Sturt Avenue and the proposed houses backing onto them. This maintains privacy and avoids overlooking.



6. Proposed S106 Heads of Terms and Planning Conditions

6.1 A Unilateral Undertaking (UU) was submitted in respect of the dismissed Appeal which provided details of the mechanism to provide the requisite financial contribution towards affordable housing delivery required in line with Policy 34 of the CLP. A copy of the UU is provided at Appendix 1 for reference.

6.2 It is intended to retain the detail set out in the UU, but to use the post-submission period to enter into negotiations with the Council to agree the following as part of a S106 Legal Agreement:

1. The appropriate level of Affordable Housing contribution
2. Measures to identify biodiversity net gain planting on-site and off-site, with the latter secured through Legal Agreement to ensure that mitigation is tied to the consent with the BNG proposals subject to appropriate monitoring, management and maintenance provisions throughout the agreed implementation period, thought to be 30 years

6.3 The Council has previously set out proposed planning conditions to adequately control planning matters in relation to this site. A list of the conditions, as submitted to the Planning Inspectorate as part of the dismissed Appeal process, is set out below:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following decided plans: Reason: For the avoidance of doubt and in the interests of proper planning.

3) Notwithstanding any details submitted, no development/works shall commence until a full schedule of all materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by



the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes unless any alternatives are agreed in writing via a discharge of condition application. Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. 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.

4) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following: a) the anticipated number, frequency and types of vehicles used during construction, b) the provision made for the parking of vehicles by contractors, site operatives and visitors, c) the loading and unloading of plant, materials and waste, d) the storage of plant and materials used in construction of the development, e) the erection and maintenance of security hoarding, f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles h) measures to control the emission of noise during construction, i) 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, j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and k) waste management including prohibiting burning. Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.



5) No development shall commence until details of the proposed overall site-wide surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme. Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase. No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved, including, but not limited to, charging electric vehicles, have been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority. Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

6) No development shall commence until a Source Protection Strategy detailing how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to and approved in writing by, the Local Planning Authority, in consultation with the water undertaker. The development shall be constructed in line with the recommendations of the strategy. Reason:



To ensure that the water resource is not detrimentally affected by the development.

7) As the Phase 1 report submitted identifies potential contaminant linkages that require further investigation, no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance. Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

8) If the Phase 2 report submitted identifies that site remediation is required, then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details. Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

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



health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

10) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or 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 planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity. Reason: In the interests of amenity and of the environment of the development.

11) No part of the development hereby permitted 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.

12) 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.

13) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for their purpose in perpetuity. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.



14) The development hereby permitted shall be carried out with strict accordance with the methodology and mitigation set out within the Arboricultural Impact Assessment & Method Statement, ref jwmb/rpt1/sturtavenue/AIAAMS (21.07.2021), unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interest of the health and protection of the trees within the site.

15) The development hereby permitted shall be carried out in strict accordance with the methodology and mitigation set out within the Invasive Species Management Plan, ref P3782 (22.03.2022) unless otherwise agreed in writing by the authority. Reason: In the interests of protecting and enhancing biodiversity and wildlife.

16) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy, project number 303383 Rev 6 (June 2021) the mitigation measures it details. Thereafter, the measures shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority. Reason: To reduce the risk of flooding to the proposed development and future occupants.

17) The development hereby permitted shall be carried out in strict accordance with the methodology and mitigation set out within the Phase I Geo-Environmental Risk Assessment, reference 21-171.01 (May 2021), unless otherwise agreed in writing by the authority. Reason: In the interests of protecting and enhancing biodiversity and wildlife.

18) The following ecological mitigation measures shall be adhered to at all times during construction; a) If any works need to take place to the trees or for vegetation clearance on the site, they 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). b) The removal of any existing structures should take place 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. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. c) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition. d) During construction, any trenches deeper than 1.0m, or drainage pipework greater than 200mm diameter, shall be covered or capped overnight to prevent badgers or other mammals becoming trapped. All excavations should be checked each morning for the presence of any mammals or other species. Reason: In the interests of protecting biodiversity and wildlife.

19) 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. 20) 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.

20) 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-E 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 surrounding area.

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than 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 details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity. Reason: In the interests of protecting wildlife and the character of the area.

- 6.4 The applicant agrees to imposition of the above conditions, as appropriate, which alongside the proposed S106 obligations provide the requisite control and certainty regarding delivery of mitigation and benefits, which should be given positive weight in the planning balance when determining this application.



7. Conclusions

- 7.1 The applicant has submitted this new application in response to comments made by the Planning Inspector following dismissal of the planning appeal in respect of application ref: LM/21/0428/FUL.
- 7.2 The Planning Inspector accepted proposals made in respect of the dismissed appeal on matters relating to principle of development, location, density, mix, design and layout, whilst allowed appeals have provided opportunity to implement a new access bridge into the site to serve the development.
- 7.3 Only matters relating to flood risk and biodiversity remain outstanding; all other matters have been deemed acceptable by the Planning Inspectorate.
- 7.4 Accordingly, this submission identifies minor changes to the site layout in order to positively respond to comments raised by the Planning Inspector with consultant reports amended where appropriate.
- 7.5 It is evident from the submission made that:
- The Council cannot fulfil its obligations in terms of housing need
 - It requires windfall sites to meet the lower need proposed within the emerging Local Plan
 - There is no 5YHLS currently in place
 - The proposals can therefore be counted towards housing need and contribute towards delivery of affordable housing in the District.
 - The location of the development is acceptable in planning terms, as cited by the Planning Inspector
 - There are no technical reasons for refusal, the outstanding matters relating to Flood Risk and Biodiversity having being dealt with, which will bring forward notable improvements in terms of control of localised off-site flooding, eradication of INNS, an increase in biodiversity and planting of more appropriate, higher quality native trees and hedging.



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- S106 Heads of Terms have been proposed to adequately control matters relating to Affordable Housing and Biodiversity Net Gain
 - The applicant is willing to accept the planning conditions proposed by the Council in respect of the dismissed Appeal on this site
- 7.6 Given consideration of the above factors that weigh in support of the application, the technical resolutions and mitigation proposed and in the absence of a five year housing supply meaning that a tilted balance applies in favour of sustainable development, it is respectfully requested that the application is approved without delay.



Appendix 1 – Relevant Appeal Documentation



Appendix 2 – Appeal Decision Notices