
**Planning Statement (including Draft Heads of
Terms & Nitrate Mitigation Statement)**

**3 Lavant Road,
Chichester,
PO19 5QY**

FULL PLANNING APPLICATION

FOR

**Demolition of the existing dwelling and
outbuildings and the construction of 6 no. flats
with associated car parking and external
works.**

**Prepared by:
Woolf Bond Planning**

March 2024

WBP Ref: TR/8555



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1 Introduction

- 1.1. Hestia Homes is seeking planning permission for the demolition of the existing dwelling (and outbuildings) and the erection of a building containing 6 no. apartments at 3 Lavant Road, Chichester. This will create an elegant, high-quality apartment building that respects the character of the area, whilst securing much needed new homes in a sustainable, settlement location.
- 1.2. The proposed plans have been informed by local contextual analysis and a detailed assessment of national and local planning policy. In addition to this statement, this application is supported by the following plans and documentation:

- Full suite of architectural drawings
- Design & Access Statement (including Sustainable & Design considerations)
- Energy & Sustainability Statement
- Preliminary Ecological Appraisal
- Tree Report
- Transport Statement
- Flood Risk Assessment & Development Drainage Strategy.

The Application

- 1.3. The application is for the:

Demolition of the existing dwelling and outbuildings and the construction of 6 no. flats with associated car parking and external works.
- 1.4. The application Site is shown edged red on the accompanying Site Location Plan and extends to approximately 0.13ha.
- 1.5. Details of the proposed application are shown on the Site Layout Plan, floor plans, elevations and the street scene drawing. Further, the access arrangements are shown in the Transport Statement prepared by Motion.

- 1.6. The Site is well connected to local services and facilities with a convenience store located opposite the site on The Broadway and bus stops along Lavant Road providing regular sustainable access to Chichester City Centre (including the rail station). The proposal meets the relevant regional and local transport policy requirements and therefore can be considered acceptable in these terms.
- 1.7. As evidenced by Environment Agency mapping, the Site is located wholly within Flood Zone 1. In addition, the Environment Agency mapping shows that the Site is at very low risk of flooding from fluvial, surface water and reservoir sources.
- 1.8. As set out in this statement, an overarching benefit of this scheme is the provision of additional housing, in a sustainable location, to help meet identified needs within the District. In addition, economic benefits will arise including an increased local population, Council tax revenues, a new homes bonus as well as additional construction jobs. Finally, the proposals offer a high quality and improved design on the site and the efficient use of brownfield land.
- 1.9. As set out in this statement, the scheme accords with the relevant planning policy considerations, including the presumption in favour of sustainable development set out in paragraph 11 (c) of the NPPF.

2 Site Location and Context

- 2.1. The Site comprises the single family dwelling known as 3 Lavant Road and its associated curtilage. The Site is roughly rectangular in shape and is located opposite Summersdale Pharmacy, on the western side of Lavant Road near The Broadway. A view of the existing dwelling is provided below.



1. View of existing dwelling

- 2.2. For contextual purposes, a satellite view of the Site and a copy of the Policy Map identifying the Site's location within the settlement boundary are extracted below.



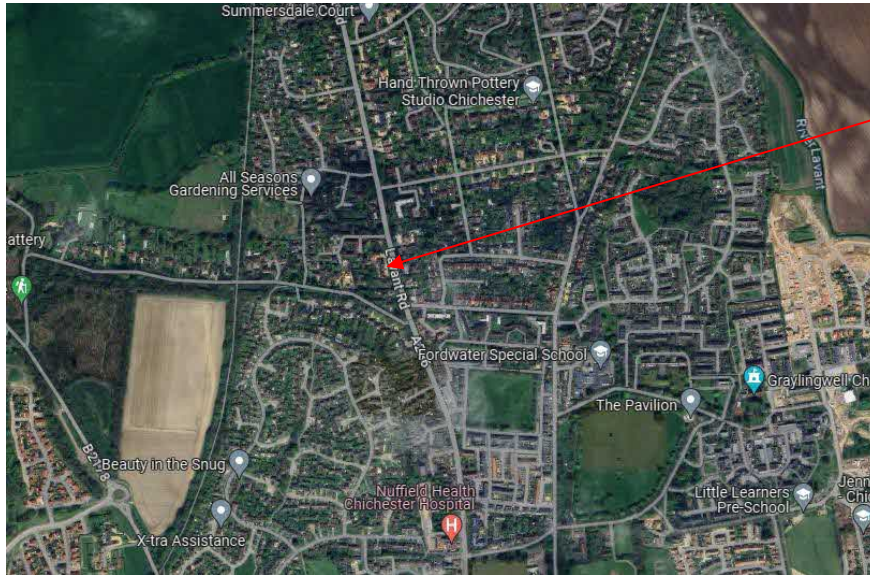
Aerial Image of the Site (approximate boundary in red) (Source: Google Maps)



Extract from Policy Map

- 2.3. The Site is bound on all sides by neighbouring residential development. To the north and south by residential development expanding along both sides of Lavant Road. To the east by residential development extending along The Broadway and to the west by residential development fronting onto Brandy Hole Lane.

- 2.4. The wider landscape, to the north, east and south is characterised by urban development. To the west, the immediate landscape forms residential development with the wider landscape then being characterised by open fields to the north and south of Brandy Hole Lane.



The Wider Context (Source: Google Maps)

- 2.5. As illustrated on the various images below, the scale of development is typically of large detached two to three storey residential buildings set within large plots. Most of the properties in the immediate vicinity are in residential use although there are retail and medical uses in close proximity to the Site. The design style primarily forms modern traditional styles with some limited evidence of more contemporary examples. There is significant evidence of modern apartment development in the area, alongside older single detached dwellings. The Site's immediate surroundings are therefore defined by substantial variation in age, character and appearance respects.



Typical Detached Dwelling along Lavant Road (No.5 Lavant Road) (Source: Google Maps)



Modern Apartment Development on Lavant Road



Modern Apartment Development on Lavant Road



Older Apartment Development on Lavant Road

- 2.6. In relation to access, the Site is served by an existing vehicular access located on the eastern boundary of the Site direct from Lavant Road. This is to be retained as part of the proposal.
- 2.7. The Multi Agency Geographic Information for the Countryside Map ('MAGIC') and Chichester District Council's Interactive Development Plan Policies Map indicate that the Site is not covered by any statutory designations for landscape character or quality. The Site is not located within a Conservation Area and there are no statutory or locally listed buildings or scheduled monuments that would be affected by the proposal. Finally, and as evidenced by Environment Agency mapping, the Site is wholly within flood risk zone 1.
- 2.8. In relation to landscape considerations, the Site is within the defined settlement boundary of Chichester where built form is expected to be located.
- 2.9. The Site is very well related to existing key services and facilities, being within the defined settlement boundary of Chichester (the District's largest settlement). It is a circa 2 minute walking distance from Lavant Road Surgery and the One Stop convenience store on The Broadway. In addition, regular bus services are available from stops located directly outside the Site on Lavant Road. These bus services link the Site to Chichester City Centre (inc Station), and Midhurst. The Site can therefore be described as a genuinely accessible one for non-car modes of travel.



Proximity of Site to Lavant Road Surgery & One Stop (Source: Google Maps)

2.10. Overall, and for the reasons stated, there are no environmental or statutory designations that would otherwise serve to limit the development potential of the Site. This is subject to appropriate mitigation in relation to the site's proximity to the Chichester and Langstone Harbours Special Protection Area and within the catchment of the Solent (by virtue of the site's connection to the Apuldram Wastewater Treatment Works). Mitigation solutions are available in both respects and are detailed later in this statement. As can be seen on the extract from the Council's online Policy Map, the Site is within the defined settlement boundary and is not subject to any restrictive policies that would preclude development. It also lies in an accessible location well serviced by public transport options and the surrounding vernacular is defined by its variation in forming 2 to 3 storeys in height and a mix of single dwelling and apartment buildings.

3 Planning History

3.1. The Site has been subject to a number of applications throughout its history. However, these applications are of a considerable age and related to proposals on a wider site (beyond this application boundary) for a different form (and use) of development. Their relevance to the current application is therefore limited.

Application No.	Description	Decision	Decision Date
05/04573/FUL	Demolition of existing buildings and development of an assisted living home (class C2) for the frail and elderly.	Withdrawn	22/03/2006
06/01170/FUL	Demolition of existing buildings and development of an assisted living home (class C2) for the frail and elderly.	Refused	31/05/2006
06/03947/FUL	The demolition of existing buildings and development of an assisted living home (class C2) for the frail elderly.	Refused	29/11/2006

4 Scheme Description

4.1. This application has been developed and informed following a thorough review of the opportunities and constraints afforded by the Site.

4.2. The application is described as follows:

Demolition of the existing dwelling and outbuildings and the construction of 6 no. flats with associated car parking and external works.

4.3. The design and layout approach has been informed by a contextual analysis of the character of the area. It is proposed that the building take a two-and-a half storey form, akin to other recently permitted and constructed developments of a similar nature to that proposed here.

4.4. The vision is to create a high-quality and considered development that provides a range of dwelling sizes to meet different occupiers' needs. As mentioned, these will be set within a high-quality building that respects and enhances the character of the area.

4.5. The design approach taken is underpinned by a thorough contextual appraisal of the Site and its surroundings.

4.6. The principal elements of the scheme are summarised as follows:

- The scheme provides for 6 new high-quality dwellings.
- A two storey building of a traditional style, with hipped roofs and gabled elements. The design includes arts and crafts elements which reflect existing apartment development in the area. These include tile hanging, chimneys and mock Tudor timber details. The design is symmetrical so to adhere to traditional neo classical architectural principles.
- The scheme will include a mix of dwelling sizes.
- Vehicular and pedestrian access is to be retained from Lavant Road.
- On-Site provision of safe and secure cycle storage.

- Energy efficiency measures and electric vehicle charging points can be secured by condition.
- 4.7. The component parts of the scheme are summarised below.
- 4.8. The supporting plans show how the proposed dwellings can be laid out within the proposed building,
- 4.9. The proposed site plan shows how the existing access will be utilised and incorporated into the proposed development. 10 parking spaces will be provided to serve the development, consistent with the West Sussex County Council standards.
- 4.10. The proposed development will result in the following dwelling mix:
- 4 no. 2 bed, 4 person dwellings; &
 - 2 no. 3 bed, 6 person dwellings.
- 4.11. The intended layout and arrangement of the proposed dwellings is shown on the supporting proposed floor plans.
- 4.12. With a gross Site area of 0.13ha, the proposal will result in an approximate gross density of 46dph. This is consistent with the approach as detailed in paragraph 17.6 of the Chichester Local Plan: Key Policies (adopted 2015) which states **“higher densities may be sought in urban areas where sites are better served by public transport and have access to a range of services and facilities.”** Further, it is noted that as an apartment scheme the density will always sound high but ultimately it is the scale, mass and design that will determine a scheme’s appropriateness. For the reasons detailed in later sections, the scheme strikes an optimum balance between the efficient use of brownfield land and a high quality design consistent with the character of the area.

5 Summary of Supporting Material

5.1. As set out above, a range of technical studies and reports have been undertaken and prepared in support of this Application. These are comprised as follows:

- Full suite of architectural drawings
- Design & Access Statement (including Sustainable & Design considerations)
- Energy & Sustainability Statement
- Preliminary Ecological Appraisal
- Tree Report
- Transport Statement
- Flood Risk Assessment & Development Drainage Strategy.

5.2. The content of the technical reports submitted in support of this application are summarised below.

Energy & Sustainability Statement

5.3. The Sustainability and Energy Statement follows the energy hierarchy; Be Lean, Be Clean and Be Green in order to achieve a reduction in carbon emissions as per Part L of the Building regulations (2021).

5.4. The energy strategy is firstly based upon passive design measures including wall and roof insulation, minimising air leakage and thermal bridging. In addition to these passive measures, an energy efficient lighting scheme will be implemented throughout the building.

5.5. A number of renewable energy technologies were considered, and the Statement concludes that ASHP's are the most feasible and applicable for the proposed scheme.

5.6. Overall, the energy efficiency measures to implemented will result in a reduction of 61.37% in CO2 emissions. In addition, a typical specification is

provided within the statement to ensure the scheme will meet (or go below) the 110 litre per person per day water consumption target. The measures included therefore comply with Local Plan Policy 40.

Preliminary Ecological Appraisal

- 5.7. The Preliminary Ecological Appraisal ('PEA') assesses the Site's current ecological value and potential to host protected species. The PEA also assesses the proposed developments potential impacts upon sensitive ecological receptors such as SPA's, SSSI's and other designated habitat sites. The report is based upon desk-based research and informed by a site visit undertaken on the 26th February 2024.
- 5.8. The PEA identifies that there are 5 statutory designated sites within 5km of the Application Site. There are the Chichester and Langstone Harbour SPA, Chichester and Langstone Harbours RAMSAR, Kingley Vale SAC and the Solent maritime SAC.
- 5.9. The PEA confirms that the application Site is within the catchment area of the Solent and, due to the increase in residential properties proposed, will result in wastewater impacts. As such, there may be a requirement for the proposed development to achieve nitrate neutrality. The PEA confirms that this can be achieved by purchasing credits from a registered provider (discussed further below).
- 5.10. With regard to the impacts arising during construction, the PEA concludes that, due to the intervening distance between the application Site and these designated sites, no adverse effects will arise during this phase of the proposed development.
- 5.11. In addition to these 5 sites, the PEA identified 1 national site, the Brandy Hole Copse LNR, within 2km of the Application Site. Again, due to the scale of the proposed development, intervening distance and on-site habitats, the PEA considers the proposed development will not give rise to adverse effects upon the LNR.

- 5.12. The PEA also assessed the application Site's potential to host a number of protected species including Badgers, Birds and Bats, as well as for the presence of invasive species.
- 5.13. No badger activity was recorded within the Application Site or within a 30m radius. As such, it is considered their presence is not a constraint to the proposed development.
- 5.14. Likewise, the Site was assessed to determine its suitability to host bat activity. The PEA concludes that the ornamental planting around the site permitted presents the potential for commuting and foraging bats. The main dwelling and garage were considered to offer negligible potential to support a bat roost whilst the sheds and garden rooms were determined to offer no potential. Mitigation is prescribed in the form of a sensitive lighting scheme so as not to disrupt the commuting/foraging bats along the Site's perimeter.
- 5.15. To achieve the requisite levels of on-site biodiversity a planting scheme consisting of native species and a wildflower lawn as well as bat and bird boxes are proposed. It must be noted that, as the proposal is minor development, it is not required to demonstrate a 10% net gain in biodiversity. However, a package of enhancement measures are proposed to include native species planting, new grassland areas being seeded with a wildflower lawn mix and the provision of bat and bird boxes.
- 5.16. Overall, the PEA concludes that the proposed development, subject to the prescribed mitigation measures, can be brought forward without any adverse effects upon the ecological value of the area in accordance with Local Plan Policy 49.

Flood Risk and Drainage Statement

- 5.17. The Flood Risk and Development Drainage Strategy details the drainage and flood risk matters including the baseline conditions, the overall flood risk posed and scope for mitigation.

- 5.18. The Site is classified as falling wholly within Flood Zone 1 and is considered to be at very low risk of flooding from fluvial, surface water, groundwater and reservoir sources.
- 5.19. A surface water drainage strategy is proposed and ensures that the peak rate and volume of surface water runoff will be no greater than the existing greenfield runoff rate for the site for all rainfall events up to the 100 year +50% rainfall event. Appendix C identifies the proposed SuDS strategy that includes a soakaway system and achieves compliance with Local Plan Policy NE15. Finally, a foul water strategy is set out that identifies the ability to connect into the existing infrastructure through the connection to the existing dwelling.

Arboricultural Statement

- 5.20. The Arboricultural Statement confirms that the scheme's impact upon trees will be wholly acceptable. Only 1 tree is to be removed and can be comfortably mitigated through soft landscape planting. The spatial relationship of the building and parking area will be little different to the current arrangement and consequently no post development pressure is anticipated.

Transport Statement

- 5.21. The Transport Statement identifies that the site is within a short walk of a bus service, benefits from local facilities in the near vicinity, can offer a suitable vehicle and pedestrian access with appropriate visibility splays, car and cycle parking provision in accordance with County guidelines and appropriate service and refuse collection. The number of vehicle movement increase is modest and will not cause significant impact the local highway network.

6 Assessment of the Planning Policy Context and Material Considerations

General

- 6.1. This section summarises the planning policy position against which the acceptability of the scheme is determined.
- 6.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.
- 6.3. The first test, and the statutory starting point is whether the application is 'in accordance with the plan', which is a phrase that has been the subject of debate in the High Court in the context of Section 54A of the Town and Country Planning Act 1990.
- 6.4. In his judgment of 31 July 2000 (R v Rochdale Metropolitan Borough Council ex parte Milne [2001] Env. L.R. 22), Mr Justice Sullivan concluded as follows:

“...I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be “in accordance with the plan”...’

‘For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein.’
- 6.5. The Rochdale judgment is applicable to the interpretation of Section 38(6) of the 2004 Act such that the decision maker must reach a decision as to whether the proposal is in accordance with the development plan when it is considered as a whole, which position is set out below.
- 6.6. Such matters (the tensions between development plan policies) have more recently been considered in Corbett v Cornwall County Council [2020] EWCA

Civ 508 (Case No. C1/2019/2179) (April 2020). This judgment reaffirms the position that it is enough that the proposal accords with the development plan considered as a whole, such that a proposal does not have to accord with each and every policy therein in order to be development plan compliant. Notwithstanding, our assessment below confirms that the scheme does comply with all the development plan's individual policies.

6.7. For the reasons set out below, it is submitted that **the application scheme accords with the development plan when taken as a whole, such that the presumption in s. 38(6) of the Planning and Compulsory Purchase Act 2004 is in favour of the development.**

6.8. Additionally, the NPPF is a material consideration of particular standing in the determination of planning applications. This includes the context provided by paragraph 123, 124d, 125, 126b, 129 and 130 which, collectively, require and prioritise housing need to be accommodated within defined settlement boundaries. That is precisely achieved here through the efficient redevelopment of brownfield land located in the District's main settlement.

6.9. Section 39 of the 2004 Act identifies the requirement for decision-makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

6.10. These requirements must be considered in light of the NPPF, including the three roles of sustainability set out at paragraph 8 (economic, social and environmental). However, and as set out at paragraph 9 of the NPPF, the three roles are not a checklist, and their values are considered below in light of that context.

The Development Plan

6.11. At the local level, the development plan for the purpose of S38(6) is comprised of the following:

- Chichester Local Plan: Key Policies (Adopted 2015)

- 6.12. The Chichester Local Plan (“LP”) was adopted in July 2015 and sets out the overarching strategy in seeking to meet the development needs in the period up until 2029.
- 6.13. The LP requires a minimum of 7,388 homes to be delivered across the plan period (492.5 per annum). It is important to note that this figure is defined as a minimum figure and is not to be treated as a capped figure. The Application Site comprises previously developed land in the form of the existing dwelling at 3 Lavant Road together with its associated curtilage.
- 6.14. A summary of the relevant policy considerations arising from the Local Plan is set out below.

Policy 1: Presumption In Favour of Sustainable Development

- 6.15. Policy CC1 reiterate the approaches to decision making detailed in paragraph 11 of the NPPF.
- 6.16. This application is advanced on the basis that the proposal accords with the development when taken as a whole and therefore benefits from the presumption in favour of sustainable development.

Policy 2: Development Strategy and Settlement Hierarchy

- 6.17. Policy 2 sets out the overarching development strategy across the plan period and further reiterates that a presumption in favour of sustainable development will be applied within settlement boundaries.
- 6.18. The Site is located within the defined settlement of Chichester; the highest order settlement identified within this policy. As such, the proposal precisely accords with the locational strategy defined by Policy 2.

Policy 4: Housing Provision

- 6.19. Policy 4 sets a minimum housing target of 7,388 dwellings to be provided across the plan period. It identifies the East-West Corridor (which includes Chichester) as facilitating the significant majority of this identified housing need.

- 6.20. As the Site is located in the area identified as being required to facilitate most housing provision across the plan period, the proposal directly accords with Policy 4.

Policy 8: Transport and Accessibility

- 6.21. This policy details that the Council will ensure new development is well serviced by, and sites in close proximity to, public transport options to promote the uptake of sustainable transport methods.
- 6.22. As detailed in this statement and the Transport Statement, the Site is within close proximity to a number of bus stops along Lavant Road, providing a sustainable connection to Chichester City Centre, including the station, as well as Midhurst. It is located in an accessible location in relation to non-car modes of travel and key services. Development of the site in an efficient manner releases pressure for development in less accessible parts of the District and thus the proposal wholly complies with Policy 8.

Policy 10: Chichester City Development Principles

- 6.23. The aim of this policy is for new development within Chichester City to respect the intrinsic historical quality of the place and promote sustainable methods of transportation therein.
- 6.24. As discussed in response to Policy 8, the application Site is well serviced by public transport options along Lavant Road which provide sustainable connections to the City Centre (including the station).
- 6.25. As mentioned, earlier in this statement, the character of this part of Lavant Road has evolved over the years and is comprised of many different architectural stylings and massing.
- 6.26. The supporting suite of plans show that particular care has been shown to ensure the proposed development respects and enhances the character of the area in which it is located by adopting prevailing architectural stylings of neighbouring development incorporating a two storey building (with roofscape accommodation) of a traditional style, with hipped roofs and gabled elements.

The design includes arts and crafts elements which reflect existing apartment development in the area. These include tile hanging, chimneys and mock Tudor timber details. The design is symmetrical so to adhere to traditional neo classical architectural principles.

- 6.27. Given the access to sustainable transport methods and sensitive architectural design, the proposal accords with Policy 10.

Policy 12: Water Management in the Apuldram Wastewater Treatment Catchment

- 6.28. This policy requires development within the catchment area of the Apuldram Wastewater Treatment Works to demonstrate no adverse effects upon the water quality of Chichester Harbour.

- 6.29. All proposals within the catchment area are required to:

- a) Achieve 110L per day/per person (including external water use)
- b) Preclude surface water from entering the public foul or combined sewer system, and;
- c) Where appropriate, contribute to infiltration reduction actions across the catchment area.

- 6.30. As detailed within the supporting Sustainability & Energy Statement, the proposed dwellings will achieve the required water efficiency levels (comprising a maximum of 110L per day / per person and this can be secured via a suitably worded condition. Further, a detailed surface water drainage design is included within the document and confirms no surface water from the development will need to enter the foul sewer system. Indeed, an enhancement in the site's ability to drain when compared to the existing situation can be achieved.

- 6.31. An agreement is in place with Chilgrove Farm Nitrate mitigation scheme (managed by Henry Adams) to secure the requisite credits for the proposed development to achieve nutrient neutrality. For these reasons, the proposal wholly accords with Policy 12.

Policy 33: New Residential Development

- 6.32. Taken as a whole, this policy requires new residential development to be of a high-quality design, well connected to the wider area by sustainable methods of transport and well serviced by utilities (including broadband).
- 6.33. The good public transport options serving the site have been discussed in response to Policy 8.
- 6.34. With regard to design, a detailed contextual analysis has been undertaken to ensure the resulting architectural design assimilates seamlessly with the prevailing character of Lavant Road. The Site Plan illustrates how the proposed footprint would be roughly located on that of the existing dwelling and respect the front building line defined by the properties to the north and south. The 45 degree rule is respected in both cases. The scheme is of a traditional two storey design, with accommodation at roofscape level. It includes a variety of high quality architectural features, symmetry and a scale and height consistent with numerous recent approved and constructed examples. In addition, all proposed dwellings meet nationally-described space standards and the amenity of existing and future occupants is retained. Private amenity space is available to some of the dwellings and a substantial communal amenity space available to all.
- 6.35. Being within the defined settlement boundary, it is considered the proposed development is in a prime location to be adequately serviced by all utilities as required by this policy. As such, the proposal accords with Policy 33.

Policy 34: Affordable Housing

- 6.36. The proposed development will result in 5 net additional dwellings (6 gross) which falls below the threshold for the provision of affordable housing within defined settlement boundaries. As such, the proposed development is not liable to provide affordable housing in accordance with Policy 34.

Policy 39: Transport, Accessibility and Parking

- 6.37. Overall, Policy 39 requires development to be located where it will minimise impacts on the wider highway network and does not prejudice air quality in an air quality management area.
- 6.38. The proposed development offers 10 car parking spaces and as illustrated on the proposed site plan can be comfortably accommodated within the development proposals. The Site also retains ample space for cycle storage.
- 6.39. Being a minor development, it is not considered that the proposed level of vehicular movements generated by the proposal would have an adverse effect upon the wider highway network. In addition, the Site is not located within an air quality management area. For the reasons detailed here and in the supporting Transport Statement, the proposal complies with Policy 39.

Policy 40: Sustainable Design and Construction

- 6.40. This policy, taken as a whole, requires new residential development to provide sustainable and energy-efficient new homes.
- 6.41. The proposed dwellings will be required to meet the criteria established in Part L of the Building Regulations (2021) which set a higher threshold in terms of sustainability compared to that required within Policy 40. As such, the proposal will comply with these criteria.
- 6.42. The high-quality design proposed, and how it respects the intrinsic character of the area, has been discussed in response to Policy 10.
- 6.43. The supporting suite of ecological surveys also identify that the low biodiversity value of the Site will not be adversely affected as a result of the development proposals. Overall, the proposals accord with Policy 40.

Policy 42: Flood Risk and Water Management

- 6.44. Policy 42 requires new development to be located in areas at lowest risk of flooding and for all development proposals to incorporate measures to effectively manage and mitigate surface water runoff.

6.45. As discussed in this statement already, the Site is classified as falling wholly within Flood Zone 1 and is considered to be at low risk of flooding from fluvial, surface water and reservoir sources. As such, points 1-7 of this policy do not apply to this application.

6.46. The supporting drainage strategy details how surface water runoff will be managed to ensure that on and off-site flood risk will not be exacerbated as a result of this development. The proposal accords with Policy 42.

Policy 49: Biodiversity

6.47. The supporting PEA identifies that the biodiversity value of the site is low and no further surveys are required. Ecological enhancements are suggested and accordingly the scheme complies with Policy 49.

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

6.48. The Site falls within the defined 5.6Km zone of influence around the SPA. It is intended that a financial contribution is secured via S106 agreement towards the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project. As such, the proposed development's impact upon the SPA will be effectively mitigated through this commonly applied approach in compliance with Policy 50.

Policy 52: Green Infrastructure

6.49. This policy requires new development to demonstrate that it will not have an adverse effect upon green infrastructure networks in place across the plan area.

6.50. As is shown on the submitted suite of plans, care has been taken to ensure that as much of the existing green infrastructure within the site, in particular the protected trees, are retained. Where loss is unavoidable, the proposed landscaping seeks to mitigate this loss through the provision of native species planting. It is not envisioned that any adverse effects upon the existing Green Infrastructure network will arise as a consequence of the proposal. As such, the proposal accords with Policy 52.

Summary

- 6.51. In the circumstances, the presumption in favour of sustainable development is applied on account of the proposed development being in accordance with the development plan, when taken as a whole.

Material Considerations

- 6.52. Material considerations relevant to the assessment of the application, include but are not limited to the following:

- The NPPF
- Local Decisions

- 6.53. The material considerations are considered below.

National Planning Policy Framework

- 6.54. The National Planning Policy Framework was most recently updated in December 2023. It is a material consideration of particular standing in the determination of planning applications.

- 6.55. The content of the NPPF as it relates to the proposed development of the application Site is addressed in the order set below:

- The presumption in favour of sustainable development
- Decision making
- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Meeting the challenge of climate change, flooding and coastal change

- 6.56. Paragraph 8 of the NPPF identifies that there are three dimensions to sustainable development, comprising (i) economic, (ii) social; and (iii) environmental.

Economic Role:

- 6.57. The economic role requires the planning system to, inter alia, ensure that sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved with the application scheme on the basis that it is located within a sustainable location, within walking and cycle distance to local services and facilities. The scheme also provides for housing development of the type and mix required to meet identified needs.

Social Role:

- 6.58. The social role requires the planning system to provide the supply of housing required, creating a high-quality built environment, accessible to local services and reflecting the community's needs. All these requirements can be achieved with the application scheme.

Environmental Role:

- 6.59. The environmental role requires the planning system to protect and enhance the natural, built and historic environment. This can be achieved with the proposal in a location that will not result in any significant adverse effects upon the character of the surrounding area, including in landscape terms.

Decision Making

- 6.60. Section 4 of the NPPF sets out the approach to decision making. Paragraph 38 makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 6.61. The application Site is located in a sustainable location and will improve the economic and social conditions of the area.

Delivering a Sufficient Supply of Homes

- 6.62. The NPPF maintains the Government's objective of significantly boosting the supply homes (para 60). Ministerial Statements represent material considerations with paragraph 6 of the Secretary of State for Levelling Up Housing & Communities, Michael Gove, December 2023 statement confirming, in the context of the new December 2023 NPPF, that the Government target of 300,000 new homes per year remains. It is therefore evident that the policy of providing "sufficient homes" (para 1) means that if the overall housing

requirements for new homes in England remain, but the ability to meet those requirements within the Green Belt is now restricted, there is then an increased emphasis on making more efficient use of land within existing built-up areas.

- 6.63. This is confirmed when taking into account NPPF paragraphs, 123, 124d, 125, 126b, 129 and 130. Paragraph 130 is new to the NPPF and is in effect an implementing paragraph/policy. It states:

“In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan”. (our emphasis).

- 6.64. It is evident, in the context of the NPPF, as a whole, that a “significant” uplift in the average density of residential development may be inappropriate if the resulting built form would be “wholly” out of character with the existing area. This represents up-to-date policy and is clearly material in the determination of planning applications. In this regard, paragraph 130 sets a high bar in terms of development, being unacceptable. For instance, if a development, as in this case, results in an increased intensity by comparison to the existing Site, then the extent of the uplift in density needs to be “significant” (the test in paragraph, 130), and the impact has to be so material as to be “wholly” out of character (the other test in paragraph 130), for the proposal to be unacceptable. The application scheme does not come close to these thresholds. Accordingly, the proposal in terms of the scale and intensity is acceptable and should be supported in principle. It is within these parameters that the proposal should be considered.

Promoting Sustainable Transport

- 6.65. Section 9 sets out the approach to providing for sustainable growth.
- 6.66. Paragraph 108 requires transport issues to be considered from the earliest stages of development proposals in order to, inter alia, identify opportunities to promote walking, cycling and public transport use are identified and pursued.

6.67. Paragraph 109 states as follows.

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.

6.68. Paragraph 114 requires applications for development to take opportunities to promote sustainable transport modes, achieve safe and suitable access and to mitigate the impacts of trip generation on the highway network.

6.69. Paragraph 115 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

6.70. In highway and accessibility terms, the Site is located within the defined settlement boundary of Chichester, within walking distance to local services and facilities, and within reach of other large settlements via readily accessible public transport.

6.71. Given the proposals utilisation of the existing vehicular access and the immaterial change in vehicular trips generated by the minor development, combined with the Site’s good access to public transport options are wide range of services within walking distance, the proposal is consistent with section 9 of the NPPF.

Achieving Well-Designed Places

6.72. Section 12 of the NPPF sets out the aspirations for well-designed places, requiring beautiful and sustainable buildings.

- 6.73. The desire for well-designed places requires careful consideration of what makes ‘the place’ and how schemes can be designed to embrace the building beautiful agenda.
- 6.74. One element of well-designed places includes the requirement to respect and enhance the character of the area in which the development will be located.
- 6.75. As set out at paragraph 139 of the NPPF, development reflecting local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides attracts significant weight.
- 6.76. The accompanying Design & Access Statement explains the appropriateness of the overall design response in the content of the design approach advocated in the NPPF and the Council’s design guides and policies.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 6.77. Section 14 sets out the approach to supporting the move towards a low carbon future as well as the approach to the management of development and flood risk.
- 6.78. As detailed within the Sustainability & Energy Statement, the proposed dwellings will all meet the energy efficiency measures as required by Part L of the Building Regulations 2023, ensuring the proposal accords with the sustainability and efficiency measures detailed in section 14 of the NPPF.

Local Decisions

- 6.79. There are a number of recent decisions made by the Council that are relevant as they set a number of design precedents that are applicable to the development proposed here. In particular, the applications listed in the table below have all been approved by the Council within the last 5 years and are all located in close proximity to the application site. Further, the following table provides some extracts from the approved plans and illustrates some similarities in design respects between the subject scheme and those approved in the immediate locality.

Table 1: Local Approved Precedents

Address	Application Ref	Description	Decision	Decision Date
10 Lavant Road	19/00181/FUL	Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works.	Approved	20/09/2019
Glenmar House, Brandy Hole Lane,	19/02241/FUL	Demolition of the existing building and the construction of 6 no. flats with associated car parking and external works.	Resolved to approve subject to S106	04/01/2023
21 Lavant Road	18/00769/FUL	Demolition of existing dwelling and construction of building comprising 8 no. flats with parking.	Approved	31/07/2018
23 Lavant Road	20/03226/FUL	Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works.	Approved	29/06/2021

Table 2: Approved Designs

Site	Plans
<p>10 Lavant Road</p>	 <p>The site plan shows a property bounded by Lavant Road to the west and Northways to the south. The plan includes a driveway, a garage, and a large garden area. The front elevation shows a two-story brick house with a gabled roof, dormer windows, and a central entrance. Labels A through H indicate specific architectural features.</p> <p>FRONT ELEVATION west</p>

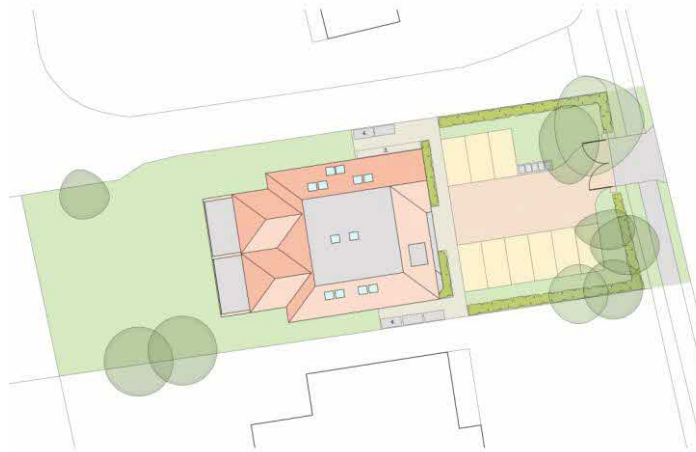
Glenmar House



21 Lavant
Road



23 Lavant
Road



1. 9 No
2. BIN
3. BIN
4. CYC



6.80. These applications firmly establish the principle of the nature of development proposed here. In the 10 Lavant Road decision, the officer states:

“The application site lies within the settlement of Chichester and is identified under Policy 2 of the CLP as a sub-regional centre, where new development is supported due to its range of services and amenities.”

6.81. This sentiment is shared, and amplified by the officer report in relation to the Glenmar House development that states:

“The application is located within the settlement boundary of Chichester, which Policy 2 of the Chichester Local Plan identifies as a sub-regional centre where sustainable development, infrastructure and facilities will be

accommodated, which in terms of scale, function and character, support the role of the settlements....

...The application proposes to increase the number of residential units on the site by five, which would significantly increase the efficiency of the use of the land, within this sustainable location, as encouraged by Paragraph 124 of the NPPF. The application has sought to make a comparison with the recently approved replacement dwelling at 4 Brandy Hole Lane, which has a footprint 8sqm smaller than the proposal, to highlight the efficient use of land by the proposal. The proposed windfall development will provide a small, but important, contribution to the Council's housing supply, which is a significant benefit...

...In light of the above, the proposal can be considered an acceptable and sustainable form of development and is therefore acceptable in principle.”

- 6.82. Combined, the 10 Lavant Road and Glenmar House decisions firmly establish the locational sustainability of the application Site as well as identifying and establishing the significant benefit that development of the nature proposed here will also result in.
- 6.83. The proposed development would result in a dwelling mix of 4 x 2-bed and 2 x 3 bedroom dwellings. In this respect, the 10 Lavant Road decision established how officer's assess this matter:

“Whilst this is a departure from the market need identified in the SHMA as there would be no provision of 4 bedroom properties, the supporting text of the CLP in paragraph 17.8 states that 'new market housing should be focussed to a slightly greater degree on smaller properties'. As such the shortfall in larger units is considered acceptable”.

6.84. With regard to achieving nutrient neutrality, the approach proposed here is to secure off-site mitigation via Section 106 agreement. Such an approach was discussed as part of the 23 Lavant Road application with the officer determining that:

“the applicants are in the process of entering into a S106 agreement to secure the nitrates mitigation land and planting for the lifetime of the development. Once completed, the development would achieve nitrogen neutrality and would accord with Policy 12 of the CLP.”

6.85. Such an approach to nitrate neutrality was also deemed acceptable in the Glenmar House application:

“The mitigation site lies at Chilgrove Farm, within the South Downs National Park. The mitigation has been tested via the Appropriate Assessment, with Natural England raising no objection to the scheme, subject to securing the mitigation via S106 agreement.”

6.86. A similar approach is proposed to mitigate the application’s impact upon the Chichester Harbour SPA with a financial contribution to be sought via Section 106 agreement. Such an approach was deemed acceptable in the 10 Lavant Road decision:

“The applicants have agreed to enter into an agreement and pay the required contribution for mitigation measures within the Special Protection Area. The proposal would therefore accord with Policies 49 and 50 of the CLP.”

6.87. This approach was also deemed acceptable in association with the Glenmar House application:

“The applicant has agreed to pay the fee, which will be secured within the S106, together with the Nitrogen Mitigation. The proposal is therefore considered to provide

appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance.”

6.88. Taken as a whole, these previous decisions by the Council firmly establish the principle of the nature of development proposed here and set a precedent in relation to how to reasonably address the matters of dwelling mix, nitrate neutrality and the impacts upon the SPA. Finally, they establish a clear precedent that the character of the area comprises one forming 2 and a half storey apartment blocks of a traditional design set within plots, previously forming single dwelling houses has become a common characteristic of the Lavant Road Street scene. This reflects the sustainable location of this area in the context of Chichester, the District’s largest settlement. Large gable features with dormer windows at second floor level, feature bay windows, elements of symmetry and crown roofs feature regularly in the referenced examples. The subject site also features similar design features. These prevailing features serve to confirm that the design approach proposed is wholly consistent with the prevailing and evolving character found in the immediate area around the site.

7 Assessing the Acceptability of the Application Scheme

- 7.1. This section of the Planning Statement assesses the application proposal against the relevant policy considerations.

Principle of Development

- 7.2. As detailed in section 6, recent decisions made by the Council establish a positive precedent for the nature of development proposed. The scheme is consistent with Policy 2 that identifies Chichester as a sub-regional centre and the NPPF that encourages the efficient reuse of brownfield land in sustainable locations. The proposed additional net 5 dwellings will provide an important contribution to the Council's housing supply, which forms a significant benefit in favour of the proposals.
- 7.3. As such, the proposed development stands to benefit from the presumption in favour of sustainable development as described in paragraph 11 (c) of the NPPF.

Housing Mix & Tenure

- 7.4. The proposed dwelling mix has been arrived at through a detailed analysis of the site's constraints and opportunities, as well as a contextual analysis of the area and review of the Council's SHMA. The scheme proposes 4 no. 2 bedroom and 2 no. 3 bedroom dwellings. This forms the same dwelling mix as the neighbouring Glenmar House scheme where the officer's report states:

“8.12 The Housing and Economic Development Needs Assessment (HEDNA) sets out the recommended housing mix for market housing within the district. The current application proposes a mixture of 4 no. 2 bedroom flats and 2 no. 3 bedroom flats. The Councils Housing Officer has considered the mix and considered it to be acceptable commenting that three-bedroom flats could be attractive to older downsizers who want a spare room and a study. The housing mix is therefore considered to be acceptable”.

- 7.5. By offering a genuine mix of sizes of accommodation on a small site, the scheme's dwelling mix is acceptable and consistent with other recent examples. The proposal falls below the threshold for an affordable housing contribution.

Impact upon the Character & Appearance of the Area

- 7.6. The proposed building will be located, broadly in the same position as the existing dwelling, albeit further to the rear and on a larger footprint, whilst still respecting the 45 degree rule associated with the neighbouring dwellings to the north and south. Its siting would be in keeping with the pattern of development, found along Lavant Road an area of soft landscaping fronting onto the highway is retained and enhanced. The building will read as a large dwelling, with a single entrance door to the front of the building and is similar in scale and appearance to the various neighbouring examples referenced in section 6 above. One such example forms the scheme at 10 Lavant Road visible to the right of the subject scheme on the street scene drawing.
- 7.7. The main part of the building will be two storeys, with hipped roofs and two gables in a centralised location to the front of the building. The proposed ridge height of 9.1 metres and 5.7 metres to the eaves is entirely in keeping with other neighbouring examples that are taller in scale and height. The design of the building, incorporates arts and crafts elements, including gable features with timber detailing, attractive window detailing and chimneys. The traditional and symmetrical design is consistent with various other examples that have occurred in the immediate locality in recent times. The proposals include private amenity spaces to serve 4 of the dwellings, with all dwellings benefiting from access to a large communal amenity space. All dwellings comfortably exceed minimum internal space standards. The scheme would therefore be wholly in keeping with the prevailing and evolving character of the Lavant Road street scene and adhere to good urban design principles. The proposal therefore accords with Local Plan Policy 33.

Impact upon Neighbouring Residential Amenities

- 7.8. The proposed building would be between 21 and 22.3 metres from the dwelling to the west. This relationship would actually improve if the scheme subject to a resolution to grant permission at Glenmar House (shown on the Site Information

Plan using a dashed blue line) is implemented. Existing tree planting on the site's far rear (western) boundary is retained. To the north and south, the 45 degree rules are observed in relation to any neighbouring windows that face in a westward direction. Any windows proposed on the flank elevations above ground floor level are obscure glazed, with their principal outlooks being towards the front and rear of the site accordingly. It is noted that there is a single upper floor window in the north facing flank elevation of 1 Lavant Road. However, the proposed building footprint is sited roughly as existing and by moving the building away from Lavant Road any possible view of the building from that window has a similar (if not improved) relationship when compared to the existing situation. The relationships with neighbouring properties therefore adhere to commonly applied development management standards. Consequently, the proposal complies with Local Plan Policy 33.

Highways & Transport

- 7.9. The Site is well located to take advantage of the existing pedestrian network and public transport facilities on Lavant Road. Furthermore, the Site is located within an accessible location, with a range of day-to-day services including educational, retail and convenience leisure facilities located within both an easy walking and cycle distance from the Site. The Site is also well served by public transport which provides a sustainable link to Chichester City Centre.
- 7.10. Regarding vehicular movements, it is considered that the quantum of future additional vehicular movements arising from the proposed development would not significantly change the operation of the local highway network. Appropriate visibility splays can be provided.
- 7.11. The proposed development is to be serviced by 10 parking spaces, which complies with the County Council's parking standards as detailed in the Transport Statement. The proposals comply with Local Plan Policy 8.

Drainage

- 7.12. Environment Agency mapping confirms that the Site is located within Flood Zone 1 nor is it in a location at risk of any source of flooding. As such, the Site is not subject to the sequential test.

- 7.13. As discussed in Section 4, the supporting drainage strategy details how surface water runoff will be managed to ensure it does not enter the public foul or combined sewer and result in a positive improvement in surface water run off. The scheme complies with Local Plan Policy 42.

Energy & Sustainability

- 7.14. The proposal is accompanied by a Sustainability & Energy Statement, which details a 61% saving in CO2. This is achieved through a highly efficient building fabric and air source heat pumps. The provision of EV charging points is now a building control requirement and will need to be provided within the development. Subject to the implementation of these measures, the proposal would result in a sustainable form of development and comply with Local Plan Policy 40.

Ecology

- 7.15. The PEA concludes that the proposed development, subject to the prescribed mitigation measures, can be brought forward without any adverse effects upon the ecological value of the area in accordance with Local Plan Policy 49. Further, ecological enhancements are proposed in the form of native species planting, new wildflower lawn mix seeding and bat / bird boxes.

Nitrate Mitigation Statement

- 7.16. The proposal comprises new development with overnight accommodation, where the development will connect to the Apuldram (Chichester) Wastewater Treatment Works. Consequently, the effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. Natural England's position is that the cumulative increase in nitrate levels from additional residential development is likely to have a significant effect on such designated sites.
- 7.17. In such instances, the implications of the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge require testing by the Council via an 'Appropriate Assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species

Regulations 2017 (as amended).

- 7.18. This application is supported by a nitrogen mitigation proposal, whereby the removal of agricultural land from arable crop production, together with the planting of woodland comprised of mix of native oak, beech and hazel species over the whole area is proposed. The mitigation site lies at Chilgrove Farm, within the South Downs National Park and is managed by the agent, Henry Adams. This mitigation solution will be well known to the Council as it has been accepted in principle in relation to many other schemes, including the neighbouring Glenmar House site that benefits from a resolution to grant permission for a net 5 additional dwellings. The latest position as advised by the agents in relation to the Chilgrove Farm mitigation scheme is detailed below:

“The Chilgrove Farm Nitrate mitigation scheme is being put together in a way whereby there is a single Section 106 agreement which will be between the landowner and the local authority. This Section 106 outlines the pre-agreed process for the reservation and sale of nitrate credits and in a nutshell a developer like yourself will first need to obtain a reservation agreement from the landowner who will confirm that there is a suitable number of credits for your development and that they are reserved in your name. The landowner will then send details of this reservation off to the local authority so that when they receive your planning application and verify it, they will be able to see from the database that you have successfully reserved nitrate credits. Finally, if you are successful in your planning application then your application of credits becomes confirmed and crystalised and again a further update sent to the council. Therefore, your development will not require its own Section 106 agreement in respect of its own nitrates but instead the local authority will be looking for you to present them with a reservation agreement” (Sic).

- 7.19. The proposed nitrate mitigation scheme will use the land at Chilgrove Farm,

Chilgrove, Chichester, West Sussex, PO18 9HU. It is confirmed that the applicant is listed on Henry Adams database, ready to use the mitigation and will provide evidence of a reservation as soon as the Chilgrove Farm Section 106 is signed off. The relevant budget calculator has been completed and suggests that there is 3.64Kg of nitrogen associated with the proposed scheme. The mitigation can be provided within the fields outlined in red below that have been farmed continuously since 2010.



Chilgrove Farm

- 7.20. The landowner is to covenant to plant woodland in place of this agricultural use. In turn, it can be confirmed that the proposed nitrate mitigation scheme would ensure that the proposal would not impact upon the European designated sites as a result of nitrates, and therefore the proposal would comply with Local Plan Policy 49 and section 15 of the NPPF. Upon submission of the reservation agreement to the LPA, a positive conclusion in this respect can be made.

Impact upon the Chichester and Langstone Harbours SPA

- 7.21. The site lies within 5.6Km of the Chichester and Langstone Harbours Special Protection Area, wherein new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to

be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPA's Guidance 2019, and as recommended by Natural England, a financial contribution to the established joint mitigation scheme can be made. This contribution will be made in accordance with the Council's Recreational Disturbance of Birds in SPAs Guidance on a number of bedrooms per unit basis.

- 7.22. Subject to the securing of this contribution through a Section 106 agreement, the proposal will therefore provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and national guidance.

Planning Obligations & Draft Head of Terms

- 7.23. A financial contribution is to be secured through a Section 106 agreement in relation to mitigation relating to the Chichester and Langstone Harbours SPA. As discussed above, it is envisaged that all that will be necessary in relation to nutrient neutrality is the provision of evidence that a reservation has been made to serve the development at Chilgrove Farm mitigation scheme.

- 7.24. The proposed development will also attract a significant CIL charge.

Overall Assessment and Final Balance

Development Plan Compliance

- 7.25. As detailed throughout this statement, the proposed development is in accordance with the development plan, when taken as a whole and therefore benefits from the presumption in favour of sustainable development at paragraph 11 (c) of the NPPF.

Other Material Considerations

- 7.26. The scheme also secures an extensive range of benefits, not least the efficient redevelopment of brownfield land, a high quality design and the provision of much needed additional housing. Any conceivable possible adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. As such, the scheme benefits from the presumption in favour of sustainable development.

7.27. For the reasons set out above, the material considerations lend further support for the grant of planning permission.

8 Summary and Conclusion

- 8.1. This planning application has been informed by a contextual analysis of the Site, its surroundings and a detailed review of adopted planning policies covering the Site. The Site is sustainably located, within walking distance from local services and facilities. Furthermore, the proposed development makes efficient use of brownfield land within a defined settlement boundary.
- 8.2. The scheme results in many benefits, including the provision of market housing (which attracts significant weight), economic benefits (moderate weight) and social benefits arising from a high quality design (medium weight).
- 8.3. Overall, the Scheme secures a range of substantial benefits within the defined Chichester City area. In conclusion the proposal accords with the development plan, when taken as a whole and the Government's objective to significantly boost the delivery of new homes without the alteration of settlement boundaries. As such, planning permission can be granted.
