



Appeal Decision

Hearing held on 21 September 2022

Site visit made on 21 September 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/L3815/W/22/3299268

Chas Wood Nurseries, Main Road, Bosham, West Sussex PO18 8PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Grand Holdings against the decision of Chichester District Council.
 - The application Ref CH/20/01854/OUT, dated 21 July 2020, was refused by notice dated 30 March 2022.
 - The development proposed is described as 'Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access)'.
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Decision

1. The appeal is allowed, and outline planning permission is granted for 26 no. dwellings with access, public open space, community orchard and other associated works at Chas Wood Nurseries, Main Road, Bosham, West Sussex PO18 8PN, in accordance with the terms of the application, Ref: CH/20/01854/OUT, dated 21 July 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access and the position of the community orchard. The appellant confirmed at the hearing that the plans should be considered illustrative in all other respects. I have considered the proposal on this basis. In so doing, I note that the planning obligation sets out a housing mix, but this is expressed in terms of bedroom numbers rather than floor sizes or building dimensions and therefore is not a confirmation of scale.

Main Issues

3. The Council confirmed at the hearing that the term 'amenity' in the first reason for refusal is reference to the effect on the character and appearance of the area. As such, the main issues in this appeal are:
 - Whether the appeal site is an appropriate location for the proposal, with reference to the spatial strategy in the development plan;
 - The accessibility of services and facilities; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

The appropriateness of the location with reference to the spatial strategy

4. To conserve and enhance the quality of the environment, whilst delivering housing in locations close to services and facilities in a way proportionate to the settlement concerned, Policy 2 of the Local Plan¹ (LP) outlines a development strategy based around a settlement hierarchy. The strategy is to deliver most of the housing provision set out in Policy 4 of the LP at the largest settlements. These encompass the sub-regional centre of Chichester City followed by four Settlement Hubs. After this, small scale housing development consistent with indicative housing numbers will be directed to the defined service villages. There is a general presumption in favour of sustainable development within the defined boundaries of these settlements.
5. However, the appeal site is not located within a defined settlement boundary. I understand that these were drawn to direct development to locations where sprawl and coalescence would be prevented, and new housing would be focused as close to services and facilities as possible. Being outside a settlement boundary the appeal site is in 'the rest of the plan area', where development is restricted to that which requires a countryside location or is in accordance with Policies 45 or 46 of the LP. The appeal scheme does not require a countryside location and is at odds with the requirements of Policy 45². The proposal would therefore be contrary to Policy 2.
6. The Neighbourhood Plan (NP)³ was made in 2016 and therefore postdates the LP. The NP places a settlement boundary around Hambrook and Nutbourne. These two settlements are collectively a defined service village in Policy 2 of the LP. Service villages are to take small scale housing development consistent with the indicative housing numbers set out in Policy 5 of the LP. The NP explains that the parish has an indicative housing number of twenty-five homes but eighty-six have been approved since January 2014. Accordingly, there was no need to allocate further housing, as such an approach could lead to levels of housing far in excess of that envisaged in the development strategy and settlement hierarchy in Policies 2 and 5 of the LP.
7. Nevertheless, the NP still takes a positive approach through Policy LP1. This policy supports development of ten homes or fewer on windfall sites. Windfall sites are defined as those which are not specifically identified as being available in the local plan process and normally comprise previously developed land. The corollary in Policy LP1 is that schemes of more than ten homes would not be supported. The appeal scheme would be for more than ten homes and therefore it would be at odds with Policy LP1 of the NP.
8. In conclusion, the proposal would not be a suitable location for the appeal scheme when applying the spatial strategy in the development plan, which is a carefully drafted and considered statement of policy. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

¹ Chichester District Council Adopted Chichester Local Plan: Key Policies 2014-2029

² Policy 46 is not relevant in this instance as it relates to the conversion of existing buildings

³ Chidham Hambrook Nutbourne East Neighbourhood Plan 2015 - A Plan for Our Future

The accessibility of services and facilities

9. Paragraph 105 of the National Planning Policy Framework (the 'Framework') states that significant development should be focussed on locations that are, or can be made, sustainable. There is no definition in the Framework as to what a significant development would be. Nevertheless, I do not consider it only relates to very large proposals because the implication of this is that large and medium sized schemes could be located unsustainably.
10. To my mind a significant scheme is of a size that is noteworthy in its context. Thus, an increase in the size of Chidham by the extent proposed is a matter of importance and worthy of attention - it is significant. Moreover, the cumulative number of trips generated by the development would also be a matter of note and thus of significance. Consequently, development at the quantum proposed would be significant for the purposes of Paragraph 105 of the Framework. It should therefore be in a sustainable location. The Framework does not define what a sustainable location is and therefore this is a matter for reasoned planning judgment having regards to sustainable modes of travel.
11. In addressing this question, the appellant has referred me to guidance in Planning for Walking that suggests most people will walk to destinations that are less than one mile away. However, I favour the Council's suggestion that the more recent guidance in the National Design Guide should be applied. This suggests a distance of 800m (10 minutes). This is more realistic when considering return trips, inclement weather or if children are involved. That said, pedestrians may walk further if they intended to stay at the destination for a while and thus break up the return journey. Either way, the distance someone is likely to walk would be affected by the attractiveness and convenience of the route.
12. The nearest convenience store of sorts is a local garage, but the distance and ease of parking is such that future occupants of the appeal scheme would likely drive there. There are some facilities within an 800m walk of the appeal site including a village hall, public house and primary school. There is also a scattering of other facilities including a garden nursery and charity shop. The short distance and separation from traffic provided, in parts, by a wide grass verge increases the attractiveness of walking along the A259 despite the volume and speed of vehicles. A traffic island and dropped kerbs provide a place to cross the A259 on route to the school. The ability to regularly and conveniently walk to school would, in particular, provide opportunities to reduce private motorised travel and accrue health benefits. Nevertheless, the facilities within walking distance of the appeal site are not extensive.
13. However, within a very short walk of the site there are several bus stops which provide access to a regular east west service that includes Chichester and other settlements. As a result, future occupants would have easy access to retail, leisure and work without having to drive themselves. There is also a rail station around a mile away from the appeal site that provides a regular service to local settlements and beyond. It would be convenient to cycle to the station or access this facility by bus. Some may even choose to walk there.
14. Moreover, there is a national cycle route directly outside the appeal site. This includes sections with dedicated cycle lanes. The traffic speeds and volume would likely discourage its use by some, especially children, but others would consider it a useful facility. The accident data in the Transport Assessment

suggest the A259 is not especially unsafe for cyclists. Moreover, Planning for Cycling confirms that cycling is a potential mode of transport for journeys under five miles. During my site visit, I observed a steady flow of cyclists using the route. This is a snapshot in time but the evidence before me does not demonstrate my observations were untypical.

15. I accept that some residents may still drive, especially if undertaking a weekly grocery shop, but they would not have to. The ability to conveniently and safely access services by walking, cycling, bus and rail would provide a genuine choice of transport modes.
16. Therefore, although the appeal site has few everyday services and facilities within walking distance, it is near a school and the appeal site is very well placed to access other methods of sustainable transport. Paragraph 105 of the Framework explains that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The appeal site is in a rural area and in this context, I find that it is well served by sustainable transport.
17. In conclusion, the appeal scheme would have adequate access to services and facilities by means other than private motorised transport. As a result, it would adhere to Policy 8 of the LP, which seeks to secure development that encourages the use of sustainable modes of transport as an alternative to private car use.

The effect of the proposal on the character and appearance of the area

18. The appeal site encompasses a parcel of land accessed from the busy A259. This road is an important east west movement corridor between Havent and Chichester. There are several small settlements located along its length including Nutbourne and parts of Bosham and Chidham. In respect of the latter, the discernible cluster of development around the village hall forms part of this dispersed settlement. There is an understandable local concern that further development could result in the coalescence of these settlements, as some are only separated by small areas of open countryside.
19. The appeal site is generally open and verdant in appearance. That said, it is sandwiched between a caravan storage area and Cocklebury Farm. Both incorporate development in depth stretching away from the A259. Moreover, the entrance into the appeal site is flanked by two properties and there is a rail line to the north. Avenue Cottage is a large property that has an imposing presence in views from the appeal site and this provides an immediate built context. There is also the Bosham Inn to the west alongside development in Drift Lane. To the east is a nursing home and a small residential development (Cutmill View). As a result, there is the sense that the appeal site is surrounded by development and would form part of the cluster of development that makes up this part of Chidham. In this respect, it provides no meaningful contribution to the sense of open countryside.
20. The visually enclosed nature of the appeal site means the appeal scheme would appear as an infilling within a discernible cluster of development. In this respect it would not harmfully erode the open rural character of the area. Importantly, the proposed development would not be especially visible from the A259 due to the setback, the provision of a community orchard and the screening provided by existing buildings, most notably Far Close, Oaklands and Avenue Cottage. As a result, the scheme could be a subtle addition that would

not appear as an encroachment into the countryside or an erosion of the area's rural character. This would be subject to a sensitive scheme being pursued at the reserved matters, but the illustrative drawings indicate that with some refinement a pleasant design of low-rise buildings could be provided.

21. The urbanisation of the appeal site, including the activity associated with occupation, would intensify the level of development along the A259. However, for the reasons already set out the proposal would not appear strident or discordant. The additional activity would integrate with that which already occurs along the A259 and therefore it would not encroach into an otherwise tranquil rural area. Moreover, the enclosure and containment would be such that the appeal scheme would appear as part of an existing cluster of development rather than a built incursion into the open countryside or as ribbon development along the A259. For these reasons, the appeal scheme would not result in, or aggravate, the sense of coalescence of settlements along the A259.
22. In conclusion, the appeal scheme would preserve the character and appearance of the area, including the open rural character found between settlements along the A259. Accordingly, there would be no conflict with Policy 48 of the LP, which seeks to secure development that would not have an adverse impact on the openness of views and the tranquil and rural character of the area.

Other Matters

23. The Council has referred to an Interim Position Statement (IPS) that has been subject to some public consultation and formal endorsement by the Council. The purpose of this document is to boost the supply of housing by providing interim guidance until the Local Plan Review is adopted. However, it does not form part of the development plan and therefore does not set policy and cannot be treated as if it has that status. Moreover, it is not an adopted supplementary planning document either.
24. An Inspector in a recent appeal decision⁴ gave the IPS limited weight referring to a legal opinion tabled at another appeal⁵. The Council has not challenged this view or advanced a contrary legal opinion. Thus, the IPS is, at best, a material consideration of limited weight meaning any conflict also carries limited and non-determinative weight as a material consideration.
25. In any event, the IPS seems to repeat development plan and national policies and therefore adds little to my assessment. Only the first criteria (in Paragraph 6.2) of the IPS seems to suggest something markedly different to that generally set out in the development plan. It indicates that the site boundary of a development site should be contiguous with an identified settlement boundary defined in the LP. This would not be the case in respect of the appeal scheme. However, this approach is curious as it seems to encourage development that would be contrary to the lawfully adopted development plan. I have already found that the proposal would be at odds with Policies 2, 5 and LP1 and will set out the weight I attach this below. The application of Criteria 1 therefore adds little to my assessment other than to suggest that the Council's spatial strategy may be out of date, as a more permissive approach appears necessary to maintain a five-year housing land supply.

⁴ APP/L3815/W/22/3291160

⁵ APP/L3815/W/20/3255383

26. My attention has been drawn to another appeal decision⁶ at the appeal site relating to a proposal for ten homes. The Inspector in that case dismissed the appeal, finding that the proposal would be at odds with the spatial strategy. However, that decision was taken in 2019 when the policy landscape was different. The Council was able to demonstrate a five-year housing land supply. Furthermore, the date for reviewing the housing requirement in the local plan had not been triggered. As the circumstances are different, the appeals are not alike and need not be decided in a like manner.
27. There are some limitations in the indicative layout. In particular, the public open space as shown would be located deep into the site and would therefore principally serve future residents. It would seem better to move it next to the community orchard or simply extend the community orchard in lieu of this space. Furthermore, the garden of Avenue Cottage would be overlooked by around ten properties. Other houses would present a side or rear elevation to the public realm, which is not conducive with positive urban design.
28. However, these are all matters that can be considered further through the reserved matters given the outline nature of the proposal. Following discussions at the hearing, I am satisfied these limitations in the layout need not be inevitable in a scheme for 26 homes. Likewise, given the density of the proposal and size of the site, the provision of a maintenance buffer along the water courses need not be a constraint that would inherently prevent the delivery of 26 homes. Given the intervening distances and landscaping I share the view of the Council and appellant that the proposal would preserve the setting of the Chichester Harbour Area of Outstanding Natural Beauty and the setting of The Bosham Inn, which is a Grade II listed building.
29. Drawing 2006036-10 demonstrates that a safe access with a footway can be implemented as part of the appeal scheme. The site location plan indicates that the appellant owns the necessary land and there is no objection from the Local Highway Authority. Similarly, the evidence before me, which has been reviewed by the Council's Environmental Strategy Unit, demonstrates the appeal scheme would have a net benefit on biodiversity subject to the delivery of an Ecological Management Plan. Substantive evidence is not before me to demonstrate the proposal would have a harmful impact on air quality. The Council and appellant agreed at the hearing that the emerging Local Plan is not at a stage of preparation where it carries any meaningful weight.
30. I was advised at the hearing that there are other applications for housing in the vicinity of the site and any approval of the appeal scheme would set a 'precedent'. Every application should be considered on its own merits, but decisions should be made consistently. It will be for future decision makers to decide what weight they afford my findings based on the prevailing circumstances at the time.

Other Considerations

31. The Council are currently unable to demonstrate a five-year housing land supply and therefore its housing policies should be deemed out of date. However, they should not be disregarded. Instead, in such circumstances Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably

⁶ APP/L3815/W/18/3208546

outweigh the benefits when considered against the policies in the Framework taken as a whole.

32. Paragraphs 78-80 of the Framework set out a broad set of non-prescriptive rural housing policies. Paragraph 79 seeks to direct rural housing to settlements, including villages and rural communities. However, what constitutes a settlement is not defined. Policy 78 states that policies and decision should be responsive to local circumstances and reflect local needs. As a result of the broad nature of Paragraph 79 and the local emphasis in Paragraph 78, local planning authorities have a high degree of flexibility in setting local housing policy in rural areas. Moreover, the Planning Practice Guide indicates the acceptability of a local approach if supported by evidence⁷.
33. In this context, the spatial strategy in the development plan is consistent with national policy, because it seeks to direct new rural housing to settlements. The extent of the settlement has been defined locally by a settlement boundary based on local circumstances in a carefully considered development plan. It is also important to note that The Framework encourages a genuinely plan led approach to development⁸.
34. However, as things stand a rigorous application of the spatial strategy would frustrate attempts to remedy the housing supply deficit. The Council has tacitly accepted this by producing the IPS, which seeks to authorise housing outside settlement boundaries in certain circumstances. Moreover, I was advised at the hearing that the settlement boundaries in the NP area had been drawn tightly to direct housing to the core of settlements. Given the housing supply deficit, it would seem prudent to temporarily relax this approach to help remedy the shortfall. Especially as the appeal scheme would be enclosed and contained by existing development and would therefore be part of the settlement of Chidham when considered on the ground. It is also important to note that Paragraph 14 of the Framework is not triggered in this instance.
35. Furthermore, the settlement boundaries in the district, including those in the NP area, were predicated on a housing requirement figure which was adopted on the proviso that it would be reviewed within five years⁹. This review is still pending more than five years later. The indications are that the adopted housing needs figure is too low and therefore further housing outside settlement boundaries may be necessary to ensure an adequate supply endures. The Council's housing supply is hovering just below five years (at around 4.8yrs)¹⁰ so the shortfall is not acute. However, this may be because the Council is approving schemes contrary to the LP via the IPS.
36. Taking all the foregoing points together, I find that the conflict with the spatial strategy in the development plan as a whole carries moderate weight.
37. Weighed against this, the appeal scheme would deliver twenty-six new homes which would be a useful contribution towards housing supply. This housing would be within a settlement and would therefore be provided without any meaningful harm to the intrinsic character and beauty of the countryside. There

⁷ Paragraph: 009 Reference ID: 67-009-20190722 - *A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness.*

⁸ Paragraphs 15 and 20 of the Framework

⁹ See APP/L3815/W/22/3291160 - Paragraph 52

¹⁰ Ibid - Paragraph 65

has already been a high level of growth in the NP area, which means extra housing would not be a significant local benefit, but it would nevertheless assist in meeting the housing needs of the wider district. That said, the much-needed affordable housing would be subject to a local occupancy clause as required by the NP, and therefore there would be notable local housing benefits.

38. Future occupants would also be able to adequately access services and facilities via sustainable transport. This would provide choice, resilience and health benefits. Moreover, they would spend locally thereby boosting the economy. There would also be the opportunity for them to get involved in local clubs and societies. In this respect they would enhance the vitality of the community. However, the evidence before me does not suggest local services, facilities or community organisations are struggling for want of patronage, which suppresses the weight I attach this benefit. The proposal would also provide some limited enhancements to biodiversity and deliver an area of public open space. However, the value of the open space would be low if tucked towards the northern end of the site. That said, the community orchard may become an interesting and valued feature for the existing community.
39. Overall, the appeal scheme would have notable benefits that would deliver positively against several policies in the Framework¹¹. Most notably the aim to significantly boost the supply of housing, including delivery of affordable housing, and locating housing to maintain or enhance the vitality of rural communities. Thus, the moderate cumulative adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan.

Appropriate Assessment

40. The appeal site is located near to the Chichester and Langstone Harbours Special Protection Area (SPA). This area is designated on account of its importance to a range of over-wintering and breeding birds, which are their qualifying features. The conservation objectives of these sites can be summarised as ensuring their integrity, by maintaining or restoring the habitats and populations of the qualifying features.
41. The appeal site is located within a zone of influence placed around the SPA. There is no dispute between the parties that population growth resulting from new housing within this zone would likely result in an increase in the harmful recreational disturbance of birds. Accordingly, the proposal in combination with other plans and projects would be likely to have a significant adverse effect on the relevant European sites when following a precautionary approach. Hence, an appropriate assessment, in accordance with the Habitat Regulations¹², is required to consider the implications of the proposal on the European sites in view of their conservation objectives.
42. The appellant has confirmed a willingness to provide the financial contribution set out in the relevant mitigation strategy. This approach is supported by Natural England as the Statutory Nature Conservation Body. The contribution would be pooled with others and used for strategic monitoring and

¹¹ Including Paragraphs 60, 63, 74, 79, 81, 92, 98, 105 and 174 (b) and (d)

¹² See Regulation 63 Conservation of Habitats and Species Regulations 2017 (as amended).

management at the relevant sites. This would be secured through the planning obligation submitted with the appeal.

43. The appeal site is also located within the Chichester Harbour Fluvial catchment and consequently there is a pathway that would likely result in nitrates entering the water system. This would have a likely significant effect on the water quality in the SPA from eutrophication and pollution. The extent of the effect has been calculated in a Nitrogen Budget which I have no reason to doubt. The appellant intends to mitigate this impact through offsetting. This would involve tree planting on land removed from agricultural cultivation. The offsetting would also be secured through the planning obligation and therefore the appeal scheme would be nutrient neutral.
44. The obligations would be directly related to the impacts of the proposal and are necessary to make the development acceptable. They would also be fair and reasonable in scale. Thus, in respect of recreational disturbance and nitrogen deposits, the proposal would not adversely affect the integrity of the relevant SPA, the condition of which need not deteriorate because of the proposal. In conclusion, the appeal scheme would not adversely affect the integrity of the Chichester and Langstone Harbours SPA and would therefore adhere to Policies 49, 50, 51 and 52 of the LP, which seek to conserve biodiversity.

Planning Obligation and Conditions

45. In addition to the obligations relating to mitigating the impacts on European sites, several additional matters are addressed through the legal agreement.
46. *Affordable Housing* – Policy 34 of the LP requires 30% affordable housing on sites of 11 homes or more. Accordingly, the appellant is seeking to provide this as the need is not disputed. The appeal scheme would deliver 8 affordable homes secured through the planning obligation. The homes would have a local occupancy clause in order to adhere to Policy H1 of the NP. The appeal scheme would also deliver 25% of the affordable housing as first homes, as required by national policy¹³.
47. *Open Space* – To support health and wellbeing, Policy 33 of the LP states that new residential development will be required to provide adequate infrastructure. To this end, the appellant is proposing to provide public open space. The provision, maintenance, and management of this area would be secured through the planning obligation. The planning obligation also secures the provision of the community orchard, which is necessary as it is a benefit advanced as part of the scheme.
48. *A27 Highway improvements* – The Council has an adopted Supplementary Planning Document¹⁴ aimed at mitigating the effects of traffic on the A27. Accordingly, the appellant has addressed this matter through the planning obligation by including a mechanism to provide the relevant sum.
49. *Monitoring fee* – The planning obligation is reasonably complicated with several trigger points and actions the Council needs to undertake and/or monitor. It is therefore reasonable that a monitoring fee of £1,692 is included to ensure the smooth operation of the planning obligation.

¹³ Written Ministerial Statement of the 24 May 2021

¹⁴ Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass

50. In light of the analysis above, the obligations are necessary to make the development acceptable and are directly, fairly and reasonably related in scale and kind to it. As a result, I can take them into account.
51. Turning to conditions. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the parties. In addition to standard commencement conditions, it is necessary to define the reserved matters and require their approval. I have included 'access' as a reserved matter in order to deal with internal circulation routes. A drawings condition relating to the position and design of the external access and community orchard is nevertheless added in the interests of certainty and highway safety. Similarly, it is necessary to secure the provision of visibility splays and vehicle parking and manoeuvring in the interests of highway safety.
52. To protect living conditions, it is necessary to address potential land contamination and secure details of construction management (including hours) and foul drainage. To reduce flood risk, it is necessary to secure details of surface water drainage, the maintenance and management of any system and for details of runoff from hard surfaces. To protect and enhance biodiversity and the character and appearance of the area, it is necessary to protect trees, secure ecological enhancements and require details of lighting. In the interests of fire safety, it is necessary to secure the provision of hydrants. In the interests of heritage, it is necessary to require a scheme of archaeological investigation. To support sustainable transport and construction it is necessary to secure the provision of cycle parking and a detailed sustainable design and construction statement.
53. As the proposal has been submitted with details of layout, landscaping and scale reserved for future consideration, it is unnecessary to secure details of these matters, including levels and the position of maintenance buffers or limiting the number of storeys, which would be imprecise in any event. I have removed reference to the mitigation of construction works on the highway as this is covered by other legislation. I have also amalgamated the Council's biodiversity conditions into Condition 21, as discussed at the hearing.

Conclusion

54. The proposal would be at odds with the spatial strategy in the development plan. I have afforded this moderate weight for the reasons already given. The proposal would be at odds with the development plan taken as a whole.
55. That said, the adverse impacts of the proposal would not significantly and demonstrate outweigh the benefits. This is material consideration that suggests the proposal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal has been allowed.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Dr Chris Lyons

Tetra Tech

FOR THE LOCAL PLANNING AUTHORITY

Andrew Robbins

Chichester District Council

INTERESTED PARTIES

Cllr Adrian Moss

Stephen Johnson

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

1. Copy of drawing 2006036-10
2. Planning obligation dated 29/09/22

Schedule of Conditions

- 1) Details of the access (internal circulation routes), appearance, landscaping (other than the community orchard), layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be submitted to the local planning authority before the expiration of 2 years from the date of this permission.
- 3) The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the plans listed below;
 - Site Location Plan 5443 1001
 - Proposed Access Arrangements 2006036-10
 - Revised Layout Proposals 5443 1010 Rev L (only in so far as it relates to the extent and position of the community orchard).
- 5) No development shall commence until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be implemented as approved. 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.
- 6) No development shall commence on site-wide surface water drainage scheme until full details of the maintenance and management of the system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the system serving each phase, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
- 7) No development shall commence on the site until a written scheme of archaeological investigation of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified; a schedule for the investigation, and the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details.
- 8) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced

area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

- 9) No development shall commence until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority. Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.
- 10) If the Phase 1 report submitted pursuant to Condition 8 above identifies potential contaminant linkages that require further investigation then no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the 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.
- 11) If the Phase 2 report submitted pursuant to Condition 9 above 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.
- 12) 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.
- 13) No development shall commence on site until a detailed sustainable design and construction statement has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved statement.
- 14) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to

throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the phased programme of demolition and construction works.
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices measures to control the emission of noise during construction,
- (i) public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties.
- (j) measures to control the emission of dust and dirt during construction including a dust management plan
- (k) measures to control the emission of noise during construction,
- (l) external lighting to be used during construction.
- (m) appropriate storage of fuel and chemicals
- (n) measures to reduce air pollution during construction
- (o) waste management
- (p) the provision of temporary domestic waste and recycling bin collection point(s) during construction.
- (q) the hours of construction.

- 15) Prior to first occupation of any dwelling hereby permitted, the approved off-site improvement works necessary to provide foul drainage for the whole development shall have been completed or, in the event that the approved off-site improvement works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first approved in writing by the Local Planning Authority. The interim on-site measures shall be managed and maintained thereafter in accordance with the approved details.
- 16) Prior to first occupation of any dwelling hereby permitted, details of any proposed external lighting of the site shall be submitted to and be approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.
- 17) Prior to first occupation of any dwelling hereby permitted, details showing the precise location, installation and ongoing maintenance of fire hydrant(s) to be supplied (in accordance with the West Sussex Fire and Rescue

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

- 18) No part of the development shall be first occupied until visibility splays have been provided in accordance with drawing number 2006036-10. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- 19) No part of the development hereby permitted shall be first occupied until the vehicle parking and turning spaces have been laid out and constructed (including drives/garages) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.
- 20) Prior to the occupation of the dwellings hereby permitted, cycle storage provision for the development shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and such provision shall thereafter be retained for the stated purpose.
- 21) Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use, until a scheme of ecological mitigation and enhancement based on the recommendations of the Preliminary Ecological Appraisal (March 2021); Dormouse Survey Report (June 2021); Reptile Survey Report (June 2021); Breeding Bird Survey Report (June 2001); Botanical Survey Report (June 2021) and, Invertebrate Survey Report (July 2021) all produced by Kingfisher Ecology Ltd and the comments of the CDC Environmental Strategy Unit; together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented fully in accordance with the approved details and timescale.
- 22) The proposed hard surfaces hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity

End of schedule