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## Appeal Decision

Site visit made on 22 January 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

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**Appeal Ref: APP/L3815/W/24/3345297**

**Willowbrook Riding Centre, Hambrook Hill South, Hambrook, Chidham PO18 8UJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Ms Fay Goodson on behalf of Reside Developments Limited against the decision of Chichester District Council.
  - The application Ref is 21/01910/OUT.
  - The development proposed is demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 custom/self-built plots, parking, landscaping and associated works. Details of access to be agreed and all other matters reserved.
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### Decision

1. The appeal is allowed and outline planning permission is granted for demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 custom/self-built plots, parking, landscaping and associated works, details of access to be agreed and all other matters reserved, at Willowbrook Riding Centre, Hambrook Hill South, Hambrook, Chidham PO18 8UJ in accordance with the terms of the application, Ref 21/01910/OUT, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Prior to the Council's determination, amended plans were submitted which reduced the proposed number of dwellings from 73 to 63 dwellings. In the interests of accuracy, I have amended the development description accordingly.
3. On 12 December 2024, Government published the revised National Planning Policy Framework (the Framework). During the appeal, the parties were invited to comment on the relevance of the revised Framework to the proposal and in my decision, I have had regard to the parties' written responses.
4. During the appeal, the Council adopted the A27 Chichester Bypass Mitigation Supplementary Planning Document 2024 (A27 SPD). Paragraph 008 of the Planning Practice Guidance states that supplementary planning documents are a material consideration in decision-making<sup>1</sup>.
5. In their decision, the Council refer to policies in its emerging Local Plan. However, I am not aware of how advanced this is towards adoption, nor what unresolved objections may exist. Accordingly, I give only limited weight to these policies in my determination of this appeal.

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<sup>1</sup> Reference ID: 61-008-20190315

6. Whilst not included in its reasons for refusal, the Council's assessment concludes the proposed development would be outside the settlement boundary and contrary to the locational strategy of the Chichester Local Plan 2014-2029 (CLP). The appellant acknowledges most the site area is beyond the settlement boundary and accepts CLP Policies 2 and 45 would apply. Therefore, no party would be prejudiced by my consideration of the suitability of the location as a main issue.

### **Main Issues**

7. The main issues in this appeal are:
- whether the development would be in a suitable location, having regard to the local development strategy;
  - the effect of the development on the Green and Blue Infrastructure Network, including the Ham Brook Chalk Stream Wildlife Corridor and priority habitats;
  - the effect of the development on the safety and efficiency of the strategic road network and local highways;
  - whether the development would provide a suitable mix of housing;
  - the effect of the development on the integrity of European sites; and
  - whether other material considerations outweigh any harm identified such as to justify the development.

### **Reasons**

#### *Whether in a suitable location*

8. The site is a riding centre with a dwelling, stables, outbuildings, sand school, and areas of hardstanding and grazing land. The existing dwelling and buildings at the site's frontage to Hambrook Hill South are within the built area of the village. However, the majority of the site comprises open grazing land that is beyond the built edge of the village and adjoins surrounding agricultural land.
9. The site's boundaries consist of woodland to the north and hedging to the west. To the east and south are the rear side of dwellings that face Hambrook Hill South and Priors Leaze Lane. The surrounding area comprises agricultural land and residential development. The site is within a rural location and includes land both within and adjoining the village of Hambrook.
10. Whilst the replacement dwellings would be within the built area, most development would be outside the settlement boundary. CLP Policy 2 limits development outside settlements to types which require a countryside location, meets an essential local rural need, or supports rural diversification, with CLP Policy 45 providing further criteria, including that development is small scale.
11. The proposal would not meet an essential, small scale and local need and the evidence before me does not suggest the scheme would be of a type supported in the countryside. The proposed development would exceed the indicative housing target for the village set out at CLP Policy 5 and there are no policies which positively favour of development of the type proposed in this location. Therefore, having regard to the local development strategy, the proposed development would not be in a suitable location.

## *Green and Blue Infrastructure Network & priority habitat*

### Green and Blue Infrastructure Network (GBI network)

12. Policy SB13 of the Southbourne Modified Neighbourhood Plan 2023 (SMNP) designates a network of Green and Blue Infrastructure for the purpose of promoting ecological connectivity, mitigating climate change, and for outdoor recreation and sustainable movement. The appeal site is located within an asset of the GBI network; the 'Ham Brook Chalk Stream Wildlife Corridor'. The SMNP indicates the corridor provides protection and connectivity for species travelling between the Chichester Harbour National Landscape (CHNL)<sup>2</sup> and South Downs National Park (SDNP) and enhances habitat to support biodiversity.
13. The Council suggests the site lies partly within a Strategic Wildlife Corridor proposed for designation by draft Policy NE4 of the Chichester Local Plan 2021-2039: Proposed Submission. The aims of the draft policy are similar to SMNP Policy SB13 through its protection of wildlife corridors.
14. Policy SB13 sets out criteria for development proposals within or adjoining the GBI network including, at criterion B, that proposals have full regard to creating, maintaining and improving the GBI network, including delivering a net gain to general biodiversity value and wildlife connectivity in the design of their layouts, landscaping schemes, public open space and play provisions.
15. The indicative development layout and Ecology Statement of Case demonstrate the proposal would provide a significant increase in habitat and biodiversity value, which the Biodiversity Metric Calculation April 2024 quantifies as a biodiversity net gain of 60.99%. The proposed 25m ecological buffer adjacent to the Ham Brook chalk stream, including a 15m dark stream corridor, and new 10m wide tree belts to the north and west of the site, would maintain wildlife connectivity along the river corridor and improve connectivity to a nearby ancient woodland. These measures would satisfy the requirements of criterion B.
16. At criterion E, Policy SB13 requires proposals incorporate woodland and/or wetland planting on-site of a species and standard that will effectively store or sequester carbon. The proposal would include attenuation ponds with native planting and thus would create new wetlands on-site. There would be planting of new native broadleaf woodland at adjoining land within the appellant's ownership.
17. However, at criterion D, Policy SB13 resists proposals that would lead to the loss of land lying within the GBI network or undermine its integrity. Whilst the site is partly developed, most of the site area comprises open, undeveloped, grazing land. The proposal would provide major housing development with associated infrastructure, domestic paraphernalia, and increased activity on the site. The proposed development would have an urbanising effect upon this large site. Therefore, the spatial effects of the proposed development would lead to a significant loss of land within the network and would thus undermine its integrity.

### Chalk stream priority habitat

18. The Ham Brook runs between the site and existing dwellings. It crosses the site under the existing bridge access between the sand school and stable block. The Ham Brook is classified as a Chalk Stream by the Environment Agency and is a

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<sup>2</sup> Formerly 'Area of Outstanding Natural Beauty' (AONB)

priority habitat chalk river tributary. It is a habitat of principal importance for biodiversity conservation to which the duties of the Natural Environment and Rural Communities Act 2006 would apply.

19. The Ecological Impact Assessment (EcoIA) indicates the Ham Brook would be retained and the current bridge would be replaced with a precast concrete box culvert solution, with a mammal ledge to enable movement of wildlife. The bridge replacement works would not currently impact water vole burrows.
20. The EcoIA notes the Ham Brook would be protected from pollution and run off during construction through a construction and environmental management plan, secured by a planning condition. The proposed buffer would further reduce the potential for impacts resulting from pollution and run off, and use of SuDs will ensure that the stream is protected from any pollution events. Subject to such mitigation measures, the EcoIA concludes there would be no residual effects on this priority habitat. The Council's Environment Strategy Unit assessed the proposals and made recommendations to be secured by condition or obligation as appropriate, and concluded there is no ecological reason to resist the application.
21. The Environment Strategy Unit note the importance of the river corridor for rare bat species associated with the Singleton and Cocking Tunnels SAC. As discussed in '*European Sites*', below, Natural England note that any potential impacts to the SAC's bat populations have been assessed in relation to the SAC and deem that sufficient mitigation would be in place.
22. Some respondents raised concerns with the bat survey methodology. However, it is recognised that the Ham Brook and the corridor habitat, including hedgerows and ditches, supports a range of commuting and foraging bat species. Proposed mitigation measures, including the buffer, planting, and lighting scheme would retain connectivity along this dark corridor. Such measures would avoid harm to bats and other species and would be secured through planning conditions.
23. Consequently, having regard to the submitted evidence and advice of technical stakeholders, the evidence indicates the proposal would not harm the Ham Brook chalk stream priority habitat and the protected species it supports.
24. As set out above, the proposal demonstrates there would be a net gain in the site's biodiversity value, increased wildlife connectivity, and planting to provide carbon storage, and would therefore satisfy criteria B and E of Policy SB13. Furthermore, subject to conditions the proposed development would not have an adverse impact on the Ham Brook chalk stream priority habitat.
25. However, the proposed development would lead to a significant loss of land within the GBI Network, undermining its integrity. The proposed development would therefore have an adverse impact on the GBI Network.
26. For these reasons the proposal would conflict with SMNP Policy SB13 and CLP Policy 49 which together require development proposals protect, manage and enhance the network of ecology and biodiversity sites.

#### *Highway safety and efficiency*

27. CLP Policy 8 requires integrated transport measures be developed to mitigate the impact of planned development on the highways network, including a coordinated package of improvements to junctions on the A27 Chichester Bypass that will

increase road capacity, reduce traffic congestion, improve safety, and improve access to Chichester city from surrounding areas. To ensure growth is supported by timely provision of adequate infrastructure, facilities and services, CLP Policy 9 requires all development fund or provide new infrastructure.

28. The A27 SPD provides guidance on the use of CLP Policies 8 and 9 and makes clear that it is seeking to achieve the aims of the adopted CLP and does not relate to the development strategy of the emerging Local Plan. It identifies that congestion around the junctions of the A27 Chichester Bypass leads to congestion on the local road network as drivers seek alternative routes. All new housing development in the area generates additional traffic impacts on the A27 Chichester Bypass junctions and the associated local highway network.
29. The A27 SPD was prepared in response to increased costs of delivering the remaining highway improvements at the A27. It provides formulae for calculating developer contributions at a higher rate than previously sought by the Planning Obligations and Affordable Housing Supplementary Planning Document 2016 (2016 SPD). The parties agree that a planning obligation toward highway improvements would be necessary. However, the level of contribution is in dispute.
30. During the appeal, the appellant provided a deed pursuant to section 106 of the Town and Country Planning Act 1990, as amended, (hereafter 'the s106 agreement'). The s106 agreement was prepared and completed in collaboration between the main parties. The s106 agreement contains a matrix<sup>3</sup> to determine the financial values to be used for calculating the overall highway contribution sum, with Option A reflecting the 2016 SPD and Option B based using the formula provided by the A27 SPD.
31. At the time of submission of the appeal statements, the A27 SPD was in draft form and was not adopted by the Council. The appellant asserts that it would not be reasonable to impose contributions based upon a draft supplementary planning document. Rather, the appellant is of the view that the level of contribution should be derived from the 2016 SPD which was adopted guidance at that time. However, at the date of my decision, the A27 SPD has been adopted by the Council and therefore is a relevant consideration. Moreover, it replaces those parts of the 2016 SPD relating to the calculation of developer contributions.
32. The proposal would generate additional traffic on the A27 junctions and local highway network, resulting in congestion. The planning obligation to secure a financial contribution toward the package of highway improvements, as indicated in CLP Policy 8 and described at paragraph 1.2 of the A27 SPD, would therefore be necessary and directly related to the development. The rate of contributions indicated at Option B of the s106 agreement's matrix reflects the requirements of the adopted A27 SPD, and this higher rate of contributions would enable the highway impacts of the development to be mitigated and at a rate that is fairly and reasonably related in scale to the development.
33. Conversely, the lower rate of contributions indicated at Option A would not reflect the requirements of the A27 SPD and the sum would be insufficient to mitigate the effects of the development in accordance with CLP Policy 8.

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<sup>3</sup> At Appendix to Part 2 of the First Schedule

34. The appellant refers to other appeal decisions where the higher contribution rates were not imposed. Since those decisions pre-date the A27 SPD's adoption, the circumstances materially differ from the appeal proposal. The adoption process for the A27 SPD would have provided the Council opportunity to test the supporting evidence and effects of the higher rate of developer contributions.
35. Subject to the planning obligation to secure the highway network contribution, calculated in accordance with Option B of the matrix, I am satisfied the proposal would provide appropriate mitigation of its highway impacts. Therefore, the proposal would not harm the safety and efficiency of the strategic road network and local highways.
36. The proposal would therefore comply with CLP Policies 8 and 9 which together requirement development fund or contribute to improvements to increase the effectiveness and efficiency of infrastructure, including integrated transport measures will be developed to mitigate impacts on the highways network.
37. Insofar as the emerging local plan is a material consideration in my decision, the proposal would also accord with its draft policies I1, T1 and T2, the aims of which broadly accord with the above identified policies in the existing local plan.

#### *Housing mix*

38. The s106 agreement contains planning obligations to secure on-site provision of 19 affordable housing units. This equates to an affordable housing rate of 30% of all proposed units, reflecting the requirement stated at CLP Policy 34.
39. In addition, the schedule of affordable housing units set out in the s106 agreement comprises dwellings of a range of tenures and bedroom numbers that corresponds with mix requested by the Council's Affordable Housing Enabler. The planning obligations are therefore necessary to secure a policy requirement scheme.
40. The parties disagree on whether the site is wholly or partly previously developed land. Policy H4 of the emerging Local Plan proposes a lower rate of affordable housing provision for sites comprising previously developed land. As discussed above, policies of the emerging Local Plan are afforded limited weight and I have determined the appeal against the adopted policies of the development plan.
41. Subject to the secured planning obligations, the proposal would make suitable provision for affordable housing. The proposal would therefore provide a suitable mix of housing
42. The proposal would comply with CLP Policy 34 which seeks a 30% affordable housing contribution where there is a net increase of dwellings, provided on-site as part of schemes for major residential development, within affordable tenures defined by the Framework.

#### *European sites*

43. Natural England identify that, without appropriate mitigation, the proposal would have an adverse effect on the integrity of sites afforded protection by the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations), including the Chichester and Langstone Harbour Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), and the Singleton and Cocking Tunnels SAC.

### Recreational disturbance

44. The qualifying features of the Chichester and Langstone Harbour SPA include its waterbird assemblage and populations of dark-bellied brent goose, common shelduck, Eurasian wigeon, Eurasian teal, northern pintail, northern shoveler, red-breasted merganser, ringed plover, grey plover, sanderling, dunlin, bar-tailed godwit, Eurasian curlew, common redshank, ruddy turnstone, sandwich tern, common tern, and little tern.
45. The conservation objectives for the Chichester and Langstone Harbour SPA are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the aims of the Wild Birds Directive.
46. The appeal site lies within 5.6km of Chichester and Langstone Harbour SPA and is therefore within its zone of influence. The increase in local population associated with the proposed development has the potential to increase recreational pressure on the SPA, resulting in disturbance to birds. The proposed development would have an adverse impact on the SPA's qualifying features, and therefore would have likely significant effects on the integrity of the SPA.
47. The Bird Aware Solent Recreation Mitigation Strategy sets out measures to mitigate the effects of growth on the SPA, and arrangements for funding through developer contributions. The s106 agreement contains a planning obligation to secure a financial contribution toward recreation disturbance mitigation at a rate determined by the bedroom numbers of the dwellings proposed and would be paid on commencement of development.
48. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that as a responsible public body it will use the funds for its intended purposes. I therefore consider appropriate mitigation is secured and is necessary to make the development acceptable.
49. Therefore, subject to the proposed mitigation, the proposal would not harm the integrity of the Chichester and Langstone Harbour SPA.

### Nutrient pollution

50. The qualifying features of the Solent Maritime SAC include sandbanks which are slightly covered by sea water all the time; estuaries; intertidal mudflats and sandflats; coastal lagoons priority habitat; annual vegetation of drift lines; perennial vegetation of stony banks; glasswort and other annuals colonising mud and sand; cord-grass swards; Atlantic salt meadows; shifting dunes with marram; and Desmoulin's whorl snail population.
51. The conservation objectives for the Solent Maritime SAC are to ensure the integrity of the site is maintained or restored as appropriate and contributes to achieving the favourable conservation status of its qualifying features.
52. The appeal site falls within the fluvial catchment area of the Solent Maritime SAC. Natural England advise that development within the SAC's catchment has the potential to affect water quality in such a way that adverse nutrient impacts on the SAC cannot be ruled out. Therefore, the proposed development would have likely significant effects on the SAC.

53. To mitigate the nutrient impacts of the development, the proposal would achieve nutrient neutrality through planting of native broadleaf woodland within adjacent land, edged in blue on the Location Plan, currently in use as paddocks and for grazing. The s106 agreement contains a nitrates neutrality scheme and planning obligations which secure tree planting and other works would be carried out on the nitrate mitigation land prior to first occupation of the development. In addition, planning obligations would maintain the level of planting and prevent the erection of buildings or depositing of fertilisers. Natural England has confirmed that it is satisfied with the Nutrient Budget Calculation and mitigation strategy.
54. The proposal would secure a nutrient neutral development, and therefore would not have an adverse impact on the integrity of the Solent Maritime SAC.

#### Bat populations

55. The qualifying features of the Singleton and Cocking Tunnels SAC are populations of Barbastelle bat and Bechstein's bat. The conservation objectives for the Singleton and Cocking Tunnels SAC are to ensure that the integrity of the site is maintained or restored as appropriate and ensure that the site contributes to achieving the favourable conservation status of its qualifying features.
56. The site lies within a 12km zone of the Singleton and Cocking Tunnels SAC in which development has the potential to affect the SAC's bat species. The appellant's 'Report to inform Habitat Regulations Assessment – Screening Assessment (Update April 2024)' identifies that lighting can impact upon bat flight paths and as such, impacts relating to light on bats and the Singleton and Cocking Tunnels cannot be screened out. Without appropriate mitigation, the proposed development would have likely significant effects on the qualifying features of the Singleton and Cocking Tunnels SAC.
57. Natural England advise that the lighting strategy set out in the Lighting Assessment Final Report (February 2022) provides sufficient and appropriate detail to rule out adverse effects on the SAC's integrity. In addition, Natural England consider a Construction Management Plan should be implemented to minimise any potential impacts on bat species during the construction of the development. Submission and approval of details of a lighting scheme and Construction Management Plan can be secured through planning conditions.
58. Therefore, subject to use of planning conditions, the proposed development would not harm the integrity of the Singleton and Cocking Tunnels SAC.

#### Summary of effects and conclusions

59. In its consultation response dated 12 May 2022, Natural England raised no objection to the proposal, subject to appropriate mitigation measures being secured. In correspondence dated 21 September 2023, Natural England confirmed that proposed amendments would be unlikely to have significantly different impacts on the natural environment than the original proposal. Whilst Natural England did not provide comment during the appeal, it had previously advised it should not be re-consulted unless changes would materially affect any advice previously offered. I am satisfied the advice offered by Natural England remains relevant for the purposes of the appeal.

60. As discussed above, the s106 agreement contains planning obligations which would secure mitigation of recreational impacts and provision of a nutrient neutral development. Disturbance and harm to bat populations from artificial lighting can be minimised through planning conditions.
61. The Habitats Regulations require that permission only be granted after having ascertained that it will not affect the integrity of European sites. Subject to the secured mitigation, I am satisfied the proposal would not have significant effects on the integrity of the Chichester and Langstone Harbour SPA, Solent Maritime SAC, and the Singleton and Cocking Tunnels SAC, alone or in combination with other plans and projects.
62. The proposal would therefore comply with CLP Policy 49 which requires development proposals safeguard sites of biodiversity value, mitigate harm to habitats or species of importance, protect the network of internationally designated sites, avoiding both individual and cumulative effects. In addition, the proposal would comply with CLP Policy 50 which requires proposals for residential development provide appropriate avoidance or mitigation of disturbance of birds in Chichester and Langstone Harbour SPA.

#### *Other considerations*

63. The proposed scheme of major housing development comprising 63 dwellings would make a significant contribution to the area's housing supply.
64. Through on-site provision of affordable housing, the proposal would contribute to meeting the needs of groups with specific housing requirements.
65. The proposal would include three serviced plots for self-build and custom housebuilding development. The proposal would therefore contribute to meeting the needs of households on the Council's self-build register.
66. Through the recommended ecological enhancement and mitigation measures, the proposal would provide a net gain in biodiversity

#### **Other Matters**

67. Concerns were raised regarding the cumulative effects of the proposed development on: the capacity and condition of local roads to accommodate traffic generated by the development with associated concerns of congestion, air quality impacts, and conflict with pedestrians and agricultural and commercial vehicles; the capacity of sewerage and the wastewater treatment works, with concerns development would increase discharge into waterways; the capacity of local services and facilities, including schools and the doctors surgery; and the loss of an equestrian business. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Therefore, none of the concerns raised provide a compelling reason why planning permission should not be granted.
68. Some interested parties and residents identified concerns around flood risk and drainage, and disturbance during construction. Flood prevention and mitigation measures, drainage infrastructure, and construction methods would be secured through planning conditions.

69. Concerns were raised that the site is not allocated by the development plan, and it was asserted that there has been inadequate community involvement in the preparation of the scheme. I have no evidence before me to suggest the submission and determination of the proposal was anything other than procedurally accurate.
70. The site straddles the parish boundary, and concerns were raised regarding the allocation of community infrastructure levy funds and operation of the local connections policy for affordable housing. These are administrative issues outside the scope of my decision.

#### Planning obligations

71. As discussed above, the proposal would secure planning obligations relating to affordable housing provision, nutrient neutral development, recreational disturbance of the Chichester and Langstone Harbours SPA, and a financial contribution toward highways works at the A27 Chichester Bypass. In addition, the s106 agreement contains planning obligations relating to the provision of self-build and custom housebuilding (SBCH), a tree belt buffer and ecological corridor, public open space, a travel plan, and monitoring.
72. Regulation 122(2) of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. These statutory tests are reflected in national policy at paragraph 58 of the Framework. I have considered the obligations against the statutory tests.
73. SMNP Policy SB3 requires a mix of housing types, including plots for SBCH. The inclusion of SBCH plots is therefore necessary to comply the policy. Since Policy SB3 includes no specific threshold or target, it is unclear how the quantum of proposed SBCH plots has been calculated. However, the inclusion of three SBCH plots is welcomed by the Council's Housing Enabling Officer. I am satisfied the proposed number of SBCH plots would be fair and reasonable in scale so as not to burden the development. Therefore, the planning obligation would comply with the statutory tests.
74. As discussed above, the 25m wide ecological corridor would conserve the Ham Brook chalk stream and the 10m tree belt buffer would support a net gain biodiversity. Planning obligations to secure the provision, management and on-going maintenance of the ecological corridor and tree belt are therefore necessary in the interests of conserving biodiversity in accordance with SMNP Policy SB13 and CLP Policy 49, including protection of the chalk brook priority habitat.
75. Planning obligations to secure the provision, management and on-going maintenance of public open space including equipped play space are necessary to ensure the development complies with the design standards of the 2016 SPD.
76. The Travel Plan sets out objectives to reduce single occupancy car trips and increase uptake of sustainable transport modes. The Travel Plan is necessary to comply with CLP Policy 8. The planning obligation to secure the Travel Plan audit fee is required to enable the County Council to monitor the effectiveness of the Travel Plan for its duration.

77. The monitoring fee is necessary to ensure the development complies with the obligations in the s106 agreement.
78. I am satisfied the above obligations comply with the statutory tests and I have taken them into account in coming to my decision.

### **Planning Balance**

79. Paragraph 78 of the Framework requires the Council identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing with an appropriate buffer. The revised Framework no longer includes a reduced four-year minimum supply requirement for certain authorities.
80. The Council state that on 01 April 2023 its supply of housing land was equivalent to 4.19 years. The appellant disputes various aspects of the Council's methodology and, prior to the revised Framework, estimated the Council's housing land supply to be 3.39 years. In addition, on 12 December 2024 government published a revised standard method for calculating local housing need that would result in significant uplift in the district's housing needs. The Council therefore accepts it cannot demonstrate a five-year supply of housing land, and the available evidence points to their being a significant shortfall in housing supply.
81. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, and (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
82. As set out above, I have found the proposal would not harm the integrity of European sites, and therefore the Framework's policies that protect areas of particular importance do not provide a strong reason for refusal.
83. Footnote 9 lists the Framework's key policies for the purposes of paragraph 11.d.(ii). Of particular relevance are paragraphs 66 and 84 of chapter 5; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.
84. As discussed above, the proposal would secure a mix of affordable housing which would meet identified local needs, and therefore would fulfil the requirements of paragraph 66. The site would adjoin the built area of the 'service village' of Hambrook. The proposal would not therefore result in the development of isolated homes in the countryside, and therefore would not conflict with paragraph 84.
85. Paragraph 110 directs development to locations which limit the need to travel and offer genuine choice of transport modes, whilst recognising that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Hambrook offers reasonable road and public transport links, which a rail service within a 10-minute walking distance from the site providing access to facilities in Chichester, Southbourne and Havant, including schools, shops and entertainment. Bus stops are located 1.45km from the site, and therefore within the Council's 2km preferred maximum walking distance for commuting journeys.

86. The access arrangements for the site would include provision of a pedestrian footway from the site across the Hambrook Hill (South) junction and link Priors Leaze Lane to Broad Road, thereby providing a continuous footpath from the site through Hambrook village. In addition, the proposal would secure financial contributions toward A27 Chichester bypass junction improvements. Within its rural context the proposal would offer genuine choice of transport modes and would mitigate its impacts on the strategic highway network. Therefore, the proposal would comply with paragraphs 110 and 115.
87. The density of the site's developable area would be 35 dwellings per hectare, reflecting the Council's benchmark value. The proposed development would contribute to meeting the shortfall in the availability of housing land and would provide housing of different types including affordable housing and serviced plots for self-build and custom housebuilding. The proposal would therefore make efficient use of land and meet identified housing needs and would comply with paragraph 129.
88. The site is well contained by its landscape setting to the north, east and south and forms a discrete parcel which has an existing relationship with the developed edge of the settlement. The site is outside the Southbourne and Hambrook 'gap', identified in the Council's Landscape Gap Assessment, and the development would not lead to actual or perceived coalescence.
89. The proposal seeks to retain existing landscape features and introduce new ecological features and open space which will sensitively integrate the development into the local landscape. The Chichester Harbour Conservancy, which has a statutory duty to conserve the CHNL, confirm the development is unlikely to have an impact on the setting of the CHNL. In addition, the submitted Landscape and Visual Appraisal Impact Statement (LVAIS) indicates the site does not contribute to the setting of the SDNP due to the physical and visual enclosure resulting from the adjacent intervening woodland and tree belts. Therefore, the proposal would be sympathetic to local character, including the surrounding built environment and landscape setting, and therefore would comply with paragraphs 135 and 139 which require development be of good design.
90. For these reasons, the proposal would comply with the key policies identified by Framework paragraph 11(d)(ii).
91. As discussed above, the proposed development would be located outside the settlement boundary and would conflict with CLP Policies 2 and 45. However, when assessed against the policies of the Framework, the proposed location would be accessible and would not harm the character of the area. Therefore, the harm associated with this conflict carries modest weight against the development.
92. The proposed development would lead to a significant loss of land lying within the Ham Brook Chalk Stream Wildlife Corridor and would conflict with SMNP Policy SB13 and CLP Policy 49. Framework paragraph 187(d) requires decisions contribute to and enhance the natural and local environment through "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs". The proposal would achieve a net gain in biodiversity and the evidence does not suggest there would harm to priority

habitats or protected species. The Council raised concerns the proposal would open the Ham Brook Chalk Stream Wildlife Corridor to speculative development. However, I have been provided no evidence that other sites would be likely to come forward within the corridor. Therefore, I afford moderate weight to the loss of land within the Ham Brook Chalk Stream Wildlife Corridor.

93. In light of the shortfall in the housing land supply, the proposed development of 63 dwellings including affordable housing and SBCH plots to meet identified local needs, carries significant weight in favour of the development.
94. Therefore, the adverse impacts of the development in respect of its conflict with the development plan would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission

### **Conditions**

95. The Council has provided a list of suggested conditions which I have considered against the Framework's tests. I have also had regard to the appellant's written response in respect of the suggested conditions.
96. In the interests of certainty, I have included a condition to specify the dates by which the details of reserved matters should be submitted, and by which the development should commence. In addition, I have specified the reserved matters and identified the approved plans
97. To reduce risk of flooding, protect water quality and safeguard against pollution, I have attached a range of conditions, requiring submission of schemes for surface water drainage, including interim measures during construction and a verification report prior to occupation, and foul water and effluent disposal. In addition, I have included conditions requiring submission of details of maintenance and management of SuDS, and to ensure access and maintenance of watercourses and ditches is retained. Since the conditions would relate to ground works, use of pre-commencement would be necessary and justified in this circumstance.
98. To protect human health and the environment, I have included conditions requiring a scheme to deal with contaminated land/controlled waters, and setting out actions to be taken in the event contamination is discovered, including remediation.
99. To enable the recording of any items of historical or archaeological interest, I have included a condition requiring submission of a programme of archaeological evaluation and works. This relates to ground works and therefore a pre-commencement is necessary.
100. In the interests of maintaining living conditions, public safety, the environment, and ecology during construction, I have included a condition requiring submission of a Construction and Environmental Management Plan and Ecological Construction Management Plan. In addition, I have specified the times when construction may take place.
101. To ensure the development contributes to meeting the demand for self-build and custom housebuilding in the area, I have included a condition to secure provision of three self-build and custom housebuilding plots. Whilst I note the appellant's

concerns the condition would be duplicative of the obligation, the condition contains additional requirements, including specifications and plot size details.

102. To promote sustainable design and construction, I have included conditions requiring submission of a Sustainable Design and Construction Method Statement, and requiring the development provided charging points for electric vehicles and conform to water efficiency standards.
103. In the interests of highway safety, I have included a condition requiring provision of visibility splays, and to ensure internal roads are designed and constructed to a suitable standard. To ensure public safety, I have imposed a condition requiring provision of fire hydrants. To ensure the delivery of appropriate and essential infrastructure, I have included conditions requiring details of utilities and services prior to first occupation.
104. I have included a number of conditions to ensure the development provides a net gain in biodiversity and avoids harm to protected species and the priority habitat. This includes works to provide biodiversity enhancement and mitigation recommended by the Ecological Impact Assessment, Masterplan and Biodiversity Net Gain Review, Bat Activity Survey Reports, Report to inform Habitats Regulation Assessment, and the indicative Planting Strategy. To avoid harm to foraging and commuting bat species, I have included a condition requiring details of external lighting that is based on the recommendations contained within the submitted Masterplan and Net Gain Review, Lighting Assessment Final Report, and conforms with Bat Conservation Trust guidelines. In addition to avoid disturbance of roosting bats, nesting birds, and hibernating hedgehogs, I have included conditions setting out procedures and time constraints for demolition of buildings, and the removal of trees and other features such as brush piles. Such measures are essential to avoid harm to the integrity of the Ham Brook priority habitat and the species it supports.
105. The appellant suggests the period for tree removal is specified in other legislation. However, the condition is necessary to provide a clear mechanism for enforcement by the Council in the event of a breach.

### **Conclusion**

106. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

*E Dade*

INSPECTOR

### **Schedule of Conditions**

- 1) (i) Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, the scale of the buildings, the appearance of the buildings or place, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

- 2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 10/Rev.D (Site Location Plan), 30026A/130/Rev.T (Land Use Parameter Plan), 2019-6075-SK04/Rev.A (Footways Widened to 1.8m) and 2019-6075-002/Rev.E (Visibility Splays).
- 4) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment & Drainage Strategy Report (by Bright Plan Civils, issue 2.0, 4/9/2023) and drawing number D1961-PL500 (Proposed Drainage Strategy Preliminary Design by Bright Plan Civils, revision A, 4/9/2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Surface water runoff rates will be attenuated to 8 l/s as stated within section 5.1 of the FRA / Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change). It must be demonstrated the basins have less than 24 hours drain time and that the safety factors are selected based on the Ciria SuDS Manual.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building

or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. Include following if appropriate. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.

- 5) 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 (LPA). 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.
- 6) If the Phase 1 report submitted pursuant to Condition 5 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.
- 7) If the Phase 2 report submitted pursuant to Condition 6 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.

- 8) Notwithstanding any details submitted, no development shall commence until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.
- 9) No development shall commence on the site until a written scheme of archaeological investigation of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified; a schedule for the investigation, and the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.
- 10) No development shall commence until the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the phase has been submitted to and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site. The access and maintenance arrangements shall be implemented as approved.
- 11) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:
  - (a) the anticipated number, frequency and types of vehicles used during construction;
  - (b) the location and specification for vehicular access during construction;
  - (c) the provision made for the parking of vehicles by contractors, site operatives and visitors;
  - (d) the loading and unloading of plant, materials and waste;
  - (e) the storage of plant and materials used in construction of the development;
  - (f) the erection and maintenance of security hoarding;
  - (g) the location of any site huts/cabins/offices;
  - (h) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction

upon the public highway (including the provision of temporary Traffic Regulation Orders);

(i) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties;

(j) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse;

(k) measures to control the emission of noise during construction;

(l) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety;

(m) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas;

(n) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing;

(o) waste management including management of litter and prohibiting burning;

(p) measures to prevent the discharge of water or other substances to ground or surface waters without the prior written approval of the Environment Agency;

(q) provision of temporary domestic waste and recycling bin collection point(s) during construction;

(r) measures to be taken in the event of emergency spillages; and,

(s) details of how the custom/self build plots will be managed during construction and how they will be phased with the wider development.

12) No development shall commence, including demolition, nor any plant, machinery or equipment brought onto the site, until an Ecological Construction Management Plan (ECMP), comprising a schedule of management measures and accompanying plans has been submitted to and approved in writing by the Local Planning Authority. The ECMP shall be prepared in accordance with the approved Ecology Documentation prepared by The Ecology Partnership. Thereafter the approved ECMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The ECMP shall provide details of the following:

(a) full details of wildlife buffers and protective fencing to be erected around all retained trees, hedgerows, planted areas, the chalk stream and all ditches on and around the boundary of the site. These details shall be in accordance with the Arboricultural Implications Assessment and Method Statement (Ecourban Ltd, June 2021) and the recommendations of BS5837:2012. The buffer areas shall be undisturbed at all times during the construction period, with no work taking place within the buffer and no vehicles, equipment or materials to be stored within the fenced area at any time. The fencing shall be retained until all equipment, machinery, surplus materials and soil have been removed from the site;

(b) specifications of protective and construction fencing to ensure suitability for wildlife;

- (c) specification and details of how the chalk stream will be protected during construction, especially in relation to the construction of the replacement bridge, construction of the replacement dwelling, the storage of materials, and how runoff will be controlled into the stream ensuring water quality is protected;
- (d) ecological and environmental safeguards for any works required within the buffer areas or to existing trees, hedges or vegetation, including details of timing of works and any requirements for additional surveying or an ecological watching brief on site during works,
- (e) protection of all retained trees and hedges in accordance with BS5837:2012;
- (f) details of how any lighting required for construction purposes will be designed and installed to minimise disturbance to wildlife;
- (g) details of waste management within the site to ensure no adverse impact on wildlife and confirmation there shall be no burning of materials on site;
- (h) details of how any trenches will be covered overnight, or a means of escape made available, and how any hazardous chemicals are proposed to be stored away so animals cannot access them;
- (i) management of the development area prior to works commencing to minimise disturbance to wildlife and
- (j) mitigation measures during and following construction works to be carried out as specified within the approved ecology documentation prepared by The Ecology Partnership.

The ECMP shall demonstrate how the site will be managed in accordance with the criteria set out above and shall be implemented in accordance with the agreed criteria and plans set out above. All fencing and other protection measures shall be maintained as agreed until all equipment, machinery, surplus materials and soil have been removed from the site.

- 13) Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Council.
- 14) Details of the ditch maintenance buffers (minimum of 3m from the top of the banks) and maintenance access points shall be submitted for consideration with the application for reserved matters which relates to layout.
- 15) There shall be no less than 3 custom/self-build plots provided as part of the market housing provision. A scheme and specification details, including the location and plot size of the 3 custom/self-build plots, details of how the plots will be serviced and full marketing details (including the period of marketing and market price), shall be submitted to the Local Planning Authority for consideration with the first application for reserved matters.
- 16) Prior to or in conjunction with any reserved matters application, a detailed design shall be submitted to and approved in writing by the Local Planning Authority in

conjunction with the Lead Local Flood Authority for the proposed watercourse improvements that include the remodelling of the surrounding land to provide additional flood storage attenuation from the ordinary watercourse. These details shall demonstrate the design is in strict accordance with the Land Drainage Act 1991 and that flood risk is reduced to the surrounding area and not increased as per drawing D1961-PL103 (Existing Surface Water Flood Map With Alternative Layout Overlay by Bright Plan Civils, revision B, 2/8/2023) and D1961-PL500 (Proposed Drainage Strategy Preliminary Design by Bright Plan Civils, revision A, 4/9/2023). Details submitted for any proposed watercourse alteration must demonstrate:

- there is adequate space for each watercourse to be naturalised and enhanced.
- that flood risk is suitably managed for all storms up to and including the 1 in 100 (1% Annual Exceedance Probability) plus climate change.
- that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible.

The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans.

17) The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

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

18) Prior to first occupation of the development (or first occupation of each phase if development is phased) a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

19) No development shall commence above slab level, until the developer has provided details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) in respect of the provision of Electric Vehicle (EV) charging facilities and the technical specification of the EV charging point facilities. These details shall be

approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) and no dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

- 20) If pursuant to condition 7 a contaminated land remediation scheme is required 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.
- 21) Before first occupation of any dwelling, full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) shall be submitted to and be approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on the site during works. The development will thereafter only proceed in accordance with the approved details.
- 22) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments or any superseding document). No dwelling hereby permitted shall be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.
- 23) No part of the development hereby permitted shall be first occupied until such time as the vehicular access serving the development has been constructed and visibility splays provided in accordance with the details shown on drawings 2019-6075-SK04/Rev.A (Footways Widened to 1.8m) and 2019-6075-002/Rev.E (Visibility Splays). 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.
- 24) 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.
- 25) Before first occupation of any dwelling details of any proposed external lighting of the site shall be submitted to and be approved in writing by the Local Planning

Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall be based on the recommendations contained within the submitted Masterplan and Net Gain Review (August 2022, The Ecology Partnership) and the Lighting Assessment Final Report (February 2022, Williams Lighting Consultants Ltd). The lighting scheme shall take into consideration the presence of bats in the local area, including the use of dark corridors along the ecological corridor and the western and northern tree belt and shall minimise potential impacts to any bats using trees and hedgerows by avoiding artificial light spill through the use of directional lighting sources and shielding. The layout and detailed design should be designed to show that it can deliver an increase in light level of no more than 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane, in line with Bat Conservation Trust guidelines. 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.

26) A detailed Sustainable Design and Construction statement, based on the Sustainable Design & Construction Statement (Daedalus Environmental Ltd, June 2021), shall be submitted with the first application for reserved matters and any subsequent applications for reserved matters shall demonstrate how the proposal complies with these approved details. The statement shall demonstrate how CO<sub>2</sub> emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources, are to be met for the approved use in accordance with the IPS. The statement shall also include the exact location, form, appearance and technical specification (including acoustic performance) of the air source heat pumps proposed for all dwellings and confirmation of which dwellings are going to be installed with Waste Water Heat Recovery (WWHR) units and the technical specification of the WWHR units. The development thereafter shall be carried out in accordance with the approved details.

27) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the Conclusions, Impacts and Recommendations sections of the submitted Ecological Impact Assessment (June 2021) and the Masterplan and Biodiversity Net Gain Review (August 2022), Bat Activity Survey Reports (June 2021, August 2021 and November 2021), Report to inform Habitats Regulation Assessment (June 2021), the indicative Planting Strategy (August 2022). In addition the following enhancements are required to be incorporated within the scheme and shown with the landscaping strategy. These include:

- Any trees removed should be replaced at a ratio of 2:1 with native species
- Filling any gaps in tree lines or hedgerows with native species
- All new tree and shrub planting shall comprise native species
- The establishment of a native hedgerow along the northern boundary to increase commuting potential into the wider landscape
- Bat and bird boxes to be installed on multiple houses and/or trees within the gardens of the properties or on the wider site
- Bat bricks to be integrated into the buildings on site, facing south/south westerly and positioned 3-5m above ground

- Two hedgehog nesting boxes included on the site
- Gaps included at the bottom of the fences to allow movement of small mammals across the site
- Habitat enhancements benefiting foraging and commuting bats, including the inclusion of new areas of woodland or scrub planting and the use of a range of native tree and shrub species within landscaping proposals
- Grassland areas managed to benefit reptiles
- Log piles onsite
- Wildlife pond, and
- Wildflower meadow planting used.

28) In relation to the demolition of the existing dwelling on site and any other buildings/structures to be removed, a soft roof strip shall be undertaken by hand and if any bats are found, all work shall stop and a bat ecologist shall be contacted to check the building before any further works take place. After 6 months from any permission, a further loft inspection shall be undertaken if no work has commenced.

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

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

31) All mature trees on site were considered to retain at least 'low' potential for roosting bats but as these trees are to be retained, no further surveys are required. Unless any of the proposed plans change and any of these trees are to be felled, then further surveys will be needed to assess the roost features present.

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

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

## **END OF SCHEDULE**