
Appeal Decision

Inquiry held on 4-6 March 2014

Site visit made on 6 March 2014

by John Woolcock BNatRes(Hons) MURP DipLaw MPIA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 April 2014

Appeal Ref: APP/L3815/A/13/2205287

Land West of Broad Road, Hambrook, West Sussex PO18 8RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Taylor Wimpey against the decision of Chichester District Council.
 - The application No:CH/12/04778/FUL, dated 19 December 2012, was refused by notice dated 19 March 2013.
 - The development proposed is the construction of 28 No. dwellings, new vehicular access, open space and other ancillary works.
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Application for costs

1. At the Inquiry an application for costs was made by Taylor Wimpey against Chichester District Council (CDC). This application is the subject of a separate Decision.

Decision

2. I allow the appeal and grant planning permission for the construction of 28 No. dwellings, new vehicular access, open space and other ancillary works at Land West of Broad Road, Hambrook, West Sussex PO18 8RG in accordance with the terms of the application No:CH/12/04778/FUL, dated 19 December 2012, as amended, subject to the conditions set out in the Schedule of Conditions attached to this decision.

Preliminary matters

3. An amended scheme was submitted at the appeal stage. This proposes revision to the layout to show footpath links to the public footpath on the southern boundary to the appeal site and to the adjoining development at Lion Park, revision to the internal layout of house Type C to form 3 x 3 bedroom units instead of 4 bedroom units, along with revisions to the proposed external materials. The appellant advertised these proposed amendments. Some of the third party letters about the appeal referred to the revised scheme. CDC has no objection to these alterations, and no one at the Inquiry objected to the appeal being determined on the basis of the amended scheme.¹ I consider that these would be minor alterations that would not substantially alter the proposal. Furthermore, given the opportunity for comment on the proposed amendments, I do not consider that determining the appeal on the basis of the

¹ Statement of Common Ground (SoCG1) paragraph 5.15.

amended scheme would be prejudicial to the interests of any other party. I therefore ruled at the Inquiry that the appeal would be determined on the basis of the amended scheme, as shown on the plans and drawings as documented in the third column of the Schedule of Plans attached to this decision. I have had regard to the illustrative perspectives as illustrative material, which does not form part of the application.

4. A unilateral undertaking, dated 4 March 2014, provides for 11 affordable housing units on the site, along with a contribution towards off-site affordable housing provision to meet a requirement for 11.2 units. The affordable housing mix of two one-bed maisonettes, seven two-bed houses and two three-bed houses is acceptable to CDC.² However, there is a dispute about the housing mix of the proposed market housing. The undertaking also includes financial contributions towards public art, sport and leisure, Chichester Harbour SPA, community facilities, education, library, highways, fire and rescue services and fire hydrants. CDC indicated at the Inquiry that the obligation overcomes its third and fourth reasons for refusal.
5. On the 5 March 2014 CDC resolved, subject to submission of a planning obligation, to grant outline planning permission for 9 dwellings at Flat Farm, which is opposite to the appeal site.³ The parties were given the opportunity to comment on this decision, and on the *Planning Practice Guidance* (hereinafter the *Guidance*), which was published on 6 March 2014. I have taken these comments into account in determining this appeal.⁴

Main issues

6. The main issues in this appeal are the effects of the proposed development on:
 - (a) The character and appearance of the area, having particular regard to the proposed design and layout.
 - (b) Housing supply, having particular regard to the proposed housing mix and to relevant policy.

Planning policy and guidance

7. The development plan for the area includes saved policies of the Chichester District Local Plan 1999 (LP). Policy BE1 of the LP defines Settlement Policy Areas (SPA) for settlements. Areas outside SPA are defined by Policy RE1 as the rural area, where development would be restricted. Policy BE11 states that new development must not detract from its surroundings, and that the following would be taken into account: (1) its effect on the local environment; (2) the intrinsic merit of the design, scale, materials, siting and layout; (3) its relationship to and effect on neighbouring development; (4) its setting in the landscape. It also refers to infrastructure provision and crime prevention. The site lies within the Chichester-Emsworth Strategic Gap, where LP Policy RE6 requires compelling circumstances to override the importance of preventing the coalescence of settlements, and retaining their identity and amenity. LP Policy H4 concerns the size and density of dwellings and provides, amongst other things, that on new housing sites permission would be granted where a substantial proportion of the development is for smaller dwellings.

² SoCG1 paragraph 5.5.

³ ID15.

⁴ ID16-ID24.

8. *Key Policies Pre-Submission: Chichester Local Plan 2014-2029* was approved for public consultation in 2013 and CDC is currently considering responses. This emerging draft Local Plan (eLP) is programmed for submission in May 2014 and for examination in the summer of 2014. Hambrook is identified in Policy 2 as a Service Village, and Policy 5 identifies it as being appropriate for accommodating an indicative 25 dwellings. However, given the stage the eLP has reached these policies cannot be given much weight in determining this appeal.
9. CDC adopted an *Interim Policy Statement on Facilitating Appropriate Development* in 2011, and this was updated in 2012 (abbreviated to FAD). The FAD sets out that new housing development may be acceptable outside of existing SPA providing that certain criteria, where relevant to the development, have been satisfactorily addressed. Criterion (2) of the FAD provides that the townscape and landscape character is conserved or enhanced. FAD criterion (8) states that development is of a high quality, including its layout and design, and it properly addresses issues such as access, flooding, drainage, water quality, pollutants including noise and light, and should integrate successfully in design terms into the existing settlement character. Criterion (9) requires a mix of housing sizes, types and tenures in accordance with the saved policies of the LP and CDC's Interim Statement on Affordable Housing. Criterion (17) provides that the scale of the development should be proportionate to the SPA, which as a guide is likely to mean sites up to about 25 units for Hambrook. The FAD was not subject to consultation or independent examination, but it aims to provide interim guidance pending adoption of the emerging Local Plan, in circumstances where CDC acknowledges that it has a large shortfall in rolling housing land supply, and so the presumption in favour of sustainable development applies. The FAD is a material consideration, which can be given weight in accordance with the degree to which it is consistent with the provisions of national policy and guidance.
10. CDC has a shortfall in housing land supply for the period 2014-2019 of at least 748 dwellings. The total supply is, in terms of years, with a 20% buffer, no more than 4.0 years.⁵ Paragraph 49 of the *National Planning Policy Framework* (hereinafter the *Framework*) provides that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Therefore, in taking the decision for this appeal, the second bullet point of paragraph 14 of the *Framework* applies. There are no specific *Framework* policies which indicate that the development should be restricted. I therefore concur with the main parties that in determining this appeal planning permission should be granted unless 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. LP Policy BE11 is broadly consistent with the *Framework*, but LP Policies BE1, RE1, RE6 and H4 are, given that paragraph 14 of the *Framework* applies, out-of-date, and this limits the weight to be accorded to them.

⁵ Statement of Common Ground (SoCG2) dated January 2014.

11. The appeal site was identified in CDC's 2012/2013 *Strategic Housing Land Availability Assessment* (SHLAA). This states that the 2.19 ha site, identified as NB08308, has potential for 70 dwellings in the period 2014-2019, and concluded that the emerging local plan would revise and refresh policies and review existing settlement boundaries, and in that respect this site could be suitable for housing development in the future. Given this reference to the development plan process, the identification of the appeal site in the SHLAA should not be a determinative consideration in dealing with this appeal.
12. The 2012 update to *Coastal West Sussex Strategic Housing Market Assessment* (SHMA) is not adopted policy and has not been independently tested. However, it does provide evidence about how skewed the District's housing stock is towards larger dwellings, and the need to increase the supply of less expensive dwellings. The SHMA's recommended housing mix for the District is a relevant consideration and an appropriate benchmark for assessing individual schemes, so long as it is applied flexibly, having proper regard to the particular facts which apply. This recommends that 35% of dwellings should be one and two bedroomed, 50% three bedroomed and 15% four or more bedroomed.⁶

Reasons

Character and appearance

13. The 2.45 ha appeal site adjoins the settlement boundary of Nutbourne East, but is located north of the railway line, which is an area signed as Hambrook. It is within the Parish of Chidham and Hambrook. The site is crossed by overhead power lines and sewer easements, which limit its potential for development, particularly in the northern part of the site. The southern boundary of the appeal site is defined by Footpath 258, along which there are some mature trees, and beyond which is Lion Park, a development of 86 dwellings and four commercial units on the site of a former commercial premises. There is an existing children's playground beyond the public footpath to the south-east of the appeal site. The east of the site is marked by a roadside ditch adjacent to Broad Road. On the other side of Broad Road there is a row of dwellings, comprising mostly bungalows, some with accommodation in the roof space. In the wider area there is a wide variety of houses in terms of their age, style and materials. Flat Farm, where consent has been granted for 9 dwellings, also lies on this eastern side of Broad Road. Abutting the north-eastern part of the appeal site is a cluster of 6 dwellings, including Chail-Ach. The other boundaries of the appeal site face onto farmed open countryside.
14. CDC does not have a landscape objection to the proposal, but local residents are concerned about the over-development of the area, which they consider currently provides open space and a strategic gap, in circumstances where there has been a considerable increase in the number of dwellings in the area in the last two years.⁷ However, given the extant and permitted development in the vicinity of the appeal site, 28 dwellings here would not result in any coalescence of settlements, nor would it jeopardise the identity and amenity of this settlement. I do not consider that the proposed development would have much of an adverse impact on the Chichester-Emsworth Strategic Gap.

⁶ This policy recommendation is based on indicative percentages as follows: 1 and 2 bed - 31.3%, 3 bed - 48.4% and 4+ bed - 20.4%.

⁷ ID7, ID9, ID17 and ID18.

Housing and open space on this site would not be out of keeping with the character of the area. The proposal would not conflict with criteria (2) or (17) of the FAD, concerning landscape character and the scale of development, respectively.

15. I turn next to consider CDC's reservations about the design of the scheme. In doing so I have had regard to relevant policy and advice. The *Guidance* emphasises the importance and value of good design. Amongst other things, it notes that well designed places successfully integrate new development with their surrounding context, are easy to move through, and have a distinctive identity.
16. CDC argues that the development should be designed so as to integrate with the wider settlement, and that the lack of a vehicular connection between the appeal scheme and development to the south is a particular deficiency. However, it seems to me that it would be preferable for any vehicle trips to the commercial development in Lion Park from the appeal scheme to be made via Broad Road, rather than through either The Halt or McAdam Close, given the proximity of the front of dwellings to these cul-de-sacs. It would not be necessary to provide a vehicular link between the appeal scheme and Lion Park given the likely need for trips by vehicles between these two developments. It might also require the removal or cutting back of some trees along Footpath 258. I consider that CDC has exaggerated the social and environmental benefits of such a vehicular connection. It was evident from my site inspection that both pedestrian and vehicular trips to the railway station, for both Lion Park and the appeal scheme, would be likely to use Broad Road as the most convenient route. A footpath link could be provided to the existing play area and to Lion Park from the proposed development, as indicated on RPS Drawing JSL2044 No.101 Pedestrian Links/Public Access Strategy.⁸ I am satisfied, subject to the approval of the details, that this route would provide an adequate and appropriate connection between Lion Park and the proposed residential development on the appeal site.
17. The appeal scheme would provide for some variety in its design by way of the roof form, window treatments and materials. Given the style and variety of development at Lion Park, which includes terraced housing, I do not consider that the appeal scheme would appear overly suburban. On the contrary, the open areas required by the easements, along with the extensive landscaped areas to the north and west of the proposed houses would help to provide a transition to the open countryside beyond, and contribute to the local distinctiveness of the area.
18. The affordable housing would not be distributed throughout the market housing. However, it would have a similar architectural treatment in terms of materials and design. The affordable houses would comprise a small cluster. In a scheme of this size, I do not consider that the proposed siting for the affordable housing would be likely to result in any conflict with the aims of paragraph 69 of the *Framework* concerning the planning system facilitating social interaction and creating inclusive communities. It seems to me that the advantages to a registered social landlord, in terms of the ability to acquire the land for the affordable homes, along with their gardens and parking areas, in a single tranche, would outweigh any disadvantages.

⁸ Mr Rose's Appendix 6.

19. The proposed layout would provide for reasonable overlooking of courtyards and public open space. It also seems unlikely to me that future occupiers of units 18, 22 and 23, whose parking would be within a rear courtyard, would open up an access from their rear gardens directly onto the parking area to avoid a slightly longer walk to their front doors. Plots 19 and 20 would not have much by way of private amenity space, but these one-bed units would have ready access to nearby public open space, and some occupiers might prefer not to maintain areas of private amenity space.
20. Subject to appropriate planning conditions the proposed development would provide sufficient connectivity to the development to the south of the site and to the public rights of way network. There would be sufficient variety in built form and materials to avoid the development appearing overly uniform or repetitive. The proposal would change the view from Broad Road, from parts of the footpath network, and from nearby dwellings, but it would not be out of keeping with the overall character of the area or have an unacceptable adverse visual effect.
21. On the first main issue, I do not consider that the proposal would have a significant adverse effect on the character and appearance of the area. I find no conflict with LP Policy BE11. The development would not conflict with paragraph 64 of the *Framework*, which provides that poor design that would fail to take the opportunities available for improving the character and quality of the area and the way it functions should be refused. Furthermore, I find no conflict with criterion (8) of the FAD concerning high quality design.

Housing supply

22. The *Guidance* refers to local housing need surveys and to market signals, and I have taken into account the Parish specific evidence about housing need. Nonetheless, the 28 dwellings would make an important contribution to boosting significantly the supply of housing in the District, and the 11 affordable units would be beneficial. CDC argues that the amended Type C three-bed houses would be less affordable than a typical three-bed dwelling, such as Type G, and so less likely to address the skewing of the housing mix towards more expensive properties. Even with the amended scheme to replace 3 four-bed houses with 3 three-bed houses, CDC considers that the development would provide an unacceptable mix of market housing.
23. This dispute concerns the proportions of three and four bedroom market houses, as CDC accepted at the Inquiry that the proposed proportion of one and two-bed units would not justify dismissing the appeal. The scheme proposes 3 three-bed houses and 10 four-bed houses, whereas the proportions set out in the SHMA would require this scheme to provide 8 three-bed and either 3 or 4 four-bed houses.⁹ The appellant argues that CDC has failed to give proper weight to the mix approved at Lion Park, or to the character of the surrounding area.

⁹ The number of market housing dwellings that would be required using indicative % and recommended policy from the SHMA compared with the number proposed in the appeal scheme is as follows:

	SHMA indicative %	SHMA recommended	Appeal scheme
1 and 2 bed	5	6	4
3 bed	8	8	3
4 bed	4	3	10

24. Lion Park contains a significant proportion of three-bed dwellings, and so if that were to be combined with the appeal scheme the overall mix would fall within the recommended SHMA range. However, any planning benefits of the Lion Park scheme, in terms of its housing mix, would have been a consideration that would have weighed in the balance that resulted in that scheme being granted planning permission. I do not consider that those benefits can properly be reused in support of the scheme now at appeal, which must stand on its own merit. Even though Lion Park was developed by Taylor Wimpey, it would not be appropriate to amalgamate the schemes for the purposes of determining how the appeal proposal squares with CDC's aspirations concerning housing mix.
25. Nevertheless, clearly not all schemes can or should meet the precise mix that CDC aims to achieve for the District as a whole. This will inevitably mean that some schemes will provide more of certain types of dwellings than the overall mix aims to achieve, whilst others will provide less. This is especially so as the SHMA recommended mix applies district-wide and relates to a 20 year period. The Inquiry heard that there is evidence that substantial numbers of smaller dwellings are coming forward in Chichester, and no evidence was adduced to indicate that there is an accruing imbalance in the provision of new housing.
26. In delivering the wide choice of high quality homes sought by the *Framework*, the local context will be a significant factor in deciding the mix that would be appropriate in any particular case. The proposed market housing mix would reflect the prevailing pattern of development in the area. For a scheme of 28 dwellings in this settlement fringe location, I do not believe that the proposed housing mix for the market housing would be a consideration that would weigh significantly against allowing the appeal. The circumstances here are not directly comparable with those that applied at the *Selsey* appeal, because there is nothing to indicate that the local context was similar, and that scheme involved a proposal for 100 houses, of which 37 could have been four-bed or more dwellings.¹⁰ The appeal before me proposes only 10 four-bed dwellings.
27. On the second main issue, the proposal would make a significant contribution towards meeting the housing need. The affordable housing would be particularly beneficial, and the mix of affordable house types would be appropriate. I am also satisfied that the mix of open market housing would not be unacceptable, given the size of the scheme and its context. Any inconsistency with local needs in this regard would not weigh much against allowing the appeal. The market housing mix might not fully accord with the proportions specified in the SHMA, and so would be, to some extent, at odds with the provisions of LP Policy H4 and criterion (9) of the FAD. However, taking into account the specific circumstances that apply here, I find no conflict with paragraph 50 of the *Framework*, which requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

¹⁰ ID4.

Other matters

28. The occupiers of Chail-Ach raise concerns about the likely effects of the proposed development on their residential amenity.¹¹ Chail-Ach has side and rear windows facing towards the northern part of the appeal site. This part of the appeal scheme comprises open space, and so the proposal would not adversely affect the outlook from Chail-Ach. Public use of the open space may result in more noise and disturbance at times compared with that likely from the existing agricultural use. However, appropriate boundary treatment could minimise any adverse effects. This is a matter that could be addressed by planning conditions. Similar considerations would apply to dwellings at Midway Cottages located to the north of Chail-Ach. Other dwellings in the area would be sited further from the appeal site. The proposal would not have an unacceptable adverse effect on the living conditions of nearby occupiers. There is local concern about the utility of the open space, given that it would be crossed by the pylons. This might restrict some activities, but with appropriate management it would not become a wasteland, as is feared by some.¹²
29. There is local concern about the effects of the proposed development on local services and facilities. Hambrook has a post office and small store about 300 m north of the appeal site, and there is a village hall about 900 m from the site. The nearest primary school is approximately 1.3 km distant, and there are other facilities, such as a doctors' surgery in Southbourne, which is about 2 km from the site. Some occupiers might rely heavily on the private car, but there is scope here for alternative means of transport. The entrance to the appeal site is about 220 m north of Nutbourne railway station and around 630 m from bus stops on the A259. Notwithstanding the limited local facilities, the site has reasonable public transport links to nearby local villages, Chichester, Havant and beyond. I do not consider that this is an unsuitable location for 28 dwellings in terms of services, facilities or accessibility.
30. CDC takes no issue about highway safety, but residents raised concerns about the effects of additional traffic on the local highway network, particularly the approach to the A259, where there are parked vehicles along part of the road. However, there is no technical evidence that any increase in traffic along this route, or cumulative impact with the dwellings permitted at Flat Farm, would significantly impair the safety of those using the local road network. Subject to the imposition of appropriate planning conditions, the scheme would not have an unacceptable adverse effect on highway safety. I find no conflict with LP Policy TR6 in this regard.
31. In recent rains there has been some ponding on the appeal site. However, I do not consider that the scheme would be likely to add to local flooding because a planning condition could require a drainage scheme to be approved and implemented that would control surface drainage from the site. There is evidence that adequate provision could be made for foul drainage, and this is again a matter that could be addressed by condition.
32. The site is about 1.2 km from the Chichester Harbour Site of Special Scientific Interest, and about 1.1 km from the Chichester and Langstone Harbours Special Protection Area, Ramsar site and Solent Maritime Special Area of Conservation. Subject to the contribution proposed in the obligation the appeal

¹¹ ID11.

¹² ID2.

scheme would not have a significant adverse effect on these protected areas. Planning conditions could also safeguard wildlife and encourage biodiversity.

33. I have taken into account all the other matters raised in the evidence, including the loss of agricultural land. But boosting significantly the supply of housing in this district is likely to require the use of some farmland. Local concerns were raised about the potential to develop unused land within the appeal site for housing at a later stage. However, any such revisions to the appeal scheme would require planning permission, and so would, in the first instance, be a matter for CDC, having regard to the particular circumstances and to relevant policy. I do not consider that this is a matter that can be given much weight in determining this appeal. Neither these, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

Development plan, policy and guidance

34. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The proposal would conflict with LP Policies BE1, RE1 and H4. But it would not have much of an impact on the Chichester-Emsworth Strategic Gap. I consider that the need for housing is a consideration, which in this case, would amount to a compelling reason of sufficient weight to outweigh any resultant harm to the Strategic Gap. Accordingly, I find no conflict with LP Policy RE6. Nonetheless, the conflict with relevant policies is sufficient to bring the proposal into conflict with the development plan as a whole. However, as outlined above, the *Framework* is a significant material consideration in this case. The proposal would gain support from national policy and advice in the *Framework and Guidance*.

Conditions

35. CDC and the appellant suggested conditions were the appeal to be allowed.¹³ I have considered the need for these and their wording in the light of the advice contained in the *Guidance*.
36. A two year commencement period would be appropriate given the need for additional housing (Condition 1). Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning (Condition 2). Any phasing of the permitted development would need to be approved in the interests of the amenity of the area (Condition 3). For similar reasons, and notwithstanding the submitted drainage strategy, foul and surface drainage would need to be approved and implemented (Conditions 4 and 5). Details would also need to be approved for the management of a SUDs system (Condition 6) and a Construction Management Plan (Condition 7), in the interests of the amenity of the area. Times for construction and associated works would need to be restricted to safeguard the amenity of neighbours (Condition 8). An archaeological investigation would be necessary (Condition 9) and details of site levels approved (Condition 10).

¹³ ID14.

37. Access details would need to be approved and implemented for highway safety reasons (Condition 11). Approval of external materials and finishes would be required in the interests of the appearance of the area (Condition 12). An approved Arboricultural Method Statement would be necessary to safeguard trees (Condition 13). Open space, landscaping and measures to safeguard wildlife would be necessary for amenity and biodiversity reasons (Conditions 14, 15 and 16). Boundary treatments would also need to be approved (Condition 17). Code for Sustainable Homes Level three would need to be achieved, and measures provided to reduce carbon emissions, so as to accord with the CDC's Interim Statement on Climate Change (Conditions 18 and 19). In the interests of road safety visibility splays would be necessary, as would construction of the approved roads and footways (Conditions 20 and 21). However, there is insufficient detail shown on RPS Drawing JSL2044 No.101 entitled Pedestrian Links/Public Access Strategy about the proposed pedestrian links to Lion Park and the existing play ground, and details would need to be submitted for approval, and the works carried out in accordance with the approved scheme.
38. Car parking and turning spaces would be necessary for similar reasons (Condition 22). Cycle parking would be required to provide alternative travel options to the use of the car in accordance with current sustainable transport policies (Condition 23). A residents' educational pack to explain the importance and sensitivity of the Special Protection Area would be necessary to help minimise recreational disturbance to the Special Protection Area, but it would not be necessary for the condition to require consultation with Natural England and Chichester Harbour Conservancy, as this would be a matter for the local planning authority (Condition 24). Bin provision would be required to ensure proper provision for refuse disposal and recycling (Condition 25).
39. The obligations set out in the undertaking would be necessary to make the development acceptable in planning terms, are directly related to the development, and fairly and reasonably relate in scale and kind to the appeal scheme. I am satisfied that the obligation complies with relevant statutory and policy requirements. There was no dispute about this at the Inquiry.¹⁴

Conclusions

40. There is considerable local opposition to the proposed development, which is evident from the written representations and the submissions made at the Inquiry.¹⁵ One of the aims of national planning policy is to strengthen local decision making.¹⁶ However, it remains a general principle of the planning system that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons. The proposal falls to be determined on its planning merits.
41. The appeal scheme would make a significant contribution to boosting the supply of housing in the District. The affordable housing provision would be beneficial. Notwithstanding submissions that greater economic advantage would result from development in towns, the addition of 28 dwellings would

¹⁴ SoCG1 section six.

¹⁵ At the application stage CDC received 80 letters of objection. Letters and comments on the Council's website total 152 objections [ID11]. A questionnaire showed that local people oppose greenfield development, but would support local and neighbourhood plans [ID7].

¹⁶ *National Planning Policy Framework Annex 1: Implementation.*

bring growth and associated economic benefits to the local area.¹⁷ Matters of design, impact on the local surroundings, connectivity and housing mix, do not in this case result in adverse impacts that would be sufficient to significantly and demonstrably outweigh the benefits of the proposal.

42. The scheme would be at odds with some LP policies, but the *Framework* is an important consideration which indicates that the appeal should be determined other than in accordance with the development plan. I find that the proposal would be sustainable development to which the presumption in the *Framework* should apply. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Woolcock
Inspector

¹⁷ ID10.

SCHEDULE OF CONDITIONS [1-25]

- 1) The development hereby permitted shall begin not later than two years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the third column of the Schedule of Plans included in this decision.
- 3) Details of any phasing of the development hereby permitted shall be provided to the local planning authority for written approval prior to commencement. These details shall include the timing of each phase of the development and its composition, specifically the number and tenure of market and affordable units included within each phase.
- 4) Details of the means of disposal of foul sewage to include a timetable for implementation shall be submitted to and approved by the local planning authority in writing before development commences on the site. The development shall be carried out in accordance with the approved details.
- 5) Before the development hereby permitted is begun, a surface water drainage scheme for the site based on sustainable drainage (SUDs) principles and an assessment of the hydrological and hydro-geological context of the development together with a timetable for its implementation in full shall be submitted to and be approved in writing by the local planning authority. The scheme shall be fully implemented as approved.
- 6) Construction of the dwellings shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual to be submitted to and approved in writing by the local planning authority. The manual is to include details of financial management, including the ongoing management, maintenance and replacement to ensure a fully functioning system. Upon completed construction of the SUDs system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
- 7) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details in the form of a schedule and plan as appropriate, but not necessarily limited to, the following matters:
 - i. The anticipated number, frequency and types of vehicle used during construction.
 - ii. The method of access and routing of vehicles during construction.
 - iii. The parking of vehicles by site operatives and visitors.
 - iv. The loading and unloading of plant, materials and waste.
 - v. The storage of plant and materials used in construction of the development.
 - vi. The erection and maintenance of security hoarding.
 - vii. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders if required).
 - viii. Measures to control the emission of dust and dirt during construction,
 - ix. Lighting for construction and security.

- x. Details of public notification both prior and during construction works.
- xi. Measures to limit the impact of construction on local wildlife, including a lighting scheme and retaining and protecting existing vegetative buffers during works.
- xii. Arrangements for monitoring for potential contamination and dealing appropriately with any incidences of existing or new sources of contamination during the construction process.
- xiii. A plan to show avoidance of the high voltage overhead power lines during construction.

Any phasing of development works shall be clearly set out within the Plan.

- 8) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.
- 9) An archaeological investigation of the site shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority before the commencement of any building works. The specification shall include proposals for an initial trial investigation and for mitigation of damage through development to deposits of importance thus identified. The investigation shall be undertaken by an appropriately qualified archaeologist, and shall include the recording of findings and subsequent publication of results.
- 10) Before work begins on the development hereby permitted, details of site levels and longitudinal and latitudinal sections through the site shall be submitted to and approved in writing by the local planning authority to show how the buildings shall be set into the ground. The development shall be carried out in accordance with the approved details.
- 11) No development shall commence until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designer's Response, and full details of the site access onto Broad Road and footway construction have been submitted to and approved in writing by the local planning authority. Details shall include a timetable for implementation. The development shall be carried out in accordance with the approved details.
- 12) Notwithstanding the information on approved plan P845.02 Rev C, no development shall be carried out unless and until a full schedule of all external materials and finishes and, samples of such materials and finishes to be used for external walls and roofs of the proposed buildings, the external freestanding walls and where appropriate surfacing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) No development, including site works of any description, shall take place on the site nor any equipment, machinery or materials brought onto the site, until a detailed Arboricultural Method Statement, in accordance with BS5837:2012, for the scheme has been submitted to and approved in writing by the local planning authority. This shall provide for the long term retention of the trees to the southern site boundary and take into

consideration the impact of the proposed footpath links. No development or other operations shall take place except in accordance with the approved Arboricultural Method Statement.

- 14) No development shall take place unless and until there has been submitted to and approved in writing by the local planning authority a supplement to the approved landscaping scheme as shown on approved plan 702C to demonstrate that provision will be made for the recommendations of the Phase 1 Habitat and Protected Species Scoping Survey and Hedgerow Survey by RPS (September 2012) unless otherwise approved in writing by the local planning authority.
- 15) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the 14th dwelling or the completion of the development, whichever is the sooner.
- 16) Prior to the first occupation of the dwellings hereby permitted, full details of the long term maintenance and management of the open space, play area and landscape buffers are to be submitted to and approved in writing by the local planning authority. The scheme shall cover a minimum period of 10 years and shall include replacement or supplementary planting where plants fail. The scheme shall also ensure full public access to the open space land for informal recreational purposes in perpetuity. Once planted in accordance with conditions 14 and 15 above, the owner or management company shall strictly adhere to and implement the recommendations contained within the management scheme.
- 17) Construction of the dwellings shall not commence unless and until details of all boundary treatments, and a timetable for their implementation, have been submitted to and approved in writing by the local planning authority. Boundary treatments shall be carried out as approved, and once erected shall be retained in perpetuity unless otherwise approved in writing by the local planning authority.
- 18) Prior to first occupation of any of the dwellings hereby permitted, a design stage report from an assessor accredited by the Building Research Establishment Limited, shall be submitted to, and approved in writing by, the local planning authority, demonstrating that the development will achieve, as a minimum, Code for Sustainable Homes Level three (November 2010). The development shall be carried out in accordance with the approved details.
- 19) The development hereby permitted shall be constructed in accordance with the FES Carbon and Energy Analysis Report Revision B dated February 2013 submitted with the application. This confirms a minimum of 15% reduction in carbon emissions from the current building regulations standard will be achieved through improvements to the building fabric.
- 20) No part of the development shall be first occupied until visibility splays of 2.4 metres by 59 metres for vehicles and 2 metres by 2 metres for pedestrians have been provided at the proposed site vehicular access onto Broad Road in accordance with details previously approved in writing by the local planning authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6

metres above adjoining carriageway level or as otherwise approved in writing by the local planning authority.

- 21) No part of the development hereby permitted shall be first occupied until the roads and footways serving the development have been constructed, surfaced and drained to base course as a minimum in accordance with plans and details to be submitted to and approved in writing by the local planning authority. These details shall include the footway links to Footpath 258 and links to both the existing play area and Lion Park development as indicated on RPS Drawing JSL2044 No.101 entitled Pedestrian Links/Public Access Strategy. A timetable for implementation shall be submitted alongside the plans and details. Once approved, the works shall be undertaken in accordance with the approved details and thereafter retained.
- 22) No dwelling hereby approved shall be occupied until its car parking and turning spaces have been provided, surfaced, and marked out, in accordance with a site wide parking and turning plan which shall be submitted in advance of first occupation and approved in writing by the local planning authority. These spaces shall thereafter be retained at all times for their designated use.
- 23) No part of the development shall be first occupied until covered and secure cycle parking spaces, to a minimum provision of 1 space for every 1 bed dwelling and 2 spaces for each 2-4 bedroom dwelling have been provided in accordance with plans and details to be submitted to and approved by the local planning authority. Once approved, the development shall be carried out in accordance with the approved details and the cycle parking provision shall thereafter be retained.
- 24) Prior to first occupation of any of the dwellings on site the applicant shall prepare a residents' educational pack to be distributed to all new residents explaining the importance and sensitivity of the SPA and suggesting ways in which residents can reduce their impact on it. This pack shall be submitted to and approved in writing by the local planning authority prior to distribution.
- 25) No part of the development shall be first occupied until hard surfaced space sufficient for 2 No. 140 litre wheeled bins per 1 bedroom dwelling and 2 No. 240 litre wheeled bins per 2-4 bedroom dwelling have been provided on site, in accordance with plans and details to be submitted to and approved in writing in advance by the local planning authority. The plan shall also clearly show refuse vehicle tracking.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Richard Moules
of Counsel

Instructed by Chichester District Council.

He called

Lone Le Vay BA(Arch) LLB(Hons)
IHBC

Design and Implementation Manager.

Linda Grange BSc MCIH

Housing Delivery Manager.

Naomi Langford BA(Hons) MA

Senior Planning Officer.

MRTPI

FOR THE APPELLANT:

Andrew Tabachnik
of Counsel

Instructed by Boyer Planning.

He called

Neil Rose BA(Hons) Dip Arch RIBA

Director, Broadway Malyan.

Ryan Saul BEng(Hons) MICE

Associate Flood Risk and Infrastructure
Engineer, Odyssey Markides.

Robert Goldup BA(Hons) MSc

Consultant, Odyssey Markides.

MCIHT MILT

David Lander MRTPI

Consultant, Boyer Planning Ltd.

Gill Ellis [discussion on conditions]

Boyer Planning Ltd.

INTERESTED PERSONS:

Cllr Sandra James

Parish and County Councillor and local resident.

Alan Morse

Chairman, Hambrook District Residents'
Association.

Peter Cole

Local resident.

David Rodgers

Local resident.

Lynn Boyns

Local resident.

Don Clarridge

Local resident.

DOCUMENTS SUBMITTED AT THE INQUIRY

Document	1	Opening submissions on behalf of the local planning authority.
Document	2	Email dated 14 March 2013 from SSE concerning safety from 132,000 volt overhead electricity lines.
Document	3.1	Appellant's briefing note on the unilateral undertaking.
	3.2	Unilateral undertaking dated 4 March 2014.
Document	4	Appeal Ref:APP/L3815/A/13/2202575 Land north west of Park Road, Selsey.
Document	5	Lion Park, Conveyance Plan.
Document	6	Extract from Building for Life.
Document	7	Statement by Alan Morse, Chairman of the Hambook District Residents' Association.
Document	8	Replacement page for Table A33 Mr Lander's Appendix 11.
Document	9	Statement by David Rodgers.
Document	10	Statement by Peter Cole.
Document	11	Statement by Lynn Boyns.
Document	12	Closing submissions by the Council.
Document	13	Appellant's closing submissions.
Document	14	Recommended conditions.

Documents submitted after the close of the Inquiry concerning development permitted at Flat Farm and the *Guidance*

Document	15	Site plan for Flat Farm.
Document	16	Email from Don Clarridge dated 10 March 2014 concerning Flat Farm.
Document	17	Letter from Alan Morse, Chairman of the Hambook District Residents' Association dated 13 March 2014 concerning Flat Farm.
Document	18	Email from Lynn and Malcolm Boyns dated 13 March 2014 concerning Flat Farm.
Document	19	Email from Cllr Sandra James dated 14 March 2014 concerning Flat Farm.
Document	20	Comments by CDC concerning Flat Farm.
Document	21	Comments by the appellant concerning Flat Farm.
Document	22	Email from Lynn and Malcolm Boyns dated 16 March 2014 concerning the <i>Guidance</i> .
Document	23	Comments by CDC concerning the <i>Guidance</i> .
Document	24	Comments by the appellant concerning the <i>Guidance</i> .

SCHEDULE OF PLANS

	Plans considered by the Council in determining the application	Plans considered at the appeal stage
Location Plan	P845.01 Rev K	P845.01 Rev K
Planning Layout	P845.01 Rev K	P845.01 Rev L
Materials Layout	P845.02 Rev B	P845.02 Rev C
Parking Plan	P845.03 Rev A	P845.03 Rev A
Building Heights Plan	P845.04 Rev A	P845.04 Rev A
Street Scenes	P845/SS/01 Rev A	P845/SS/01 Rev A
Type A Plots 4 & 9 Floor Plans, Roof Plan & Elevations	P845.A.01	P845.A.01
Plots 5 & 8 Floor Plans, Roof Plan & Elevations	P845.A.02	P845.A.02
Type B Floor & Roof Plans	P845.B.01	P845.B.01
Elevations (Brick)	P845.B.02	P845.B.02
Elevations (Stone)	P845.B.03	P845.B.03
Floor & Roof Plans (Plot 25)	P845.B.04	P845.B.04
Elevations (Stone) (Plot 25)	P845.B.05	P845.B.05
Type C Floor & Roof Plans	P845.C.01	P845.C.01 Rev B
Elevations (Brick)	P845.C.02	P845.C.02
Type D Floor & Roof Plans	P845.D.01	P845.D.01
Elevations	P845.D.02	P845.D.02
Type E Elevations	P845.E.02	P845.E.02
Floor and Roof Plans	P845.E.01	P845.E.01
Type F Plans and Elevations	P845.F.01	P845.F.01
Type G Plans and Elevations	P845.G.01 Rev A	P845.G.01 Rev A
Electricity Sub Station Plans and Elevations	P845/SUB/01	P845/SUB/01
Bin and Cycle Store Plans& Elevations	P845/ST/01	P845/ST/01
Garage Single Garage	P845.GAR.01	P845.GAR.01
Double Garage	P845.GAR.02	P845.GAR.02
Pair Garage	P845.GAR.03	P845.GAR.03
RPS Tree Survey Schedule	JSL2044_700	JSL2044_700
Tree Constraints Plan	JSL2044_700	JSL2044_700
Landscape Masterplan	100B	100C
Soft Landscaping Plan 1 of 2	500A	500B
Plan 2 of 2	501A	501B
Tree Protection Plan	702B	702C
Tree and Shrub Palette	JSL2044_550A	JSL2044_550A
Tree Survey Schedule	JSL2044_750	JSL2044_750