

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

LIST OF APPENDICES

Appendix Number	Document title
Appendix SP1	Extract from Rural Affordable Housing Partnership (RAHP) Agreement between Martlet Homes Limited and Chichester District Council dated 31 December 2007 – pages 1-12 (full copy available on request).
Appendix SP2	Letter dated 16 July 2012 between Martlet and CDC extending the RAHP agreement
Appendix SP3	Drawing number P902 showing alternative access route via Chaffer Lane
Appendix SP4	Pre application advice request dated 6 th December 2017
Appendix SP5	Map showing alternative access route to the Site via the Saltings
Appendix SP6	Map showing indicative alternative access route to the Site from Westlands Lane
Appendix SP7	Zoopla website indicative valuation for 6 The Saltings July 24
Appendix SP8	Topographical survey of the access track by Shaw Colegate Land & Building Surveyors dated October 2013
Appendix SP9	Extract from Design and Access Statement dated September 2013 for application 13/01391/FUL – page 21, showing photographs of the access track (full copy available on request).
Appendix SP10	July 2024 photograph of access track with planning application 13/01391/FUL boundaries shown indicatively
Appendix SP11	Extract from Tree Survey dated 2011 submitted for application 13/01391/FUL – page 33, drawing no. tf 850/TS/102 (full copy available on request).
Appendix SP12	Upton & McGougan drawing number 136.0099-2100
Appendix SP13	Committee report on application 13/01391/FUL
Appendix SP14	Ridge Technical Note dated February 2024
Appendix SP15	Committee report on application 16/01809/FUL
Appendix SP16	Email from Ridge to Hyde July 2024
Appendix SP17	Extract from The Hyde Group financial statements 2022/23 (full copy available on request).

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP1:

**EXTRACT FROM RURAL AFFORDABLE HOUSING PARTNERSHIP
(RAHP) AGREEMENT BETWEEN MARTLET HOMES LIMITED AND
CHICHESTER DISTRICT COUNCIL DATED 31 DECEMBER 2007 –
PAGES 1-12**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950

A6332

Office Copy completed
Apr

This Agreement is made the 31st day of December 2007

BETWEEN

- (1) **CHICHESTER DISTRICT COUNCIL** of East Pallant House East Pallant Chichester West Sussex PO19 1TY ("the Council")
- (2) **MARTLET HOMES LIMITED** of Martlet House Southern Gate Chichester West Sussex PO19 8SG ("Martlet")

1. Interests

- 1.1 The Council are the District Council for the purpose of the Housing Act 1996 and the enabling powers therein
- 1.2 Martlet are a registered Social Landlord primarily operating within the Council's district
- 1.3 The Council wishes to maximise investment in affordable housing in rural villages in its district and to attract funding and has advertised for bids to form a partnership to this end
- 1.4 The Council has accepted a bid from Martlet as its development partner in the provision of rural housing over the period of this agreement

Defined Terms

- 2. In this agreement the following definitions have the meanings alongside them

"Affordable Housing Unit"	A residential unit whose sale or rental price has been reduced by subsidy to a level to meet the needs of those eligible to be on the Council's Housing Register.
	Provided that the unit shall remain affordable in perpetuity and shall be managed or co-owned by a Registered Social Landlord (except where any qualifying tenant of such unit exercises their right to buy the unit)
"The Bid"	The submission by Martlet in response to the Council's invitation dated 5th day of April

	2006 annexed hereto
“CBL Scheme”	A choice based lettings scheme which provides for vacancies in RSL stock to be advertised, and then provides a means for applicants on the housing register to signify their interest in a property by a bidding process, with those bids then being prioritised according to the Council’s allocations policy, and the offer being made to the most eligible bidder.
“The CPO Protocol”	The protocol for the making of a compulsory purchase order at Schedule 2
“The Development Manager”	The post designated by Martlet as the Manager of their development programme
“The Financial Commitment Schedule”	The financial matrix and glossary of terms at Schedule 1 hereto
“General Rural Pot Fund”	The Council’s contribution to the general funds forming part of the Rural Housing Pot as identified within Schedule 1
“General Rural Pot Fund Contribution”	means the amount which Martlet requires the Council to pay from the General Rural Pot Fund in relation to an Affordable Housing Unit as agreed between Martlet and the Council in accordance with clause 9.5

“The Rural Housing Pot”	The total contribution of the parties to the Rural Development Programme for the promotion of rural housing as identified within Schedule 1
“Housing Corporation”	the Housing Corporation or any other body authorised to regulate the activities of registered social landlords whether in conjunction with the Housing Corporation or as its successor;
“The Housing Enabling Manager”	The post designated by the Council as having its primary function of promoting affordable housing
“The HNS”	The local housing needs survey to be conducted by the Council in respect of the parish in which a proposed development is to occur
“Intermediate Rental”	Units to be let on assured tenancies at rents not exceeding 75% of market rents
“The Joint Commissioning Agreement”	An existing agreement made between the Council and its RSL development partners for the development of affordable housing within the district dated 15th day June 2005
“The Monitoring Protocol”	The monitoring table at Schedule 3 hereto

“The Rural Development Programme”	The programme for 125 Affordable Housing Units in Parishes within the Council’s district over the period of this agreement
“Planning Consent”	The notice of planning consent and not (for the avoidance of doubt) the resolution to grant planning consent
“The PR Protocol”	The agreed protocol between the Council and Martlet for the release of information to the public or press at Schedule 8 hereto
“Project Manager”	The project manager employed by Martlet dedicated to rural housing
“Rural Housing Enabler”	The rural housing enabler to be employed by the Council in accordance with the job description set out in Schedule 7 of this agreement
“Rural Community Worker”	The rural community worker funded by Martlet dedicated to rural development issues on a 0.5 time basis who may be employed either by Martlet or by another organisation with Martlet’s financial support
“SHG Bid”	means such proportion of the scheme costs for an Affordable Housing Unit agreed between the Council (acting reasonably and without delay) and Martlet as appropriate for submission of a bid for Housing Corporation grant
“Social Rent”	Housing provided by a Registered

	Social Landlord and let on a Starter Tenancy (in the case of new tenants) otherwise on a Standard Tenancy at rents not exceeding Housing Corporation target rents.
“The Committed Site Schedule”	The schedule of sites excluded from this agreement as at the 1st September 2006 at Schedule 4 hereto
“The Standard Nomination Agreement”	The Nomination Agreement to be used by Martlet at Schedule 5 hereto
“The Standard Section 106 Agreement”	The template of the agreement to be entered into between the Council and Martlet to facilitate the grant of planning permission for affordable dwelling units in a rural area at Schedule 6 hereto
“Standard Tenancy”	The assured tenancy the tenancy conditions of which are attached as Annex 1 (but excluding wording in red typescript) as may be updated, amended and/or varied by Martlet from time to time (acting reasonably)
“Starter Tenancy”	The assured shorthold tenancy the tenancy conditions of which are attached as Annex 1 (including the words in red typescript) as may be updated, amended and/or varied by Martlet from time to time (acting reasonably)

"Unit"	A unit of affordable housing accommodation
--------	--

3. Principal Purposes

3.1 The parties hereby agree that it is their intention in entering into this agreement to provide the following:

3.1.1 To maximise the investment in affordable housing in rural villages across the Chichester district with a five year programme to meet the district rural housing targets and the regional priority for affordable housing

3.1.2 To improve the deliverability of rural affordable housing schemes by identifying specific sites over the period of the agreement and both parties using their best endeavours to deliver units on those sites as quickly as possible

3.1.3 To fund the post of the rural housing enabler as an employee of the Council

3.1.4 To ensure that at least 25% of all new build units are delivered using modern methods of construction.

3.1.5 To provide an innovative means of funding and to secure affordable housing by maximising funding capacity and a programme of schemes to attract Housing Corporation funding by allowing the Rural Housing Pot monies to be recycled as far as possible

3.1.6 To achieve at least "very good" ecohomes standard and to meet or exceed scheme development standards on all new build units.

4. Duration and Review

4.1 This agreement shall come into effect on 1st January 2007 and subsist for a period of five years until the 31st December 2011 unless determined by the parties as set out herein

4.2 The parties will meet quarterly in accordance with the Monitoring Protocol to review progress and consider any hindrance in implementing the agreement. The agreement shall be reviewed immediately following its third anniversary and the parties agree to considering enlarging the programme and/or increasing the financial contributions herein where it

can be demonstrated the rural development programme has proved successful to the satisfaction of both parties or where sufficient grant funding has not been obtained from the Housing Corporation to guarantee delivery of the five year programme of 125 Affordable Housing Units and is unlikely to be obtained.

- 4.3 Not later than six months prior to its expiry the parties shall consider whether to extend the terms for a further period beyond 31st December 2011

5. The Financial Commitments

The parties hereby agree that they shall each contribute the sums identified in the Financial Schedule in accordance with the provisions thereof and that the Council shall pay its contributions to Martlet in accordance with the Financial Schedule and clause 9

6. The Rural Development Programme

- 6.1 In consideration of the Council's covenants at Clause 7 Martlet hereby agrees that it will submit applications for planning consent and pursue such applications with all proper diligence in respect of:-

- 6.1.1 fifty (50) Affordable Housing Units by 31st December 2008; and;
- 6.1.2 an average of twenty-five (25) Affordable Housing Units in each year thereafter

- 6.2 Subject to receipt of Planning Consent and agreement of the General Rural Pot Fund Contribution in accordance with clause 9.5, Martlet shall use its best endeavours to ensure that contracts are let for the construction of those Affordable Housing Units so that

- i) twenty-five (25) Affordable Housing Units shall have been constructed and are fit for occupation by 31st December 2008 or
- ii) a total of fifty (50) Affordable Housing Units shall have been constructed and fit for occupation by 31st December 2009 and
- iii) an average of twenty-five (25) Affordable Housing Units are constructed and fit for occupation in each year thereafter

- 6.3 Without prejudice to the generality of the foregoing Martlet shall over the period of this agreement identify sufficient plots of land within its own ownership on rural sites suitable for development of not less than 63 Affordable Housing Units. The acquisition costs of plots so identified shall

- not be a charge on the General Rural Pot Fund, however their nominal value will be considered as subsidy contributed by Martlet in accordance with the Financial Schedule. For the avoidance of any doubt:-
- 6.3.1 Where applications for planning consent are submitted in relation to Affordable Housing Units which are within Martlet's ownership, these Affordable Housing Units shall contribute towards the number referred to in Clause 6.1; and
 - 6.3.2 Those plots of land identified at Part 1 of the Committed Sites Schedule shall be excluded from the 63 Affordable Housing Units to be identified under this Clause 6.3
- 6.4 The location of the plots and the proposed size and tenure of the Affordable Housing Units shall be submitted to the Council for the approval of the Housing Enabling Manager whose agreement shall not be unreasonably withheld or delayed particularly in a case where the proposal is in accord with the HNS and the Council's Housing Register
- 6.5 When a plot is agreed between the Council and Martlet, Martlet shall seek planning permission and all other necessary consents for the development of the plot and undertake its development to practical completion as soon as reasonably practicable
- 6.6 The tenure mix of the Affordable Housing Units for each site shall reflect a proportion of Affordable Housing Units available for Social Rent, and/or Intermediate Rent and Affordable Housing Units available on shared ownership leases to reflect the demand indicated in the Housing Register and HNS
- 6.7 For the purpose of this clause (Clause 6) a rural site shall be one where the parish or town within which the site is located has a population of less than three thousand (3,000) people
- 6.8 In consideration of the foregoing the Council shall throughout the period of this agreement promote Martlet as the preferred developer of any rural exception sites being considered under Policy H9 of its Local Plan provided that there shall be excluded from these provisions the rural sites which have as at the date hereof been previously registered by another partner RSL identified at Part 2 of the Committed Site Schedule

7. **Further Provisions**

7.1 In consideration of the covenants by Martlet in Clause 6 the District Council shall

7.1.1 Contribute funds of up to three million pounds (£3m) over the period of this agreement to the Rural Housing Pot in accordance with the provisions of the Financial Schedule 1 to enable schemes in the rural communities to be developed

7.1.2 During the course of this agreement use its best endeavours to identify in partnership with Martlet sufficient plots of land suitable for the provision of a minimum of sixty two (62) Affordable Housing Units to develop in accordance with the terms hereof either by the identification of those plots through the Local Development Framework Review process or as 'exception' sites in accordance with the Adopted Local Plan Policy H9 of the Local Plan or such equivalent policy in any replacement of the Local Plan

7.1.3 Where such sites have been identified and agreed with Martlet but are prevented from development by lack of consent from a third party landowner it shall seek approval from its Executive Board for the use of compulsory purchase order powers to assemble the sites in accordance with the provisions of the CPO Protocol at Schedule 2 hereof Provided That there shall be prior agreement between the Council and Martlet before acquiring any plot or Affordable Housing Unit by use of the CPO Protocol

7.1.4 Undertake local needs surveys to identify local housing need as and when it considers appropriate

7.1.5 Subject to the proviso that nothing in this agreement shall operate to fetter the discretion of the Council in the use of its powers under the Town and Country Planning Act 1990 and other like legislation to provide a coordinated approach amongst services including the setting up of pre-planning meetings to obtain advance information to avoid delay in completion of legal agreements and reasonable assistance in relation to the housing issues in support of any application to Martlet in relation to its planning applications for the Affordable Housing Units in order to promote such Units through the planning system

7.1.6 Employ throughout the period of this agreement a dedicated Rural Housing Enabler whose Job Description is identified in Schedule 7 for the Chichester District whose manager shall be the Housing Enabling Manager and whose post shall be at East Pallant House so that approximately eighty percent of the allocated working hours of the Rural Housing Enabler shall be dedicated to the rural provider partnership and matters arising therefrom. For the avoidance of any doubt the parties agree that:-

7.1.6.1 The Council shall be responsible for the employment of the Rural Housing Enabler and compliance with all legal obligations as employer (and prospective and former employer) in respect of such post;

7.1.6.2 Notwithstanding Martlet's contribution to the costs of the post of the Rural Housing Enabler (as set out in the Financial Schedule) Martlet is not responsible for the employment of the Rural Housing Enabler and the Council shall indemnify Martlet in respect of any financial loss or damage suffered by Martlet (howsoever arising) in connection with the recruitment, employment or cessation of employment of the Rural Housing Enabler including without limitation any legal expenses incurred by Martlet and loss or damage suffered as a result of a claim being made by a person employed as the Rural Housing Enabler against Martlet

7.1.7 Arrange quarterly review meetings and annual performance meetings between the parties in accordance with the Monitoring Protocol

7.1.8 Monitor the programmes and manage the overall financial position of the Rural Housing Pot and audit the Rural Housing Pot on an annual basis and provide regular updates to Martlet

7.2 Martlet Homes further agree that it shall

7.2.1 During the course of this agreement contribute land (as referred to in clause 6.2) and funds to the combined value of three million two hundred and thirty three thousand five hundred pounds

(£3,233,500) to the Rural Housing Pot in accordance with the Financial Schedule to enable schemes in rural communities to proceed and shall during the course of this agreement use its reasonable endeavours to identify rural housing sites both within and outside its landholding. For the avoidance of doubt, the land contributed by Martlet to the Rural Housing Pot shall be allocated to the Rural Development Programme for development in accordance with this agreement but shall not be required to be transferred from Martlet's ownership (save as required in relation to any shared ownership lease or pursuant to any preserved right to buy)

- 7.2.2 Where appropriate to make prompt application (either directly or through its lead RSL) for and to ensure that public funding or grant assistance is taken up effectively and in accordance with the timetables agreed with the Housing Corporation to continue to examine other funding sources including use of its own resources for the development of rural housing in the district
- 7.2.3 To ensure scheme development standards set by the Housing Corporation are met and achieve Eco-homes "very good" rating unless otherwise agreed with the Council
- 7.2.4 To enter into the Standard Section106 Agreement and Standard Nomination Agreements in relation to the Affordable Housing Units and to comply with the provisions of tenure mix priority letting and agreed local letting protocol contained or referred to therein or otherwise agreed by the Council
- 7.2.5 In accordance with the tenure mix determined in accordance with clause 7.2.4, to let appropriate Affordable Housing Units under the Starter Tenancy or Standard Tenancy as appropriate at either a Social Rent or Intermediate Rent and in accordance with any agreed local letting protocol of the Council in the case of rented units through the CBL Scheme
- 7.2.6 In accordance with the tenure mix determined in accordance with clause 7.2.4, to make available any new build home buy units and enter into a shared ownership lease in substantially the same form

as the appropriate Housing Corporation's model shared ownership lease from time to time

- 7.2.7 Throughout this agreement to employ a dedicated full time Project Manager, who will work exclusively on new rural schemes. This post is to be supported by the Development Manager and have the capacity to command assistance from the PR and Marketing team and the Finance team of Martlet Homes Ltd when necessary
- 7.2.8 To co-operate with the Council in identifying and acquiring rural sites including acquisition by agreement or through the CPO process where landowners are unwilling to sell identified sites
- 7.2.9 To assist the Council in accordance with the CPO Protocol at Schedule 2 subject to any costs properly incurred (excluding any compensation for the land) being reimbursed from the General Rural Pot Fund
- 7.2.10 Attend regular quarterly programme review meetings and provide monthly progress reports to the local authority to evaluate their performance within the agreement in accordance with the Monitoring Protocol
- 7.2.11 Arrange public relations (PR) and handover ceremonies as set out in the PR protocol at Schedule 8
- 7.2.12 Where land has been acquired by the Council (with Martlet's prior agreement) by use of a Compulsory Purchase Procedure pursuant to this agreement to take a transfer of such land and to indemnify the Council fully for any compensation paid by it for such land pursuant to the Compulsory Purchase Order Provided That the amount of compensation to be paid in a voluntary settlement has been agreed by Martlet in advance

8. **Consents and Acquisition, Design Construction and On costs (Inc. CPOs)**

- 8.1 Martlet and the Council will at the request of the other make available details of all costs or fees paid and provide evidence of such costs on an open book basis and which shall include a breakdown of grants obtained per scheme and shall respond to any questions the Council may have concerning the level of such grants

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP2:

**LETTER DATED 16 JULY 2012 BETWEEN MARTLET AND
CHICHESTER DISTRICT COUNCIL EXTENDING THE RURAL
AFFORDABLE HOUSING PARTNERSHIP AGREEMENT**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950

Linda Grange
01243 534582
or e-mail:
lgrange@chichester.gov.uk

16 July 2012

Dear Jane

Chichester Rural Housing Partnership

Further to a report taken to the Council's Cabinet meeting on 7 February 2012, we now have approval to formally extend the Chichester Rural Housing Partnership until 31 March 2014, to ensure the delivery of the remaining 68 additional new units in the pipeline programme at the following schemes:

- The Croft, Cocking
- Parsonage Estate, Rogate
- Exception site Birdham
- Exception site North Mundham
- Piggery Hall Lane, East Wittering

These schemes may only to be substituted or amended by agreement in writing of the Assistant Director Strategic Housing and Planning Policy.

The agreement is to be extended subject to the following amendments:

1. All reference to social rent should be read to include affordable rent.
2. References to registered social landlord should be replaced by registered provider
3. References to the Housing Corporation should be replaced by The Homes and Communities Agency

Jane Ball
Hyde Martlet
Martlet House
Southern Gate
Chichester
PO19 8SG

4. References to Housing Enabling Manager should be replaced by Housing Delivery Manager.
5. References to the Rural Community Worker should be deleted as these funds have now been depleted.
6. Variations to the standard nomination and section 106 agreements are to be agreed with the council on a scheme by scheme basis.
7. The definition of rural site in clause 6.7 is to remain unless otherwise agreed with the council.
8. Reference to eco-homes in clause 7.2.3 should be replaced by the appropriate Code for Sustainable Homes as required by building regulations and government funding requirements.
9. The Public Relations protocol in schedule 8 is to be replaced by the attached protocol.

We note that as previously agreed by Rhys Daniel, Hyde Martlet is happy to extend the funding of the Rural Housing Enabler as set out in the agreement, with a further four payments of £12,500 due six monthly in advance from 31 March 2012 with the final payment due on 30 September 2013.

In order that the agreement can be formally extended I ask you to confirm your agreement to the extension by signing and returning a copy of this letter.

I confirm that irrespective of this agreement Chichester District Council will continue to work with Hyde Martlet to jointly identify additional opportunities to develop affordable homes within the district.

Yours sincerely

Amanda Jobling
Executive Director of Home and Communities

We agree the terms of this letter.

Signed.....
For Martlet Homes Limited

Name.....

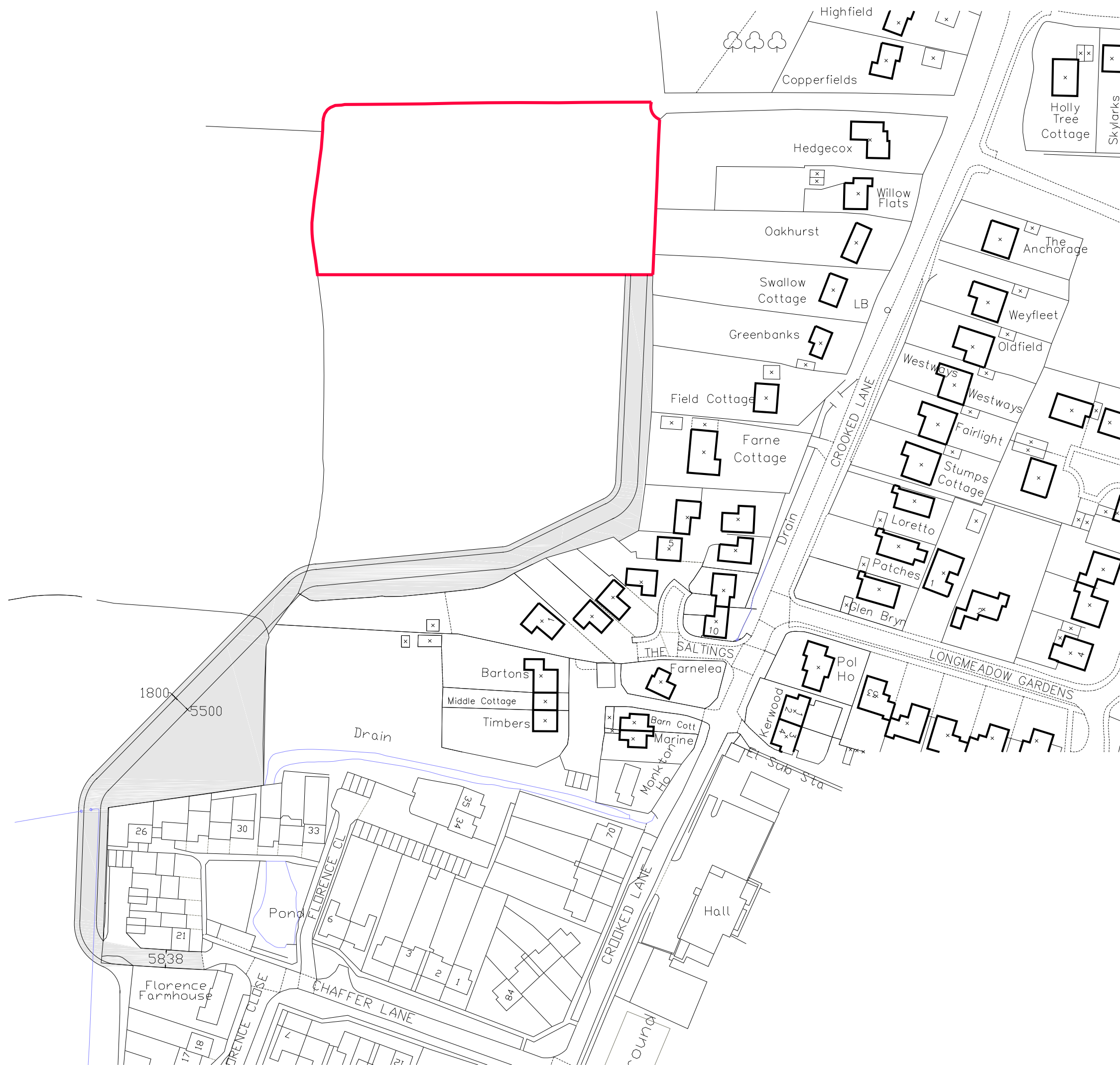
**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP3:

**DRAWING NUMBER P902 SHOWING ALTERNATIVE ACCESS
ROUTE VIA CHAFFER LANE**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950



This drawing is the copyright of HNW Architects Ltd.
 All dimensions must be verified on site prior to construction.
 Do not scale this drawing except for Planning Application purposes.
 Ordnance Survey Licence No. 100000200

Rev	Amendments	By	Chkd	Date

Planning Application Red Line

Site area associated with the road: 5077.21m²

Road and pavement area: 2690.00m²



HNW Architects, 61 North Street, Chichester, West Sussex, PO19 1NB
 Telephone: 01243 533300 E-mail: hnw@hnw.co.uk www.hnw.co.uk

Project

Proposed Hpusing, Crooked Lane Birdham

Drawing Title

Alternative Access Proposed

Drawing Status: Preliminary Project No.: 10032

Scale: A3 - 1:1250 Revision:

Drawn By: SR Checked By: MB Date: DEC 2017

Drawing Name: P902

HNW Architects Ltd - Registered No. 3589904 TD 300317

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP4:

**PRE APPLICATION ADVICE REQUEST DATED 6TH DECEMBER
2017**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950



Written Pre-Application Advice Form

What to expect from this service

- A formal written response in the form of a letter, email or notes of a meeting
- For minor proposals 4 week timescale for response
- For major proposals a bespoke timescale
- For major proposals a site visit and input from key consultees
- Input from a Planning Officer or Senior Planning Officer
- A full analysis of a proposal and officer opinion as to issues or merits of a particular proposal

What not to expect from this service

- A site visit or meeting in every case. The need for a site visit for minor proposals will be determined by the case officer.
- A guaranteed outcome on a planning application

Important:

Pre-application requests for advice will not be subject to any publicity but we may be obliged to release documents if we receive a Freedom of Information request or Environmental Information Request and our file notes will form part of the public file if an application follows.

In addition, in the event a formal application is submitted for the proposal the summary of the advice given shall be published.

<p>Applicant Name and Address:</p> <p>Name <u>SARAH MARTLET HOMES LIMITED</u></p> <p>Address <u>30 PARK STREET</u> <u>LONDON SE1 9EQ</u></p> <p>Tel No <u>01273 234241</u></p> <p>Email <u>Sarah.poulter@hyde-housing.co.uk</u></p>	<p>Agent Name and Address:</p> <p>Name <u>N/A</u></p> <p>Address</p> <p>Tel No</p> <p>Email</p>
<p>Site Address:</p> <p><u>FIELD NORTH WEST OF THE SALTINGS, CROOKED LANE, BIRDHAM</u></p> <p>Is site accessible by Planning Officer without prior arrangement? Yes No</p> <p>If no, please provide details of appropriate contact <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>Name <u>SARAH POULTER</u> Tel No <u>01273 234241</u></p>	
<p>Proposed Development:</p> <p><u>ACCESS ROAD FROM CHAFFER LANE TO DEVELOPMENT SITE AT</u> <u>REAR OF CROOKED LANE, BIRDHAM, FOR 15 AFFORDABLE</u> <u>RENTED HOMES.</u></p>	

(PLANNING REF: B1/13/01371/FUL
& B1/16/01809/FUL)

Please indicate the type of Pre Application Advice you require.

<p>Householder</p> <p>Extensions to domestic properties</p> <p><input type="checkbox"/></p> <p>£100</p>	<p>Listed Buildings</p> <p>Alterations and extensions to listed buildings (heritage specific)</p> <p><input type="checkbox"/></p> <p>£95</p>	<p>Advertisements</p> <p>Proposals for advert consent</p> <p><input type="checkbox"/></p> <p>£120</p>	<p>Other</p> <p>e.g. replacement dwellings, changes of use, variation of conditions</p> <p><input checked="" type="checkbox"/></p> <p>£220</p>	<p>Small Scale Minor</p> <p>e.g. 1-3 dwellings, commercial (less than 500m2)</p> <p><input type="checkbox"/></p> <p>£350</p>
<p>Large Scale Minor</p> <p>e.g. 4-9 dwellings, commercial (500-1000m2)</p> <p><input type="checkbox"/></p> <p>£550</p>	<p>Small Scale Major</p> <p>e.g. 10-49 dwellings, commercial (1000m2 - 2499m2)</p> <p><input type="checkbox"/></p> <p>£2,000</p>	<p>Major</p> <p>e.g. 50-99 dwellings, commercial (2499m2 - 5000m2)</p> <p><input type="checkbox"/></p> <p>£2,500</p>	<p>Large Scale Major</p> <p>e.g. 100+ dwellings, commercial (more than 5000m2)</p> <p><input type="checkbox"/></p> <p>£4,500 or 10% of Planning Application Fee (whichever is greater)</p>	<p>CDC Specialist Advice</p> <p><input type="checkbox"/> Drainage</p> <p><input type="checkbox"/> Ecology</p> <p><input type="checkbox"/> Environmental Health</p> <p><input type="checkbox"/></p> <p>£75 per specialist</p>

Total fee payable N/A - 100% AFFORDABLE HOUSING SCHEME.
 (The total fee is the sum of all individual services selected)

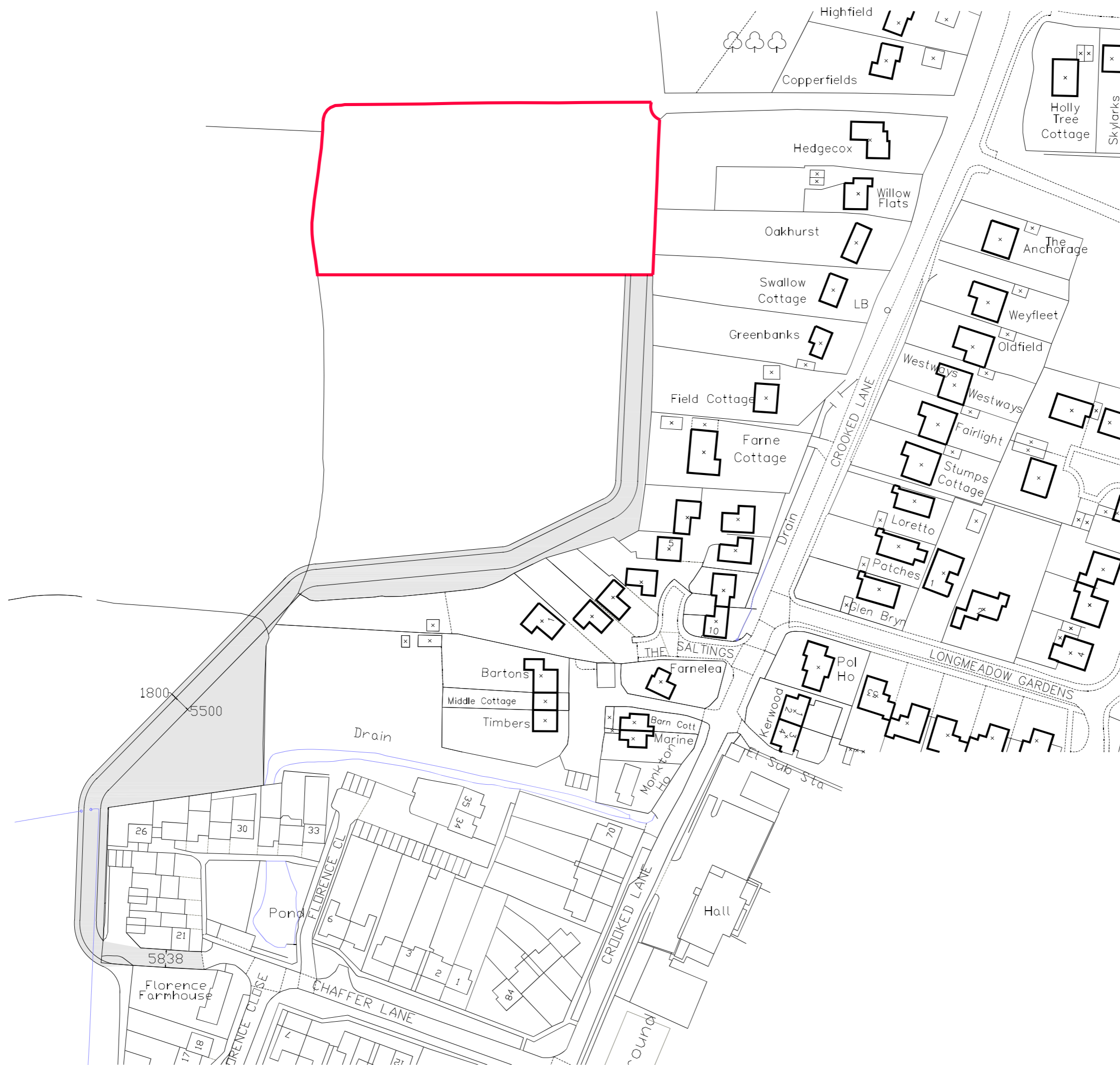
I have made the appropriate fee to Customer Services by Debit Card and the payment authorisation code is N/A

I enclose the relevant supporting documentation as outlined in the CDC Pre-Application Advice Scheme.

Location and Site Plans	<input checked="" type="checkbox"/>
Sketch or Indicative Plans of the Proposal	<input checked="" type="checkbox"/>
Supporting Studies/Information (For major schemes)	<input type="checkbox"/>

Any further information that you consider relevant:

Signature [Handwritten Signature] Date 6/12/17



This drawing is the copyright of HNW Architects Ltd.
 All dimensions must be verified on site prior to construction.
 Do not scale this drawing except for Planning Application purposes.
 Ordnance Survey Licence No. 100000200

Rev	Amendments	By	Chkd	Date

Planning Application Red Line

Site area associated with the road: 5077.21m²

Road and pavement area: 2690.00m²



HNW Architects, 61 North Street, Chichester, West Sussex, PO19 1NB
 Telephone: 01243 533300 E-mail: hnw@hnw.co.uk www.hnw.co.uk

Project

Proposed Hpusing, Crooked Lane Birdham

Drawing Title

Alternative Access Proposed

Drawing Status Preliminary Project No. 10032

Scale A3 - 1:1250 Revision



Drawn By SR Checked By MB Date DEC 2017

Drawing Name P902

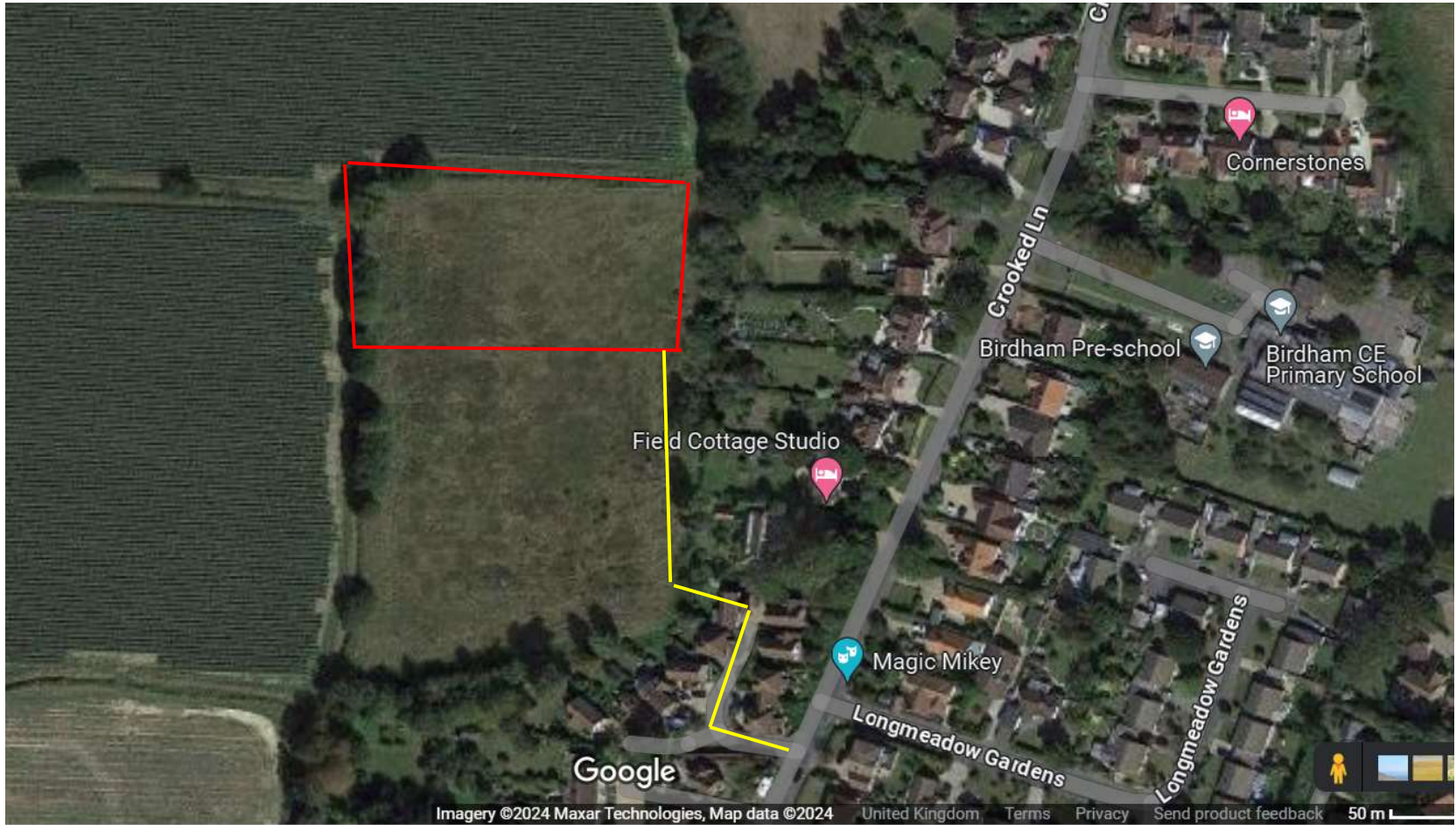
**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP5:

MAP OF ALTERNATIVE ACCESS ROUTE TO THE SITE VIA THE SALTINGS

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950



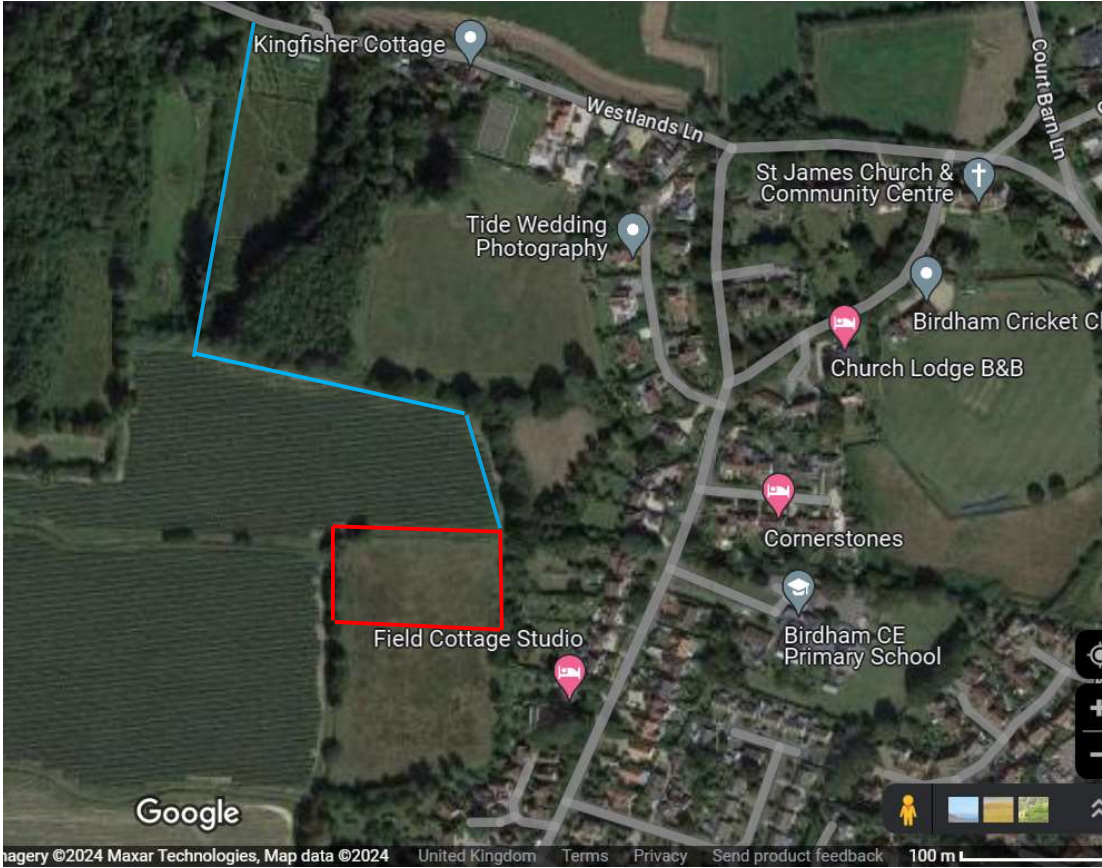
**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP6:

**MAP OF INDICATIVE ALTERNATIVE ACCESS ROUTE TO THE SITE FROM
WESTLANDS LANE**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950



**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP7:

ZOOPLA WEBSITE INDICATIVE VALUATION FOR 6 THE SALTINGS JULY 24

Planning Inspectorate Reference: APP/PCU/COPPF5540/3326950

Currently off-market

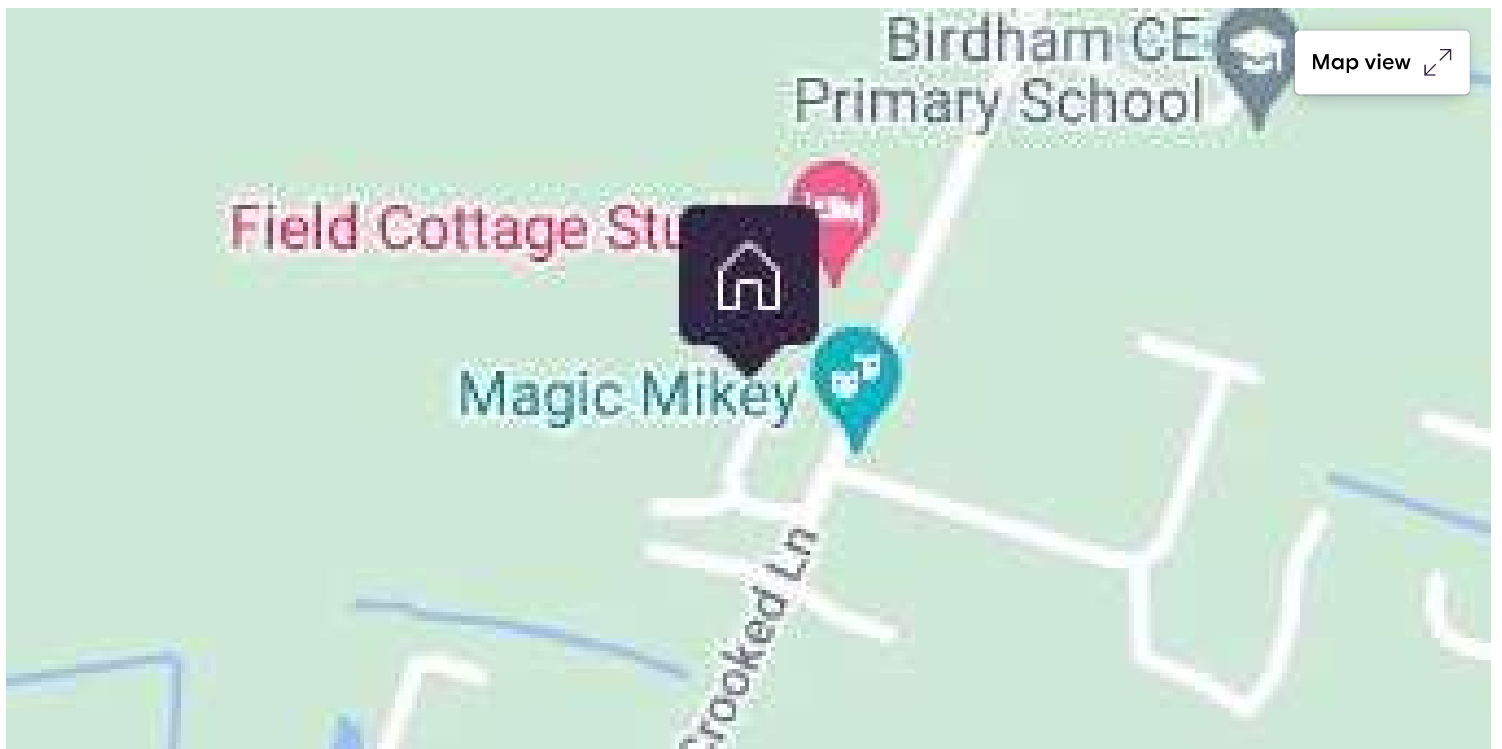
This property is not for rent or sale on Zoopla.

6 The Saltings, Birdham, Chichester, PO20 7JA

Detached house 4 beds 2 baths 2 receptions [Something not right?](#)

Freehold 158 sqm EPC rating: C Just curious

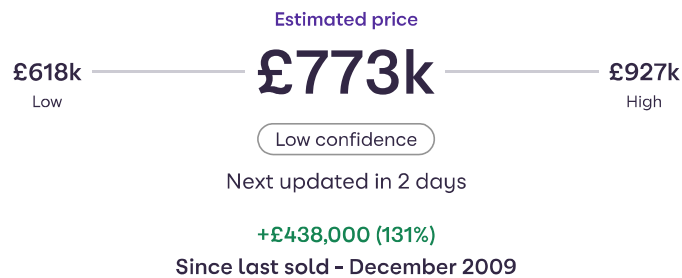
[See how much I could borrow](#)



Tracking

[Tracking because I am curious](#)

Zoopla estimate



**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

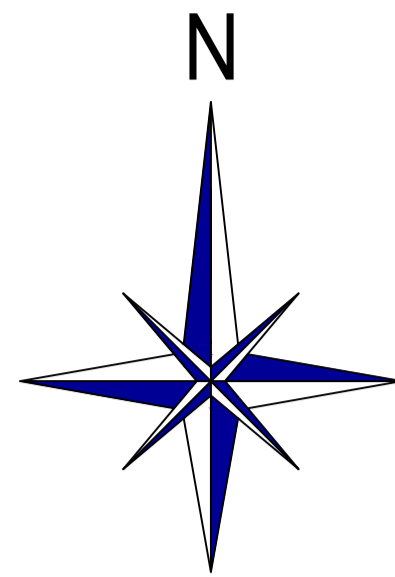
PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP8:

TOPOGRAPHICAL SURVEY OF THE ACCESS TRACK BY SHAW COLEGATE

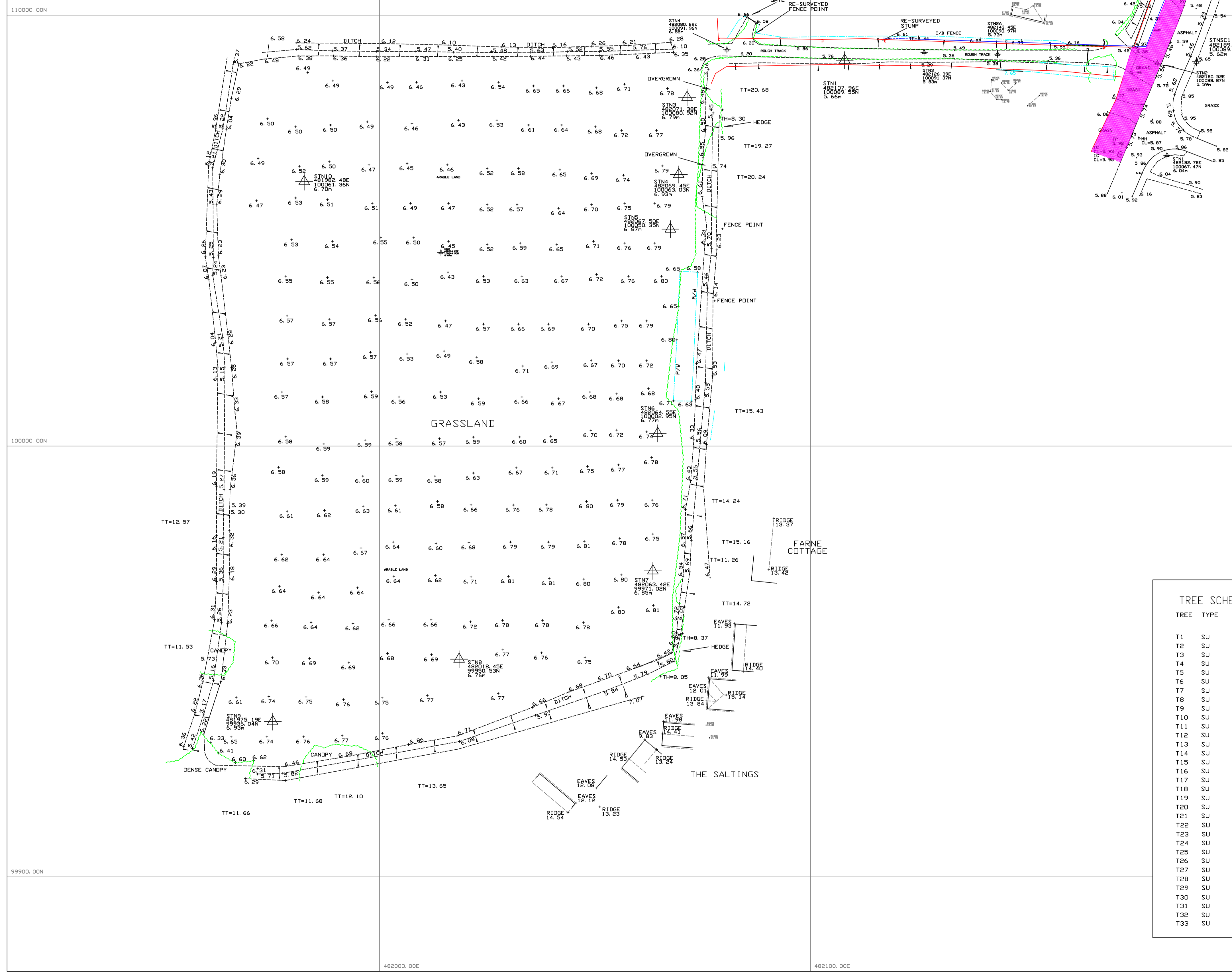
LAND & BUILDING SURVEYORS DATED OCTOBER 2013

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950



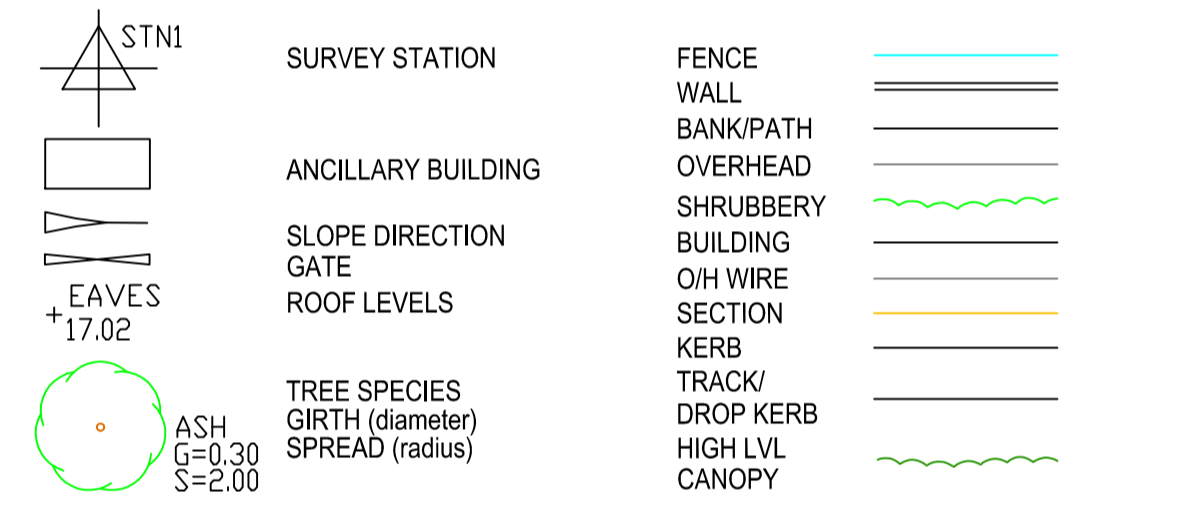
Notes:
 The accuracy of the established boundary lines is subject to the limitations of the supplied plans. The lines have been superimposed from the survey produced by David Powell Surveys Ltd on the 21st of June 2011.
 Legend:
 - position of LR Title boundary
 - position of boundary shown on plan attached to 18th October 1994 Transfer
 - area subject to highway & Transport authority

NOTES :
 ALL LEVELS RELATIVE TO O.S. DATUM (FROM G.P.S)
 SURVEY GRID ORIENTATED TO OS NATIONAL GRID
 WHILE ALL POSSIBLE EFFORT HAS BEEN MADE TO IDENTIFY SERVICES, WE ARE UNABLE TO DETAIL COVERS BURIED OR OBSCURED AT THE TIME OF SURVEY.
 ALL LEVELS AND DIMENSIONS SHOULD BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.
 TREES SHOWN IDENTIFIED TO BEST OF SURVEYORS ABILITY, SEEK CONFIRMATION IF SPECIES CRITICAL.
 ROOFLINE DETAIL IS INDICATIVE ONLY
 GPS LEVELS AND GRID ARE OBTAINED USING INDUSTRY STANDARD GUIDELINES AND CAN VARY ACCORDING TO THE QUALITY OF THE GPS NETWORK AVAILABLE. ALL GPS DATA IS THEREFORE RELATIVE TO THE TIME AND DATE OF SURVEY.



- KEY :**
- | | | | |
|-------|------------------------|-------|------------------------|
| BB | - BELISHA BEACON | OHW | - OVERHEAD WIRE |
| BIN | - LITTER BIN | O/H | - OVERHEAD |
| BL | - BED LEVEL | PIL | - PILLAR |
| BOLL | - BOLLARD | PL | - PAVEMENT LIGHT |
| BS | - BUS STOP | POT | - TELECOM |
| CATV | - CABLE TELEVISION | R.EYE | - RODDING EYE |
| CL | - COVER LEVEL | RS | - ROAD SIGN |
| CONC. | - CONCRETE | RTW | - RETAINING WALL |
| ELEC | - ELECTRIC | RWP | - RAIN WATER PIPE |
| EP | - ELECTRICITY POLE | SAP | - SAPLING |
| FB | - FLOWER BED | SB | - SIGN BOARD |
| FFL | - FINISHED FLOOR LEVEL | SU | - SPECIES UNKNOWN |
| FH | - FIRE HYDRANT | SVP | - SOIL VENT PIPE |
| FP | - FLAG POLE | TBM | - TELEPHONE BENCH MARK |
| G | - GULLY | TCB | - TELEPHONE CALL BOX |
| GL | - GROUND LEVEL | TF | - TOP OF FENCE |
| GV | - GAS VALVE | TH | - TOP OF HEDGE |
| HT | - HEIGHT | TL | - TRAFFIC LIGHT |
| IC | - INSPECTION COVER | TP | - TELEGRAPH POLE |
| IL | - INVERT LEVEL | TT | - TOP OF TREE |
| LB | - LETTER BOX | TW | - TOP OF WALL |
| LP | - LAMP POST | U/S | - UNDERSIDE CEILING |
| LT | - LIGHT | U/L | - UNABLE TO LIFT |
| MH | - MANHOLE | WL | - WATER LEVEL |
| MKR | - MARKER | WV | - WATER VALVE |

- FENCE TYPES :**
- | | | | |
|-----|-------------------|-----|----------------|
| B/W | - BARBED WIRE | I/R | - IRON RAILING |
| C/B | - CLOSE BOARD | P/R | - POST & RAIL |
| CL | - CHAIN LINK | P/W | - POST & WIRE |
| C/P | - CHESTNUT PALING | | |



TREE SCHEDULE

TREE	TYPE	GTH DIA.	SPD RAD.	GROUND LEVEL
T1	SU	0.15	3.00	5.58
T2	SU	0.40	5.00	5.47
T3	SU	1.00	9.00	5.35
T4	SU	0.50	7.00	5.33
T5	SU	0.30	3.00	5.36
T6	SU	0.10	2.00	5.33
T7	SU	0.20	2.00	5.29
T8	SU	0.10	2.00	5.39
T9	SU	1.30	8.00	5.59
T10	SU	0.30	3.00	5.56
T11	SU	0.40	4.00	5.70
T12	SU	0.80	6.00	5.74
T13	SU	0.15	3.00	5.90
T14	SU	0.10	1.50	5.93
T15	SU	0.10	1.00	5.92
T16	SU	0.20	3.00	5.95
T17	SU	0.05	2.00	5.98
T18	SU	0.10	2.00	5.99
T19	SU	0.10	2.00	5.96
T20	SU	1.80	10.00	6.07
T21	SU	2.00	3.00	6.27
T22	SU	0.20	2.00	6.30
T23	SU	0.40	4.00	6.55
T24	SU	0.50	7.00	6.67
T25	SU	0.80	8.00	5.88
T26	SU	0.20	3.00	5.91
T27	SU	0.80	6.00	5.79
T28	SU	0.07	2.00	5.74
T29	SU	0.60	2.00	5.87
T30	SU	0.30	3.00	5.79
T31	SU	0.70	6.00	5.66
T32	SU	0.60	5.00	5.60
T33	SU	1.00	7.00	6.44



Shaw Colegate
 LAND & BUILDING SURVEYORS

Unit 9B, The Old Flour Mill, Queen Street, Emsworth, Hants. PO10 7BT
 Tel : (01243) 371472 Email : mail@shawcolegate.com
 Fax: (01243) 376940 Web : www.shawcolegate.com

Title : CROOKED LANE, BIRDHAM
 TOPOGRAPHICAL SURVEY

Job No. : 20113_TOPO
 Original Scale : 1:200
 Sheet Size : A3

Surveyed By : AB/CW Date : OCTOBER 2013
 Drawn By : AB Date : OCTOBER 2013

Client: BRUCE HOWSE
 CALFORDSEADEN LLP, CALFORD HOUSE
 WESSEX BUSINESS PARK, WINCHESTER, SO21 1WP

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP9:

**EXTRACT FROM DESIGN AND ACCESS STATEMENT DATED
SEPTEMBER 2013 FOR APPLICATION 13/01391/FUL – PAGE 21,
SHOWING PHOTOGRAPHS OF THE ACCESS TRACK**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950

Access



Photo of existing lane looking West
(taken April 2013)



Photo of existing lane looking East
(taken April 2013)

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP10:

**JULY 2024 PHOTOGRAPH OF ACCESS TRACK WITH PLANNING
APPLICATION 13/01391/FUL BOUNDARIES SHOWN INDICATIVELY**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950



Close boarded fence to Hedgecox is southern boundary

Close boarded fence to Copperfields, beyond the vegetation and not visible here, is northern boundary

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP11:

**EXTRACT FROM TREE SURVEY DATED 2011 SUBMITTED FOR
APPLICATION 13/01391/FUL – PAGE 33, DRAWING NO. TF 850/TS/102**

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950



NOTES
This drawing is the property of tree:fabrik Ltd. It must not be copied or reproduced without written consent. Only figured dimensions are to be taken from this drawing. All contractors must visit site and be responsible for taking and checking all dimensions related to the works shown on the drawings.

General
This illustrative plan is intended to inform preliminary site layout & design and should be read in conjunction with the Arboricultural Survey Report. Detailed assessment and site measurement may be required prior to final design.

Tree Survey

Tree No.	1	Trunk diameter
Common name	Ash	

Quality & value of existing tree stock

The quality and value of each tree or group of trees assessed has been categorised in accordance with British Standards BS37 (2005). The 'Tree:fabrik' categorisation method allows informed decisions to be made concerning which trees should be removed or retained should development occur.

- **R** Category tree
Trees in such a condition that any existing value would be lost within 10 years.
- **B** Category tree
Trees of moderate quality and value
- **A** Category tree
Trees of high quality and value
- **C** Category tree
Trees of low quality and value

Whilst 'C' category trees will usually not be retained where they would impose a significant constraint on development, young trees with a stem diameter of less than 150mm should be considered for retention subject to a comparison between costs of the of the various options. Similarly, appropriate mitigation through replacement tree planting elsewhere as part of the development is desirable.

Above and Below Ground Constraints

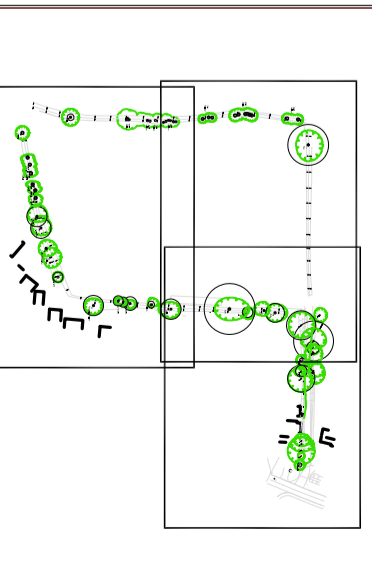
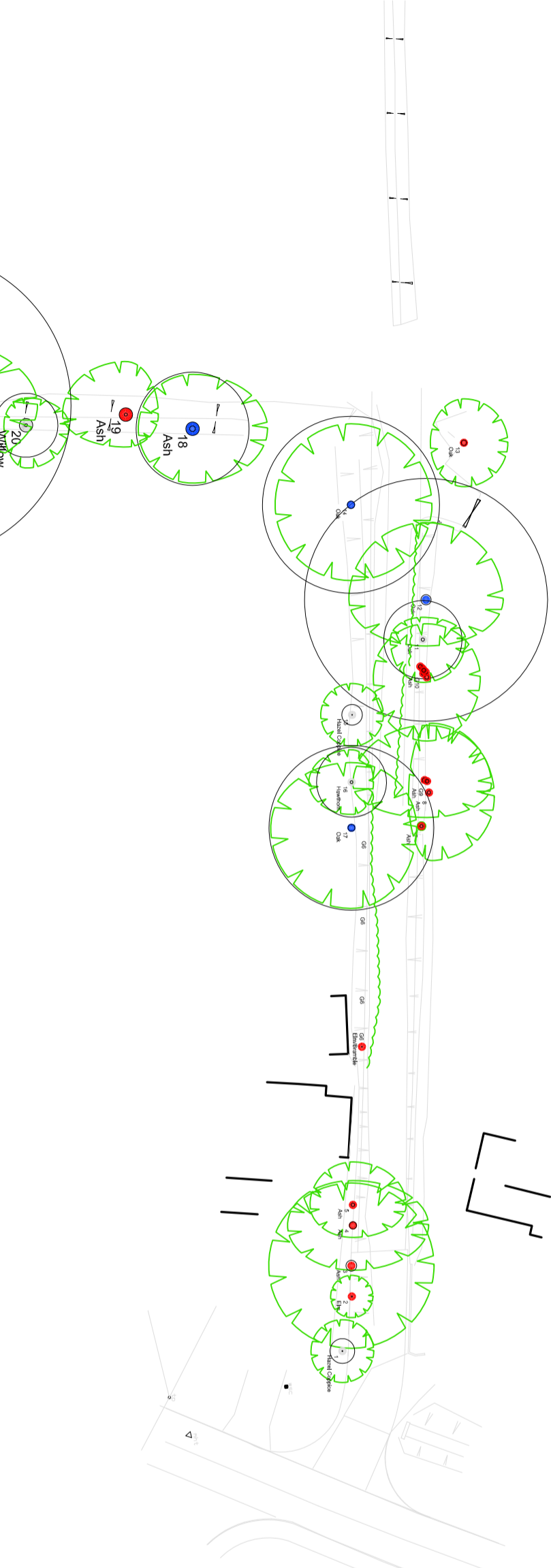
In addition to the tree's quality and condition, consideration needs to be given to the above ground constraints (crown spread) and the below ground constraints (root protection area) the trees pose by virtue of their size and position.

- Crown spread**
(see Arboricultural Survey Report: Appendix 1)
- Preliminary root protection area**
Illustrated as an area equivalent to a circle (see Arboricultural Survey Report: Appendix 2)

Notes

The provision of adequate working space, utility or drainage runs and allowances for future growth or overhanging by trees may indicate distances between existing trees and proposed structures should be increased above that of the crown spread or root protection area. This may influence site use, location and orientation of dwellings or infrastructure.

Where the preliminary RPA may be influenced by existing site features that change its shape but may not reduce its area or where encroachment through development may occur, it is recommended that tree:fabrik be contacted and evaluation of these arboricultural implications on the emerging site layout be considered at the earliest opportunity.



tree:fabrik
38a High Street
Alton
Hampshire
GU34 1BD
T : 01420 593250
F : 01420 544243
E : alan@treefabrik.com

Project
CROOKED LANE, BIRDHAM

Drawing
TREE SURVEY REFERENCE PLAN
SHEET 1 of 3

Scale	1:500	Date	SEPT '11	Drawn	AR
Drawing No.	†850/TS/101	Revision			

- Preliminary
- Issued for Planning Approval
- Issued for Construction
- Issued for Design/Information
- Issued for Tender
- As Built

Drawing sheet size - A3

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**


PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP12:

UPTON & MCGOUGAN DRAWING NUMBER 136.0099-2100

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950

CDM Regulations 2007 : Reg. 11

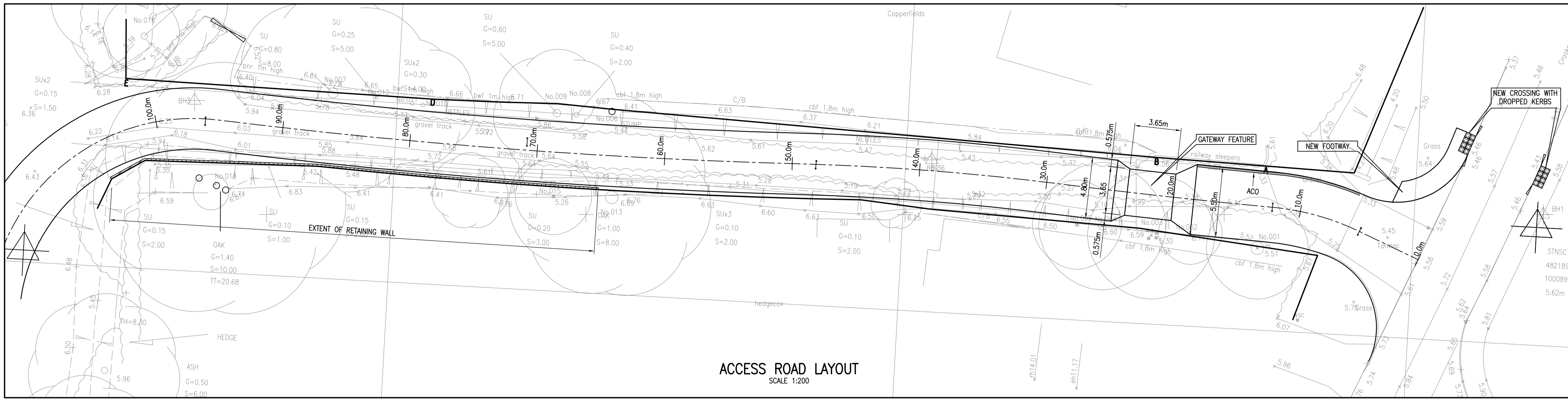
In preparing the design shown on this and related drawings Upton McGougan has considered and, where reasonably practicable, avoided foreseeable risks. Significant risks, which remain, are listed below and identified thus  and should be given particular attention by all those carrying out works of construction or of future maintenance.

1. no significant risks
- 2.
- 3.

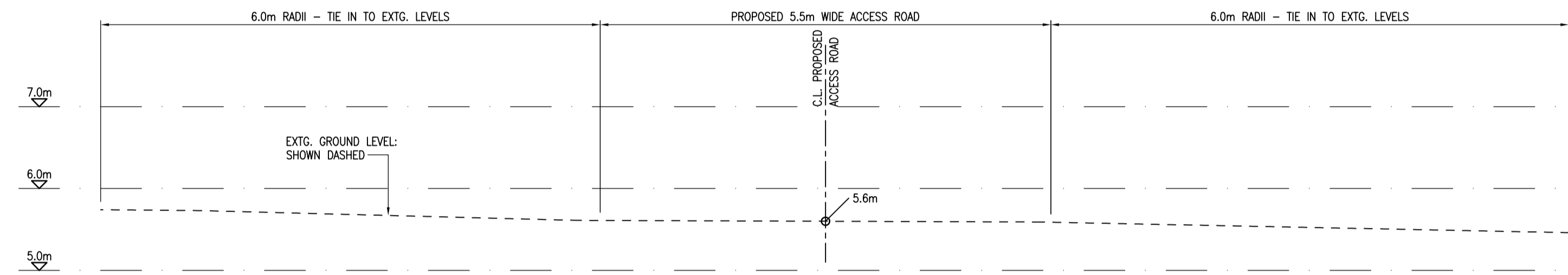
None of the above is deemed to relieve any contractor of his obligations under all applicable health and safety legislation.

NOTES

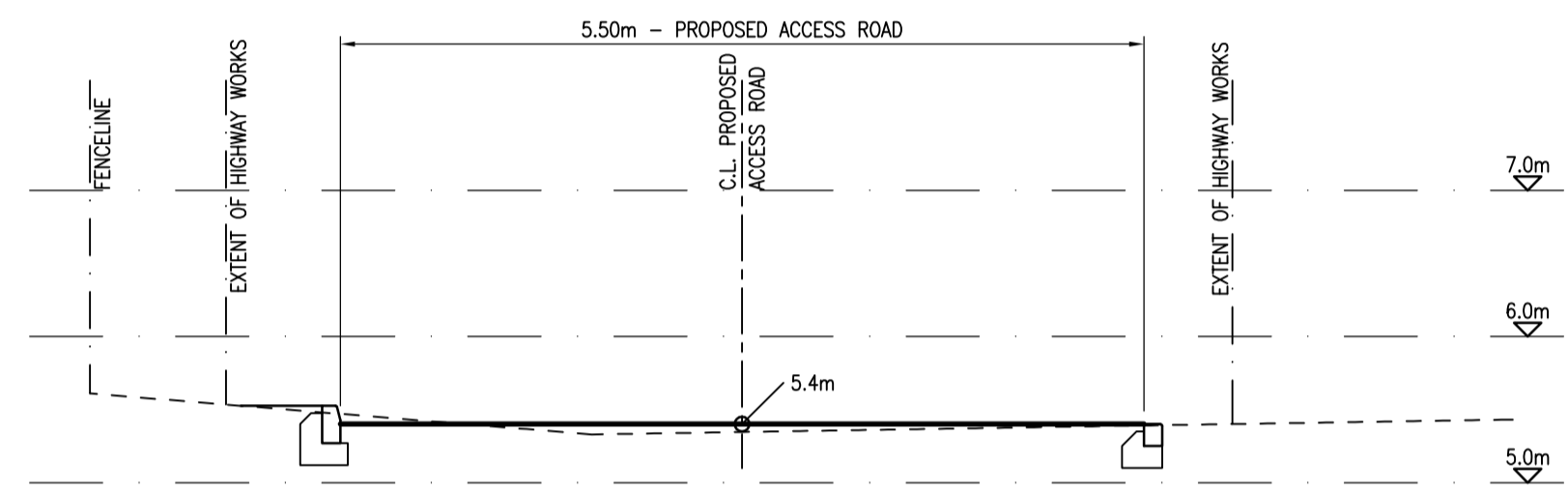
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS, ENGINEERS, SERVICES AND SPECIALIST DRAWINGS AND SPECIFICATION.
2. ANY DISCREPANCIES IN DIMENSIONS OR DETAILS ON OR BETWEEN THESE DRAWINGS SHOULD BE DRAWN TO THE ATTENTION OF THE ARCHITECT AND/OR THE ENGINEER IN WRITING FOR CLARIFICATION.
3. ALL DIMENSIONS ARE IN MILLIMETRES. ALL LEVELS ARE IN METRES. DO NOT SCALE THIS DRAWING, PRINT, PLOT OR DISK.
4. THIS DRAWING IS THE COPYRIGHT OF THE CONSULTANTS AND MUST NOT BE REPRODUCED OR USED WITHOUT THEIR PERMISSION.
5. ROAD CONSTRUCTION TO BE PERMEABLE.
6. ROOT INVESTIGATION TO BE CARRIED OUT WITH TREEFABRIC IN ATTENDANCE



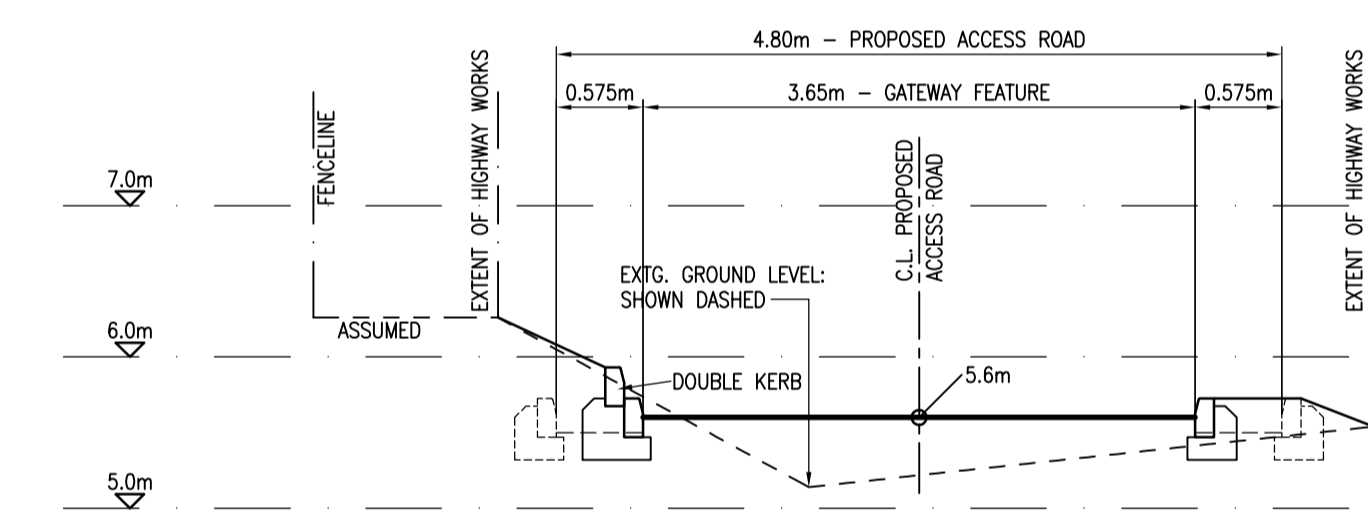
ACCESS ROAD LAYOUT
SCALE 1:200



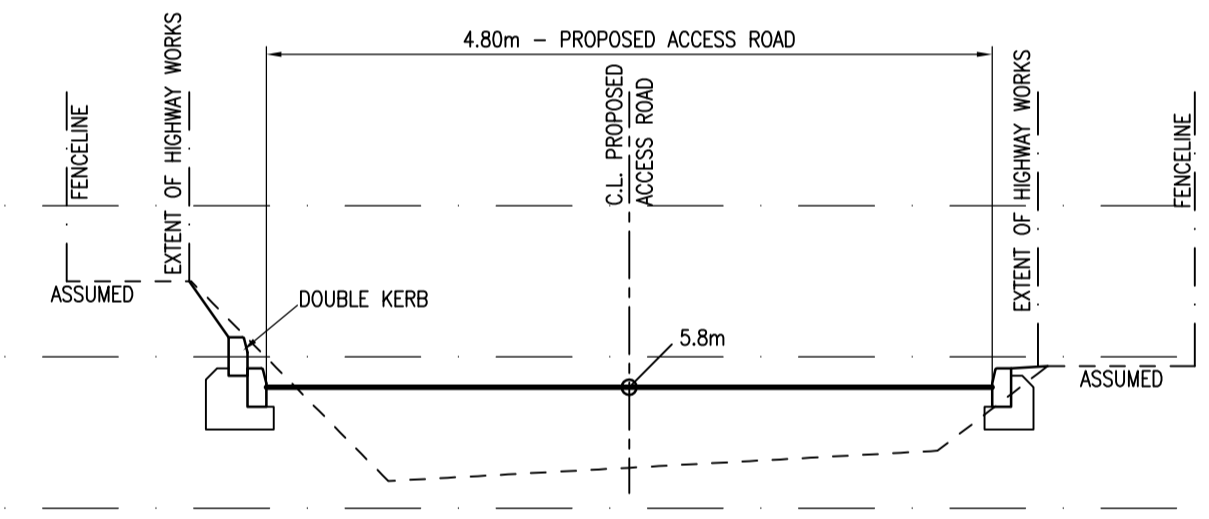
SECTION AT CHAINAGE: 0.0m APPROX.



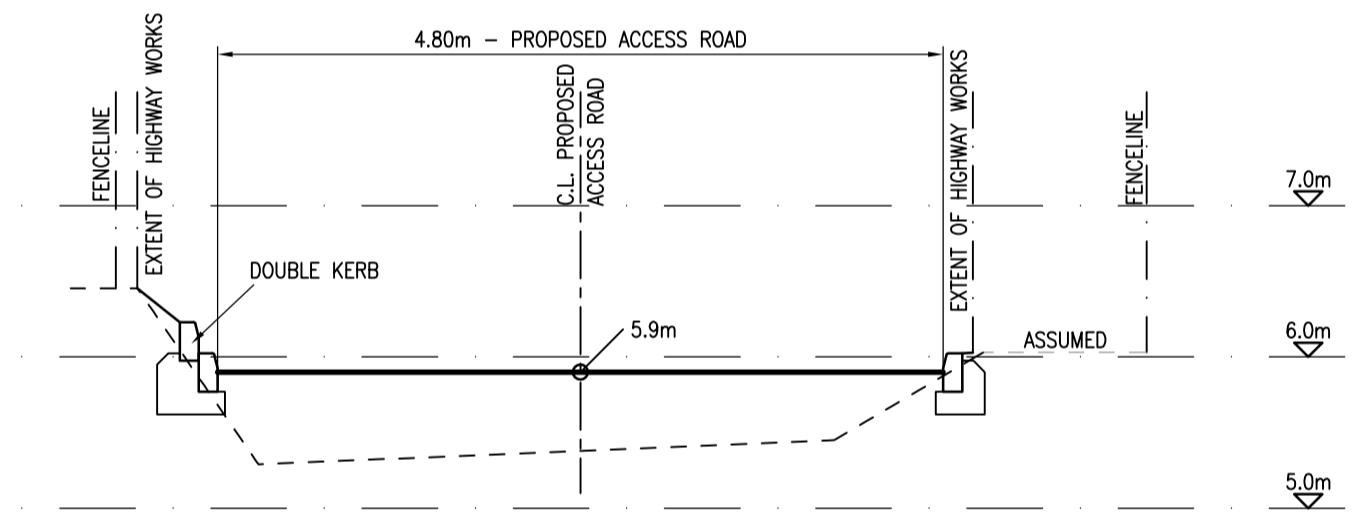
SECTION AT CHAINAGE: 10.0m APPROX.



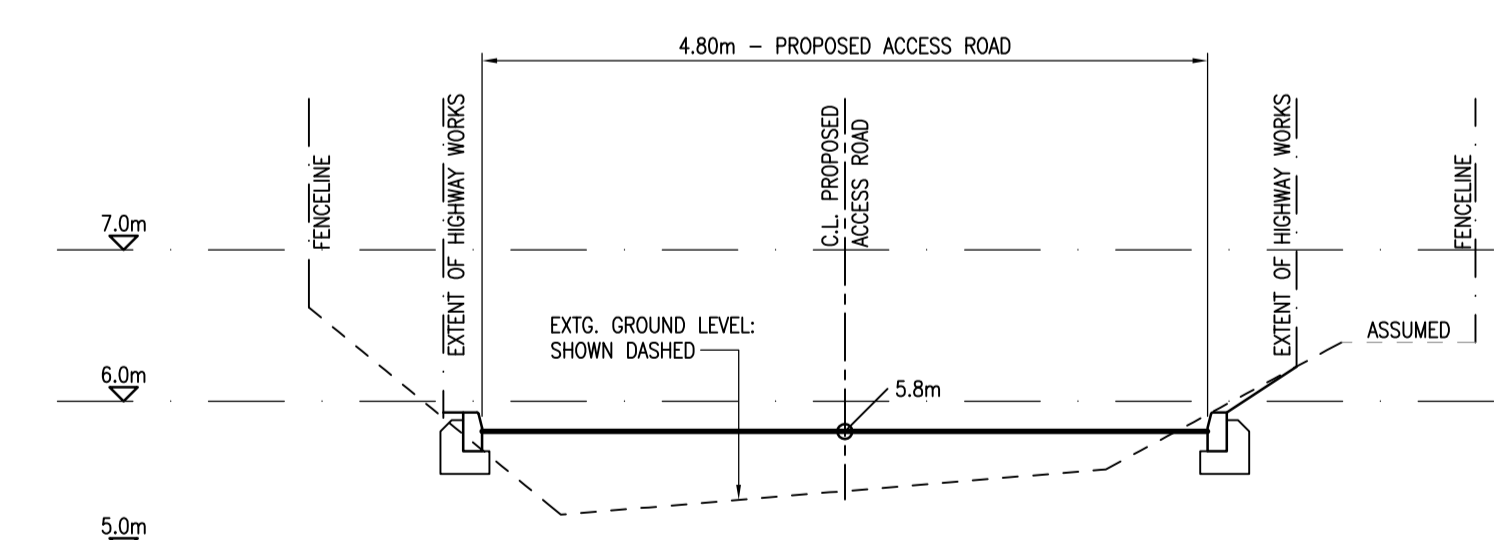
SECTION AT CHAINAGE: 20.0m APPROX.



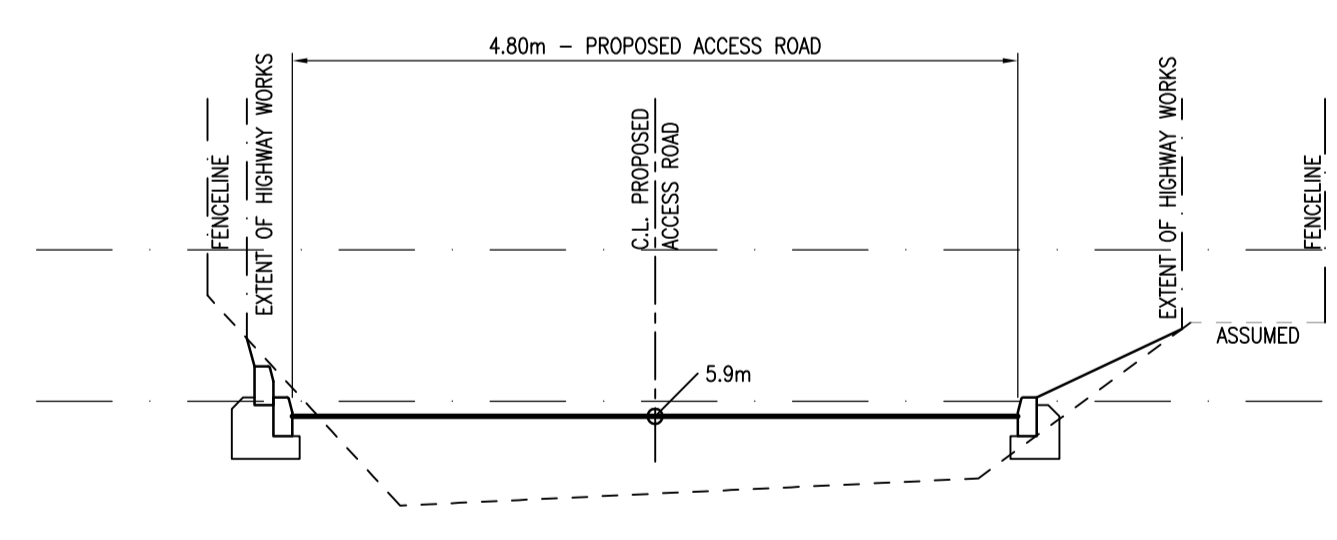
SECTION AT CHAINAGE: 30.0m APPROX.



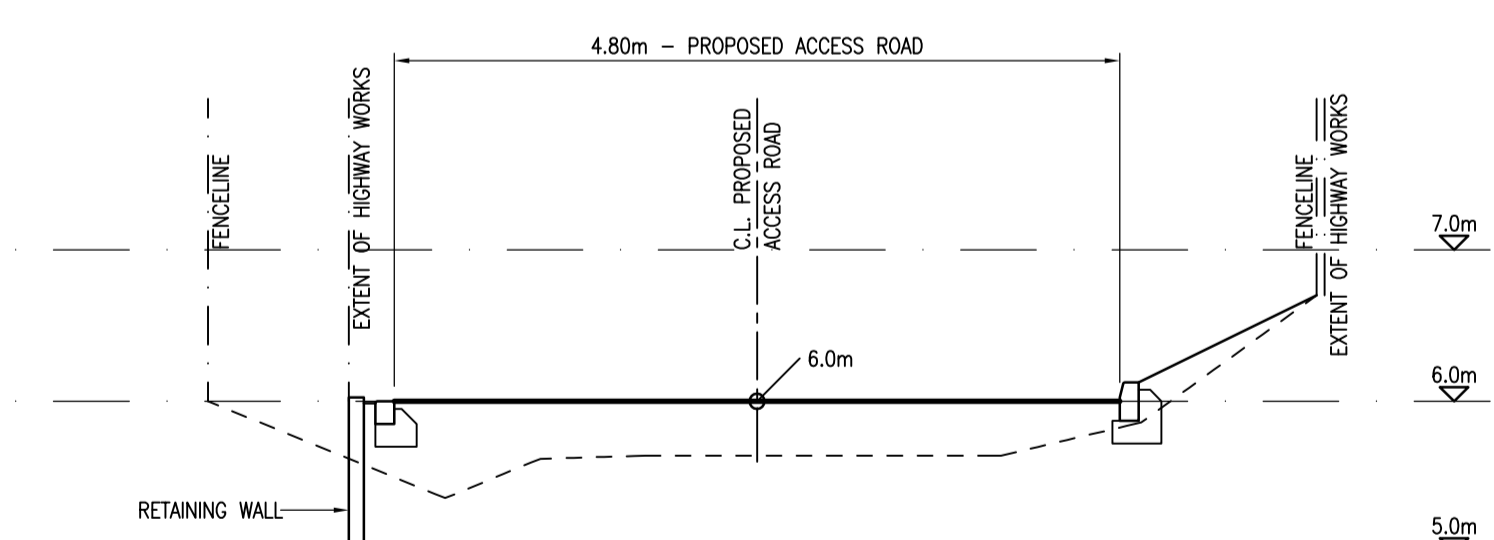
SECTION AT CHAINAGE: 40.0m APPROX.



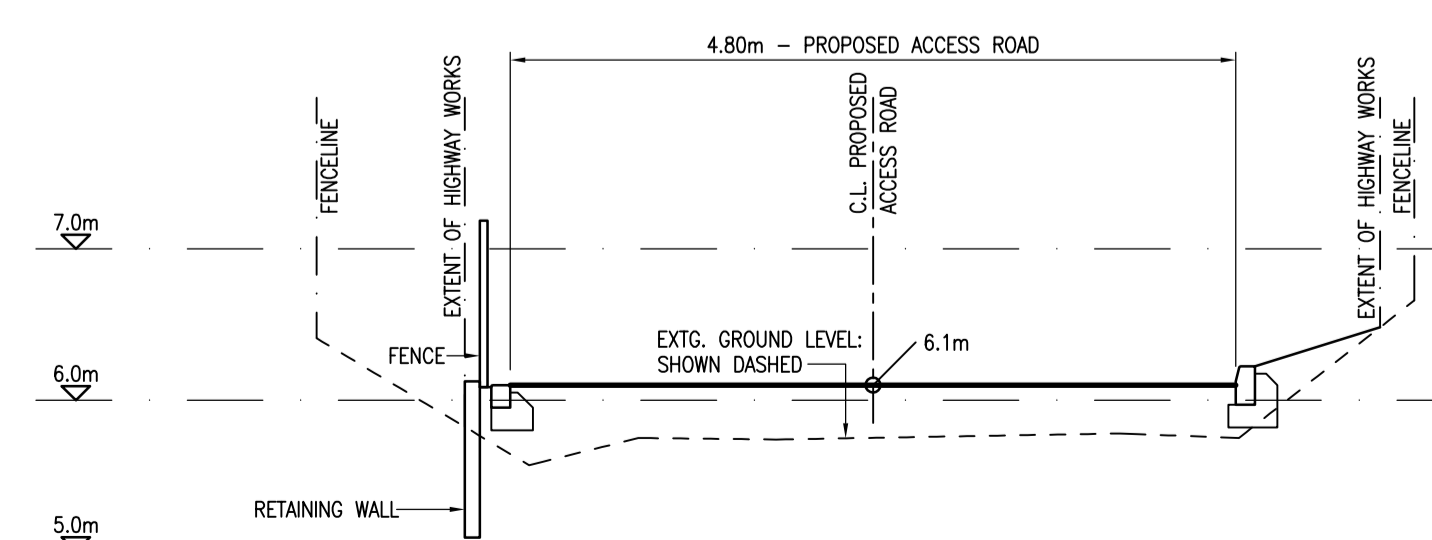
SECTION AT CHAINAGE: 50.0m APPROX.



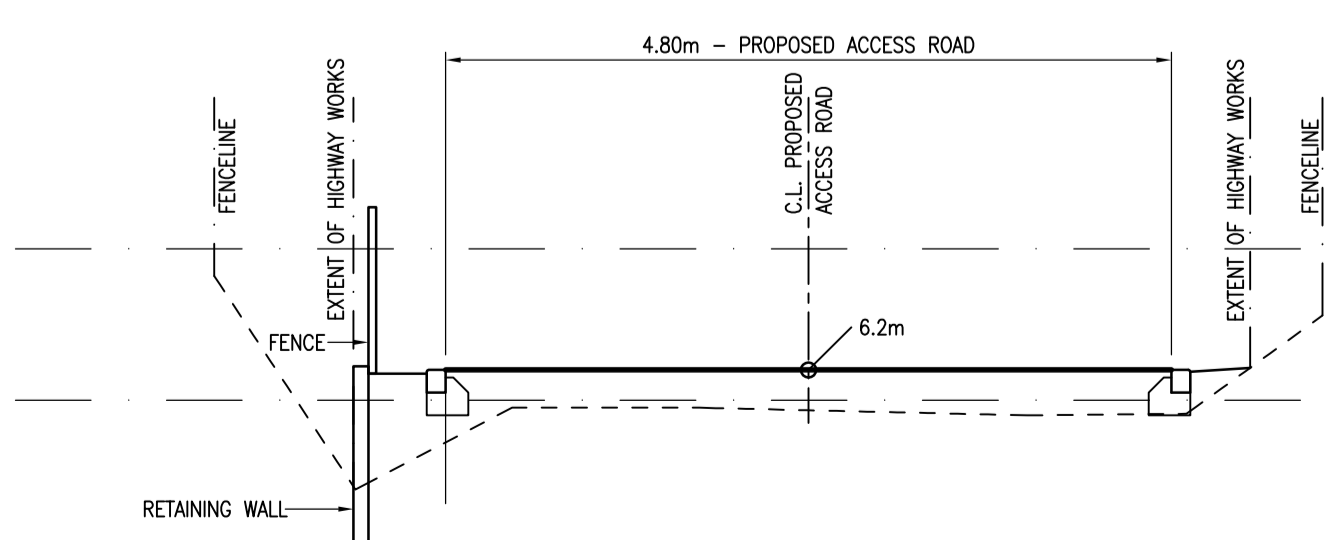
SECTION AT CHAINAGE: 60.0m APPROX.



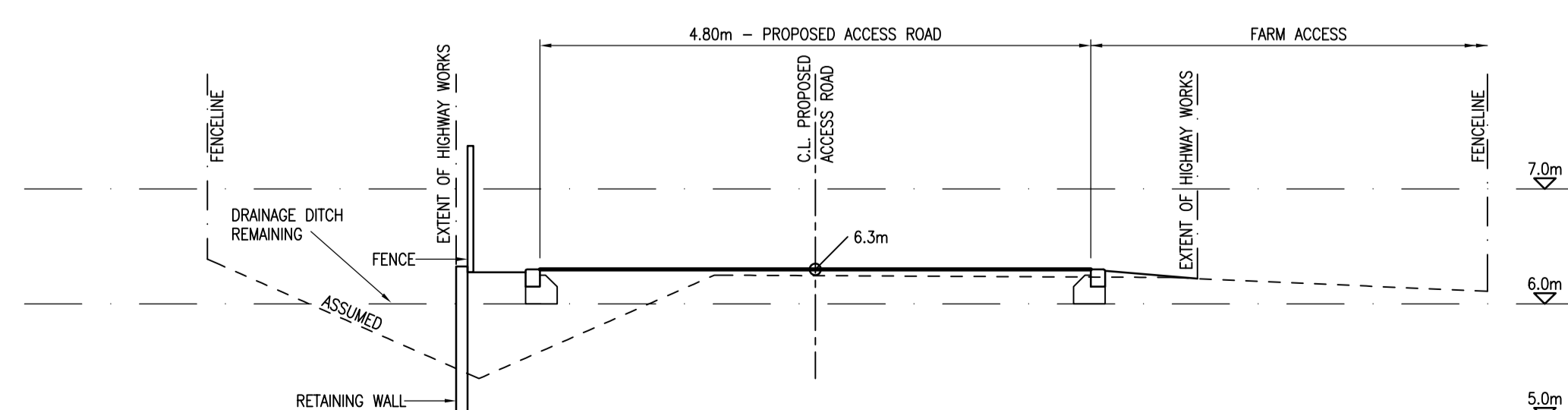
SECTION AT CHAINAGE: 70.0m APPROX.



SECTION AT CHAINAGE: 80.0m APPROX.



SECTION AT CHAINAGE: 90.0m APPROX.



SECTION AT CHAINAGE: 100.0m APPROX.

PRELIMINARY
04 FEBRUARY 2013
This supersedes earlier issues of this drawing

CHAINAGE SECTIONS 20.0m AND 30.0m RETAINING WALL OMITTED AND REPLACED WITH DOUBLE KERB	P6 LG RW 04/02/13
AMENDED IN RESPONSE TO SAFETY AUDIT	P5 JK RW 24/01/13
SURVEY UPDATED, ROAD REALIGNED AROUND RETAINED TREES	P4 LG RW 16/01/13
TOPO SURVEY UPDATED, RETAINING WALL AMENDED	P3 JK RW 17/08/12
EXTENT OF UNILGG WALL CLARIFIED	P2 RL RW 19/01/12
PRELIMINARY ISSUE	P1 RL RW 17/01/12
Revision	Suff. By App. Date

Upton McGougan Ltd
Partnership House
Moorside Road, Winchester
Hampshire, SO23 7RX
Tel: 01962 834400
Fax: 01962 834411
website: www.uptonmcgougan.com
email: win@uptonmcgougan.com



Project
**CROOKED LANE
BIRDHAM
WEST SUSSEX**

Drawing Title
**ACCESS ROAD LAYOUT
AND CROSS SECTIONS**

Drawn	Date	Checked	Date
RL	17.01.12	RW	17.01.12

Scale
1:200 / 1:50 (AT A1 SIZE)

Drawing Number
136.0099-2100

Rev
P6

**THE CHICHESTER DISTRICT COUNCIL (ACCESS TRACK OFF CROOKED LANE,
BIRDHAM) COMPULSORY PURCHASE ORDER 2023**

PROOF OF EVIDENCE OF SARAH POULTER

APPENDIX SP13:

COMMITTEE REPORT ON APPLICATION 13/01391/FUL

Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950

Parish:
Birdham

Ward:
West Wittering

1. BI/13/01391/FUL

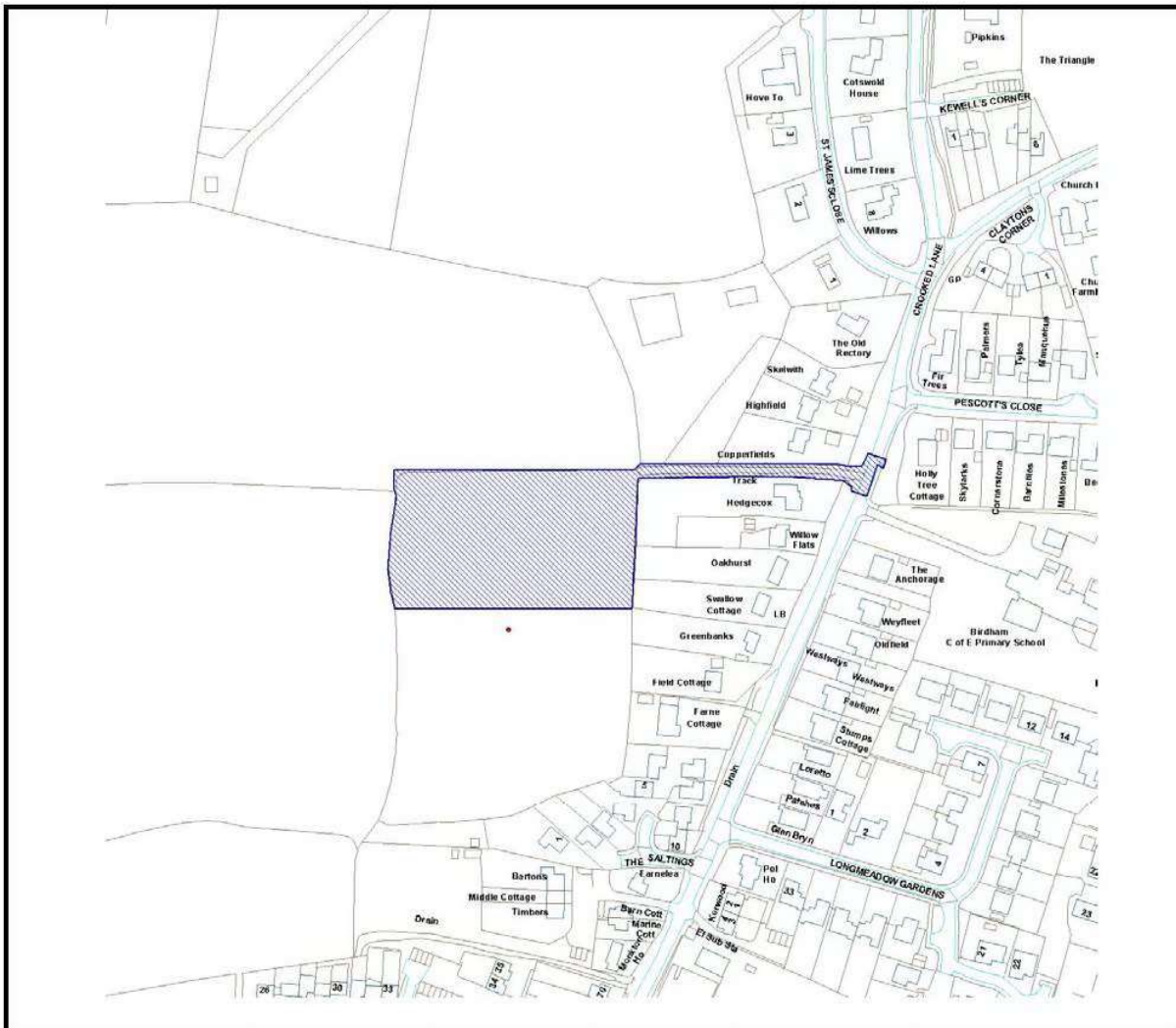
Proposal The development of 15 new affordable dwellings and associated external works.

Site Field North West Of The Saltings Crooked Lane Birdham West Sussex

Map Ref (E) 482017 (N) 100017

Applicant The Hyde Group

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803

1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located on the western side of Crooked Lane, opposite Birdham Primary School and close to the historic core of the village. The site comprises a 0.7 hectare rectangular parcel of an arable field that abuts the rear gardens of a number of dwellings which front onto Crooked Lane. The western boundary of the site is defined by the line of a field ditch with occasional deciduous trees along its length, and its eastern boundary is formed by a mature belt of trees and lower vegetation which to a significant degree screens the site from the adjacent dwellings. The site's southern boundary is not, however, physically defined and the northern boundary is marked only by a shallow, open ditch. Consequently, in visual terms the site is not easily distinguished from the agricultural land on its northern and southern sides.

2.2 Access to the site is gained via an existing farm track which runs between the side boundaries of two detached dwellings, joining Crooked Lane at a point diagonally opposite the entrance to the primary school.

2.3 The main part of the site lies outside of the Settlement Policy Area for Birdham, but adjoins its boundary on its eastern side. In terms of its general character, the site has a feeling of separateness from the built up part of the village, with only glimpses of the rear of dwellings on Crooked Lane and The Saltings (to the south) being available from within it. The site forms part of a wider mosaic of flat, arable fields which extends westwards from the village to West Itchenor and, along with all of the surrounding land, is located within the Chichester Harbour Area of Outstanding Beauty (AONB).

3.0 The Proposal

3.1 The application has been submitted by The Hyde Group, a Registered Social Landlord, and is being promoted as a rural 'exception site'. The use of exception sites is a long-established mechanism for securing affordable housing which, due to the open-market value of housing land, might otherwise not be financially viable. Submission of the application has followed a lengthy site-selection process which included a community consultation exercise conducted by the applicant and involving the District Council's Housing Section. Pre-application consultation with the Council's Planning Policy Section and Development Management Service has also taken place.

3.2 The proposal comprises a development of 15 affordable detached, semi-detached and terraced dwellings for occupation by people who are both on the Council's housing register and have a local connection. The mix of dwellings, which would all be of an affordable-rented tenure, would be as follows:

- 1 x 4 bedroom house
- 3 x 3 bedroom houses
- 8 x 2 bedroom houses
- 1 x 2 bedroom bungalow
- 2 x 1 bedroom bungalows

3.3 The development essentially comprises a cul-de-sac of dwellings facing onto a central axis road formed on an east-west alignment. Following negotiations with officers the proposal has been subject to substantial amendment during the course of the application. These alterations include changes to the layout of the dwellings in order to, amongst other things, reduce the prominence of car parking, provide a focal point to the western end of the development and incorporate a public open space that is subject to better natural surveillance.

3.4 The detailed design of the dwellings has also been subject to various improvements. The revised drawings show a greater variety of facing materials including flint and brickwork, tile hanging and render with roofs formed primarily in plain clay tiles. Alongside using a varied palette of materials, various architectural devices including chimneys, porches, hips and gablets have been employed in an attempt to introduce more visual interest. All properties would benefit from their own 'in-curtilage' parking spaces and private garden areas, and an area of communal open space would be located adjacent to the site's southern boundary. The site's boundaries would be defined by a peripheral landscaping belt of between 6m and 8m in width.

3.5 With regard to access, the proposal involves upgrading an existing 100m long farm track to form a 4.8m wide shared surface lit by low level lighting bollards. In common with the proposed parking and turning areas the track would be formed in permeable paving. A 'no-dig' construction method would be used in areas close to trees that are located along the track's edges, however it would be necessary to remove one mature Elm tree located on the southern side of the track close to its junction with Crooked Lane. The straight section of the existing track would link to the main part of the site via a new curved access road which terminates in a turning head sufficient to enable the turning of refuse and emergency vehicles.

3.6 There would be some widening of the track's existing bellmouth and crossover where it joins Crooked Lane, together with a new 10m section of footway linking the northern side of the access to a new dropped-kerb on both sides of the road to facilitate pedestrian crossing at that point.

3.7 The application is supported by a number of documents and detailed technical reports relating to matters such as drainage, highway matters, trees and ecology.

4.0 History

13/01391/FUL

PDE

The development of 15 new affordable dwellings and associated external works.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
SFRA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council Original Comments

This is an application to develop 15 affordable housing units on an H9 Exception site.

The site is outside of the existing SPA and well within the boundary of the Chichester Harbour Conservation Area AONB. The harbour is of national and international importance for nature conservation. It is a Site of Special Scientific Interest (SSSI), a wetland of international importance, a Special Protection Area for wild birds and a candidate Special Area of Conservation. The Harbour is of particular significance for wintering wildfowl and waders some of which are internationally important.

Development in an AONB is covered very clearly in the NPPF sect 11 para 115. NPPF Sect 11 para 116 quite clearly says that permission should be refused except in exceptional circumstances and where it can be demonstrated that development would be in the public interest. Paragraph 116 also suggests that "... or meeting the need for it (the development) in some other way." It has been suggested that the application currently in train on other sites and sites that are already in the development stage would produce more affordable housing than that which would be realised by this application.

Should it be considered that this application meets the requirement of the NPPF Sect 11 para 115 and 116 then the design in terms of the orientation of the development must be re-examined. The current layout of the proposed development is an arrogant intrusion into the AONB which has probably been done to mitigate the detrimental visual intrusion onto what could be neighbouring gardens.

Concerns are also raised about the lack of understanding of the flooding situation in direction relationship to Crooked Lane which, according to the applications FRA, suffered no flooding problems during last year's floods. Many who live in Crooked Lane are able to bear testament to the opposite view and are concerned that any further development will exacerbate the problems they experienced.

An increase in traffic congestion has not, in the opinion of the Council, been properly addressed insomuch as the access/egress of the site is opposite the Birdham School with obstructed site lines.

Whilst Birdham Parish Council recognises the need for affordable housing in Birdham it feels that it must OBJECT to this application for the reasons given.

Revised comments following receipt of amended plans

Whilst the Parish Council applaud the redesign it was felt that the access track, both its use during the construction phase and subsequent occupation of the properties, created an unacceptable risk to both children and parents using the school which is almost directly opposite the track access and in addition increases the risk to other road users and pedestrians. It is accepted the risk element during non-school hours and holidays is reduced.

The GM Traffic Consultants in their report dated January 2013 stated at paragraph 1.1.7 of their report they had only carried out a desktop study followed by a site visit on 15th January 2013. Whilst they do not state at what time they carried out the site visit it could be reasonably concluded that it was not during the school drop off times or the end of the school day. In addition the school has recently added the Nursery School to the campus which has significantly increased the numbers dropping off and picking up at the end of the school day as well as adding a third dimension of very small children who attend the nursery either during the morning or the afternoon sessions only but, not all day.

Whilst Birdham Parish Council continues to recognise the need for affordable housing in Birdham it feels that it must OBJECT to this application for the reason given.

6.2 Chichester Harbour Conservancy

Original comments

No objection in principle to the provision of affordable housing on the site, however there are concerns regarding the layout which juts out into the landscape and which fails to reflect the settlement pattern and impedes into the landscape. There are also concerns regarding the design of the units which is considered generic and fails to conserve the character and appearance of the area. Critically, there are a number of shortcomings in the ecological reports which should be addressed before the application is determined.

Revised comments following receipt of amended plans

The Conservancy recommends refusal of the application. The amended plans present some improvements to the design of the buildings and to the layout of the site, however the principle of development of this site is considered unacceptable at this time. There are a number of developments in the vicinity that could potentially deliver approximately 100 houses, 40% of which would be affordable which would more than satisfy the identified local need. The exception site would therefore not be justified in policy terms, would be premature and would result in unjustifiable harm to the character and appearance of this part of the AONB. There remain a number of shortcomings in the Ecological report which comprises a fairly basic risk assessment and fails to consider the potential for impact on species that are key components of the Special Protection Area for example Brent Geese or other wading birds. It is weak in its conclusions about the potential for impact on farmland bird species, which would include red listed species such as yellowhammer and curlew. Whilst a contribution to the Solent Disturbance Mitigation project is proposed, there is a dependence on mitigation measures rather than assessing actual implications in light of full habitat regulations.

6.3 Environment Agency

No comment

6.4 Southern Water Services

Sufficient capacity in local foul network. No objections.

6.5 Natural England

Subject to a per-dwelling contribution and information packs for residents the development is unlikely to have a significant effect on the SAC/SPA and, consequently, Appropriate Assessment is not required. No objection.

6.6 Police

Pleased to see Secured by Design accreditation is being sought. No objections subject to consideration of crime prevention measures at the detailed stage of the design process

6.7 WSCC - Local Development Division (summarised)

Access road is sufficiently wide to enable two vehicles to pass each other and amended plans have been received to show the inclusion of a second speed-reducing feature along the road's straight section. These arrangements accord with Manual for Streets guidance. Modifications to the geometry of the access onto Crooked Lane allow large vehicles to safely enter and leave the site without possible conflict with parked vehicles on the opposite side of the junction in the vicinity of the school access. The auditor has confirmed that there are no highway safety concerns regarding the proposed pedestrian crossing point to the north of the access. The development should give rise to a maximum of 10 vehicle movements at peak times and is in a reasonably sustainable location. No objections subject to conditions and informatives.

6.8 CDC - Design and Implementation Manager

Layout

The layout has been amended to provide a better relationship between the built development and new public open space.

Whilst the layout is significantly improved, the site is in a relatively isolated location poorly connected to the rest of the village via a narrow, poorly overlooked track leading off Crooked Lane. Pedestrian/cycle links also seem poor, having to share the narrow access road with cars and other vehicles which does not create an attractive circulation route.

The site's location and relationship to the existing village in effect prevents the development from integrating naturally with the existing settlement.

Whilst it is quite a small scheme that would be legible in its own right, it is likely to be difficult to navigate to in relation to the village as a whole.

Conditions should be applied to secure good quality detailing and materials particularly to the main focal units (Nos 7, 8 and 15).

6.9 CDC - Housing Enabling Manager

There are currently 39 households listed on the Council's housing register that have a local connection to the parish of Birdham. Of these, 10 are in Bands A-C and are considered to have a 'reasonable preference' for housing. The application proposes 15 high-quality affordable homes that will be provided as affordable rented housing. The proposal is for an exception site and all homes will be retained as affordable housing for local households in perpetuity. They will be protected by a Section 106 and Nomination Agreement between the Council and Hyde Martlet to this effect.

The scheme is part of the Chichester Rural Housing Partnership's development programme. This includes Chichester District Council and Hyde Martlet, and has been established to provide affordable housing to meet a specific local need. Officers representing the Partnership have undertaken extensive consultation with both Birdham Parish Council and the wider community since May 2008 to enable this scheme. This has included:

- o regular meetings and discussions with the parish council;
- o a well-attended public exhibition in January 2012; and,
- o a full review of the site selection process, which was published on the parish council's website in May 2012.

On the 25th June 2012, Birdham Parish Council formally wrote to the Assistant Director Strategic Housing Services advising that at its meeting on the 18th June 2012 Birdham Parish Council passed two resolutions. Firstly, Birdham Parish Council recognised the need for a H9 exception site for affordable housing within Birdham and secondly Birdham Parish Council instructed the Clerk to write to Chichester District Council formally requesting that CDC or Hyde Martlet proceed to the planning application stage on one of the three potential sites identified in the Site Assessment Memorandum issued to Birdham Parish on 4th May 2012. (This site is one of the sites identified in the memorandum.) As a result, Hyde Martlet proceeded to submit this scheme, designed to meet the specific local need in Birdham, and including a range of properties that will help to ensure that there is a suitable stock of affordable housing for local people in the future.

Hyde Martlet have secured Homes & Communities Agency funding to build out these affordable homes and subject to receiving planning permission would hope to be in a position to start on site before the end of the year with homes available for local people delivered by the end of March 2015. As this is an exception site all the units will be allocated to local people. We are aware that a number of developers have recently come forward with applications, under the Council's FAD policy which include affordable housing on market sites. Such units, 51 rented units in total, if granted planning permission and built out would be let under the council's new Rural Allocations Policy. This only gives priority to local people in bands A, B & C and therefore local people in band D unable to afford market housing are unlikely to have their needs met by these sites. There are currently 29 local people in band D. Only the Crooked Lane development is providing tailored units such as bungalows to meet the local need.

There is also high housing need in the immediately surrounding and less sustainable parishes, including Sidlesham (18), Earnley (19) and West Wittering (58). Such households are likely to look to have their needs met in adjoining parishes. The Local Housing Authority fully supports this proposal.

6.10 CDC - Drainage Engineer (summarised)

The site is in Flood Zone 1, however, there is a historic flooding problem on Crooked Lane. The ditches surrounding the site are in reasonable condition but could be improved by removing vegetation, debris and silt. The surface water strategy is based on percolation testing and advocates the use of soakaways which is in line with the hierarchy of water disposal set out in the Building Regulations. It is likely that the use of soakaways alone will prove adequate, but the final design of the scheme will need to be based on the results of winter groundwater monitoring. Should soakaways prove inadequate in isolation the limited use of the adjacent ditch network should be acceptable. No objections subject to conditions.

6.11 CDC - Tree Officer (summarised)

The trees are located along a track sides/banks which lead to fields and mainly consist of Elm, Hazel, Ash, Hawthorn and Oak species.

The Hazel, Hawthorn and Elm clumps do not warrant TPO status. The Ash trees are prominent within the frontage and have average structural development/form and are susceptible to Ash die-back disease. Further, the odd Ash tree has decay pockets which would limit their longevity. These trees are to be retained and I note that the applicant's arboriculturalist considers these trees are currently in a safe condition. The Oak trees will require appropriate measures to enable retention and limit any potential detriment in the construction of a road which could be controlled by planning conditions. These issues have been reviewed with supporting technical solutions/information within the development scheme by certain measures (e.g. cellular road construction and retaining walls). Planning conditions should be used to control the method of retaining and constructing the access road. The method of installing and routing services within the track will also need to be the subject of further detailed assessment, but provided this follows national guidance relating to the installation of utilities, it would seem possible to install services and help limit/reduce any adverse effect on the surrounding trees rooting systems.

6.12 CDC - Environmental Strategy

In the absence of a detailed reptile survey, a full mitigation strategy should be secured by condition. Ecological enhancement measures in respect of bats and birds should be incorporated into the development. Regarding the Harbour Conservancy's comments, I am not aware that there is any evidence to suggest that Brent Geese are using the application site. Based on the evidence available further surveys of farmland birds are not justified. The application meets the requirements of the Interim Statement on Climate Change and these measures should be secured by condition.

6.13 CDC - Parks and Green Spaces Officer

The development includes suitable open space.

6.14 87 Third Party Objections

Applicant doesn't own track and others have right of way over it; access too close to school - risk to school children's safety; design of houses out-of-keeping; loss of privacy; increase in noise and disturbance arising from residents and their vehicles; existing flooding problems exacerbated; better sites within the village; risk to pedestrians from development; farm vehicles will continue to use track; no jobs for residents; fails FAD criteria - artificial subdivisions, loss of agricultural land; inadequate sewage infrastructure; inadequate capacity

in local schools; harm to local ecology; trees will be harmed; access insufficient for emergency and refuse vehicles; need for more affordable housing not justified; there should be no further building until the Local Plan is in place; amended plans do not overcome objections; there have been recent near misses involving school children close to the proposed access point; remainder of the land will be developed; the installation of services along the access track will harm the adjacent trees and there is a lack of information in this respect; Birdham needs more retirement homes to free-up existing housing stock; there are no school places for new families unless they join at Reception; survival of trees depends upon the good will of the developer; soakaways have not worked elsewhere in Birdham.

6.15 2 Third Party Support

A generation of people are being pushed from Birdham; 2012 was the only time this part of Birdham has flooded in the past 20 years; traffic is generally light on this part of Crooked Lane and only peaks twice a day in the school run; Birdham is losing its sense of community and needs new houses so that families can stay together; new houses in Birdham are too expensive.

6.16 Applicant/Agent's Supporting Information

- The application for 15 affordable dwellings been submitted specifically to help contribute towards the pressing and longstanding need for affordable housing at Birdham. There are 39 households in need of which 29 are new home seekers and transfers in band D of the housing need register. Other affordable dwellings provided under the FAD policy in Birdham only give priority to local people in need in bands A-C. Local people in band D will not therefore have their need met by the other sites and will be wholly reliant on exception sites like this one at Crooked Lane.
- The Harbour Conservancy Council says that there is potential for other sites at Birdham to bring forward 100 dwellings of which 40% would be affordable. The sites are land at Tawny nursery (30 dwellings) land at Rowan nursery (net 25 dwellings of which 10 are affordable) and Church Lane Birdham (46 dwellings). However, only Rowan nursery has a resolution to grant consent. Tawny nursery and the Church Lane scheme were both refused permission. Tawny nursery will be considered at a planning appeal in November and no appeal has been lodged for the Church Land scheme. Only 10 affordable units are therefore likely at the current time and these will not meet housing need.
- The District Council's own Sustainable Community Strategy sets out a priority objective for the achievement of 200 more affordable dwellings every year to 2026 of which 25 affordable units are to be provided in rural areas like Birdham. The development will contribute to this future need too.
- The location of the site within the Chichester Harbour AONB is not a reason for refusing the scheme as policy allows housing development in the designated area so long as it is not harmful to its visual quality or character. The site has in any event already been identified as a preferred location for affordable housing and accepted as such by Birdham Parish Council following a District Council Assessment in May 2012.
- The site has well established boundaries and will not lead to incursions into the surrounding countryside. Changes to the layout have been made and the most recent comments from the Parish in October state that it now 'applauds' the redesign of the layout
- The remaining concerns of the Harbour Conservancy concerning doubts there is a proven identified need for housing is inconsistent with the views of CDC's own Housing Delivery Manager and inconsistent with the brave support letter to the proposal from Miss Bedford, a former resident of Birdham.

- The Parish Council's concerns about the perceived risk of the use of the access track to children and parents using the nearby school and other road users and pedestrians are not shared by the Highway Authority which raises no objection.
- There is no highway, ecology, drainage, arboricultural or other technical impediment to the development of the site.
- For the future, the layout doesn't prejudice the future development of land to the south which is included as a potential housing site in the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA) site ref BI2106.
- Whilst the future of this land will be in the gift of the Parish in terms of its own Neighbourhood Plan, it is simply good planning to ensure the land can be developed efficiently if the need for additional housing sites in the emerging Local Plan is shown to exist for the future.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the saved policies of the Chichester District Local Plan First Review 1999.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester District Local Plan First Review 1999:

BE11 New Development
 BE14 Wildlife Habitat, Trees, Hedges and Other Landscape Features
 RE1 Rural Area Generally
 RE4 Areas of Outstanding Natural Beauty
 RE7 Nature Conservation (Designated Areas)
 RE8 Nature Conservation (Non-designated Areas)
 TR6 Highway Safety
 H4 Size and Density of Dwellings
 H5 Open Space Requirements
 H6 Maintenance of Open Space
 H9 Social Housing in the Rural Area

7.3 The Chichester Local Plan: Key Policies Pre-submission was approved by Full Council on 24 October 2013 for public consultation. The timetable going forward anticipates formal submission of the draft Local Plan to the Secretary of State in May 2014, examination in summer 2014 and adoption in autumn 2014. The emerging Local Plan is therefore a material consideration, and has a degree of weight. The weight that can be given to particular policies within the plan depends on the extent to which there are outstanding unresolved objections. As it progresses through the local plan process towards adoption the Local Plan will gain more weight. Paragraph 216 of the NPPF which advises on the weight can be given to emerging plans is therefore relevant.

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design), and Section 11 (Conserving and enhancing the natural environment).

7.6 Paragraph 116 of the Framework states that permission '...should be refused for major developments in...designated areas [including AONBs] except in exceptional circumstances where it can be demonstrated they are in the public interest'. Whilst the Framework does not include a definition, your officers' view is that a development of 15 homes should not be considered to constitute a 'major development' for the purposes of the NPPF.

7.7 The Government's New Homes Bonus (NHB) scheme which was set up in response to historically low levels of house building, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the Government will match the additional Council Tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will get an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area.

7.8 It follows that by allowing more homes to be built in their area local councils will get more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage, rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act, which amends S.70 of the Town and Country Planning Act, makes certain financial considerations such as the NHB material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.9 The following Supplementary Planning Guidance and Interim Statements are material to the determination of this planning application:

The Provision of Service Infrastructure Related to New Development in Chichester District (Parts 1 and 2)

Interim Statement on Planning for Affordable Housing

Interim Statement on Planning and Climate Change

Interim Statement on Development and Disturbance of Birds in Chichester and Langstone Harbours

Interim Policy Statement on Facilitating Appropriate Development

7.10 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

D1 - Increasing housing supply

D2 - Vibrant, safe and clean neighbourhoods

D3 - Housing fit for purpose

D4 - Understanding and meeting community needs

8.0 Planning Comments

8.1 As set out at paragraph 3.1 above, as a proposal for solely affordable housing outside a Settlement Policy Area (SPA) it is necessary to consider the application against the criteria contained in Local Plan policy H9 (Social Housing in the Rural Area).

8.2 It is noted that, given the Council's housing land supply situation, the applicant seeks also to demonstrate that the proposal complies with the various criteria contained in the Council's Interim Policy Statement on Housing - Facilitating Appropriate Development (FAD). It is acknowledged that the FAD is relevant insofar as it relates to housing development on greenfield sites. However, it is considered that Local Plan policy H9 should be the starting point for consideration of this application given the primacy of the development plan and the fact that it specifically addresses the type of development that is proposed. Consequently, the following analysis is based primarily on the five criteria contained in policy H9.

8.3 The site is well-located in respect of existing facilities and services within the village including the primary school, church, village hall and playing fields, and is within reasonable walking distance of the regular Chichester-Witterings bus service. Bearing also in mind that the occupants of the development would already have a local connection, there is no objection to the proposal on the grounds of geographical sustainability.

8.4 In view of the above the principal considerations in this case are as follows:

- Housing need
- Impact on the character and visual quality of the wider locality
- Detailed design, layout and means of access
- Residential amenity
- Drainage
- Ecology

Housing Need (H9 criteria 3 and 4)

8.5 In her consultation response the Council's Housing Manager confirms that there are currently 39 households on the housing register with a local connection with Birdham Parish. In order to address this need the Council's Housing officers have been involved in the evolution of the proposal in order to ensure that it meets the village's specific requirements. It is also noted that the HCA funding that has already secured by the applicant is sufficient to enable the development to go ahead.

8.6 In population terms, the addition of 15 dwellings would constitute a modest increase to the size of the village and, bearing in mind that the prospective residents would already have a local connection, there is no evidence to suggest that the proposal would result in an

imbalance in terms of the overall housing mix of the parish (H9 criterion 4). In this regard it is further noted that, in respect of the Parish Council's and Harbour Conservancy's comments, the Housing Manager's consultation response acknowledges the fact there have been a number of recent housing proposals on sites adjoining the village. She has clarified that, even if all of the permitted and appeal proposals were to be built-out, their affordable housing elements could not, unlike the current application, be guaranteed to be occupied by local people across the full spectrum of housing need.

8.7 In conclusion on this issue it is considered that there is a proven need for 15 affordable homes for local people in Birdham and, accordingly, that criterion 3 of CDLP policy H9 is satisfied. The Section 106 legal agreement accompanying the application will ensure that the accommodation will be retained as affordable housing in perpetuity with priority given to people with a local connection.

Impact on the character and visual quality of the wider locality (H9 criteria 1 and 5)

8.8 As referred to in Section 2 above the main part of the site would project approximately 100m into the network of flat, arable fields which joins the rear boundaries of the adjacent dwellings on the western side of Crooked Lane. It is evident from the application location plan that, in general terms, the development of the site would represent a departure from the ribbon development which characterises the adjacent part of Crooked Lane. Furthermore, both the absence of any meaningful physical demarcation from the land to the north and south and, as to referred to by the Design and Implementation Manager, the site's somewhat isolated position at the end of the narrow access track also give rise to some concern.

8.9 However, having expressed these concerns it is necessary to acknowledge that public views of the proposal will primarily be limited to those that are available from within the development itself and from the rear gardens of the adjacent dwellings. It should not be visible from Crooked Lane and, given the substantial peripheral landscaping belt that is proposed, the development is also unlikely to be seen from the various public rights of way located several hundred metres to the west.

8.10 In summary on this issue, it is acknowledged that the proposal has some shortcomings in terms of the relatively isolated nature of the site and how it relates to the settlement pattern of the village. The projection of the site into the surrounding countryside and the sub-division of the existing field would result in a limited degree of harm to the character and appearance of the AONB, contrary to policy H9 criterion 1. However, in accordance with the NPPF it is necessary to weigh any adverse impacts of the development against its benefits. This exercise is carried out at paragraphs 8.27-8.29 below.

Detailed design, layout and means of access (H9 criteria 2)

8.11 In general terms, the approach of creating a cul-de-sac of dwellings facing onto a central access road is considered acceptable. Each dwelling is to be constructed to Code for Sustainable Homes Level 4 and would benefit from sufficient parking and private amenity space. An appropriately sized and suitably overlooked area of public open space would serve the development's residents, and at 22 dwellings per hectare the density of the development is considered appropriate to the site's edge-of-village location.

8.12 Following the input of the Council's Design and Implementation Manager the design of the proposed dwellings, which is summarised at paragraph 3.4 above, has improved significantly during the application process. The use of a mix of dwelling heights (max 8.7m), styles and a varied palette of natural materials creates an interesting and legible

development that reflects the character and appearance of some of the more traditional buildings in the village.

8.13 Access arrangements are summarised at paragraph 3.5 above and would involve forming a 4.8m wide shared surface in block pavers flanked by low level lighting bollards. It will be necessary to clear some low lying vegetation along the track's edges, and one tree close to Crooked Lane would be removed and another cut back. The track's edges would be retained by a bespoke timber edging system, and services to the site would be routed along the track and installed in accordance with national guidance relating to the provision of utilities in close proximity to trees. The Council's Tree Officer has confirmed he has no objection on the basis of the detail of these works being secured by condition. It is acknowledged that the works will result in a noticeable change to the current character and appearance of the track, however, it is considered that any such impact will be relatively localised and not significant.

8.14 With regard to highway safety, the comments of the Parish Council and a number of local residents regarding the proximity of the access to the entrance to Birdham Primary School are noted. During the course of the application revised plans have been received showing the introduction of a second speed-reduction feature to the straight section of the track, alterations to the geometry of the access and the creation of a longer section of footpath to its northern side in order to facilitate the crossing of Crooked Lane by pedestrians. The application has been subject to a Safety Audit and, subject to the imposition of a number of planning conditions, the Highway Authority has raised no objection to the proposal.

8.15 A number of third parties have questioned the ownership of both the farm track and adjoining land. Whilst these comments are noted, this is a private legal matter that should not prejudice consideration of this planning application.

8.16 In summary on this issue the proposal is considered to satisfy criterion 2 of Local Plan Policy H9.

Residential Amenity

8.17 The proposed houses would at their nearest point be located over 65m from the existing dwellings on Crooked Lane. Given the combination of this separation and the screening effect of the existing trees and shrubs along the site's eastern boundary, the dwellings should not result in any material harm in terms of being unduly overbearing or causing a loss of privacy.

8.18 The proposal will result in an intensification of the use of the straight section of access track which, for the majority of its length, is flanked by two dwellings (Hedgecox and Copperfields) and their gardens. It is acknowledged that residents' and visitors' vehicles will give rise to activity that, occasionally, will be noticeable from these dwellings' garden areas. However, it is noted that the track is set at a lower level than the adjacent land and, further, that these dwellings have their main elevations set a number of metres off the boundary with windows serving their main habitable rooms orientated parallel to, rather than directly overlooking, the track. Consequently, whilst the proposal would have some impact in terms of noise and disturbance, given the relationship described above and the modest scale of the development it is considered that any occasional noise and disturbance would not be sufficient to justify refusal.

Drainage

8.19 The site lies within EA Flood Zone 1 which is defined as being at a low risk of flooding. Given the local concerns about historical flooding along Crooked Lane, the applicant was requested to submit additional information concerning the proposed approach to surface water drainage. The proposed drainage strategy has been drawn up following percolation testing on the site. Hard surfaces would primarily be formed in permeable materials, with soakaways proposed to drain impermeable areas. The Council's Drainage Officer has visited the site and reviewed the strategy, and has no objection to the application but recommends winter groundwater monitoring in order to inform the detailed design of the drainage scheme. Should this monitoring suggest that soakaways alone would not be adequate then some limited discharge to the adjacent ditch network may be necessary, and the Drainage Officer raises no objection subject to a condition requiring the approval of the drainage scheme's technical details.

8.20 With regard to sewage disposal, Southern Water has confirmed that the local foul network has sufficient capacity to accommodate the development.

Ecology

8.21 The application is supported by an ecological survey, and the Council's Ecologist has raised no objections subject to conditions requiring the approval of a reptile mitigation scheme and the incorporation of ecological enhancements in respect of bats and birds. The Harbour Conservancy's comments in respect of Brent Geese are acknowledged, however, the Ecologist has confirmed that there is no evidence to suggest that they frequent the site.

8.22 In terms of recreational disturbance relating to nesting birds at Chichester Harbour SAC/SPA, Natural England has raised no objection to the applicant's proposal of providing a per-dwelling financial contribution towards a future mitigation package together with a residents' information pack.

Significant Conditions

8.23 In order to prevent harm to the trees located along the route of the access a condition is proposed requiring detailed approval of the method of constructing the access and retaining its edges. In the event of services being located beneath the access road, details of the method of their siting and installation are reserved, alongside a requirement for critical elements of these works to be supervised by a qualified arborist.

8.24 In order to reduce the impact of the proposal upon the rural setting of the site a condition requiring full details of any street lighting - which is indicated in the application documents as comprising low-level lighting bollards - is proposed.

8.25 As mentioned at paragraph 8.19 above, full details of the proposed surface water drainage scheme are reserved for future approval.

Section 106 Agreement

8.26 An agreement is currently being prepared which would contain various obligations relating to matters including a requirement for the all of the dwellings to comprise affordable dwellings for occupation by local people (in accordance with Local Plan policy H9) in perpetuity. Further, the agreement would provide for the laying-out and maintenance of

open space and landscaped areas together with a commuted sum and information packs in respect of the Chichester Harbour recreational disturbance issue.

Conclusion

8.27 The NPPF is underpinned by a requirement to balance a proposal's economic, social and environmental dimensions in order to achieve sustainable development. The Framework makes it clear these roles are mutually dependent and should not be considered in isolation from each other.

8.28 In this case, the proposal does give rise to some concerns regarding the siting of the development and the current lack of any meaningful physical containment on two of its sides. As a consequence, it is acknowledged there would be some adverse impact upon the AONB and, consequently, a level of conflict with certain of the criteria contained in Local Plan policy H9. On the other hand, it is noted that approval of the application could, in a relatively short period of time, provide a range of affordable homes that would meet a substantial proportion of the Parish's local needs, including the need of local residents that would not be met by other FAD sites in the village. Furthermore, it is noted that the impact of the development can be moderated through the careful consideration (via planning conditions) of detailed matters such as materials, external lighting, drainage and landscaping.

8.29 Bearing the above matters in mind it is your officers' view that, when carrying out the balancing exercise required by the NPPF, the benefits of the proposal outweigh its dis-benefits. Consequently, subject to the completion of a Section 106 legal agreement and the imposition of the conditions summarised below, it is recommended that permission is granted.

Human Rights

8.30 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

**RECOMMENDATION
DEFER FOR SECTION 106 THEN PERMIT**

1	A01F	Time Limit - Full
2	U81264	Decision plans
3	U81293	Materials
4	U81265	Flintwork - sample panel
5	U81266	Lighting scheme
6	U81267	Surface water drainage
7	L07F	Sewage Disposal
8	U81274	Landscaping/biodiversity enhancements
9	K02G	Landscaping
10	U81271	Tree protection
11	U81277	Reptile mitigation
12	F15F	Site Levels and Sections
13	M03F	Walls/Fences
14	G09F	Archaeological Safeguards
15	U81281	Construction Method Statement
16	N33F	Construction Hours
17	U81284	Access details/provision
18	U81285	Vis splays
19	U81286	Parking/turning areas
20	U81288	Sustainable const/water efficiency
21	U81290	10% renewables

INFORMATIVES

1	U81272	INF: Tree protection
2	U81287	INF: Highway Authority informatives
3	U81268	INF: Foul sewer
4	U81270	INF: ditch network
5	W45F	INF: Application Approved Following Revisions
6	W35F	INF: Wildlife and Countryside Act 1981
7	W02F	INF: S.106 Agreement

For further information on this application please contact Steve Harris on 01243 534734