

Chidham & Hambrook Parish Council comments on this application

Democratic process

It seems that the 'Permission in Principle' planning regulations severely limit the ability of local residents and consultees to consider and comment on this type of planning application and bypasses local democracy.

In this case the application was validated on 15 December 2022 and the regulations require the LPA to issue a decision on 19 January 2023 (the determination deadline.)

Site notices informing residents were posted on 23 December with a date of 6 January to make representation. This timetable is barely more than two weeks, most of which is the Christmas holiday season.

Statutory consultees have 14 days to reply and were initially given until 2 January 2023 to respond while CDC offices were closed for the Christmas break from 23 December to 3 January 2023.

It would seem that the 'Red Card' procedure is bypassed as is the CDC Planning committee and the local Parish Council Planning Committee.

Location

- The development site is outside the Nutbourne East Settlement area and not contiguous with it. As it does not join a settlement, it could not be integrated to one (CDC IPS 6.2.1) and will erode the gap to the South. The applicant's statement that the houses would not be visible from Main Road or Cot Lane is disingenuous. There will be a clear site line through the access road from Cot Lane and the roof lines will be visible above the hedgerow on Main Road.

The appellant makes an unsubstantiated claim in section 3.4 of the Planning Statement:

"3.4 The proposed dwellings would be set well back from both Cot Lane and Main Road, with a significant belt of land in the same ownership excluded from the application site. In this way the setting of both Cot Lane and Main Road would be maintained, with the possibility of additional planting being undertaken beside Cot Lane and Main Road."

There is no guarantee that this will be done or maintained. There is no site plan to refer to so it is entirely possible that the setting of neither would be maintained.

- It is in designated countryside and the development would not require a countryside location or meet a local need that cannot be met elsewhere. (Local Plan Policy 45).
- The site is within the AONB of Chichester Harbour, which is also a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), & RAMSAR site for migrating and wading birds. The area is protected under the Conservation of Habitats and Species Regulations 2017. The siting of these dwellings will impact on the fragile nature of the Harbour, which is in a state of degradation (Condition Review Chichester Harbour Sites Natural England Feb 2021) and the setting of the AONB.
- The site is within one of the CDC proposed strategic wildlife corridors which adjoins Maybush Copse. The planning application **directly threatens this corridor**. Its presence is vital for biodiversity, for the movement of species, and for maintaining a link between the Chichester Harbour and the South Downs National Park. Protecting the UK's wildlife is of vital importance. It comes at a time when the UK's wildlife is in SEVERE decline per the 2020 State of Nature Report. (SxBRC) The planning statements in this application are misleading and incorrect with regards to the biodiversity and importance of this site as a wildlife corridor. The proposals do not demonstrate that they will not adversely affect the potential or value of the wildlife corridor. (IPS 6.2.6)

Environment

- The applicants disregard for the significance of this development site can be seen by the reference to the site as 'the result of a failed horticultural venture'. There is a gross error in the application in section 3.5 of the Planning Statement:

"3.5 The site was formerly an orchard, meaning that it has limited biodiversity. The opportunity to undertake additional planting with native species, as well as retaining the gully which runs through the site, will increase the biodiversity of land alongside Cot Lane and Main Road. "

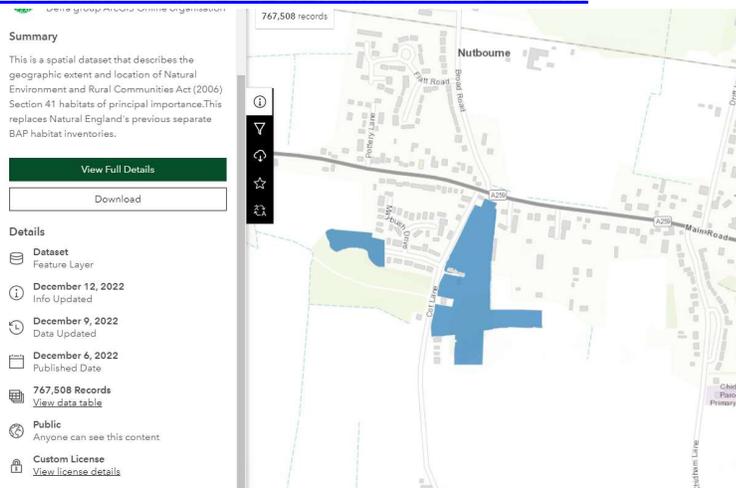
The opposite is true as these links make clear:

<https://ptes.org/campaigns/traditional-orchard-project/orchard-biodiversity/orchard-habitat/>

<https://ptes.org/campaigns/traditional-orchard-project/orchard-biodiversity/discover-your-orchard-wildlife/>

This site is an ancient orchard identified on the Natural England/DEFRA map as a Priority Habitat.

<https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::priority-habitats-inventory-england/explore?location=50.842532%2C-0.880415%2C15.55>



- Old, traditional orchards support many features of high value for wildlife. Most trees are relatively short-lived and, therefore, produce decaying wood more quickly than most native hardwoods making them important refuges for invertebrates, hole-nesting and insectivorous birds and bats. The trees are also valuable hosts for mistletoe, fungi and lichens and provide important food sources for birds in autumn and winter (thrush species, in particular, being attracted to windfall apples) and, as their fruit decays, insects, especially beetles, butterflies and bees. Blossom is also an important nectar source for invertebrates in spring.
- The development land is a key wild life habitat. It results from the provision of good foraging habitats and shows the vital importance and significance of the Wildlife Corridor. It is in close proximity to a known location of protected species:
These include at least **11 species of Bat**:
Noctule, Leisler's bat, Serotine, Common Pipistrelle, Soprano Pipistrelle, Nathusius' pipistrelle Brown long-eared bat, Barbastelle, Myotis species: Natterer's bat, Whiskered bat, Daubenton's bat;
Amphibians: Frogs, Toads, Newts,
Reptiles: Slow worm, Grass snake, Common Lizard,
Red list Birds: including Cuckoo, Lesser spotted Woodpecker, Marsh Tit, Starling, Mistle Thrush, Turtle Dove, Fieldfare, Spotted Flycatcher, House Sparrow, Greenfinch, also Redwing, Green Woodpecker, Song Thrush, Coal Tit, Blackcap, Goldcrest, Wren, Chiff Chaff, Long tailed tit, Tree creeper, Blackbird, Robin, Chaffinch, Nuthatch, Buzzard, Sparrowhawk, Kestrel, Jay, Magpie, Crow, Rook, Jackdaw, Tawny Owl, Pheasant, Grey Heron, Moorhen, Coot, Wood Pigeon, Stock Dove, Collared Dove, etc
- The development and consequent destruction of habitat of this site would be directly contrary to NPPF paras 174,176,179,180,181

Access

The proposed development would 'share' the recently approved point of access in Cot Lane. (21/0228/FUL) The documents for this application make clear the access was intended for the maintenance of the land and orchard and permission was given on this basis.

From Helyer Davis Planning and Access Statement:

3.0 THE PROPOSALS This application seeks permission for new access to the existing fruit tree orchard [area in green on figure 2] via Cot Lane in Chidham. **The access is to be used solely for the purpose of maintaining the land and fruit trees.**

Use of the new access

The proposed new access is 3.5m wide. Wide enough for 1 vehicle only. **The new access is to be used for the agricultural maintenance of the land and Orchard.**

The access will be used solely for the purposes of maintaining the land and fruit trees south of The Bungalow and north of Maybush only. The access is not located directly opposite any buildings to ensure headlights from any vehicles do not point at dwellings when using the crossover. No other alterations are proposed to the site which will continue to be used as a fruit tree orchard.

The CDC delegated report notes that **The reason given for requiring the access is to maintain the orchard land.**

The access is the width of one vehicle, which would clearly be inadequate for up to 14 cars, refuse and delivery vehicles. It is located directly opposite the house known as Kiloran Cottage, which would be impacted by headlight intrusion.

Previous History

Appeal The development site was the subject of an Appeal for 25 houses which was dismissed in 2015. In the Planning Statement the applicant has cherry picked from the Appeal Decision to suit his agenda and skew the intended meaning. At 6.36 the applicant states:

The previous Inspector described the site as being flat and containing fruit trees, and not a natural landscape but the result of man's intervention in the landscape.

The inspector actually said: ***Whilst I accept that the existing site is not 'natural' and is clearly the result of man's intervention into the landscape, it appears unmanaged and semi-natural and contains an abundance of plants and trees.***

At 6.37 ***The Inspector's conclusions about the site are shared by the applicant. The site does not consist of natural woodland but rather the results of a failed horticultural venture. As such, it does not share the broader landscape characteristics of Chichester Harbour. Its impact on the AONB is localised, and as such value to the AONB is constrained.***

The Inspector actually said: ***In this way, I consider that the site in its current state makes some positive contribution to the qualities of the AONB, even if that contribution is only felt at a local level.***

This is a deliberate attempt to suggest that the Inspector felt there was no environmental value to the land or positive contribution to the AONB, which was not the case.

The reasons for dismissal are just as relevant for 7 houses as 25.

Pre- application advice 22/01365/PRESSP

Advice was sought on a proposal to erect a single detached dwelling on the site. It was not considered that the principle of such a development would be acceptable or capable of officer support at permission stage. It would follow, therefore, that the reasons would equally apply to seven houses on the site.

Housing Mix

The Planning Statement suggests the seven houses will be detached properties set in good-sized plots. Chidham and Hambrook has a disproportionate number of large, high end housing . There is no local requirement for this type of housing (as referenced by Chidham & Hambrook Housing Needs Report Sept 2019). There will be no affordable housing onsite and any offset contribution is unlikely to benefit local people.

Wastewater

New housing developments add pressure on the Wastewater Treatment Works. In addition, high levels of storm discharge from Wastewater Treatment Works can lead to discharge into the Harbour during periods of heavy rainfall. This affects water quality, which can lead to excessive nitrates and the growth of macroalgal weed, a problem for wildlife, water users and local people.

Thornham WWTW has limited capacity. Any additional development in the catchment area will inevitably lead to additional pollution by way of (legal) stormwater overflows.

We note that the LPA have concluded that it is unable to agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulation 2017.

Planning Policy

- **IPS** In the absence of an updated Local Plan Chichester District Council introduced an Interim Position Statement the LPA would consider while assessing the overall suitability of housing proposals. The applicant seems to have dismissed any adherence to the criteria as irrelevant. Of the 13 criteria the application is contrary to 1,3,5 and 6. It is not possible to assess 8 or 9.
- **Neighbourhood Plan:** The application does not comply with EM2,EM3,H1,H2. LP1 is not a blanket acceptance of all proposals of less than 10 houses as a windfall site. The key phrase is **“the preferred approach is to assess the suitability of each site at the time the development proposals is made in accordance with development plan policies.”**
- **Local Plan:** The application does not comply with Policies 43,45,48,49 and 50
- **NPPF:** The application does not comply with policies 174-182

We do not believe that the application meets the threshold for sustainable development, that the adverse impacts will significantly and demonstrably outweigh any benefits and that the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. (The policies referred to are those in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in [paragraph 181](#)) and/or designated as **Sites of Special Scientific Interest**; land designated as Green Belt, Local Green Space, an **Area of Outstanding Natural Beauty**, a National Park (or within the Broads Authority).

Chidham & Hambrook Parish Council are therefore asking that you refuse this Permission in Principle and not allow the destruction of an environmental asset and Priority Habitat within our precious Area of Outstanding Natural Beauty.