

# **BERKELEY HOMES APPEAL**

Taken from

## **APPELLANTS DRAFT STATEMENT OF COMMON GROUND**

(posted 28th October 2021)

### **6.0 Matters in Dispute**

6.1 Matters that are not yet formally agreed between the parties are:

#### **Landscape and Visual Impact**

6.2 Effect of development on land outside the settlement boundary.

6.3 The impact on the character of the Chichester-Lavant gap.

6.4 Impact on the setting of the South Downs National Park.

#### **Noise**

6.5 The impact of noise on living the environment for future occupiers of the proposed dwellings.

6.6 The impact of the proposal on the operation of Goodwood Aerodrome and Goodwood Motor Circuit.

#### **Five-year housing land supply**

6.7 The extent of shortfall in the 5YHLS (pending review of the Council's anticipated 5YHLS position).

#### **Benefits**

6.8 The weight to be attached to the benefits arising from the proposed development.

#### **Adopted Development Plan Policies**

6.9 The weight attached to policies of the statutory development plan (including the adopted Local Plan and the Lavant Neighbourhood Plan) most important for determining the application.

#### **CDC Emerging Local Plan**

6.10 The weight to be given to draft policies contained within the Chichester Local Plan Review 2035 Preferred Approach (2018) document.

#### **Chichester Interim Position Statement**

6.11 The weight to be given to the criteria contained within CDC's Interim Position Statement (2020).

#### **Planning Balance**

6.12 Whether, in light of the above matters, planning permission should be granted in light of paragraph 11d of the NPPF.

### **Matters Agreed Between the Parties??**

5.1 Matters relating to the development that the parties agree upon are:

### **Five-year housing land supply**

5.2 CDC cannot demonstrate a five-year housing land supply (5YHLS).

5.3 It is agreed that footnote 8 to paragraph 11d of the NPPF applies regardless of the degree of 5YHLS shortfall.

5.4 Significant weight should be applied to the absence of a 5YHLS. The scale of shortfall – to be determined by review of the Council's up-to-date 5YHLS position will influence the weight to be attached to the benefit of housing provided by the proposal.

### **Affordable Housing**

5.5 The proposal indicates the provision of 42 (30%) affordable dwellings, in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD.

5.6 It is agreed the provision of affordable housing should be afforded significant weight.

### **Highways Safety**

5.7 Highways England offered no objection to the proposals subject to a contribution towards the Chichester Bypass in order to mitigate additional transport impacts arising from the development.

5.8 West Sussex County Council (WSCC) Highways does not consider that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impact on the operation of the highway network.

5.9 WSCC agree that the links to Centurion Way provide a benefit for those requiring an off-road route to the city centre.

5.10 The Travel Plan submitted with the application is satisfactory subject to advised additions which can be secured through condition and therefore do not form a reason for refusal.

### **Housing Mix**

5.11 The proposed development will deliver 30% affordable housing comprising 42 affordable dwellings on site, the mix of which has been agreed with the Housing Enabling Officer. The affordable mix and tenure will be secured with any forthcoming S106 agreement.

5.12 The mix of housing (market and affordable) is acceptable, being consistent with the Council's Strategic Housing Market Assessment (via the Housing and Economic Development Needs Assessment)

### **Residential Amenity**

5.13 CDC consider that suitable boundary treatments could be conditioned to ensure that local residents' view would not be harmed to the extent that it would constitute a reason for refusal.

### **Flood Risk and Surface Water Drainage**

5.14 The proposed development is located in Flood Zone 1.

5.15 The Environment Agency has no objection to the proposed development on flooding/drainage grounds.

5.16 The Council's drainage engineer accepts the proposed means of surface water drainage.

#### **Foul Disposal**

5.17 Subject to conditions it is considered that the issue of foul disposal can be successfully addressed.

#### **On Site Ecology**

5.18 The submitted Ecological Appraisal (2020) is accepted as providing biodiversity improvements subject to the conditioning of improvements as recommended by CDC's Environment Officer.

5.19 It is agreed that the emerging development proposals would result in a 105.44% biodiversity net gain increase over the baseline value of the site, thereby providing a strong indication that the proposed development would substantially exceed the 10% threshold to be considered as delivering a biodiversity net gain.

5.20 It is agreed that these biodiversity net gains, substantially in excess of 10%, should be afforded significant weight.

#### **Off site HRA Matters**

5.21 Mitigation for recreation disturbance associated with residential development in 5.6km of Chichester and Langstone Harbour SPA can be addressed by a financial contribution to be secured through any subsequent S106 in compliance with the Habitats Regulations.

#### **Nitrogen Neutrality**

5.22 It is agreed that the proposal would result in a net loss of nitrogen entering the site owing to the proposed change of land use and that a likely significant effect can be ruled out.

#### **Sustainable Design and Construction**

5.23 The Sustainability Statement (June 2021) advanced with the application is considered acceptable for the purposes of an outline application but more detailed information would be required at reserved matters.

#### **Agricultural Land**

5.24 Whilst it is accepted both by the appellant and the Council that the site comprises Grade 3 agricultural land, it is agreed that the provision of required housing, delivering 30% affordable housing would be sufficient to outweigh the harm caused by the loss of agricultural land.

#### **Archaeology**

5.25 Through the submission of the Desk Based Assessment (Sept 2020) it is agreed that it is possible that the proposed development could impact upon archaeological remains. As such, a condition would be placed that these are considered in further detail by trial trenching. It therefore does not form a reason for refusal.

#### **Contamination**

5.26 The Contaminated Land Desk Study Report (2020) is agreed, with the overall risk of harm to end users determined as low to moderate. Further assessment would be agreed through condition.

## **Air Quality**

5.27 CDC's Environmental Protection Officer agrees with the findings of the submitted Air Quality Assessment submitted as part of the Environmental Statement (Jan 2021). As such conditions would be imposed on any decision but there are no objections in principle.

## **Infrastructure / Planning Obligations**

5.28 The proposed development would be subject to the Council's CIL charge of £120 per sqm to address infrastructure matters.

5.29 Further obligations would be required to secure the delivery of affordable housing, including financial contributions to Highways England, mitigation in respect of Wildlife/Chichester and Langstone Harbours and a Travel Plan by WSCC.

5.30 All necessary off-site highway works, landscape buffers, play areas and amenity space would also be secured through the S106.

## **Benefits**

5.31 The following benefits of the scheme are agreed:

- 1 Delivery of 140 homes including 30% (42 homes) affordable housing;
- 2 29 acres of public open space, landscaping and wildlife habitat, including a Country Park to preserve the separation of Lavant and Chichester;
- 3 Improved pedestrian and cycle connections from the local area to Centurion Way;
- 4 Habitat creation and restoration that can deliver a 105% net gain in biodiversity on the site;
- 5 Outdoor event space and children's play areas;
- 6 Energy and water efficient homes which are capable of operating on a net zero carbon basis by 2030;
- 7 Economic benefits in the form of employment generated through construction and then via spending by residents in local shops and services
- 8 A development that is nitrogen neutral, with a nitrogen output of -30.2kg per year.

The Full Draft Statement of Common Ground and The Full Statement of Case can be found on the CDC Planning Portal <https://www.chichester.gov.uk/viewplanningapplications> ref 20/02675/OUTEIA