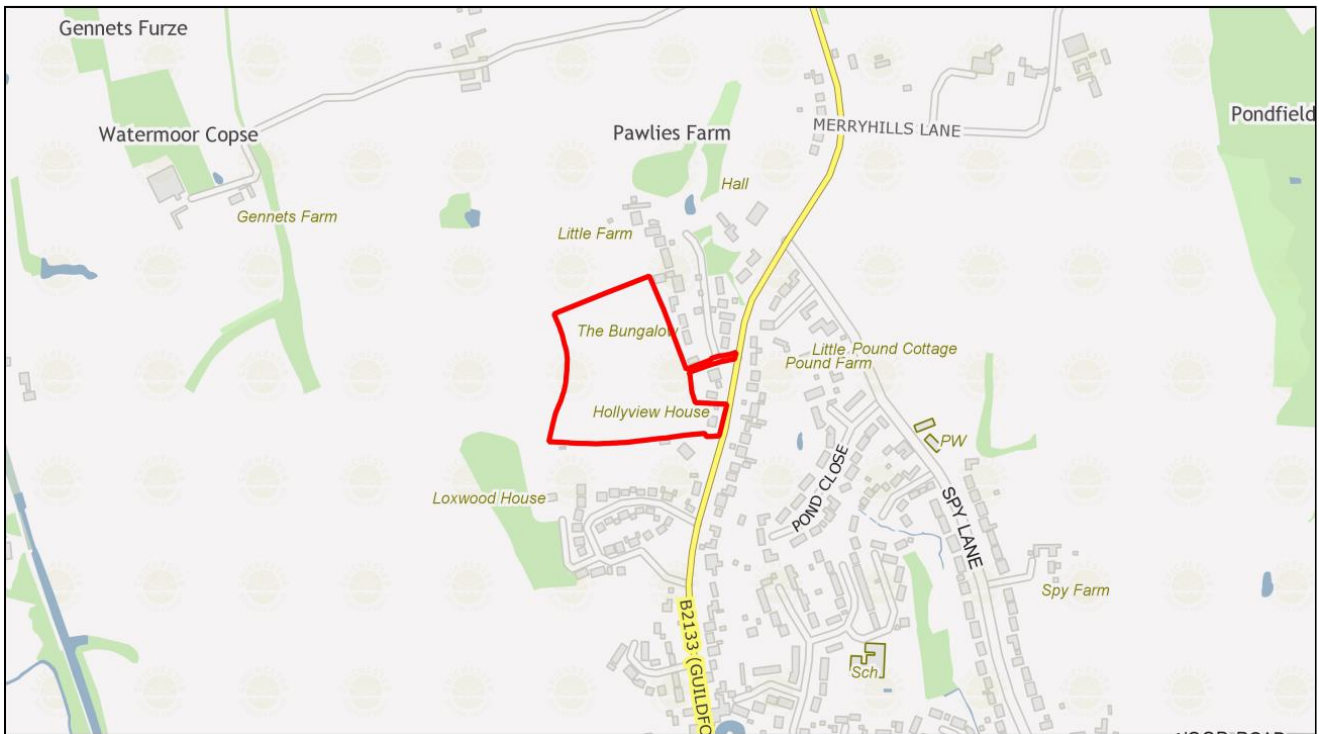



Parish: Loxwood	Ward: Loxwood
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LX/21/02054/FUL

Proposal	Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space (resubmission of planning application reference LX/19/01240/FUL) - Variation of Condition 6 of planning permission LX/20/01481/FUL - to amend the wording and change the trigger point for this condition.		
Site	Land South West Of Guildford Road Loxwood West Sussex		
Map Ref	(E) 503718 (N) 131983		
Applicant	Stonewater	Agent	Miss K Gilbert

RECOMMENDATION TO 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
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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the west of Guildford Road on the north-western outskirts of Loxwood. It comprises approximately the southern two-thirds of a single field of rough pasture of approximately 2.9ha and is currently grazed by sheep. The northern boundary and the land immediately beyond that boundary is separated from the site by a stock proof post and wire fence. It is currently in use as a series of rectilinear paddocks for equine grazing and schooling. The site is bounded to the east by the residential rear gardens of those detached dwellings which front onto Pond Copse Lane, a private road which also defines the line of public footpath no. 811/1. The west site boundary is defined by a screen of hedging and mature trees including major oaks. Beyond the west boundary are fields in arable farming use. The south site boundary is marked by a line of mature trees beyond which is a pony paddock and the house and curtilage of Hawthorn Cottage. The south-east corner of the site is occupied by Hollyview House, a detached 2 storey property, its curtilage and outbuildings which front onto the B2133 Guildford Road.
- 2.2 The site has a pronounced slope rising from East to West broadly levelling to a plateau about two-thirds of the way up. In terms of its wider topography it actually occupies the western most side of a shallow valley orientated N-S with the eastern ridge of this valley defined by the line of PROW no. 796. A high voltage overhead cable crosses the south-east corner of the site. The site is located in the Environment Agency's Flood Zone 1 i.e. in an area least likely to be the subject of flooding.
- 2.3 The majority of the site is outside of but adjacent to the west boundary of the current made Neighbourhood Plan settlement boundary for Loxwood. The boundary passes across the rear part of the gardens of those houses fronting Pond Copse Lane. Hollyview House and most of its curtilage is within the settlement boundary as is the proposed cycle/pedestrian link to Guildford Road which passes to the south of Oakfield Cottage. In policy terms therefore the majority of the site is in the countryside or 'Rest of Plan' area.

3.0 The Proposal

- 3.1 The current application is submitted under section 73 of the Town and Country Planning Act and is an application to vary condition 6 attached to planning permission reference LX/20/01481/FUL permitted on 30 October 2020 which is for the re-development of the application site to provide 50 new dwellings as more fully described in the description of 'Proposal' at the beginning of this report.
- 3.2 Condition 6 on planning permission LX/20/01481/FUL relates to the proposals for the disposal of foul water from the development. Condition 6 as currently worded on the planning permission reads:

6) No development shall commence unless and until details of the proposed means of foul water sewerage disposal including the proposals for the associated off-site infrastructure improvements have been submitted to and been approved in writing by the Local Planning Authority, in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full.

Reason: To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 3.3 The applicant is seeking to amend the wording of this condition so that it is not a pre-commencement condition as currently drafted. It is proposed to be amended so that the condition is triggered instead by occupancy of the first new dwelling on the site. The applicant has produced an alternative wording (in bold type) for condition 6 as follows:

Works shall be carried out in accordance with details of the proposed means of foul water sewerage disposal including the proposals for the associated off-site infrastructure improvements submitted to the local planning authority and as consulted with Southern Water. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full.

4.0 History

18/02467/EIA	EIANR	Screening opinion - Proposed residential development of up to 60 no. units.
19/01240/FUL	REF	Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space.
20/01481/FUL	PER106	Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space (resubmission of planning application reference LX/19/01240/FUL).

20/03194/OBG	PER106	Proposed S.106 Deed of Variation in respect of mortgagee in possession clauses for development permitted under ref. LX/20/01481/FUL
21/00138/NMA	PER	Non-material amendment to planning permission 20/01481/FUL- alteration of the southern fence line of plots: 1, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.
21/00937/DOC	PER	Discharge of condition 3 of permission 20/01481/FUL.
21/00960/DOC	SPLIT	Discharge of Conditions 5 (Surface Water Drainage) & 6 (Foul Water Sewerage Disposal) of planning permission LX/20/01481/FUL.
21/00961/DOC	PER	Discharge of condition 4 of permission LX/20/01481/FUL.
21/00974/DOC	PER	Discharge of Condition 12 of planning permission LX/20/01481/FUL - Sustainable Urban Drainage System.
21/00984/DOC	PER	Discharge of Conditions 7 and 13 of planning permission LX/20/01481/FUL - Ecology Mitigation and Enhancement Plan.
21/01109/NMA	PER	Non material amendment for permission 20/01481/FUL - removal of garages (except four-bedroom units) and amending rear doors from bi-fold to a French window style.
21/01175/DOC	PER	Discharge of condition 11 of permission 20/01481/FUL.
21/01176/DOC	REF	Discharge of Condition 16 of planning permission LX/20/01481/FUL - Travel Plan Statement.
21/01177/DOC	PER	Discharge of condition 17 of planning permission LX/20/01481/FUL.
21/01178/DOC	PER	Discharge of condition 26 to permission 20/01481/FUL.
21/01413/DOC	REF	Discharge of Condition 8 of planning permission LX/20/01481/FUL - Schedule of materials.
21/01414/DOC	PER	Discharge of condition 9 (verge details for all roofs) of planning permission LX/20/01481/FUL.

21/01415/DOC	PER	Discharge of Condition 10 of planning permission LX/20/01481/FUL - Compliance with Energy Statement
21/01416/DOC	PER	Discharge of condition 14 to planning permission 20/01481/FUL.
21/02340/DOC	PER	Discharge of condition 16 of permission 20/01481/FUL.
21/02477/ADV	PDE	1 no. non-illuminated totem sign.
21/02922/DOC	PER	Discharge of condition 8 of permission 20/01481/FUL.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Object - Development has already started on 1st July 2021 and therefore there is a breach of condition 6. Loxwood Parish Council support the original wording of the conditions until Southern Water have agreed the off-site works.

6.2 Southern Water

Southern Water has no objection to the commencement of construction of the development, if approved by the local planning authority. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. Occupation of the development has to be coordinated with the delivery of sewerage infrastructure in order to prevent the increased risk of flooding from sewerage network. In line with this Southern Water would like to maintain the condition:

No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full.

6.3 1 Third Party Objection

Agree with Loxwood PC. Developers appear to be jumping the gun destroying wildlife habitat and significant trees far in advance of approval being given.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) adopted by the Council on 14th July 2015 and all made neighbourhood plans. The Loxwood Neighbourhood Plan 2013 - 2029 (LNP) was made on 14.07.2015. A *Revised* LNP for the period 2019 - 2037 is currently at Regulation 16 stage. The made LNP forms part of the Development Plan against which applications must be considered.

7.2 The principal policies of the Chichester Local Plan relevant to the specific context of this application are as follows:

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev

Policy 9 Development and Infrastructure Provision

Policy 25 Development in North of the Plan area

Policy 33 New Residential Development

7.3 The policy of the made LNP relevant to the specific context of this application is:

Policy 8 - Infrastructure Foul Water

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

7.4 Work on a Review of the Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is well underway. The remaining timeline for the Local Plan Review as set out in the Local Development Scheme envisages publishing the Plan for all to make comments in Spring 2022, submitting the Plan for Examination in Summer 2022 with Examination and Adoption taking place between August 2022 and Spring 2023. The current draft policies relevant to the application albeit carrying little weight in decision making at this time are:

S1 Presumption in Favour of Sustainable Development

S12 Infrastructure Provision

S31 Wastewater Management and Water Quality

DM16 Sustainable Design and Construction

7.5 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

- 8.1 The principle of development of the application site with 50 new homes has already been agreed through full planning permission LX/20/01481/FUL which was permitted on 30 October 2020 and remains extant until 30 October 2023. As the Planning History section of the report reveals, the applicant has been diligently working through discharging the pre-commencement planning conditions on the permission in order to make a material start on site. This application is not therefore an opportunity to revisit the principle of whether a 50 dwelling development should be permitted on this site. That matter has been dealt with. The narrow focus of this application is solely in respect of whether it is appropriate to amend the wording of condition 6 on the extant permission relating to the provision of foul drainage.
- 8.2 Condition 6 on the permission is a pre-commencement condition. As currently drafted the condition relies on the details of the associated off-site infrastructure improvements to the foul sewerage network being first submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The proposed amendment to the condition submitted by the applicant seeks to dispense with the pre-commencement requirement in favour of having an acceptable off-site drainage solution in place before first *occupation* of any dwelling on the site (see applicant's proposed re-wording of the condition above in section 3.3 of this report.) If the off-site infrastructure improvements to service the foul water drainage needs of the development are not in place by the time the first new dwelling on the site is ready to be occupied, the remainder of condition 6 requires that an interim on site solution to be first agreed by the Local Planning Authority in consultation with Southern Water is implemented in full. As part of the applicant's suggested amendments that second part of the planning condition would not change.
- 8.3 The applicant's suggested re-working of the first part of the condition whilst removing the existing pre-commencement requirement is considered to lack sufficient clarity and precision and does not therefore satisfy the required tests of a planning condition in this regard. In consultation with Southern Water, the statutory consultee has confirmed that it has no objection to commencement of the development taking place before the off-site infrastructure improvements are completed subject to a key safeguard being built into the second part of the planning condition. Southern Water confirms that its requirements as statutory undertaker would be fulfilled by imposition of a condition worded as follows:

'No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full'

8.4 The applicant makes two main points in support of the application to vary the planning condition. The first is that it is unreasonable for the Council to impose a condition preventing *any* development taking place on the site when the foul drainage implications of that condition will only become a material consideration once the first dwelling is built and ready to be occupied. A lot of other development on the site could take place before this point is reached. Secondly, and related to the first point, is that the wording of condition 6 requires the developer to submit to and have approved by the Local Planning Authority in consultation with Southern Water details of the off-site infrastructure improvements. The difficulty here is that it is the statutory undertaker Southern Water who sets the timetable for approving the technical details as well as implementing the off-site improvements. The developer has no control over how quickly this process is carried out and in the meantime is unable to progress any aspect of the development. In essence the developer's implementation of its lawful planning permission is dependent on the timetable of a third party over which it cannot be expected to have control.

8.5 In light of the above, the condition is potentially ultra vires (i.e. not lawful). Officers have reviewed the wording of the condition and are of the opinion that it does not meet the legal tests of conditions as set out in the National Planning Practice Guidance (NPPG). Paragraph 16 of the NPPG (Reference ID: 21a-016-20140306) states that a condition should not be reliant on a third party:

'It is not appropriate to require in a condition that a development should be carried out to the satisfaction of a third party as this decision rests with the local planning authority.'

Condition 6 as currently drafted is clearly reliant on Southern Water because it relies on Southern Water's satisfaction/approval of the details prior to approval by the local planning authority. Southern Water advised in its consultation response on the planning permission for 50 dwellings (LX/20/01481/FUL) that the typical overall time needed to provide off-site network reinforcement was a 2 year period from a firm commitment by the developer to commence construction on site.

8.6 The developer of the site - Stonewater - in conjunction with development partner Thakeham Homes have been diligently discharging the pre-commencement conditions on the planning permission in readiness to start construction on the development and the applicant has advised officers that a formal notification of intent to commence construction was served on Southern Water on 2 November 2020 which in effect kick starts the necessary off-site infrastructure design and improvement process. To that end Southern Water are just over a year into their anticipated 2 year programme to design and deliver the necessary off-site infrastructure.

8.7 Officers are aware of the Parish Council's objection to a variation of condition 6 and associated concerns about the possible installation of an interim on-site facility to temporarily manage foul water discharges should homes be ready for occupation in advance of the off-site works being completed. However, Southern Water as the statutory undertaker for foul drainage has a statutory duty to respond to the developers notice served on it on 2 November 2020 and to construct any off-site sewer improvements in order to facilitate occupations by 2 November 2022 i.e. in accordance with its 2 year delivery programme. Southern Water has agreed to provide a representative at the Committee meeting to give a progress update on the scheduling of the works.

8.8 Mindful of the above, the wording of condition 6 is proposed to be amended so that it affords the developer the opportunity to implement the lawful permission for 50 dwellings on the site whilst at the same time ensuring that the separate statutory responsibilities of Southern Water are respected, that there are adequate safeguards to protect established residential amenity and that pollution of the environment is prevented. Condition 6 is therefore proposed to be re-worded as follows:

No occupation of any dwelling shall take place until the off-site improvement works necessary to provide foul drainage for the whole development have been approved by the Local Planning Authority in consultation with Southern Water and have been completed or, in the event that the approved off-site improvement works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and shall be implemented in full. The interim on-site measures shall be managed and maintained thereafter in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for foul drainage and to prevent pollution of the environment.

8.9 The Council's Planning Enforcement Officer has looked into the comment by the Parish Council that works have already commenced on site and so the developer is already in breach of condition 6. No breach of the planning permission has been identified. The accompanying section 106 agreement for the purposes of defining the 'commencement' of development specifically allows for the following activities to take place without triggering commencement: site surveys (including intrusive ground investigations); site clearance and/or demolition; ecological survey; archaeological survey; remediation; the diversion or laying of services; erection of fences or hoardings; the temporary display of site notices or advertisements; erection of a site compound including access and haulage routes and associated ancillary uses. The developer has engaged in some of the above activities as a pre-cursor to commencing the development but the development has not commenced and this is not a breach of the planning permission.

Significant Conditions

8.10 As this is an application submitted under S.73 of the Act to vary one of the 26 conditions on planning permission LX/20/01481/FUL it is necessary for completeness to repeat those previous conditions (and informatives) but with the appropriate amendments made to the wording of condition 6 as detailed above in paragraph 8.8.

Section 106 Agreement

8.11 The permission reference LX/20/01481/FUL which is being varied by this application was accompanied by a S.106 Agreement. The drafting of that agreement is such that no additional Deed of Variation is required to link the current S.73 application back to its provisions. The amended permission will still be subject to the same S.106 obligations.

Conclusion

- 8.12 The revision to condition 6 addresses what on review appears to be a condition which is potentially ultra vires because it prevents the developer from commencing any material part of the approved development until Southern Water has effectively approved the off-site infrastructure improvements to the foul drainage network which are necessary to service the development. Southern Water has a separate process as the statutory undertaker potentially spanning a two year period in which to design and undertake the off-site works. This places the developer in a position where a time limited lawful planning permission cannot be implemented because it is dependent on the approval process of a third party over which the developer has no control. That is unreasonable.
- 8.13 The proposed variation to the condition is still compromised to an extent in that it relies on third party approval but crucially it now allows for the development to commence. The developer, in recognition of the Parish Council's concerns over foul drainage issues in Loxwood more generally, is prepared to accept that position. Officers consider that the re-drafting is an appropriate compromise. Importantly it maintains the safeguard of having a temporary on-site foul drainage solution in the event that Southern Water's timetable slips and homes are ready for occupation.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before 30 October 2023.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out other than in accordance with the following approved plans:

T051_P01; T051_P02; T052_P10 Rev C; T051_P11 Rev C; T051_P12 Rev C; T051_P13 Rev B; T051_P35 Rev B; T051_P50 Rev B; T051_P51 Rev B; T051_P100; T051_P101; T051_P102; T051_P103; T051_P104; T051_P105; T051_P106 Rev B; T051_P107; T051_P108; T051_P109; T051_P110 Rev A; T051_P111; T051_P112; T051_P113; T051_P114; T051_P115; T051_P116; T051_P117; T051_P118; T051_P119; T051_P120; T051_P121; T051_P122; T051_P123; T051_P124; T051_P125; T051_P126; T051_P127; T051_P128; T051_P129; T051_P130; T051_P131 Rev B; T051_P132; T051_P133; T051_P134; T051_P135.

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure the development complies with the planning permission.

3) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.
- (r) hours of construction.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

4) No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

5) No development shall commence until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

6) No occupation of any dwelling shall take place until the off-site improvement works necessary to provide foul drainage for the whole development have been approved by the Local Planning Authority in consultation with Southern Water and have been completed or, in the event that the approved off-site improvement works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and shall be implemented in full. The interim on-site measures shall be managed and maintained thereafter in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for foul drainage and to prevent pollution of the environment

7) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Phase 2 Ecological Surveys and Assessment (October 2018) by Southern Ecological Solutions and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include; the submission of a strategy for the trapping and translocation of slow worms, the provision of 5 no. bat boxes (in addition to those provided as part of the Bat Mitigation Strategy), 2 no. hedgehog nesting boxes and the provision of bird boxes as identified in the Strategy.

Reason: To accord with the terms of the application and to enhance the ecological and biodiversity value of the site.

8) Notwithstanding any details submitted to the contrary **no dwelling shall be constructed above slab level** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality

9) **No development above slab level** shall commence until verge details for all roofs (main roofs, garages and pitched roof porches) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the finishes to be used are appropriate in the interest of amenity and to ensure a development of visual quality.

10) **Before construction commences above slab level** on any dwelling hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority showing how the development shall comply with the terms of the submitted Energy Statement prepared by Southern Energy Consultants dated 22 July 2020. The details shall include the proposed location, form, appearance and technical specification of the air source heat pumps (including acoustic performance) and the form and siting of the solar PV panels which shall be designed to be inset and flush fitting with the plane of the roof. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with policy 40 of the Chichester Local Plan Key Policies 2014- 2029 and the Council's Interim Planning Statement for Housing Development (July 2020) and to accord with the terms of the application.

11) **Before construction of any dwelling above slab level** the developer shall provide details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020) in respect of the provision of Electric Vehicle (EV) charging facilities. These details shall be approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (September 2020) and no dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

Reason: To accord with current parking standards and the sustainable development objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

12) **No development shall commence on the Sustainable Urban Drainage System (SuDS)** until full details of the maintenance and management of the SuDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon complete construction of the SuDS system serving each phase, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and ongoing operation for the SuDS system and to ensure best practice in line with guidance set out in the SuDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SuDS are designed appropriately and properly maintained and managed as soon as they are installed.

13) All works for the demolition of Hollyview House and garage shall be carried out strictly in accordance with the measures set out in the Bat Mitigation Strategy in Annex 3 of the Outline Bat Mitigation Strategy prepared by Southern Ecological Solutions, 17 March 2020 unless any variation is specifically agreed as part of any subsequent Natural England European Protected Species (EPS) mitigation license. Details of the proposed location of 3 no. bat boxes shall be submitted to and be approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details and before any works of demolition of Hollyview House and its garage take place.

Reason: To ensure that the process of demolition is not harmful to the protected species.

14) Notwithstanding the illustrative landscaping details submitted with the application **no construction of any dwelling above slab level** shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection during the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and boundary fencing shall include gaps underneath to enable the passage of small mammals (hedgehogs). The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development.

15) **No dwelling shall be first occupied** unless and until covered and secure cycle parking spaces have been provided for that dwelling in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved details and retained for that purpose thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

16) **No dwelling shall be first occupied** until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority and shall include the provision of a residents Travel Information Pack to the first occupants of each dwelling.

Reason: To encourage and promote sustainable transport.

17) **Before first occupation of any dwelling** on the site hereby approved a timetable shall be submitted to and be approved in writing by the Local Planning Authority for the provision of the unallocated/visitor car parking spaces as shown on drawing no. T051_P11 Rev C. The unallocated/visitor car parking spaces shall then be provided in accordance with the approved timetable and once provided the unallocated/visitor car parking spaces shall be retained for parking purposes thereafter.

Reason: To ensure that the correct level of parking is provided in a timely manner for the development to accord with the terms of the application and in the interests of proper planning.

18) **No dwelling shall be first occupied** until such time as the vehicular access to the site and related highways works serving the development, including traffic calming, have been constructed in accordance with the details shown on drawings ITB13023-GA-004 Rev G and ITB13023-GA-005 Rev B.

Reason: To accord with the terms of the application and in the interests of road safety.

19) **Before first occupation of any dwelling** full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) shall be submitted to and be approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on the site during works. The development will thereafter only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development benefits from appropriate infrastructure.

20) **No dwelling on the site hereby permitted shall be first occupied** unless and until the car parking and/or garaging provision for that dwelling and the road access to it – including where shown visitor/unallocated spaces, associated footways and turning heads – have been constructed in accordance with the approved Site Layout drawing T051_P11 Rev C. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking spaces for the development in accordance with the terms of the application, adopted guidance and in the interests of road safety.

21) **No dwelling shall be first occupied** unless and until visibility splays as have been provided at the proposed site vehicular access onto Guildford Road in accordance with drawing ITB13023-GA-004 Rev G . Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the level of the adjoining carriageway or as otherwise may be agreed in writing by the Local Planning Authority following consultation with the Local Highway Authority.

Reason: In the interests of road safety.

22) **Before first occupation of any dwelling**, details showing the precise location, installation and ongoing maintenance of 1 no. fire hydrant to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrant shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Services Act 2004.

23) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

24) **No part of the development hereby permitted shall be occupied** until the domestic refuse and recycling storage facilities including provision of green waste bins to service that part of the development have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the domestic refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of facilities for the storage of domestic waste in the interests of general amenity and encouraging sustainable management of waste.

25) Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

Reason: To protect the appearance of the area, the environment and foraging bats, and local residents from light pollution.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

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

Reason: To ensure that the internal roads are designed and constructed to withstand the weight of the heaviest vehicles using them.

INFORMATIVES

1) This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act 1990 dated 30 October 2020 and the Deed of Variation (relating to variation of the mortgagee in possession clauses) dated 25 May 2021.

2) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Jeremy Bushell on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVKMFVERK8O00>