



Appeal Decision

Inquiry Held on 21, 22 and 23 January 2020

Site visits made on 20 and 23 January 2020

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/L3815/W/19/3237921

Land North of Cooks Lane Southbourne, West Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Rydon Homes Ltd against the decision of Chichester District Council.
 - The application Ref SB/18/03/03145/OUT, dated 23 November 2018, was refused by notice dated 29 March 2019.
 - The development proposed is the erection of 199 dwellings (including affordable housing) and associated development in outline with all matters reserved except for access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 199 dwellings (including affordable housing) and associated development with all matters reserved except for access at Land North of Cooks Lane, Southbourne, West Sussex in accordance with the terms of the application, Ref SB/18/03/03145/OUT, dated 23 November 2018, subject to the conditions on the attached schedule.

Procedural Matters

2. The application is made in outline with all matters reserved for subsequent approval, except for access. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the Council can demonstrate a five year supply of land for housing.
 - Whether the proposal would harm the settlement pattern in the area in the light of planning policies which seek to manage the location of new housing development.

Reasons

Five year supply of land for housing

4. The Council and the appellant are in agreement on a number of aspects of the housing land supply position. These are set out in the joint Statement of Common Ground on Housing (SCGH) supplemented by an agreement on the contribution of small sites/windfalls reached at the Inquiry. However there are differences relating to both requirement/need and supply. The appellant considers that there is around 3.5 years supply whilst the Council considers supply to be around 5.4 years.
5. The *Chichester Local Plan: Key Policies 2014-2029* (the Local Plan) sets out a housing provision figure 2012-2029 of 7,388 homes across the plan area. This equates to a figure of approximately 435 homes per year. The Inspector who examined the Local Plan made it clear in her report that the Plan was not able to meet full, objectively assessed housing need (OAN). This was due to a lack of evidence around transport infrastructure capacity. This is also set out in the supporting text to the Policy. The Local Plan was adopted on the basis that it would be reviewed within five years to aim to ensure that OAN would be met. The parties agree that the Local Plan figure, adjusted, would result in a requirement of 463 dwellings per annum or a total of 2313 dwellings 1 April 2019 to 31 March 2024.
6. The appellant considers that the Local Plan figure is not the appropriate figure to be used to calculate five year supply since more than five years have elapsed since the start of the Local Plan period, and that the Local Plan should have been reviewed.
7. Paragraph 73 of the National Planning Policy Framework (the Framework), states that local planning authorities should identify a supply of deliverable housing sites to provide a minimum of five years worth of housing against their housing requirement set out in strategic adopted policies or against their local housing need where the strategic policies are more than five years old.
8. Planning Practice Guidance on Housing Supply and Delivery (PPG HSD) indicates at paragraph 005 that housing requirement figures identified in adopted strategic housing policies should be used for calculating the five year housing land supply figure where the plan was adopted in the last five years. The Local Plan was adopted in July 2015. I place significant weight upon this aspect of the PPG HSD.
9. PPG HSD indicates at paragraph 03 that where strategic policies are more than five years old or have been reviewed and in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement.
10. At the Inquiry there was some dispute as to the stage the Council is at in reviewing the Local Plan. It is clear that the preparation timetable has slipped. The Council consulted on its *Chichester Local Plan Review 2035* (the Local Plan review) in December 2018 and is currently intending to consult on its draft plan and submit it for examination this Summer.

11. A number of appeal decisions in the district have been submitted to me where Inspectors have based the five year requirement on the housing provision figures in the Local Plan. Whilst the most recent of such decisions was late 2018, they do show that the Local Plan housing provision has been used to calculate need in accordance with the PPG HSD. The Local Plan is still within five years from adoption. Whilst its strategic policies are acknowledged to be in need of review, this has been the case for some time. I therefore consider that the Local Plan housing provision should be used as the basis for calculating the five year housing requirement.
12. In terms of supply the parties dispute only three sites within the Council's Housing Land Position Statement as at April 2019.
13. *Brackelsham Lane* has outline planning permission for 8 dwellings. A reserved matters application has not been submitted, but a full application for 9 dwellings on the site has recently been made to the Council. Annex 2 of the Framework indicates that where sites that do not involve major development have planning permission, they should be classed as deliverable unless there is clear evidence that homes will not be delivered within five years. The outline is still valid and simply the submission of a full application on the site does not provide clear evidence that homes will not be delivered on the site within the period. Indeed it suggests that development is likely. I do not see any conflict in this approach with my colleague in the decision¹ referred to me where he was concerned about the inclusion of sites granted planning permission after the cut-off date.
14. *Land north east of Graylingwell Park* is a proposed further phase of a development currently under construction. It has outline planning permission for 200 homes. A reserved matters application has been submitted and validated. The developer is a national housebuilder. In its rebuttal evidence the Council stated that construction is phased to start two years after the submission of reserved matters. At the inquiry the Council explained that this referred to the construction of the houses themselves not the site. There is no planning performance agreement and the access road has yet to be constructed. The Council considers that the site will contribute 150 dwellings during the five year period. However on the basis of the evidence before me, I consider that the site will only deliver full year completions in the 2022/23 and 2023/24 periods and I have no evidence which indicates that this would be as high as the 50 per year that the Council suggest. I consider a 40 dwellings per annum figure to be more realistic and that this would apply for the final two years of the five year period. Consequently I have assumed a contribution of 80 dwellings from this site towards the five year supply.
15. *Land west of Centurion Way* is part of a proposed urban extension to Chichester. The parties do not dispute that it will contribute to the five year supply, but do dispute by how much since they disagree on build out rates. I find some merit in the Council's argument that the urban extension nature of this site means that the delivery rates could be higher than on traditional sites in the District, and there is some evidence from national sources that this is possible. The Council has also pointed to the estimates of the two developers. The appellant referred me to an appeal decision² in the District where the Inspector considered that a figure of 40 dwellings per annum was realistic. That

¹ APP/W3520/W/18/3194926 Land on the East side of Green Road, Woolpit, Suffolk

² APP/L3815/W/16/3165228, Land at the corner of Oving Road and A27, Chichester PA20 2AG

site may well be different in terms of its characteristics to the proposed urban extension. However I consider that at this stage with a start not made on site, which is a different position to the example given within the decision³ referred to me by the Council, I have little substantive evidence that the build out rates will be as high as the Council suggest. Therefore I consider it more realistic to rely upon the 40 dwellings per annum figure per builder. This would provide 240 dwellings in the five year period.

16. The parties have reached agreement on the contribution of windfall/small sites and the updated agreed HLS Scenarios presented at the Inquiry set out the respective positions of the Council and appellant. As set out above, I have found that the Council's agreed estimate of supply of 2,498 units should be reduced by 130 units which would provide a total supply of 2,368 units against a requirement of 2,313 units. This would give it a surplus of 55 units and around 5.17 years supply.
17. It is clear from the Local Plan Inspector's Report and from the supporting text to the Local Plan housing policies that they do not provide for OAN at the time of the examination. I have had regard to the judgement⁴ referred to me by the Council in this respect. It is also clear from OAN figures presented to this Inquiry that as at April 2019 OAN was considerably higher than the Local Plan annual housing figure. The appellant suggested that this would mean that the housing land supply position would 'drop off a cliff-edge' in July 2020 when the Local Plan would reach the period of five years since adoption.
18. Whilst I don't necessarily concur with the cliff-edge scenario referred to by the appellant, it is clear that the release of additional land for housing now, would greatly assist the Council in meeting its requirement to provide a five year supply in the future. The SCGH indicates that the Council considers that a local housing need figure used by the standard method would currently lead to a requirement of around 609 homes per annum plus a 5% buffer.
19. The evidence base in the future might be different to that which exists now, and at the Inquiry the Council suggested it might have a better housing land supply position in 2020/21 although it offered no specific evidence. However, it appears to me, on the basis of the evidence presented, that there is a good prospect that the five year housing requirement for the District will need to increase from that within the Local Plan and which I have accepted in this appeal. The Government's objective to significantly boost the supply of housing is a consideration to which I attach substantial weight, particularly so given the impending challenge in this District for the Council to meet its five year land supply requirements following the expiry of the five year adoption period of the Local Plan.

Whether the proposal would harm the settlement pattern in the area in the light of planning policies which seek to manage the location of new housing development.

20. The appeal site is a flat area of agricultural land to the east of Southbourne, immediately adjacent to an existing area of housing. Southbourne village has a station with frequent services to Portsmouth/Southampton and Chichester, and a range of local facilities and services including a primary school, a library, a doctor's surgery, a leisure centre and some shops.

³ APP/L3815/W/17/3182355, Land at Koolbergen, Kellys and Bellfield Nurseries, Birdham, Chichester.

⁴ Phides v SSCLG [2015] EWHC 827 (Admin)

21. Policy 2 of the Local Plan identifies Southbourne as one of the four Settlement Hubs in the District. It states that there will be a medium-scale extension in Southbourne. The policy seeks to direct development to sites within the settlement boundaries which its states will be reviewed in neighbourhood plans. The policy also states that development in the countryside, outside of the settlement boundaries, such as the appeal site, is restricted to that which requires a countryside location or meets essential needs or rural diversification.
22. Policy 20 of the Local Plan states that land will be allocated in Southbourne, within the *Southbourne Neighbourhood Plan* (the Neighbourhood Plan), for 300 homes, supporting local facilities and community uses and open space and green infrastructure. It does not specify that the 300 homes figure is a cap.
23. Policy 5 of the Local Plan states that a further 50 housing units to meet the specific needs of local communities will be identified on small sites in the Neighbourhood Plan as parish housing sites 2012-2029. This policy does not state that the 50 units figure is a cap. Indeed it refers to 'indicative' housing numbers. I do not find conflict with this Policy.
24. It is common ground that the 350 homes identified in Policies 5 and 20, and in the made Neighbourhood Plan have been consented and some have been or are being delivered. Indeed since the start of the Local Plan period some 391 units have been granted planning permission in Southbourne. In this sense the scale of development set out in Policy 20 has been provided for by the schemes which have received consent.
25. The figure of 300 homes in Policy 20 is not a cap, nonetheless the proposal would exceed the scale of strategic development envisaged for Southbourne within this policy. However Policy 20 is an allocation policy setting the framework and direction for the Neighbourhood Plan to specifically allocate the sites. This process appears complete. Policy 20 does not seek to prevent development beyond the 300 homes and does not specify how proposals beyond the reaching of this figure will be determined. Whilst the proposed development is beyond the scale identified in Policy 20, for the reasons set out above I do not find direct conflict with it.
26. The appeal site lies outside of the settlement boundary of Southbourne identified in the Neighbourhood Plan. The Court of Appeal judgement⁵ found that a proposal on an adjacent site to the current appeal was not contrary to the policies of the Neighbourhood Plan even though it lay outside of the settlement boundary. The judgement supported the view that the Neighbourhood Plan policies did not have anything to say on development on unallocated sites beyond the settlement boundary. The Council accepts that this is the case with the current proposal.
27. Policy 45 of the Local Plan seeks to control development in the countryside. It states that outside of settlement boundaries development will be granted where it requires a countryside location and meets certain criteria. The scale of development allowable under this policy is small scale and it is not disputed that the proposal is contrary to it.

⁵ Chichester DC v SSHCLG and Beechcroft Land Ltd EWCA Civ 1640

28. For the reasons above I therefore find that the proposed development would be contrary to Policies 2 and 45 of the Local Plan. It would also be inconsistent with the aims of the Neighbourhood Plan, but not contrary to its policies.

Other considerations

29. The main parties agree that the proposal would not result in harm in respect of issues more commonly raised such as character and appearance, living conditions, or environmental matters. The main parties also agree that Southbourne is in an accessible location and has a range of supporting services. It is not disputed that the appeal site is within easy walking distance of the facilities and services of the village. As a Settlement Hub the Council consider it second only to Chichester in terms of sustainability.
30. The Council contend that the main harm would be to the plan-led process, and in particular that approval of the proposed development would undermine the neighbourhood planning process in Southbourne. It is evident that the Parish Council is actively reviewing the Neighbourhood Plan and that process includes exploring three strategic options for the future development of the village. One of those options, referred to as Option C by the Parish Council, proposes the further development of Southbourne to the east, an option which includes the appeal site. That Option includes new infrastructure including land for a community hub. The Parish Council is pushing forward with the review and there is clearly a considerable amount of work being put into it. However, the review is still at an early stage and a draft plan has not yet been prepared. It therefore has limited weight.
31. The Council considers that the proposal would be of a scale that is significantly beyond the development proposed for Southbourne in the Local Plan and would not accord with the aims of the extant Neighbourhood Plan which directs development to certain locations in the village, not including the appeal site. It is significantly greater in size than the Breach Avenue scheme.
32. The proposed development would deliver a number of benefits. The Council contend that these benefits would accrue to any similar proposal in the village through a plan-led process. This may be the case, but there are significant benefits associated with the proposal including the provision of affordable housing, contribution to off-site recreational facilities and off-site transport improvements. The proposal would contribute to the Neighbourhood Plan's proposed 'green ring' around the edge of Southbourne through a belt of tree planting, soften the existing somewhat hard edge to the west of the appeal site and provide biodiversity gains. These are not disputed. I attach significant weight to all of these benefits. I attach moderate weight to the economic benefits associated with the construction of the scheme.
33. The proposal would boost the supply of housing in the District and provide housing on a site which is unconstrained by specific infrastructure requirements. The Framework states that it is the Government's objective to significantly boost the supply of housing and I place substantial weight on this consideration.

Other matters

34. The highway authority and the appellant have signed a statement of common ground on transport matters (SCGT). Many representations have been made

from local residents expressing concerns over the potential traffic impacts. The particular concerns relate to the width of Cooks Lane, the potential for rat running through the existing housing areas and the potential for congestion both at the Cooks Lane/Stein Road junction and at the Stein Road railway crossing.

35. As part of the proposal, Cooks Lane would be widened leading into the village and a new footway created. This is shown on the submitted access plan.
36. The proposal would add to traffic movements travelling through the village but I am satisfied that this would not cause adverse impacts on highway safety or undue levels of congestion at peak times. The proposal would add around an additional vehicle per minute heading into or out of the village along Cooks Lane according to the submitted transport assessment. Having regard to paragraph 109 of the Framework, I am satisfied that the residual cumulative impacts on the road network including, Cooks Lane, Inlands Road, the junctions on Stein Road or at the railway crossing would not be classed as severe so as to warrant the dismissal of the appeal. Whilst the Parish Council is working on masterplanning for the village which includes options for a new road crossing over the railway line, that is at an early stage and there is no evidence that the development proposed in this appeal cannot proceed without that infrastructure being in place.
37. The proposal would add to infrastructure needs in the community, but I have no evidence to indicate that these would not be adequately addressed through the off-site financial contributions to be made as part of the planning obligations as well as through the Community Infrastructure Levy.
38. I am satisfied that the proposals would not lead to harm to ecology and indeed the main parties agree that there would be some biodiversity gains. Other site concerns of residents such as drainage could be addressed through the imposition of appropriate conditions.

Planning Balance

39. I have found that the proposed development would be contrary to Policies 2 and 45 of the Local Plan. This is principally as a result of being located outside of the settlement boundary of the village and therefore subject to those policies which seek to limit development in the countryside which both Policies 2 and 45 of the Local Plan aim to achieve.
40. The Council can demonstrate a five year supply of housing.
41. The Local Plan review is at an early stage and can only carry limited weight in the decision making process. Nevertheless the Local Plan was found sound and adopted on the basis of having a lower housing provision than OAN at the time of its examination and that it needed to be reviewed within five years to ensure OAN is met. Although there was disagreement at the Inquiry between the Council and the appellant over the meaning of review, it is clear that the Council has considered the position regarding the Local Plan and decided that it needs updating. The Local Development Scheme includes a commitment to review and that process has slipped. The Local Plan review has been consulted on.
42. The two representatives of the Parish Council who provided evidence to the Inquiry spoke passionately and articulately about the work being undertaken to

review the Neighbourhood Plan and how the community wished to lead the masterplanning of the village. The Parish Council is planning for a potential further 1250 homes in the village in line with the Local Plan review. The Parish Council is genuinely trying to shape the future of Southbourne.

43. The Parish Council is considering a number of options but although valuable work has been undertaken in developing and consulting on them, the review of the Neighbourhood Plan is still at an early stage. One consultation option included a community hub on part of the appeal site, but this is only a consultation option in the process, notwithstanding that it was one which had support. However, I have no evidence before me which indicates that the allowing of this appeal would prevent or frustrate the provision of a community hub in the village in the future.
44. Paragraph 50 of the Framework states that refusal of planning permission on the grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination or before the end of local authority publicity period on a neighbourhood plan. This is the case here, notwithstanding the Framework's references in paragraph 29 to the power neighbourhood planning gives to local communities in developing a shared vision for their area.
45. The District Council's witness gave evidence that the neighbourhood planning process should be allowed to run its course and that the social objective of sustainability as set out in the Framework would be compromised if the appeal succeeded. In cross examination, this witness said that the concern was one of a 'plan-led timing point' not prematurity. However the Council's position essentially did relate to a prematurity argument.
46. The proposal would lie outside of the defined settlement boundary of Southbourne as set out in the Neighbourhood Plan. However that boundary has already been broken in the vicinity of the site by the allowing of the Breach Avenue appeal⁶. On my site visit I could see the site preparation works for that development underway and how the site extends beyond the settlement boundary. I have had regard to this in reaching my decision.
47. The proposed development would be contrary to Policies 2 and 45 of the Local Plan. It would not be contrary to the policies of the extant Neighbourhood Plan.
48. Section 70 (2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
49. In this case, the proposal would bring benefits to which I attach significant weight, and construction benefits. It would be located in an accessible location on the edge of a village well served by transport and services. It would not lead to any identified development control type planning harm. Fundamentally it would provide housing which would boost the supply of housing in a District which whilst it has a five year supply currently, needs to ensure that housing supply is maintained in the future particularly given that it is unlikely to be able to rely upon its Local Plan provision figure in the near future. I have attached substantial weight to the contribution that this site can make to boosting the

⁶ APP/L3815/W/17/3173380

supply of housing particularly in the circumstances outlined. In attributing this weight, I have taken into account the Council's contention that houses would not be completed on this site until after the Local Plan review will be adopted. However, that is not certain to be the case, and in any event any plan-led site would most likely have a similar such lead in time.

50. Overall I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal taken together. This consideration is sufficient to overcome the conflict in this case with Policies 2 and 45 of the Local Plan and the aim of the Neighbourhood Plan with regard to the scale and location of new housing.

Planning Obligations

51. The Council and the appellant have submitted a signed and completed Section 106 agreement. It seeks to secure on site provision of affordable housing in accordance with the requirements of the Local Plan as well as the provision of open space and landscape buffers around the edges of the site. It also seeks to secure contributions for recreation disturbance, off-site recreational facilities and off-site highway works including improvement to junctions on the A27. Provision is also made for the payment of a monitoring fee.
52. I consider that the obligations accord with the Local Plan and the Council's Planning Obligations and Affordable Housing Supplementary Planning Document. The obligations are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind to the development. As such the obligations meet the requirements of Paragraph 56 of the Framework. The Council has submitted a Community Infrastructure Levy Compliance Statement, and I am satisfied that the requirements of the Community Infrastructure Levy Regulations 122 and 123 are met.
53. I have taken the submitted planning obligations into account in arriving at my decision and give significant weight to them.

Planning Conditions

54. The Council and the appellant have agreed a list of suggested conditions which were presented to the Inquiry. I have considered these having regard to the Framework and Planning Practice Guidance. I have made a small number of minor amendments to the wording of these conditions for clarity.
55. Conditions are necessary to set out the requirement to submit reserved matters details apart from access within three years from the date of the permission, and to specify that development must be begun within two years of the date of approval of the last of the reserved matters applications.
56. A condition is necessary to specify the plans to which the permission relates for certainty. There is also a need for a condition to specify that the permission provides for no more than 199 dwellings in the interests of certainty and clarity and because the proposal has been consulted on and considered on that basis.
57. A condition is necessary to require the submission and approval of a Construction and Environmental Management Plan in the interests of residential amenity and highway safety. Since there is potential archaeological significance

- on the site, there is a need for a condition requiring the submission and approval of a scheme of archaeological investigation prior to work commencing.
58. Conditions are required relating to the submission of details of both surface water (including Sustainable Urban Drainage Systems) and foul water drainage schemes, prior to commencement.
59. A condition is necessary to require details of the reptile mitigation strategy in the interests of ecology. There is a need for a condition to require the protection of the existing trees and hedges which are to be retained during construction, in the interests of amenity. A condition is necessary to require the submission and implementation of a strategy for sustainable construction in accordance with Policy 40 of the Local Plan in the interests of the environment.
60. In the interests of residential amenity, a condition is necessary to require submission and approval of external lighting prior to first occupation.
61. A number of conditions relating to transport matters are necessary in the interests of highway safety and sustainable transport. These include the need to submit and adhere to a Travel Plan; requirement for car charging facilities to be provided; requirements for cycle parking; requirements for the developer to enter into agreements under the Highways Act 1980 to ensure off site highway measures are put into place, and the requirement for the site vehicular access to be fully constructed before the occupation of any house.
62. Other conditions are necessary to ensure the approval of details and implementation of fire hydrants, and to require that if contamination is found on the site during construction, an approved investigation process is followed.

Conclusion

63. For the reasons set out above, I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Parkinson	Of Counsel, instructed by Nicola Golding, Chichester District Council
He called Jeremy Bushell	Principal Planning Officer, Chichester District Council
Alex Roberts	Director, DLP Planning

FOR THE APPELLANT:

Richard Turney	Of Counsel, instructed by Rydon Homes
He called Christopher Hough Mark Gimingham Jacqueline Mulliner	Sigma Planning Partner, i-Transport Director, Terence O'Rourke

INTERESTED PERSONS:

Mrs Joan Skynner	Local resident
Councillor Jonathan Brown	Councillor, Chichester District Council and Southbourne Parish Council
Councillor Amanda Tait	Chairman, Planning Committee, Southbourne Parish Council
David Hanneman	Local resident
Roy Seabrook	Local resident

DOCUMENTS

- 1 Council's opening submission
- 2 Appellant's opening submission
- 3 Extracts from Planning Practice Guidance (submitted by Council)
- 4 Statement of Councillor Jonathan Brown
- 5 Updated Housing Land Scenarios Table agreed by Appellant and Council
- 6 Updated agreed list of suggested conditions
- 7 Letter from appellant agreeing to pre-commencement conditions
- 8 Signed and completed Section 106 agreement
- 9 Council's closing submissions and appendices
- 10 Appellant's closing submission and addition.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 10451-OA-01; ITB7261-GA-007 Rev C.
- 5) The development hereby permitted shall be for a maximum of 199 dwellings.
- 6) No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:
 - i) the programme of construction works including the demolition of the existing barn and details of any proposed phasing of the development;
 - ii) the anticipated number, frequency and types of vehicles to be used during construction
 - iii) the location and specification for vehicular access during construction.
 - iv) the parking of vehicles of site operatives and visitors;
 - v) loading and unloading of plant, materials and waste;
 - vi) storage of plant and materials used in constructing the development including measures for the appropriate storage of fuel and chemicals in bunded tanks or paved areas;
 - vii) the location of any site huts/cabins/offices;
 - viii) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - ix) the provision of road sweepers, wheel washing facilities and specify the type, details of operation, and location of other works to mitigate the impact of construction on the public highway (including the provision of temporary Traffic Regulation Orders);
 - x) details of public engagement both prior to and during construction works, including a named person to be appointed by the developer to deal with complaints who shall be available on site and contact details made known to all relevant parties;
 - xi) measures to control the emission of dust and dirt during construction including a dust management plan which will also provide measures for monitoring and remedial actions;

- xii) measures to control the emission of noise and air pollution during construction including turning off vehicle engines and machinery when not in use;
- xiii) details of all proposed external lighting to be used during construction and measures to be used to limit disturbance. Lighting shall be for security and safety purposes only;
- xiv) a scheme for recycling/disposing of waste resulting from demolition and construction works including measures to prevent burning, and the provision of temporary domestic waste and recycling facilities during construction of the site;

The approved CEMP shall be adhered to throughout the construction period for the development.

- 7) No development shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details.
- 8) 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. 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.
- 9) 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 completed 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.
- 10) No development, including site works of any description, shall commence until full details of the reptile mitigation strategy set out in section 4 of the Updated Extended Phase 1 Habitat and Protected Species Survey Report (November 2018) including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed mitigation strategy and timetable.

- 11) No development, including site works of any description, shall commence, nor shall any equipment, machinery or materials be brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres. The details of the fence shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left un-severed. All works shall be in accordance with BS 5837:2012
- 12) No dwelling shall be constructed above damp proof course level until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and shall achieve a maximum of 110 litres per person per day water use. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.
- 13) Before the first occupation of any dwelling hereby permitted a Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. The Travel Plan 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.
- 14) Details of any external lighting of the site (excluding domestic security lighting) shall be submitted to, and be approved in writing by, the Local Planning Authority before first occupation of any dwelling hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed in accordance with the approved details.
- 15) Before first occupation of any dwelling hereby permitted the road(s), footways, car parking spaces and turning areas serving that part of the development (where 'part' is an area of the site to be first agreed in writing by the Local Planning Authority) shall have been constructed, surfaced and drained in accordance with plans and details that shall first have been submitted to and been approved in writing by the Local Planning Authority. Once provided the car parking spaces and turning areas shall thereafter be retained for their designated use.

- 16) Before first occupation of any dwelling hereby permitted covered and secure cycle parking spaces serving the respective dwelling shall be provided in accordance with plans and details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking spaces shall be retained for that purpose in perpetuity.
- 17) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.
- 18) In the event that land contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until; i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, and ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the local planning authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.
- 19) The parking provision for the development hereby permitted shall accord with the West Sussex County Council: Guidance on Parking at New Developments (August 2019) (the WSCC Guidance) or any subsequent revisions. Specific provision shall be made for Electric Vehicle (EV) charging facilities to include passive provision through ducting to allow EV charging facilities to be brought into use for the whole site. Active EV charging shall be provided in accordance with the table at Appendix B of the WSCC Guidance 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.
- 20) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Potential site access arrangements' and numbered ITB7261 GA-007 C.
- 21) Before the development hereby permitted is occupied, the developer shall enter into an agreement pursuant to the Section 278 of the Highways Act 1980 with the County Council to provide for the tactile paving and dropped kerbs as shown on the submitted Drawing ITB7262-GA-018A. The tactile paving and dropped kerbs shall then be provided in accordance with a timetable to be established by the Section 278 Agreement.
- 22) Before the development hereby permitted is occupied, the developer shall enter into an agreement pursuant to Section 278 of the Highways Act 1980 with the County Council to provide for the keep clear markings as shown on Drawing ITB7261-GA-019. The keep clear markings shall then be provided in accordance with a timeline to be established by the Section 278 Agreement.

- 23) Notwithstanding any details submitted, no development shall commence until details of a system of foul drainage of the site have been submitted to, and been approved in writing by, the local planning authority. Any variance in the approved details must be agreed in writing with the local planning authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no dwelling shall be occupied until the approved works have been completed.

-----End of Conditions-----

Richborough Estates