

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE ORDER) 2015 (now, as amended)

To:
Agent :

Applicants Details :

Mr Nicholas Billington
WYG
1st Floor, The Pavilion
Botleigh Grange Office Campus Hedge
End
SO30 2AF

Miller Homes Ltd
C/o Agent

In pursuance of their powers under the above-mentioned Act and Orders, the Council hereby notify their **APPROVAL** to the above mentioned application comprising:

**All outstanding Reserved Matters for the erection of 154 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 3, Parcel E, pursuant to permission 14/04301/OUT.
Land On The West Side Of Broyle Road Chichester West Sussex**

being matters reserved for the subsequent approval of the District Planning Authority in the permission issued on 11/04/2018 in response to Outline Application .
subject to compliance with the conditions specified here under CC/14/04301/OUT.

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

- **CB_70_068_P3_E** :000 rev A; 001 rev M; 002 rev A; 003 rev A; 004 rev A; 005 rev A; 006 rev A; 007 rev A; 008 rev A; 009 rev A; 011 rev A; and 012 rev A.
- **CB_70_068_P3_E** : CA_SS_01 rev A, 02 rev A, 03 Rev A, 04 rev A, 05 rev A and 06 rev A; ES_SS_01 rev A; GC_SS_01 rev A; NQ_SS_01 rev A; SS_SS_01 rev A and 02 rev A.
- **CB_70_068_P3_E_CA** : WO_E01, E02, P01; IN_E01, E02 rev A, E03 rev A, P01 rev A; KI_E01 rev A, E02 rev A, E03, P01; PA_E02 rev A, E03 rev A, P01 rev A; EA_E01 rev A, E02 rev A, E03 rev A, P01; TI_E01 rev A, E02 rev A, P01, E03 rev A, E04 rev A, E05, P02 rev A; BR_E01 rev A, P01 rev A, E02 rev A, E03 rev A, E04 rev A, P02 rev A, E05 rev A, P03; RE_E01 rev A, P01; 4BH_E01 rev A, P01, E02 rev A, P02, E03 rev A, P03; 3BH_E01 rev A, P01 rev A, E02 rev A, P02, E03 rev A, P03 rev A, E04 rev A, P04 rev A, E05 rev A, P05; 2BHW_E01 rev A, P01 rev A, E02, P02; 2BH_E01 rev A, P01 rev A, E02 rev A, P02 rev A, E03 rev A, P03 rev A, E04, P04
- **CB_70_068_P3_E_ES** : EA_E01, E02, P01; TI_E01 rev A, E03, P01, E02 rev A, P02.
- **CB_70_068_P3_E_GC** : WO_E01 rev A, E02 rev A, P01 rev A; IN_E01 rev A, P01; EA_E01 rev A, E02 rev A, E03 rev A, P01; TI_E01 rev A, P01.
- **CB_70_068_P3_E_NQ** : IN_E01, P01; KI_E01, E02, P01; EA_E01 rev A, E02 rev A, E03 rev A, E04 rev A, E05 rev A, P01; TI_E01 rev A, P01

- **CB_70_068_P3_E_SS_**: KI_E01 rev A, P01 rev A; PA_E01, P01; EA_E01 rev A, E02 rev A, E03, E04, P01; TI_E01 rev A, E02 rev A, P01, E03 rev A, P02; BR_E01 rev A, E02 rev A, P01; 3BH_E01 rev A, E02 rev A, P01 rev A; 2BHA_E01, P01; 2BH_E01, P01.
- **CB_70_068_P3_E_GAR_**: 01, 02, 03 rev A, 04 rev A, 05, 06 rev A, 07.
- **MILL22701_**: 03 rev B, 10 rev E, 11 rev C (Sheets 1 to 9), 12 rev D (Sheets 1 to 9)
- **MLR/E4837/**:001 rev F, 002 rev F, 003 rev F, 007 and 008
- 817046-MILLER-01
- Parcel E Ecological Enhancement Plan Rev A

Reason: To ensure the development complies with the planning permission.

- 2) **No development shall commence**, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the submitted Tree Protection Plan (ref. MIL22701-03B Phase 3 Parcel E). Thereafter the protective fencing shall be retained for the duration of the works and the development shall be carried out in strict accordance with the recommendations and methodology of the submitted Arboricultural Impact Assessment and Method Statement (ref. MILL22701aia-amsA Phase 3 Parcel E Revision A) and in accordance with BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees on and around the site are adequately protected from damage to their health and stability and/or amenity value. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 3) All soft landscape works shall be carried out in accordance with the approved details and plans and specifications as listed below and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion of the development or occupation of the final dwelling** whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. 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:
- Soft Landscape Proposals plans MIL22701 Rev 11C Sheets 1 to 9
 - Soft Landscape Specification document ref MILL22701 spec

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

- 4) **No development above ground level shall commence** until detailed drawings of the treatment of verges for all roofs (main roofs, garages and pitched roof porches) have been submitted to and 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 treatment used is appropriate in the interest of amenity and to ensure a development of visual quality

- 5) **No development above ground level shall commence on plots 6, 8, 9, 17, 27, 61, 101, and 102** until a sample panel of flint has been constructed and made available for inspection on site, to accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar. The flint sample panel shall be approved in writing by the Local Planning Authority before work commences on the flint elevations. The approved flint sample panel shall be retained on site until the work is completed on the above plots and the work shall be carried out in full accordance with the approved details.

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

- 6) **Notwithstanding the submitted plans, no development in respect of the following aspects of the development** shall be carried out unless and until details of the same, including a timetable for their implementation, have first been submitted to and approved in writing by the Local Planning Authority:
- highway raised tables, ramps, rumble strips, build-outs (including reflective bollards) and pedestrian crossing points (locations and specification)
 - SANGS Cycle Link: signage, surface markings, bollards and transition to adjoining road surfaces
 - provision for pedestrians and cyclists to pass through the landscaped areas between the shared surface areas adjacent to Plots 57/58, 61/72 and 133/134.
 - the method of terminating the shared surface road where it meets the eastern boundary of the site between Plots 7 and 8.

The above aspects of the development shall be carried out in full accordance with the approved details and thereafter retained in a condition that is fit for purpose in perpetuity.

Reason: To ensure the treatment used is appropriate in the interest of amenity, highway safety and to ensure a development of visual quality

- 7) **Notwithstanding the submitted plans**, the footway shown adjacent to the side elevation of Plot 70 on layout drawing CB_70_068_P3_E_001 Rev M shall, prior to occupation of Plot 70, extend in matching materials and construction to meet the indicated pedestrian crossing point shown adjacent to the north-eastern corner of the dwelling.

Reason: To provide a consistency of approach to the provision for pedestrians and in the interests of highway safety.

- 8) **No dwelling hereby permitted shall be first occupied** until the vehicular accesses, roads, footways and vehicle turning areas serving that dwelling have been constructed, surfaced and drained in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access for the proposed development and in the interests of road safety.

- 9) **No dwelling hereby permitted shall be first occupied** until the provision for vehicle parking (including garaging) and cycle and bin storage associated with that dwelling has been constructed in accordance with the approved plans and is ready for use. This provision shall thereafter be retained at all times for its designated use.

Reason: To provide adequate on-site car and cycle parking and waste storage for the development

- 10) **No dwelling hereby permitted shall be first occupied** until the solar panels associated with that dwelling have been constructed in accordance with details to be approved pursuant to condition 28 of application reference 14/04301/OUT and are ready for use.

Reason: To secure an energy supply from renewable resources, to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

- 11) The visitor parking spaces serving the development shall have been constructed, surfaced and drained in accordance with the approved plans **prior to first occupation of the closest dwelling to each visitor space hereby permitted**. The visitor spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access and parking for the proposed development and in the interests of road safety.

12) The development shall not be carried out other than in accordance with the archaeological safeguarding measures set out on application drawing 817046-MILLER-01. Further, prior to occupation of the 154th dwelling an interpretation board shall be erected in accordance with the aforementioned drawing and thereafter maintained in the approved location in perpetuity in accordance with maintenance arrangements that have first been agreed in writing with the Local Planning Authority.

Reason: To safeguard the Chichester entrenchments archaeological feature and to ensure members of the public are able to interpret it.

13) Notwithstanding the block paving details shown on the submitted hard surfacing drawings the final details of the block paving (in terms of whether it is permeable or non-permeable) shall be approved pursuant to condition 13 on application reference 14/04301/OUT.

Reason: To retain flexibility and to allow full consideration of the surface water drainage pursuant to condition 13 on application reference 14/04301/OUT.

14) 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.

INFORMATIVES

1) 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.

2) This permission shall be read in conjunction with the planning conditions imposed on the outline consent 14/04301/OUT, and the associated Legal Agreement, dated 11th April 2018, made under Section 106 of the Town and Country Planning Act 1990.

- 3) You are reminded that, notwithstanding the information contained in the submitted plans in connection with various detailed matters such as external materials, ecological mitigation and enhancements and sustainability measures, where the approval of the same or similar details is also a requirement of the conditions of the outline planning permission, those conditions and the details approved pursuant to them shall take precedence
- 4) The applicant is requested to ensure that purchasers of new dwellings are provided with an opportunity to purchase additional solar photovoltaics panels for their dwelling and/or garage, where the purchase takes place before the completion of the dwelling and/or garage (i.e. off plan or before completion of the roof). An undertaking to this effect should be included in the details submitted in order to discharge condition 28 of application reference 14/04301/OUT in respect of this phase of the development.
- 5) With regard to conditions 6 and 7 you are advised to refer to the comments of the Local Highway Authority dated 5 May 2020 in terms of the likely requirements in connection with the matters and details referred to therein.
- 6) With regard the belt of landscaping to be formed along the eastern boundary of the site, you are advised that details of the arrangements for the long-term maintenance of this area should be submitted when discharging condition 9 of outline permission CC/14/04301/OUT in respect of this development parcel.
- 7) You are advised that when discharging condition 9 (Landscape and Ecological Management Plan) of outline planning permission CC/14/04301/OUT in respect of this phase of the development details of the provision for and maintenance of litter and dog waste bins and benches shall be submitted.
- 8) The applicant is reminded of the Local Planning Authority's expectation that, in accordance with the indicative proposals and commitments provided in connection with the application the subject of this Notice, a dedicated pedestrian/cycle link between Parcel P6.I and Centurion Way will be provided as part of the forthcoming Reserved Matters application in respect of that development parcel.

INFORMATIVE

The applicant is reminded that the Council operate a formal procedure for the discharge of conditions. Details of this procedure can be found on the Council's website (<http://www.chichester.gov.uk/planningadvice#planningapplications>) or by telephone (01243 534734).

The plans the subject of this decision can be viewed on the Council's website www.chichester.gov.uk quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as 'Plans-Decided'.

Date : 4 June 2020

Signed:



Andrew Frost
Director of Planning and the Environment
Chichester District Council

*NOTE: The words in brackets do not apply unless a copy of the relevant correspondence is attached.

NOTES

Town and Country Planning Act 1990 Town and Country Planning (Control of Advertisements) Regulations 1992 Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. <https://www.gov.uk/planning-inspectorate>. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or

could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.
4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.