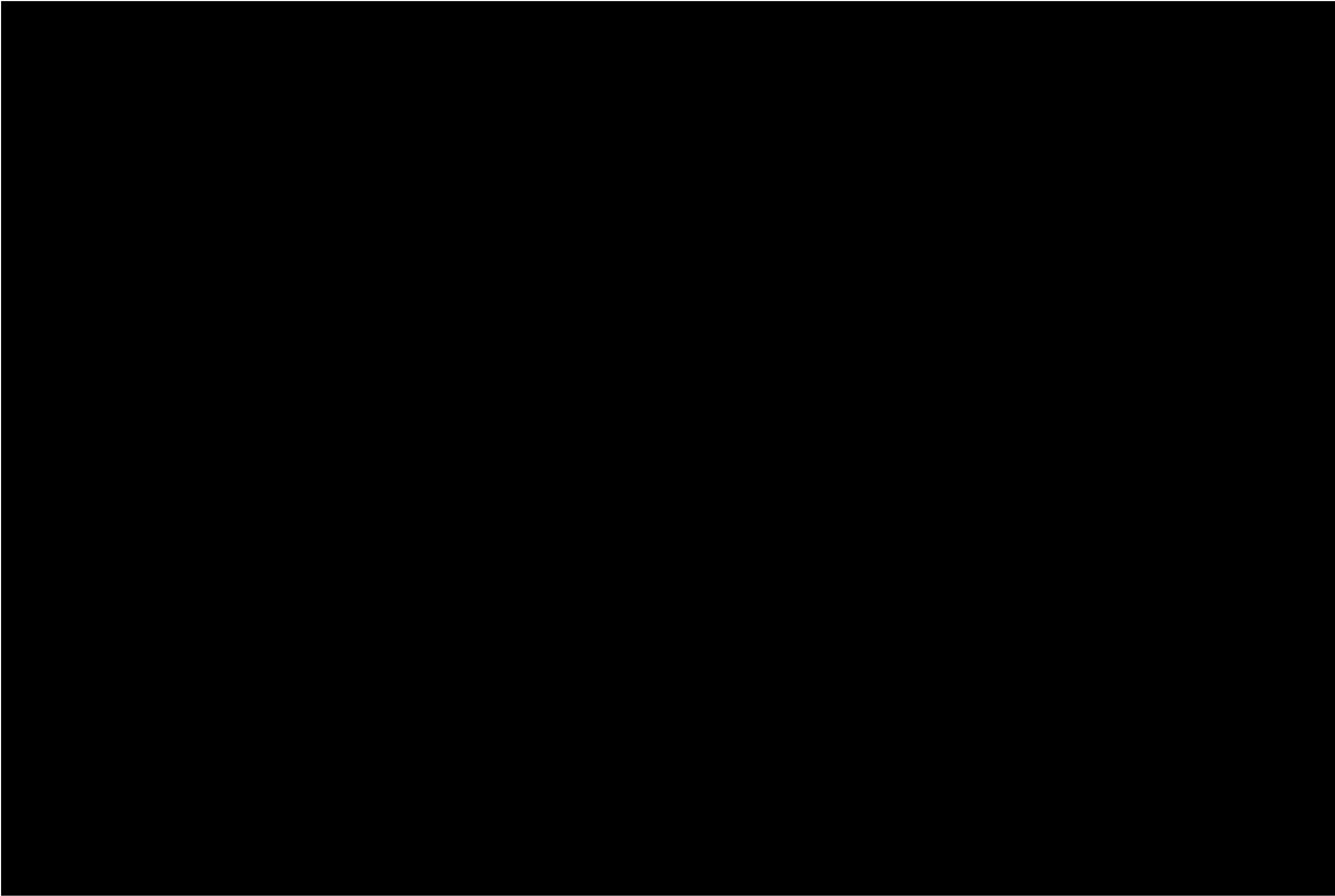




From: Anna Gillings [REDACTED]
Sent: 01 April 2019 09:35
To: Anita Gardner; Juan Baeza
Cc: Sam Rous
Subject: Broadlees, Angmering - comments on conditions

Hi Anita and Juan

Juan kindly forwarded me the committee report for the above site – which included the draft conditions. I note these include some pre comm conditions, which we had not had the opportunity to review before you went on leave. I therefore attach my comments

There's nothing fundamental at all – just seeking to tidy a few points up, including plan references etc. I would be grateful if these could either be included on an update sheet – or addressed post committee, assuming you have the delegated authority to do so.

Could you confirm these can be considered?

Otherwise we look forward to committee next week. We do note your legal position on the implementation of both schemes, but as agreed, this has no bearing on the ability to consider this application on its merits. It might be helpful if Members could be advised of this?

Kind Regards

Anna Gillings

Managing Director
Gillings Planning





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APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2 The development hereby approved shall be carried out in accordance with the following approved plans;

- o 1877-HIA-04-XX-DR-A-01001 P2 - Site Location Plan
- o 1877-HIA-ZZ-XX-DR-A-01002 P5 - Proposed Site Layout Plan
- o 1877 HIA 04 01 DR A 02001 P4 - Proposed Lower Ground Floor Plan
- o 1877 HIA 04 02 DR A 02002 P4 - Proposed Ground Floor Plan
- o 1877 HIA 04 03 DR A 02003 P4 - Proposed First Floor Plan
- o 1877 HIA 04 XX DR A 04002 P2 - Proposed Elevations (Drawing 1 of 2)
- o 1877 HIA 04 XX DR A 04003 P2 - Proposed Elevations (Drawing 2 of 2)
- o 1877 HIA 04 XX DR A 04001 P3 - Street Elevations
- o B16005 - 101 G - Landscaping Proposals Plan
- o 3834/01 Rev Q8 - Surface and Foul Water Drainage Strategy
- o 1877-HIA-ZZ-XX-DR-A-0001 P2 - Substation, cycle stands, bin store - Floor Plans and Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

4 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 approved drawing 1877-HIA-ZZ-XX-DR-A-01002 P5.

Reason: In the interests of road safety in accordance with policy TSP1 of the Arun Local Plan.

5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan 1877-HIA-ZZ-XX-DR-A-01002. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of the Arun Local Plan.

6 No development shall take place, ~~including any works of demolition~~, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the

Comment [AG1]: There is no demolition to take place

entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

The Plan shall provide for :

- a. An indicative programme for carrying out the works.
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method since foundation piling is likely to occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in construction and development.
- h. Wheel washing facilities.
- i. Measures to control the emission of dust and dirt during construction.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy DDM1 of the Arun Local Plan .

7 No part of the development shall be occupied until the footway has been extended along Dappers Lane into the development, ~~including where this crosses the highway into Water Lane~~ in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy DDM1 of the Arun Local Plan.

8 Prior to occupation of any of the building, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the ~~approved dwelling/care home~~ shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040 and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy DDM1 of the Arun Local Plan.

10 No development including site access, or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the

Comment [AG2]: This is not proposed under this application, but will be delivered as part of the original permission. It is not required as part of this application as noted in the County response which states "the provision of a footway along Water Lane would not be a requirement for this application or reason for refusal"

site have been protected by a fence in accordance with BS5837 (2012) ~~and Section 9~~, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority. No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Comment [AG3]: I understand there is no section 9 in BS 5837 2012 so it may be a typo which goes back to the previous iteration of BS 5837 2005?

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy DDM1 of the Local Plan.

~~11 Prior to occupation, the applicant shall~~ ~~Before the development commences the applicant shall provide~~ an Acoustic Report to demonstrate the way in which services to the proposed accommodation such as any form of mechanical ventilation including air conditioning; laundry and/or kitchen mechanical air handling system impact upon the nearest noise sensitive resident, proposed and existing. The rating level of the noise emitted from any external plant or equipment associated with this use shall not exceed the existing background noise level by more than 5dB(A). The measurements and assessments shall be made in accordance with BS4142:2014, Methods for Rating and Assessing Industrial and Commercial Sound. The report shall detail how the assessment has been undertaken, the results and mitigation measures required for the development. Any mitigation measures which may prove necessary are to be specified and such a scheme to be approved in writing by the Local Planning Authority.

Comment [AG4]: This trigger should be prior to occupation as there is no requirement for it to be pre comm, and so it ties into condition 13 which requires details of the equipment.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policy QE DM1.

12 Deliveries/collection by commercial vehicles shall only be made to or from the site between the hours of 08:00 and 18:00 hours Monday to Friday; 08:00 and 13:00 hours on any Saturday and not at all on any Sunday, Public or Bank Holiday.

Reason: In the interests of the residential amenities of neighbouring properties in accordance with policies D DM1 and QE DM1 of the Arun Local Plan.

~~13 The use hereby permitted shall not be commenced until~~ ~~Prior to occupation details of the equipment to be used to discharge of odour and fumes from the kitchens has been specified and agreed in writing by the Local Planning Authority.~~ The applicant shall have regard to DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005 as updated 2018.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties in accordance with Arun Local Plan policy QE SP1.

14 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local

Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

15 Development shall not commence until full details of the proposed surface water drainage scheme have 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 systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA. Winter groundwater 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. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

16 The development shall not commence until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 and W DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing

17 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

18 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A remediation strategy giving full details of the remediation measures required and how

Comment [AG5]: This change in trigger reflects the wording on 27/16/PL

they are to be undertaken.

2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

19 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

20 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual. No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority. The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason : To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

21 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with Policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

22 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.

23 INFORMATIVE: This permission grants permission for foul water drainage to be disposed via the mains sewer system and does not grant consent for an on site foul pumping station.

24 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

25 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

26 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover ~~any~~ off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

27 INFORMATIVE: ADC's Economic Development Department advise that the developer signs the Developer and Partner Charter and produces a suitable Skills and Employment Plan for the development.

28 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

29 INFORMATIVE: The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact the Environmental Health Department for further information Tel 01903 737755, E mail Food.Safety@Arun.gov.uk