

E Ledwidge
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30th August 2018

Your Ref: .

Please ask for:
Claire Potts
Strategic Development Team
Direct Line: (01903) 737698

Our Ref: A/23/15/OUT Land south of New Road and East of Brook Lane

Dear Mr Ledwidge

**Town and Country Planning (Pre-commencement Conditions) Regulations 2018 -
Notice regarding intention to impose pre-commencement conditions**

A pre-commencement condition is defined in section 100ZA(8) as a condition imposed on a grant of planning permission (other than a grant of outline planning permission within the meaning of section 92 of the 1990 Act) which must be complied with (a) before any building or operation comprised in the development is begun, or (b) where the development consists of a material change of use of any buildings or other land, before the change of use is begun.

The LPA are considering imposing the following pre-commencement conditions on the Full element of the application mentioned above.

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan policy HER DM6. This condition is required to be pre-commencement to ensure archaeological work is carried out prior to any other works on site.

2. 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 District Council 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.

3. The development shall not proceed 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 SP1, W DM1, W DM2 and W DM3 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to protect the watercourse on the site.

4. Construction shall not commence until full details of the foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water (including details of its routing, design and subsequent management/ maintenance). The development shall be carried out in accordance with the approved details.

Reason: To ensure suitable foul sewerage water disposal in accordance with policy W DM1 of the Arun District Council Local Plan. This is required to be a prior to construction condition because it is necessary to implement the foul water drainage system prior to commencing construction works.

5. No development, other than works associated with the construction of the access, shall commence until the vehicular access serving the development has been implemented in accordance with Drawing Number: REDW-3167-110 Rev A Highway Access Plan

Reason: In the interests of road safety. The condition is pre-commencement to ensure provision of a safe access prior to works commencing on site and to accord with policies T SP1 and T DM1 of the Arun District Local Plan.

6. In respect of the application granted Full Permission (Retail Unit), no development shall take place, 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 entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with policies T SP1 and QE SP1 of the Arun District Local Plan. The condition is pre-commencement to ensure the construction activities are controlled satisfactorily before they are undertaken.

- No development 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 policies ENV SP1 and ENV DM4 of the Arun District Local Plan. This is required to be a pre-commencement condition to ensure protection for trees in place before work commences on site.

- No development, including the site access or other associated construction activities, shall take place on the site unless and until all of the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with the Middlemarch Environmental Consultancy Arboricultural Method Statement Report Ref RT-MME-117420-03 Rev A January 2015 and Tree Protection Plan Ref C117420-03-01 Rev A January 2015. The development shall be carried out in accordance with the Middlemarch Environmental Consultancy Arboricultural Method Statement Report Ref RT-MME-117420-03 Rev A January 2015 and Tree Protection Plan Ref C117420-03-01 Rev A January 2015.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policies ENV SP1 and ENV DM4 of the Arun District Local Plan. This is required to be a pre-commencement condition to ensure protection for trees in place before work commences on site.

- No development shall commence until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage, hours of use, and columns for all external lighting within the site. The approved scheme shall be implemented in full prior to the occupation of the buildings.

External lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Installations for Zone E2.

Reason: To safeguard the residential amenities of the local area in accordance with QE DM2 and ENV DM5 of the Arun District Local Plan. This is required to be a pre-commencement condition to ensure the details of the scheme are agreed before construction commences.

- Prior to the commencement of development or any preparatory works an Ecological Protection & Enhancement Plan shall be submitted to and agreed in writing by the

Council. The Plan shall be based on the mitigation measures proposed in Preliminary Ecological Assessment dated November 2014 prepared by Middlemarch Environmental and the Water Vole and Reptiles Survey by Urban Edge Environmental Consulting in May 2015 and will include a programme of ecological monitoring to inform the long term management of the site. The Plan will include full mitigation strategy for Water Voles and Reptiles and a work programme with clear timelines for each mitigation measure to be carried out. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

Reason: To ensure the protection and retention of biodiversity in accordance with Arun District Local Plan policies ENV SPS, ENV DM3 and ENV DM5. This is required to be a pre-commencement condition to protect the ecology of the site.

The LPA are considering imposing the following pre-commencement conditions on the Outline element of the application mentioned above.

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan policy HER DM6. This condition is required to be pre-commencement to ensure archaeological work is carried out prior to any other works on site.

2. 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 District Council 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.

3. The development shall not proceed 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 SP1, W DM1, W DM2 and W DM3 of the Arun District Council Local Plan.

4. Construction shall not commence until full details of the foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation

with Southern Water (including details of its routing, design and subsequent management/ maintenance). The development shall be carried out in accordance with the approved details.

Reason: To ensure suitable foul sewerage water disposal in accordance with policy W DM1 of the Arun District Council Local Plan. This is required to be a prior to construction condition because it is necessary to implement the foul water drainage system prior to commencing construction works.

5. No development, other than works associated with the construction of the access, shall commence until the vehicular access serving the development has been implementation in accordance with Drawing Number:REDW-3167-110 Rev A Highway Access Plan

Reason: In the interests of road safety. The condition is pre-commencement to ensure provision of a safe access prior to works commencing on site and to accord with policies T SP1 and T DM1 of the Arun District Local Plan.

6. In respect of the part of the application where Outline Permission is granted (Public House), 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 entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with policies T SP1 and QE SP1 of the Arun District Local Plan. The condition is pre-commencement to ensure the construction activities are controlled satisfactorily before they are undertaken.

7. No development 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 policies ENV SP1 and ENV DM4 of the Arun District Local Plan. This is required to be a pre-commencement condition to ensure protection for trees in in place

before work commences on site and hard and soft landscaping schemes agreed prior to their implementation.

8. No development, including the site access or other associated construction activities, shall take place on the site unless and until all of the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with the Middlemarch Environmental Consultancy Arboricultural Method Statement Report Ref RT-MME-117420-03 Rev A January 2015 and Tree Protection Plan Ref C117420-03-01 Rev A January 2015. The development shall be carried out in accordance with the Middlemarch Environmental Consultancy Arboricultural Method Statement Report Ref RT-MME-117420-03 Rev A January 2015 and Tree Protection Plan Ref C117420-03-01 Rev A January 2015.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policies ENV SP1 and ENV DM4 of the Arun District Local Plan. This is required to be a pre-commencement condition to ensure protection for trees in place before work commences on site.

9. No development shall commence until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage, hours of use, and columns for all external lighting within the site. The approved scheme shall be implemented in full prior to the occupation of the buildings.

External lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Installations for Zone E2.

Reason: To safeguard the residential amenities of the local area in accordance with policies QE DM2 and ENV DM5 of the Arun District Local Plan. This is required to be a pre-commencement condition as it is necessary to agree the scheme prior to works commencing.

From 1 October 2018 section 100ZA(5) provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

In order to progress your application you are asked to confirm in writing your acceptance of the proposed condition(s) by 14th September 2018.

Your other options are:-

- provide comments (within the time limit) on the proposed pre-commencement condition, in which case that condition cannot be imposed
- choose not respond (i.e. remain silent). If there is no response by the date given in the notice the local planning authority may grant planning permission subject to the terms of the pre-commencement condition specified in the notice
- indicate (within the time limit) that you do not agree to the terms of the proposed pre-commencement condition, in which case the local planning authority may then either:

- i. grant planning permission without the pre-commencement condition,

- ii. seek written agreement to an alternative pre-commencement condition, or
- iii. refuse to grant permission (if it considers that the disputed pre-commencement condition is necessary to make the development acceptable in planning terms).

Please contact me to discuss the matter if there is anything in the letter that you require clarification on.

If you wish to discuss the contents of this letter, or if there is anything you do not understand, please contact me.

Yours

A black rectangular box redacting the signature of Claire Potts.

Claire Potts

Strategic Development Team Leader
Planning
Arun District Council

