

Planning Department
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

03 July 2026

Dear Sir/Madam,

Chalcroft Nursery, Chalcraft Lane, Bersted PO21 5TS

Approval of details reserved by conditions imposed under BE/13/24/S73 (as amended by BE/77/25/NMA)

This letter accompanies this application on behalf of Chalcroft Associates LLP for the discharge of conditions attached to planning approval BE/13/24/S73 which was a minor material amendment (MMA) to outline application BE/81/20/OUT. The outline application granted permission for *'the development of up to 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure'* and the MMA related to the relocation of the approved site access.

The wording of the conditions attached to the MMA were subsequently amended by a non-material amendment BE/77/25/NMA to pick up the revised wording of conditions approved by the earlier applications BE/85/23/NMA and BE/133/23/S73. It is the wording of the conditions as set out in BE/77/25/NMA that our client is seeking to have discharged and the most recent Section 73 application (BE/13/24/S73) that will be implemented.

The details relating to surface water drainage (conditions 22 and 23) were submitted last year under application BE/89/25/DOC but were withdrawn because of the need for additional information. A new drainage strategy has been prepared and submitted and is currently under consideration (BE/40/26/DOC). This application therefore seeks discharge of the following conditions:

- 9 – Contamination
- 12 – Noise Assessment
- 16 – Lighting Scheme

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- 26 – Arboricultural Impact Assessment and Method Statement
- 28 – Reptile Mitigation
- 31 – Biodiversity Enhancement Measures
- 33 – Fire Hydrant/Stored Water Supply
- 35 – Broadband Provision
- 36 – Employment and Skills Plan

The details submitted pursuant to each condition are set out below.

Condition 9 - Contamination:

Prior to commencement of each phase of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.*
- 2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 4. A 'Verification Report' 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.*

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved above.

Documents submitted:

- 3583D P1 Phase 1 Land Contamination Risk Assessment by Castledine Environmental
- 3583D Appendix A
- 3583D Appendix B
- 3583D Appendix B(a)

Key Details

The report identifies a low risk from soil contamination, a low to moderate risk associated with ground gas hazards and a moderate risk associated with radon hazards. On this basis, it is recommended that a watching brief is applied for the course of the development and radon protective measures are upgraded to ground gas-resistant.

Once this approach is agreed by the LPA under this submission, a remediation strategy and verification plan will be submitted in accordance with parts (3) and (4) of the condition.

Condition 12 – Noise Assessment:

Construction work on each phase shall not commence unless and until an impact assessment of the noise from the development on occupants of existing nearby residential properties and future occupants of the new residential properties has been completed and submitted to and approved in writing by the Local Planning Authority. The impact assessment shall include noise from deliveries and operation of the development and shall include a noise mitigation scheme. The assessment shall have regard to the principles of BS 4142:2014 and achieve a difference between the measured 'rating' level and the measured 'background' level of at least 5dB(A). A test to demonstrate compliance with the noise mitigation scheme shall then be undertaken by a competent acoustician / consultant before the use commences.

Documents submitted:

- Sound Impact Assessment by Clarke Saunders
- Acoustic Fence detail

Key Details

The report highlights that the permitted use classes cover a wide range of commercial activities, but those users are not generally considered to result in high level noise impacts. It is anticipated that the primary noise activities will be from traffic movements and loading/unloading activities. It recommends a 2.4 acoustic barrier on the western boundary between the commercial site and the proposed residential site. The details of the fence are included and will have this appearance:



Jakoustic® Reflective

The report concludes that based on the proposed site layout and a peak hour of commercial activity, the proposed mitigation measures are expected to control sound emissions levels to those indicative of a low impact.

Condition 16 - Lighting:

Prior to the commencement of each phase of the development hereby approved, details of the proposed external lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority, before installation. Due to the relative proximity of existing residential premises there is the potential for the development to cause a loss of amenity as a result of light glare / creep / bleed. Light intrusion into residential windows shall not exceed 10 Lux between 07:00 and 21:00 hours and 5 Lux between 21:00 and 07:00 hours, measured as Vertical Illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%. The details contained within the proposed external lighting scheme shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Prior to installation of the lighting scheme the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Should these levels be unable to be met, a report shall demonstrate what

measures have been taken to reduce the levels to those agreed within the application scheme. The approved installation shall be maintained and operated in accordance with the approved details.

Documents Submitted

3994-DFL-ELG-XX-RP-EO-13001-S3-P01- Lighting Technical report

3994-DFL-ELG-XX-DR-EO-13001-S3-P01 – Lighting Plan

Key Details

The report submitted proposes a lighting strategy for access roads, car parks and access points to buildings. The light spill diagrams for the proposed lighting demonstrates compliance with guidance on obtrusive lighting to sensitive receptors, including ecological receptors. Where applicable, shields are proposed in particularly sensitive areas to further minimise spill and the colour temperature of the lighting proposed is no greater than 2700K (warm white) as per Gn08/2023 guidance for the protection of light sensitive ecology.

Condition 26 – Tree Protection:

Prior to commencement of each phase of development hereby approved, the following documents must be submitted to and approved in writing by the Local Planning Authority: an Arboricultural Impact Assessment (AIA) to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan', and an Arboricultural Method Statement (AMS) to include a Tree Protection Plan. The Tree Protection Plan shall comply with the recommendations of BS5837:2012. Prior to commencement of development, a buffer strip (of 5m) with protective fencing around the existing hedging must be installed and maintained in situ for the duration of the construction works.

Documents Submitted

RCo485_ ChalcroftNursery_AIA_Rev00

RCo485_ ChalcroftNursery_Tree Schedule_Rev01

RCo485_ ChalcroftNursery_TreeProtection_Rev00

Key Details

The Arboricultural Impact Assessment identifies 8 no. tree specimens, 1 no. shrub and 2 no. shrub groups on the northern boundary of the site that will all be retained. The trees/shrubs are all identified in the tree schedule. The AIA sets out the pre-construction works that will be required

and the method statement for protecting trees through the construction phase. The tree protection drawing identifies the location of the tree protective fencing.

Condition 28 – Reptile Mitigation Strategy:

Prior to commencement of each phase of development, further details of mitigation measures to protect reptiles as required in the submitted Reptile Mitigation Strategy (prepared by Ecology Solutions, dated September 2020) shall be submitted to and approved in writing by the Local Planning Authority.

Documents Submitted

Reptile Mitigation Strategy

Key Details

The reptile mitigation strategy proposes reasonable avoidance measures (RAMS) and section 4.5 of the report sets out what they will comprise. Section 4.6 of the report sets out enhancement measures including the provision of tussocky grassland suitable for reptiles with a managed cutting regime and the provision of log pile for a refugia.

Condition 31 – Biodiversity Enhancement:

Prior to the commencement of the development, details of biodiversity enhancement measures and biodiversity net gain to achieve a minimum of 10% in accordance with the requirements of the Environment Act 2021 for each phase of the development, shall be submitted to and approved by the local planning authority in writing. The development shall thereafter be carried out in accordance with these approved details

Documents Submitted

BNG Metric
BNG Report

Key Details

The BNG metric and Report were submitted at reserved matters stage but included here for completeness and formal discharge.

The report sets out the baseline assessment of existing habitats and a breakdown of the habitat to be created. It demonstrates through the metric that a net gain of 11.46% will be created and the trading rules will be satisfied.

Condition 33 – Fire Hydrant:

Prior to the commencement of development details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with West Sussex County Council's Fire and Rescue Service. Prior to the first occupation of any dwelling/commercial premises forming part of the proposed development the developer will, at their own expense, install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network

Documents Submitted

Location of fire hydrant shown on submitted drawing CND40_115

Key Details

The plan shows the location of the fire hydrant on the west side of access road into the site. The reserved matters application (BE/26/24/RES) demonstrated that a fire engine can access the site, turn and leave the site in forward gear.

Condition 35 – Broadband provision:

Prior to the occupation of each phase of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling or commercial premises, the provision of the highest available headline speed of broadband service to that dwelling or commercial premises from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings and commercial premises that abut the highway. Unless evidence is put forward

and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Key Details

The applicant has undertaken an online application for broadband which shows Download speed of up to 1600Mbps and Upload speed of 115Mbps which exceeds the requirement of the condition.

Chalcraft Nurseries & Garden C, Chalcraft La...

Check your results below

Available to order now

Full Fibre Broadband

This is a full-fibre connection

Up to
1600* Mbps
download speed

Up to
115* Mbps
upload speed

Learn more

See providers

The connection is in the footpath at the entrance to the site:



The new units will be connected to the service and available prior to occupation.

Condition 36 - Employment and Skill Plan:

Prior to commencement of the commercial phase of development the applicant shall prepare and submit an Employment and Skills Plan to the Local Planning Authority for approval in writing. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Documents Submitted

Employment and Skill Plan

Key Details

The Employment and Skills Plan sets out the policy background to the requirement and then how the applicant will meet the objectives at both the construction phase and the occupation phase. It sets out a framework that:

- Meets the expectations of Policy SKILLS SP1
- Ensures local employment and skills benefits during construction
- Establishes a clear pathway for tenant participation, despite unknown occupiers
- Supports sustainable economic growth within Arun District

I trust the submitted information is sufficient to enable the discharge of conditions but should you require any further information then please do not hesitate to contact me.

Yours faithfully,



Dawn Appleton
Senior Planner
Henry Adams LLP