

Application for Outline Consent

DECISION NOTICE

Application Ref: BE/81/20/OUT

1 To Addressee

Barton Willmore
7 Soho Square
London
W1D 3QB

2 Site Address

Chalcroft Nursery
Chalcroft Lane
Bersted
PO21 5TS

3 Description of Development

Outline application with all matters, except for access, reserved 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.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout (including, where applicable, any proposed outdoor storage or sales areas or any other outdoor uses associated with any commercial floorspace);
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan 01: Drawing No. 01304_S_07 Rev P2
- Site Location Plan 02: Drawing No. 01304_S_08 Rev P2
- Land Use and Building Heights Parameter Plan: Drawing No. 01304_PP_01 Rev P8
- Site Access Arrangement: Drawing No. ITB14224-GA-001 Rev F

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, T SP1 and T DM1 of the Arun Local Plan (2011-2031).

- 4 This outline application approves 2,240sqm of commercial floorspace comprising a mixture of B8, B1 and A1 uses as defined by the Town and Country Planning Use Classes Order 1987 (unamended).

- The B8 and B1 uses hereby permitted shall not exceed 730 sqm in any single building.
- Any retail uses shall not exceed a total of 897 sqm of the total commercial floorspace at any one time.

That part of the commercial floorspace permitted for B8 or B1 floorspace as defined by the Use Classes Order 1987 (unamended) must be used for those purposes and not for any other purpose, including any other uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

That part of the commercial floorspace permitted for retail use must be used for that purpose and not for any other purpose, including any other uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason: To ensure the residential amenity of existing and future occupants is protected, that the visual amenity of the area is acceptable, and to allow the Local Planning Authority to control the amount of retail floorspace on site and to ensure there would not be an over-provision of retail floorspace to the detriment of the local shopping offer, in accordance with Policies QE SP1, QE DM1, D SP1, D DM1 and RET DM1 of the Arun Local Plan. To ensure that the development is assessed and carried out in accordance with the uses sought and to ensure that different uses do not come forward within Class E that may have different or unacceptable impacts including but not limited to waste storage, servicing, amenity, transportation.

- 5 No outdoor storage or sales areas or any other outdoor uses within B1, B8 and A1 are permitted for any commercial unit under this outline application unless such associated outdoor storage or sales areas or other outdoor uses have formed part of a reserved matters approval issued by the Local Planning Authority. Any associated outdoor storage or sales areas or any other outdoor uses permitted by a reserved matters approval shall be used for that permitted use only and not for any other purpose, including any other uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason: To enable the Local Planning Authority to control the development in detail including the amount, layout and type of outdoor uses on the site to ensure the visual and residential amenity of local residents is protected, in accordance with the National Planning Policy Framework and Arun Local Plan policies QE SP1, QE DM1 and D DM1.

- 6 The details referred to in condition 1 for the residential units shall include a plan identifying a minimum of 30% of residential units to be provided as being to M4(2) Building Regulations standards (or any other successive standard). The development shall be undertaken in accordance with those details and retained as such at all times thereafter.

Reason: To ensure the provision of adaptable dwellings which meet the diverse needs of future occupiers, in accordance with the National Planning Policy Framework, policy D DM1 of the Arun Local Plan, and policy HDQ4 of the Bersted Neighbourhood Plan.

- 7 No development shall take place, including any works of demolition, until a Demolition and 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:-

- a. An indicative programme for carrying out of the works;
- b. Details of the arrangements for public engagement / consultation both prior to and continued 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 of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e. Measures to control the emission of dust and dirt during construction;
- f. Anticipated number, frequency and types of vehicles used during construction;
- g. Method of access and routing of vehicles during construction;
- h. Parking of vehicles by site operatives and visitors;
- i. Loading and unloading of plant, materials and waste, including permitted times for deliveries;
- j. Storage of plant and materials used in constructing the development;
- k. A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted;
- l. 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 Regulations Orders);
- m. The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- n. Details of an acoustic fence barrier around the eastern and southern boundary of the site to be installed for the duration of demolition/construction works.

Reason: To protect the amenity of local residents and in the interests of highways safety, in accordance with Policies QE SP1, QE DM1, QE DM2, QE DM3, T SP1 and T DM1 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure details of demolition and construction works and measures to mitigate impacts are secured prior to works commencing.

- 8 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no activities on Sunday or Bank Holidays.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specific in this condition.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE

DM1 of the Arun Local Plan.

- 9 Prior to commencement 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.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This condition is required to be pre-commencement to ensure any contamination on site is appropriately remediated prior to works commencing.

- 10 Prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report related to contaminated land demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This condition is required to be pre-commencement to ensure any contamination on site is appropriately remediated prior to works commencing.

- 11 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, in relation to the commercial units hereby permitted, outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Arun Local Plan.

- 12 Construction work 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.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure an assessment of noise impacts from development and measures to mitigate impacts are secured prior to works commencing.

- 13 Prior to the first use of the commercial premises hereby approved, details of any plant (including ventilation, refrigeration and air conditioning) and / or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise and vibration generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve: NR35 as defined within Table B.1: Noise Rating Values of BS 8233:2014. The equipment installed and commissioned shall be maintained in a condition and operated in compliance to the approved scheme whenever it is operation so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Arun Local Plan.

- 14 Prior to the commencement of development hereby approved, full details of the mitigation measures required in order to demonstrate that the internal noise levels within the residential units hereby permitted shall conform to the "Indoor ambient noise levels for dwellings" guideline values specific within Table 4 under section 7.7.2 of BS 8233:2014 shall be submitted and approved in writing by the Local Planning Authority.

Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings. The scheme should take into account the correct number of air changes required for noise affected rooms and provide detail on the ventilation where this is required. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 15 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the external noise levels within the curtilage of residential units hereby permitted will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 shall be submitted and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to demonstrate that the external areas serving residential properties will have

acceptable noise levels prior to the commencement of any construction works.

- 16 Prior to the commencement 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.

Reason: To protect the amenity of local residents and protected species in accordance with Policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure an assessment of light pollution impacts from development and measures to mitigate impacts are secured prior to works commencing.

- 17 Prior to the occupation of 700 sqm of net additional commercial floorspace (resulting in a total of 1,398 sqm across the site), the upgrades to the existing site access as shown on plan ITB14224-GA-010 must be completed. These upgrades shall be maintained as such at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority or in the event that the existing access is closed pursuant to condition 19.

Reason: In the interests of highways safety, in accordance with the National Planning Policy Framework and Policies T SP1 and T DM1 of the Arun Local Plan.

- 18 Prior to the earlier of either:

- (a) the occupation of the first residential unit hereby permitted; or
- (b) the occupation of more than 700 sqm of net additional commercial floorspace hereby permitted (resulting in a total in excess of 1,398 sqm across the site)

the proposed new vehicular site access onto Chalcraft Lane shall be provided in full (such that it is capable of being used by the public and occupants of the development) in accordance with the details set out in the Site Access Arrangement drawing (ITB14224-GA-001 Rev F). Once provided, the new access shall be retained in working order at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highways safety, in accordance with the National Planning Policy Framework and Policies T SP1 and T DM1 of the Arun Local Plan.

19 Prior to the earlier of either:

- (a) the occupation of the first residential unit hereby permitted; or
- (b) the occupation of more than 700 sqm of net additional commercial floorspace hereby permitted (resulting in a total in excess of 1,398 sqm across the site); or
- (c) the completion of the new site access in accordance with condition 18

the existing vehicular site access onto Chalcraft Lane must be physically closed in accordance with details submitted and agreed in writing with the Local Planning Authority. Once closed the access shall remain closed in perpetuity.

Reason: In the interests of highways safety, in accordance with the NPPF and Policies T SP1 and T DM1 of the Arun Local Plan.

20 Prior to first occupation of the residential development and/or first use of the commercial premises hereby approved, whichever is the sooner, the recommendations set out in the Travel Plan Statement (reference DS/ITB14224-005 TN) must be implemented.

Reason: To encourage and promote sustainable transport, in accordance with Policy T DM1 of the Arun Local Plan, and the National Planning Policy Framework.

21 The submission of the reserved matters application (s) relating to layout shall provide details of the provision of public art on the development. Prior to the first occupation of the last market housing unit (permitted within any reserved matters permission), the agreed public art shall be installed. Thereafter, the permitted public art shall be retained in perpetuity.

Reason: In the interests of visual amenity and to secure a good quality of development, in accordance with Policies H SP2, D SP1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.

22 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No part of the development hereby approved 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.

23 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 or 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.

- 24 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.

- 25 Development shall not commence until details of the proposed means of foul sewerage disposal/drainage system (including details of its siting, design and subsequent management/maintenance) have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No dwelling or commercial premises shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained and foul water appropriately disposed of 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 secure the details of the foul water drainage system prior to commencing any building works.

- 26 Prior to commencement 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.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife including protected species, and in accordance with policies ENV 4 and ENV DM5 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that trees and hedgerows and local wildlife are protected as necessary prior to construction works commencing.

- 27 If any works are proposed to the 2 no. trees identified as having bat roosting potential on plan ECO3 of the submitted Ecological Assessment (prepared by Ecology Solutions, dated July 2020), a detailed Bat Survey and Mitigation Strategy shall be undertaken (within 2 years prior to commencement of development), submitted to and approved in writing by the Local Planning Authority, and the approved Mitigation Strategy implemented prior to any works being undertaken on these trees.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

- 28 Prior to commencement 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.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

- 29 Any works to the trees or vegetation clearance on the site shall be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time a suitably qualified ecologist shall survey the site for the presence of birds prior to any works taking place (within 24 hours of any work).

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 30 The development shall be undertaken in accordance with the mitigation measures outlined in the submitted Shadow Habitats Regulations Assessment (prepared by Ecology Solutions, dated July 2020).

Reason: To protect local wildlife and protected species and water quality, in accordance with the relevant legislation and policies ENV DM5 and W SP1 of the Arun Local Plan.

Note: The applicant's attention should be drawn to the individual timings required in respect of each mitigation measure detailed.

- 31 The Biodiversity Net Gains illustrated in the 'BNG Headline Results' and 'BNG Plan Illustrative' (dated October 2020) shall be achieved, and the biodiversity enhancements set out in the Ecological Assessment (prepared by Ecology Solutions, dated July 2020) shall be implemented. Prior to the commencement of development an annotated site plan (showing siting, scale and nature of proposed biodiversity enhancement measures) shall be submitted to and approved by the Local Planning Authority in writing.

The development shall thereafter be carried out in accordance these approved details and the biodiversity enhancements set out in the submitted Ecological Assessment (prepared by Ecology Solutions, dated July 2020).

Reason: To ensure the proposals would result in a Net Biodiversity Gain, in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

- 32 The submission of the reserved matters application (s) relating to layout and/or landscaping shall provide details of a LAP on the development. Prior to the occupation of the last market housing unit (permitted within any reserved matters permission), the agreed LAP shall be installed and available for use. Thereafter, the permitted LAP shall be retained in perpetuity.

Reason: In the interests of visual and residential amenity, including for the well-being of occupants, in accordance with Policies H SP2, D SP1, D DM1, and in the Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.

- 33 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.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and The Fire & Rescue Service Act 2004. This is required to be a pre-commencement condition because it is necessary to ensure details are secured of adequate fire safety for future occupants of the development prior to construction works commencing.

- 34 At least 10% of the total predicted energy requirements for major developments will be generated through renewable or low carbon energy generation on site making an allowance for a) the current energy efficiency standard and b) any additional energy efficiency measures (for example Fabric First) which archives energy performance over and above the current energy efficient standard. The residual total predicted energy requirement will then be used to calculate a 10% contribution through renewable or low carbon energy generation. The Local Planning Authority will consider 'allowable solutions' where it is clearly demonstrated that the provision of on-site renewable or low carbon energy generation is unviable or not feasible and where the equivalent 10% energy savings can be demonstrated.

Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase is commenced. The development shall be implemented in accordance with the approved details and timetable and will be retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite infrastructure is designed into the housing development.

- 35 Prior to the occupation of any part 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.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 36 Prior to commencement 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.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 37 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to contributions towards recreational impacts on the Pagham Harbour Special Protection Area, affordable housing provision, education, libraries, fire service, transport infrastructure, and healthcare provision and contributions.

INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (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.

INFORMATIVE: The applicant is advised that they must apply and obtain approval from West Sussex County Council, as Highway Authority, for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporarydevelopment-signs/#overview>

INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

INFORMATIVE: 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 the New Connections Services Charging Arrangements documents which are available to read on the website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

INFORMATIVE: As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway to serve the development must be available and may require additional works on or off site, particularly in very large developments. Please refer to BS5588 Part B 5. For further information please contact the WSCC Fire and Rescue Service.

INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated to residential, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation (e.g. protection of wildlife and statutory nuisance etc. should be considered).

INFORMATIVE: For any works that may affect a Protected Species, it will be necessary to obtain a mitigation licence from Natural England.

INFORMATIVE: The applicants attention is drawn to the individual timings set out in the Shadow Habitat Regulations Assessment required in respect of each mitigation measure detailed.

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.



Neil Crowther
Group Head of Planning

Case Officer:

Ms Myer

Arun District Council
The Arun Civic Centre

Decision Issued: **23rd March 2021**

Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).