

PLANNING CONDITIONS

TOWN AND COUNTRY PLANNING ACT 1990

Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access.

Nursery Fields
Land to the North of Chalcraft Lane
West Bersted
PO21 5TS

LPA REF: BE/148/20/OUT

Draft 1 - 14th May 2021

1.0 Introduction

- 1.1 Appellants proposed draft conditions to be attached to any planning permission for BE/148/20/OUT.
- 1.2 Conditions to be discussed with ADC.
- 1.3 The conditions set out below are provided on a without prejudice basis.

2.0 Draft Planning Conditions

Condition 1 – Reserved Matters

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;
- (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).

Condition 2 – Time Limit

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).

Condition 3 – Approved Plans

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

- Site Location Plan 01: Drawing No. 01304_S_11 Rev P1
- Land Use and Access Parameter Plan: Drawing No. 01304_PP_01 Rev P4
- Building Heights Parameter Plan: Drawing No. 01304_PP_03 Rev P2
- Green Infrastructure Parameter Plan: Drawing No. 01304_PP_02 Rev P2
- Site Access Arrangement: Drawing No. ITB14224-GA-009 Rev B

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).

Condition 4: Compliance with Approved Plans:

The development (including all reserved matters and other matters submitted for approval pursuant to the conditions attached to this permission) shall conform to the parameters identified by the parameter plans approved under condition [3] above.

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).

Condition 5: Phasing Plan:

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), a plan showing how the implementation of the development will be phased including the site access required by condition [xxx] below shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved plan.

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).

Condition 6 – Demolition & Construction Management Plan

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, to include:

- 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. The location or locations to be used for the 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;

Thereafter no works shall take place otherwise than in accordance with the approved Plan

Reason: To protect the amenity of local residents/users of the cemetery 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.

Condition 7 – Hours of demolition/construction

No construction or 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 permitted for working the Local Planning Authority may approve in writing a schedule of activities identifying additional hours of working when it is satisfied that it is reasonable to conduct works outside the hours identified above.

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

Condition 8 – Land Contamination

Prior to commencement of the development hereby approved (or such other date or phase 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. Verification Report in a form submitted to and approved in writing by the LPA that demonstrates that the remediation measures and methodology approved under 3 above have been successfully undertaken. 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].

Condition 9 – Construction Noise Impact Assessment

Construction work shall not commence before an impact assessment of the noise from the development on existing nearby residential properties at nos [xxx] Chalcraft Lane and any dwellings built and occupied pursuant to the planning permission dated 23 March 2021 (BE/81/20/OUT) has been undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall be prepared having regard to the principles

of BS 4142:2014 and shall seek to achieve a difference between the measured 'rating' level and the measured 'background' level of at least 5dB(A).

Where measures are identified as necessary, construction work shall not commence until a scheme for the protection of residential amenity in respect of the noise impact from construction noise has been submitted to and approved in writing by the local planning authority

All construction works shall be carried out in accordance with the approved mitigation scheme and testing regime.

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.

Condition 14 - Lighting Scheme

Details of the proposed lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority before installation. The scheme shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The scheme shall ensure that lighting installations will 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 should 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.

The scheme should ensure that the predicted illuminance levels are tested by a competent person to ensure that the illuminance levels identified in the approved scheme are likely to be achieved and if these levels are unlikely to be met the scheme shall require a report to be submitted to the LPA to demonstrate what measures will be taken to reduce the levels to those identified within the approved scheme.

The approved installation shall be maintained and operated at all times in accordance with the approved scheme.

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.

Condition 15 – Site Access

Prior to the occupation of the first residential unit hereby permitted, the new vehicular site access onto Chalcraft Lane shall be provided in accordance with the phasing plan approved pursuant to condition 5 above in accordance with the details shown in the Site Access Arrangement drawing (ITB14224-GA-009 Rev B).

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

Condition 16 – Travel Plan

Prior to first occupation of the residential development hereby approved, a Travel Plan will be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall be based on the Framework Travel Plan [reference]. The implementation of measures contained within the approved Travel Plan shall commence upon first occupation of the development and be continued thereafter in accordance with its terms.

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

Condition 17 – Public Art

There shall be submitted with the reserved matters application a scheme for the approval in writing of the local planning authority which provides for the installation, retention and maintenance of public works of art on the site. The scheme will provide for installation to be completed on any phase prior to the first occupation of the last market housing unit to be constructed on that phase. Thereafter, the permitted public art shall be maintained and retained accordance with the agreed scheme.

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.

Condition 18 – Surface Water Drainage Scheme

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 proposed 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 as updated by any amended or successor standard pertaining at the time of submission, 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 details contained in the approved scheme and the same shall be maintained thereafter in accordance with the approved scheme. .

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.

Condition 19 – Maintenance & Management of SUDs

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 thereafter comply with the requirements of the approved details.

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.

Condition 20 – Completion Report of SUDs

Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, there shall be provided to the local planning authority a set of 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.

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.

Condition 21 – Foul Water Drainage Scheme

Development shall not commence until details of the proposed means of foul and surface water 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. No dwelling hereby approved 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.

Condition 22 – Arboricultural Reports

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, an Arboricultural Impact Assessment (AIA) which shall include; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' relating to the existing trees and hedges on site that are likely to be adversely affected by the development or the proposed phase of the development, as the case may be, shall be submitted to and approved in writing by the Local Planning Authority.

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.

Condition 23: Arboricultural Works:

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, an Arboricultural Method Statement (AMS) which shall include a Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall comply with the recommendations of BS5837:2012. The development shall be implemented in accordance with the approved Method Statement.

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.

Condition 24: Aboricultural Protection

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, a buffer strip (of 5m) with protective fencing around the existing hedging and trees to be retained in that phase must be installed and maintained in situ for the duration of the construction works in that phase.

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.

Condition 25 – Bat Survey/Mitigation

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5 that include the 2 trees identified as having bat roosting potential on plan ECO3 of the submitted Ecological Assessment (prepared by Ecology Solutions, dated July 2020) a scheme for the protection of roosting bats shall be submitted to the Local Planning Authority in writing for approval. Once approved all works shall be undertaken in accordance with the approved details.

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.

Condition 26 – Reptile Mitigation

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, a scheme for the protection of reptiles shall be submitted to the Local Planning Authority in writing for approval. Once approved all works shall be undertaken in accordance with the approved details.

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.

Condition 27 – Wild Bird Nesting Protection

Any works to the trees or vegetation clearance on the site shall either be undertaken outside of the main bird breeding season which takes place between 1st March - 1st August. If works are required within this period, a suitably qualified ecologist shall survey the trees and hedgerows for the presence of active nests prior to any works taking place (within 24 hours of any work). Should an active nest be identified, an appropriate buffer should be provided in accordance with the advice of a suitably qualified ecologist until the young have fledged and the nest is no longer in use.

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

Condition 28 – Biodiversity Enhancement Measures

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

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.

Condition 30 – Fire Hydrant details

Prior to the commencement of development a drawing showing the proposed location of fire hydrant(s) 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. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling forming part of the proposed development the developer will, at their own expense, install the fire hydrant(s) in the approved location(s) 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(s) 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.

Condition 31 – Energy Statement

Prior to commencement of development or phase thereof as defined in the phasing plan approved pursuant to condition 5, a scheme providing for at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. This shall include 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, and shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 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.

Condition 32 – Broadband provision

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, the provision of the highest available headline speed of broadband service to that dwelling 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 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.

Condition 33 – Employment & Skills Plan

Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan to identify opportunities to improve local employment and training in the construction phase of the development. 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.

-- End --