

[REDACTED]

From: Lisa Jackson [REDACTED]
Sent: 12 June 2019 10:01
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Andrew Tice [REDACTED] Emma Randall [REDACTED]
Subject: Draft Pre Commencement Conditions Y/103/18/PL Crematorium Proposal, Grevatts Lane West

Dear Simon

Further to your letter of the 31st of May I attach a response on behalf of the applicants.

I have suggested minor changes to three of the proposed pre-commencement conditions. I outline in the letter and schedule that two of the proposed conditions do not need to be pre-commencement conditions but would need to be discharged prior to the operation of the development. The third change relates to the inclusion of the condition quoting legislation outside of the planning acts which could be considered to be ultra vires as drafted.

I hope the suggested changes are acceptable to you, however, should you wish to discuss this further please contact me.

Kind regards,
Lisa

Lisa Jackson
Jackson Planning Ltd
www.jacksonplanning.com
Fox Barn, Lower Chute,
Andover, Hants, SP11 9DU

[REDACTED]

JACKSON PLANNING

By email only

Copies to Andrew Tice, Emma Randall - Landlink

Attached – Marked up Pre-commencement conditions

June 12, 2019

Simon Davis
Arun District
Council Offices
Maltravers Road
Littlehampton
West Sussex
BN17 5LF



Dear Simon,

Planning Application Y/103/18/PL Crematorium Proposal, Grevatts Lane West

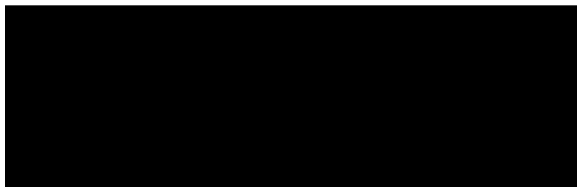
I refer to your letter of 31st May regarding the draft pre-commencement planning conditions.

I attach a marked-up schedule setting out the draft pre-commencement planning conditions that are acceptable to the applicant and those that are not.

For the three proposed conditions that are not acceptable I have indicated an alternative wording and explain the rationale for the change. In particular draft condition 7 is inconsistent with schedule 1 of the draft legal agreement. I hope these suggested changes are acceptable to the Council.

I am happy to discuss further revisions that would achieve the same end.

Yours sincerely



Lisa Jackson MA BSc MRTPI

5. No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). 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 - an indicative programme for carrying out of the works; - 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, including permitted times for deliveries; - the storage of plant and materials used in construction of the development; - the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate; - 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); - Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works; - 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); - measures to control the emission of dust and dirt during construction; - Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and - a scheme for recycling / disposing of waste resulting from demolition and construction works. <i>Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.</i>	Condition acceptable as drafted
--	--

6. Prior to the commencement of development, the developer shall provide a 5m deep buffer zone to the hedges and watercourses along the site boundaries to be secured by temporary security fencing. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the buffer zones left as a natural area for wildlife. <i>Reason: In order to protect wildlife habitat (bats, reptiles, dormice and water voles) and in the interests of general biodiversity in accordance with policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.</i>	Condition acceptable as drafted
7. Prior to the operation of the crematorium hereby approved commencement of development, a monitoring regime to assess the impact of vehicle flows along Grevatts Lane West, west of the site access shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the monitoring data shall be made available upon request to either the Local Planning Authority or the Local Highway Authority. <i>Reason: To accord with the terms of the application and in the interest of the safety of highway users in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.</i>	This does not need to be a pre-commencement condition. The impact will only occur once the building is occupied - see suggested change. As currently drafted this condition is inconsistent with the draft legal agreement at schedule 1, which seeks the TRO and Highways Contribution for works associated with any impact arising from the monitoring of vehicle movements prior to start of the operation of the development and not pre-commencement of development. Operation of development is clearly defined in the s106.
8. 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 building / No part of the extended 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.	Condition acceptable as drafted

<i>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.</i> <i>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.</i>	
9. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site. <i>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. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing</i>	The second half of this condition is not necessary to make the planning application acceptable. Condition is not appropriate to the scheme and there is other legislation that deals with riparian maintenance (Flood and Water Management Act). Planning permissions must not impose conditions that can be imposed by other legislation. If the scheme cannot protect neighbouring rights it is unacceptable development and should not be approved – this is clearly not the case with this application.
10. Prior to the operation of the crematorium hereby approved 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. <i>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.</i>	This does not need to be a pre-commencement condition. The impact will only occur once the building is occupied - see suggested change in wording. Future maintenance and funding arrangements should not hold up the construction of the project.

Draft Pre-commencement Conditions Y/103/18/PL

11 No development shall commence 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 Local Planning Authority. <i>Reason: The site is of potential archaeological significance in accordance with Arun local plan policy HER space DM6. This is required to be a pre-commencement condition because it would not be possible to carry out surveys once the building work has started.</i>	This condition is acceptable.
---	--------------------------------------