Conditions (revised following Natural England's Position Statement Withdrawal)

PLANNING INSPECTORATE REFERENCE: APP/Z3825/W/25/3365902

LOCAL PLANNING AUTHORITY REFERENCE: DC/23/2146

Town and Country Planning Act 1990

Planning appeal by **Akehurst Homes Ltd** at:

Site Address: Land South of Furze Common, Thakeham, RH20 3EF

January 2025

5. Suggested (revised) Conditions

5.1 Should the Inspector be minded to allow the appeal, then the following conditions are suggested on a 'without prejudice' basis. The appellant's s106 agreement to accompany the appeal would not be affected by these suggested amendments.

Conditions formerly numbered 10, 11, 12, 13 and 18 could therefore be omitted without prejudicing the integrity of the Arun Valley designated sites. A new regulatory condition, added in place at No.20 is therefore suggested to limit water use in line with the Optional Standards under G2 of the Building Regulations.

1. **Plans List:** The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

2. **Standard Time Condition:**

   (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

   (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

   (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

   (d) The development hereby permitted shall begin either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

3. **Pre-Commencement Condition:** The development hereby approved shall not commence unless and until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall take account of the recommendations of the Flood Risk Assessment and Drainage Strategy (RSPD, Revision 0, Dated November 2023). The drainage scheme shall include technical specifications, calculations and drawings of the drainage network supporting the approved development demonstrating the intended management of surface water within the development site. The approved scheme shall be implemented in full prior to the first occupation of any dwelling.

4. **Pre-Commencement Condition:** The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:
   (a) Details of site management contact details and responsibilities;
   (b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
      a. location of site compound,

      b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),

      c. site offices (including location, height, size and appearance),

      d. location of site access points for construction vehicles,

      e. location of on-site parking,

      f. locations and details for the provision of wheel washing facilities and dust suppression facilities

   (c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;

   (d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

5. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the Local Planning Authority:

   (a) A site investigation scheme to provide information on the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site;
   (b) Full details of any remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and an options appraisal;

   (c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

   The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

6. **Pre-Commencement Condition:** No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until the BS5837 specification tree protection fencing has been installed.

The person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboricultural Officer can agree the in situ BS5837 specification barrier fencing.

- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

7. **Pre-Commencement Condition:** No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until the new road access to the site has been constructed. Where development falls within the Root Protection Area (RPA) of the retained trees at the site, before any work begins on the construction of the no-dig parts of the new access road into the site, the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboricultural Officer can supervise the approved operations.

8. **Pre-Commencement Condition:** No development shall commence pursuant to the permission granted including ground clearance, bringing equipment, machinery or materials onto the site, until full details have been proved on the route and how the culvert and head wall for the ditch to the south of the access road from Storrington Road will be located and built has been provided to a satisfactory level.

9. **Pre-Commencement (Relevant Works) Condition:** Prior to the completion of crown lifting operations to trees T5, T6, T9, T11 and T28 and grouping G2, as categorised within the approved Arboricultural Impact Assessment (Greenspace Ecological Solutions, No reference, Dated November 2023)) an aerial inspection by a licenced bat climber of these trees shall be performed to establish the presence/absence of bat roosts. The written approval of the Authority shall subsequently be sought to confirm, either, the absence of bat-roosts or mitigations necessary to enable the arboricultural operations to proceed. The arboricultural operations shall, subsequently, be implemented as approved, including in accordance with any approved mitigation measures.

No Longer pursued:

~~**Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby permitted, a mitigation scheme, undertaken by a suitably qualified person, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate:-~~

- ~~How water abstractions from the on-site boreholes will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or any Act or Order amending, superseding and re-enacting the same);~~
- ~~How components of the system have been designed to comply with Regulation 31 of the Water Supply (Water Quality) Regulations 2016 (or any Act or Order amending, superseding and re-enacting the same).~~

- ~~Full specifications and details, including a plan and/or schematic(s), of supply and treatment components, including storage tanks, treatment equipment and any means to record water quality and volumes.~~

~~The mitigation scheme shall be implemented in full prior to the first occupation of any dwelling hereby permitted and shall be retained and maintained as such thereafter.~~

No Longer pursued:

~~**Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved, a Private Water Supply Management Plan (PWSMP) shall be submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to,~~

- ~~Detail on the operational sampling and testing regime, undertaken in accordance with the Private Water Supplies (England) Regulations (2016) (or any Act or Order amending, superseding and re-enacting the same);~~
- ~~Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include sufficient detail on proposed maintenance and management measures to address the risks from fouling;~~
- ~~Arrangements for keeping written records of all sampling, analysis, inspection, cleaning and maintenance;~~
- ~~Contingency measures to be taken in the event of equipment failure and a named contact on a 24/7 basis in the event of a failure or issue with the private water supply;~~

~~The PWSMP shall be implemented prior to the first occupation of the proposed development and adhered to thereafter, unless the Local Planning Authority provides its consent, in writing, to any variation.~~

No Longer pursued:

~~**Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from a tap within the dwelling been:-~~

~~a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies;~~

~~b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification; and~~

~~c) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or any Act or Order amending, superseding and re-enacting the same).~~

No Longer pursued:

~~**Pre-Occupation Condition:** No dwelling hereby permitted shall be first occupied unless and until a Risk Assessment has been conducted pursuant to Regulation 6 of the Private Water Supplies (England) Regulations 2016 (or any Act or Order amending,~~

~~superseding and re-enacting the same) and any agreed remedial and/or corrective actions undertaken.~~

10. **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved, an assessment of the acoustic impact arising from the operation of internally and/or externally located plant, machinery, equipment or building services plant associated with the onsite borehole and pumping station shall be submitted to an approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme shall be implemented as approved prior to the first occupation of any dwelling hereby approved and retained as such thereafter.

11. **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved full details as to the material composition and colouring of the shared road surface shall be submitted to and approved in writing by the Local Planning Authority. The access shall, thereafter, be constructed in accordance with the approved details prior to the first occupation of any dwelling hereby approved.

12. **Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved a Wildlife Sensitive Lighting Design Scheme shall be submitted to the Authority for its written approval. The Lighting Design Scheme shall identify features on site which are sensitive for bats, including routes used for foraging, and include details of the positions, heights and orientations of external lighting, luminaire types and lighting contour plans. The Lighting Design Scheme shall, thereafter, be implemented as approved in advance of the first occupation of any dwelling hereby approved.

13. **Pre-Occupation Condition:** Prior to the first use of the approved access onto Storrington Road full details of street lighting proposed to service the access road shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of the positions of individual lighting columns, the heights of lighting columns and luminaire specifications, and shall be coordinated with the Wildlife Lighting Design Scheme subject of Condition 16.

No Longer pursued:

~~**Pre-Occupation Condition:** Prior to the first occupation of any dwelling hereby approved a written statement, inclusive of calculations performed pursuant to Part G of the Building Regulations, confirming specific measures by which the approved dwellings will achieve the 74.1 litre/person/day standard committed to within the Water Neutrality Strategy (RSPD, Revision F, Dated June 2024, shall be submitted to the Authority for its approval in writing. The statement shall include a calculation specific to each type/size of dwelling proposed on the site and shall additionally include a rainwater yield calculation pursuant to the methodology prescribed at section 6.1.2 of BS EN 16941-1:2018 (On Site Non-Potable Water Systems).~~

~~The approved measures shall be implemented in advance of the first occupation of the development hereby approved and shall be maintained to an equivalent, or superior, standard of efficiency thereafter~~.

14. **Pre-Occupation Condition:** No dwelling hereby approved shall be occupied unless and until a Biodiversity Enhancement Layout for protected and priority species, as recommended within the Ecological Appraisal (FPCR Environment and Design Ltd, no reference, dated February 2024) at Sections 6.15 and 6.36, has been submitted to and approved by the Local Planning Authority in writing. The approved works shall, thereafter, be implemented as approved.

15. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

16. **Regulatory Condition:** The development hereby approved shall be carried out in strict accordance with the ecological mitigation measures identified within the approved Great Crested Newt and Reptile Mitigation Plan (Arbtech, Issue 2, Dated October 2023) in addition to the recommended precautionary mitigations for other terrestrial mammals made within the Preliminary Ecological Appraisal (Arbtech, Issue 2, Dated October 2023).

17. **Regulatory Condition:** With the exception of the felling of trees T2 and T3 and grouping G1, as categorised within the approved Arboricultural Impact Assessment (Greenspace Ecological Solutions, No reference, Dated November 2023), no trees shall be felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development.

18. **Regulatory Condition:** All works of demolition, construction, and ancillary activities, including deliveries and despatch, shall be restricted to 08:00-18:00 hours on Monday to Friday, from 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

19. **Regulatory Condition:** Upon the first occupation of any dwelling hereby approved, the first occupier of that dwelling shall be provided with a Home User Guide as detailed within the approved Transport Statement Report (TPHS, Transport Planning and Highway Solutions, no reference, Dated November 2023).

Substituted Condition:

20. **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained