



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: AL/116/18/PL

1 To Addressee

Mr L Duggin
 Land West of Fontwell Avenue
 Eastergate
 West Sussex
 PO20 3RU

2 Site Address

Land West of Fontwell Avenue
 Eastergate
 PO20 3RU

3 Description of Development

Variation of conditions 2, 10, 11 & 12 imposed under AL/121/16/PL relating to the substitution of the proposed site plan.

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 the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the 1st February 2017 (being the date that planning permission was granted for AL/121/16/PL).

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

"Site Plan" Drawing No. SP01 Rev E;
 "Proposed Layouts & Outline Section" Drawing No. X01;
 "Proposed Elevations" Drawing No. X04 Rev C; and
 "Street Scene" Drawing No. X12.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 3 The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment. In particular, all finished floor levels should be set no lower than 13.5m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe access/egress from/to the site and to reduce the risk of flooding to the proposed development and future occupants all in accordance with policy W DM2 of the Arun Local Plan and the National Planning Policy Framework.

- 4 The development shall be implemented in accordance with the surface water drainage scheme which was approved by the Local Planning Authority on the 13th June 2017 (ref AL/50/17/DOC) and which consisted of drawing 1730/D1.1 Rev A "Drainage Layout"; and drawing 1730/D5.1 "Drainage Construction Details". The approved drainage scheme shall be fully implemented prior to occupation of either of the dwellings and shall be permanently retained in good working order thereafter.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM2 and WDM3 of the Arun Local Plan.

- 5 The development shall be implemented in accordance with the noise mitigation measures detailed in sections 6.3 & 6.4 of the Environmental Noise Assessment by Acoustic Associates (dated 25/04/17) which was approved by the Local Planning Authority on the 13th June 2017 (ref AL/50/17/DOC). The approved noise mitigation measures shall be fully implemented prior to occupation of either of the dwellings and shall be permanently retained thereafter.

Reason: To safeguard the amenities of residents in accordance with Arun Local Plan policies D DM1, WE SP1 and QE DM1.

- 6 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 7 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.
- 8 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected.
- Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.
- 9 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing Ref SP01 Rev E. The access shall be permanently retained thereafter as per the approved details.
- Reason: To secure satisfactory standards of access for the proposed development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.
- 10 No part of the development shall be first occupied until visibility splays of 2.4m x 70m to the north and 2.4m x 59m to the south have been provided at the proposed site vehicular access onto the A29 Fontwell Avenue in accordance with the approved planning drawing SP01 Rev E. Once provided, the splays shall thereafter be maintained in perpetuity and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level or as otherwise agreed.
- Reason: To secure satisfactory standards of highway safety in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.
- 11 No part of the development shall be first occupied until vehicle parking and turning spaces have been constructed in accordance with approved drawing SP01 Rev E. The parking spaces and turning areas shall thereafter be retained for their designated use.
- Reason: To provide adequate on-site car parking and turning space for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 12 Details for the secure storage of bicycles within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.
- Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.
- 13 Details for the storage of domestic rubbish and recycling within each new residential plot shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of either of the two dwellings of development.
- Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.
- 14 No development or new tree planting should be located within 3 metres of either side of the centreline of the public sewer which crosses the eastern (front) part of the site and all existing sewer infrastructure shall be protected during the course of construction works.
- Reason: In the interests of protecting the existing public sewer and in accordance with Arun Local Plan policies D DM1 and W DM3.
- 15 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies D DM1, QE SP1 and QE DM4.
- 16 The two first floor bathroom windows shall at all times be glazed with obscured glass.
- Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank walls of the new dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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.

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

INFORMATIVE: It is requested that consideration be given to raising/improving the existing boundary to Westfield House in order to protect their privacy. Details of such improvements should be submitted with the plot boundary treatments required by the above condition.

INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).

INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

Case Officer: Mr S Davis

Date of Decision:

22 March 2019



Neil Crowther
Group Head of Planning

Arun District Council
The Arun Civic Centre
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 12 weeks 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.

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