Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application Under Section 73 for the Removal or Variation of Conditions Under a Previously Approved Permission

DECISION NOTICE

Application Ref: AL/45/26/S73

1 **To Addressee**

Rodway Planning Consultancy
293 Upper Shoreham Road
Shoreham by Sea
BN43 5QA

---

2 **Site Address**

Pip Pen and
House not complete yet (Plot 2)
Fontwell Avenue
Fontwell
PO20 3RU

---

3 **Description of Development**

Variation of condition following the grant of AL/113/24/S73 relating to approved plans, access arrangements and visibility splays.

---

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 the following conditions.

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

-Location plan" LO03 Rev B
-Proposed Dwelling Layouts" Drawing No. X01A Rev A;
-Proposed Dwelling Elevations" Drawing No. X02A Rev A; and
-Street Scene & Boundary Fences" Drawing No. SS01 Rev B.
-Northern Access Overview and Visibility Splays" 101 Rev A.
-Site Overview 2026-6677-1001 Rev A.
-Access Overview and Visibility Splays - 2024-6677-1002 Rev A
-Estate Car & 4.6t Light Van Access and Egress - 2026-6677-1003.
-Fire Tender Access and Egress - 2026-667--1004.
-Emergency Servicing - 2026-6677-1005.
-Refuse Collection - 2026-6677-1006.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with Arun Local Plan policies D DM1 and T SP1.

2 The access arrangements as constructed in accordance with "Northern Access Overview and Visibility Splays" 101 Rev A" shall be permanently retained and the visibility 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.

Reasons: To ensure safe access/egress from/to the site in accordance with Arun Local Plan policies D DM1 and T SP1 and the NPPF.

3 The development shall be constructed in accordance with the Construction Management Plan which was approved by the Local Planning Authority on 25 March 2021 through application ref AL/9/21/DOC and which consisted of Drawing No 7, CMP drawing dated Feb 2021 and the Construction Management Plan, Development plot 2 dated 24/03/2021. The approved Plan shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun Local Plan policies D DM1 and T SP1 and the NPPF.

4 The development shall be implemented in accordance with the schedule of materials and finishes which was approved by the Local Planning Authority on 14 January 2021 through application ref AL/90/20/DOC.

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 Arun Local Plan policy D DM1.

5 The development shall be implemented in accordance with the Landscaping Scheme as set out on drawing 06 "Landscaping, Cycle Store and Bin Store" which was approved by the Local Planning Authority on 12 January 2021 through application ref AL/85/20/DOC. The approved landscaping shall be implemented in accordance with the approved details and retained and maintained thereafter.

Reason: In the interests of amenity and of the environment of the development in accordance with Arun Local Plan policy D DM1.

6 No part of the development shall be first occupied until the vehicle parking and turning spaces shown within the development plot have been constructed in accordance with approved drawing "Access Overview Plan" 2024-6677-000 Rev B. 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 Arun Local Plan policies D DM1 and T SP1 and the NPPF.

7 The development shall be implemented in accordance with the secure cycle storage arrangements as set out on drawing 06 "Landscaping, Cycle Store and Bin Store" and the separate drawing "Cycle and Bin Store Drawing" which were approved by the Local Planning Authority on 12 January 2021 through application ref AL/85/20/DOC. The secure cycle garden stores shall be retained and maintained thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with Arun Local Plan policies T SP1 and T DM1 and the NPPF.

8 The development shall be implemented in accordance with the waste and recycling storage arrangements as set out on drawing 06 "Landscaping, Cycle Store and Bin Store" and the separate drawing "Cycle and Bin Store Drawing" which were approved by the Local Planning Authority on 12 January 2021 through application ref AL/85/20/DOC. The waste and recycling

storage arrangements shall be retained and maintained thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

9 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the 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. It shall also include any plan (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 plan, and for the reporting of this to the local planning authority.

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.

10 No development or new tree planting should be located within 3m 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

11 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.

12 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 Arun Local Plan policies D DM1 and QE SP1.

13 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 Arun Local Plan policies D DM1 and QE SP1.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.

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 (vehicle crossover and uncontrolled crossing of Fontwell Avenue). 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.

Neil Crowther
Group Head of Planning

Case Officer:	Amber Willard	Arun District Council The Arun Civic Centre Maltravers Road Littlehampton West Sussex BN17 5LF
Decision Issued:	**27th August 2026**	

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

APPEALS TO THE SECRETARY OF STATE s73

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 should be made on line via Appeal A Planning Decision https://appeal-planning-decision.service.gov.uk/before-you-start If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of the support options available.

Before making an appeal, you may find it useful to review guidance and watch a video explaining the appeals process at https://www.gov.uk/government/collections/make-an-appeal-to-the-planning-inspectorate-and-associated-guidance

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 public highway (including the placing of skips on highway land).