

DECISION NOTICE

Application Ref: AL/46/26/S73

1 To Addressee

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

2 Site Address

Plot 3 (not yet constructed)
Fontwell Avenue
Eastergate
PO20 3RU

3 Description of Development

Variation of condition following the grant of AL/114/24/S73 relating to approved plans, vehicular access and pedestrian crossing 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 permitted shall be begun before the expiration of 3 years from the date of the permission granted by AL/139/12/PL (20 October 2023).

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:

Location Plan - 2024-6677-L001 Rev C
Surface Water Drainage Construction Details Dwg No 2112/C5.
Surface Water Drainage Dwg No 2112/D1.4.*
Surface Water Drainage Dwg No 2112/D1.2.*
Proposed Floor Plans Dwg No CHI/20080/BR 1 of 4.
Site Plan and Proposed Elevations Dwg No CHI/24001/P.*
Proposed Sections Dwg No CHI/20080/BR 3 of 4.
Proposed Site Plan for Drainage Dwg No CHI/20080/BR 4 of 4.*
Preliminary Ecological Appraisal by Arbtech.
Preliminary Ecological Appraisal.

Environmental Noise Assessment Rev 0 dated 21.9.22
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

* Insofar as they relate to drainage and site layout only. These drawings also show the previously approved access arrangements and a further application may be required to amend these drawings to suit the amended access scheme.

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

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

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.

- 4 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, November 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with Arun Local Plan policy ENV DM5, and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and

approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with Arun Local Plan policy ENV DM5, and to allow the Local Planning Authority to discharge its duties under S40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 7 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In accordance with Arun Local Plan policies ENV SP1 & ENV DM5 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 8 The development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with the NPPF and Arun Local Plan policy ECC SP2.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces 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 policy T SP1.

- 10 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 details shown on the following approved drawings:

"Access Overview and Visibility Splays " - 2026-6677-1002 Rev A.

Reason: In the interests of road safety in accordance with Arun Local Plan policy T SP1.

- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Arun Local Plan policy T SP1.

- 12 The development shall be constructed in accordance with the Proposed Site Set-Up Plan (received 28/11/23) which was approved by the Local Planning Authority on 22 December 2023 through application ref AL/167/23/DOC. The approved Plan shall be implemented and adhered to throughout the entire construction period.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with Arun Local Plan policy T SP1.

- 13 No part of the development shall be first occupied until the required visibility splays have been provided at the proposed site vehicular access onto the A29 Fontwell Avenue in accordance with the approved planning drawings "Access Overview and Visibility Splays" 1002 Rev A. 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 Arun Local Plan policies D DM1 and T SP1 and the NPPF.

- 14 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM4.

- 15 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

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

- 16 Glazing and vents for habitable rooms shall achieve the acoustic performance criteria detailed in table 4.1. of the 'Environmental Noise Assessment | Land at Fontwell Avenue, PO20 3RU' (dated 21/09/2022) .

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

- 17 No development beyond that shown in the approved plans, 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: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with Arun Local Plan policies W SP1 and W DM1.

- 18 Should any other sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to any other existing foul sewers in accordance with Arun Local Plan policies W SP1 and W DM1 and the NPPF.

INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>

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.

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



Neil Crowther
Group Head of Planning

Case Officer: Amber Willard

Decision Issued: **27th August 2026**

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 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).