

PLANNING APPLICATION REPORT**REF NO:** BE/130/10/**LOCATION:** Site 6
Chichester Road
Bersted**PROPOSAL:** Application for variation of condition 48 imposed under planning application BE/45/04 - relating to a noise bund.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

The application is a Section 73 application to amend Condition 48 of planning permission BE/45/04 which states:-

"No dwellings shall be occupied until noise attenuation measures including the noise bunds referred to in Condition 1 of this notice of permission have been provided and the noise bunds shall be planted in accordance with landscaping details which shall be approved in writing by the Local Planning Authority".

The applicants indicate that they consider that the following revised wording for Condition 48 would be appropriate:-

"Noise attenuation measures, including the noise bunds referred to in Condition 1 of this notice of permission shall be provided and the noise bunds planted in accordance with landscaping details approved by Arun District Council on 29th July 2009, prior to the operation of the western section of the Bognor Regis Northern Relief Road (BRNRR), as permitted under application ref. BE/37/08...."

SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	N/A
TREES	N/A
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	N/A
CHARACTER OF LOCALITY	N/A

RELEVANT SITE HISTORY

BE/45/04/	Outline Application for residential development comprising 650 residential dwellings, formal & informal public open space, including sports pitches, community facilities & associated works. Western section of the Bognor Regis North relief road between the A259 Chichester Road & Rowan Way (This application is accompanied by an environmental statement, affects a public right of way & the setting of a conservation area & constitutes a departure from the development plan)	NON DET APPEAL 19-11-2004 Appeal: Allowed+Conditions 22 11 2006
BE/100/07/	Variation of condition no. 49 imposed under planning reference BE/45/04 relating to off-street car parking. (This application adjoins the parishes of Middleton-on-Sea, Felpham & Yapton)	Approve Cond 26-09-2007
BE/99/07/	Variation of conditions 42, 46, 47 & 52 imposed under planning reference number BE/45/04 relating to contamination, external materials, existing & finished levels & roads, footpaths, parking & drainage for each building. (This application adjoins the parishes of Middleton-on-Sea, Felpham & Yapton)	Approve Cond 26-09-2007

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection

One letter of representation:

Agree with the Environmental Health Officer that "constructed" should be used rather than "planted" as trees/vegetation are not effective as a barrier to noise.

One objection has been received from North Bersted Action Group on the following grounds:-

1. The orange notice was not correctly displayed and does not give a full description of the development
2. No justification for the variation of the condition is given and it goes against what the Inspector imposed
3. The Council is not monitoring compliance with the conditions imposed
4. The condition is required to ensure that the attenuation measures are provided as expressed by local residents at the Inquiry

5. Trees can be planted now at strategic points along the relief road so that they can be established before the road is operational

Comments on Representations received:

It is agreed that any permission should include the word "constructed" in the condition rather than "planted".

The orange notice was placed at the entrance to the Berkeley site and this is in accordance with the Council's procedures. The description of the proposal is considered to be adequate for an application of this nature, which is to vary an existing condition of the consent. The applicant's are entitled to make an application for the variation of the condition, and the merits of the application for or against, have to be considered by the Local Planning Authority.

The Local Planning Authority does not have the resources to monitor compliance with all the conditions on this site, but as is normal practice, when a complaint is made it is investigated. In this case following the investigation of the complaint an application has been made on its merits.

It is considered that the timing of the provision of the noise bund associated with the Relief Road can be varied without detriment to the amenities of existing and proposed residents.

CONSULTATIONS

WSSC Local Development Divis.
Environmental Health

Consultations responses received:

County Highways:

It is appreciated that the wording of the condition at present requires the noise bund to be constructed prior to the first dwelling being occupied rather than the commencement of operation of the relief road itself. It is also understood that in terms of phasing of construction that material excavated to construct the approved line of the relief road would be used in the formation of the bunds. The proposed revision to the condition wording to require the bund to be proved prior to the western section of the relief road being opened therefore seems more appropriate. On that basis, West Sussex County Council have no objection to the proposed variation of the condition.

The District Council (Environmental Health Officer) need to decide from themselves whether deferring construction of the noise bund until the relief road works commence is acceptable from a noise impact/mitigation perspective, which is perhaps the more important consideration.

Environmental Health:

I would suggest "constructed" rather than "planted", as trees/vegetation are not effective as a barrier to noise. Otherwise, no objection.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Class 'A' Road
Site 6

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[GEN32](#)

The Form of New Development
Noise Pollution

PLANNING POLICY GUIDANCE

PPS1
PPG24

Delivering Sustainable Development
Planning and Noise

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This application is made under Section 73 of the Town and Country Planning Act 1990 and is for the amendment of Condition 48 of the planning approval BE/45/04, which is for the erection of 650 dwellings at Site 6 at Bersted. The Condition relates to the noise bunds that have to be constructed as part of the Relief Road being provided and planted before any dwellings are occupied.

A number of dwellings have been completed and are ready for occupation and there will be a considerable number ready in the near future. The original condition is about screening noise from the new Relief Road from the potential occupier. As the Relief Road has not been constructed yet it appears to be reasonable that occupation of the dwellings can be permitted as long as the noise bunds are provided before the Relief Road comes into use.

It is therefore recommended that the application be approved subject to the conditions set out below.

(It should be noted that with Section 73 applications the Courts have indicated that when issuing a fresh permission under Section 73, it is highly desirable that all conditions should be reinstated. It should also be noted that in this case there has been other Section 73 applications altering other Conditions.)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Application for approval of the following matters shall be made to the Local Planning Authority not later than the expiration of 3 years beginning with the date of the original permission:-
- (a) the detailed layout of the site including the delineation of the precise boundary of the proposed school site and health facility site;
 - (b) the siting, design and external appearance of the buildings;
 - (c) the detailed landscaping of the site, including ecological enhancement;
 - (d) the detailed design of the relief road, including associated noise bunds, levels, profiles, clear-span culverts, lighting, fencing and the detailed design of the Shripney Lane crossing and the adjoining turning areas;
 - (e) the detailed design of stormwater ponds, including safety provisions and ecological enhancement;
 - (f) the detailed design of the floodwater compensation area including levels and profiles and a programme for its construction;
 - (g) details of play areas including equipment and a phasing plan for provision of these areas and for provision of public open space;
 - (h) details of the surfacing, lighting and signage of all footpaths and cycle routes on the site and a phasing plan for their provision;
 - (i) details of recycling facilities;
 - (j) detailed layout of the sports pitches, including any safety fencing;
 - (k) detailed design of a community centre and of sports changing facilities and a phasing plan for their provision;
 - (l) a lighting plan.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of the original permission, or before the expiration of 2 years from the date of approval of the last of the matters referred to in Condition 1 of this notice of permission, whichever is the later.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 3 The residential component of the development hereby approved shall comprise not more than 650 dwellings and shall give an average net density of not less than 36 dwellings per hectare.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 4 The submission of matters pursuant to Condition 1 of this notice of permission shall be in substantial accordance with the layout included within the masterplan submitted as part of the planning application, which appears as drawing 'FIGURE 4.1, also Figures 4.1A and 4.1B' within Section 4 in the Environment Statement March 2005, Volume 1 - Text and Figures.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 5 Detailed plans for the development of the application site shall be generally in accordance with the Design Statement which is contained in Appendix 4.2 of Volume 2A - Appendices of the Environment Statement March 2005, received by the Local Planning Authority on 17th March 2005. Designs shall accord with the points included at paragraph 3.2.2 of that document, with the associated plan at Section 3.2.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 6 The tallest buildings at the site shall not exceed three storeys in height.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 7 The mitigation measures set out in the Environmental Statement submitted in support of the application, as amended, shall, unless provided for in any other conditions attached to this notice of permission, be carried out and completed in accordance with the Environmental Statement.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 8 Any application for the siting, design and external appearance of any dwellings shall contain a report including a plan, describing the size and type of the proposed dwellings, including any "affordable dwellings". The report shall explain how the proposed range of dwelling sizes and types for both "affordable" and "open market" dwellings is designed to ensure that the development as a whole meets the varied needs of local households and would avoid the creation of large areas of housing of similar character.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 9 Building work on any phase or sub phase of the development hereby approved shall not commence until details of the space to be laid out for stationing vehicles clear of the public carriageway have been approved by the Local Planning Authority and each building shall not be occupied until such space to serve it has been surfaced, drained and completed. The space so approved shall not thereafter be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 10 Building work on each phase or sub phase of the development hereby approved shall not be carried on until space has been laid out to serve that phase, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority, for the turning, loading/unloading of vehicles and the parking of vehicles clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 11 No development shall take place unless and until details of the layout and specification of and construction programme for the roads, footpaths and casual parking areas, the foul and surface water drainage and means of disposal, have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied nor any building used until it is provided with access constructed in accordance with such approved details to the established highway network.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 12 The alignment of any public right of way shall be protected by being clearly demarcated as may be approved by the Local Planning Authority throughout the course of the development.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 13 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 14 Means of vehicular access to the site shall be from the A259 Chichester Road and Rowan Way only. Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no vehicular access shall be formed to any part of the development site via Berry Lane, North Bersted Street or Bucksham Avenue nor shall any new vehicular access be formed from Shripney Lane.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 15 Notices shall be erected, and maintained throughout the period of construction/development, at the site exit indicating to drivers the route agreed by the Local Planning Authority for traffic leaving the site.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 16 No development approved by this notice of permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage and flow works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan clearly delineating the precise area subject of these works. The scheme shall be implemented in accordance with the approved programme

and details. Subsequently the area shall be permanently maintained to ensure that there is not at any time, any obstruction to the free flow, passage and storage of floodwater.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 17 Notwithstanding the provisions of Parts 2 and 6 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), there shall be no means of enclosure erected in or around, nor any building or other structure, erected within any part of the area the subject of flood compensation works as defined by the plan referred to in Condition 16 of this notice of permission, nor shall there be any raising of ground levels whatsoever within this area.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 18 No development shall take place within 10 metres from the top of the bank of any watercourse.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 19 No development shall be commenced until a scheme for the provision of a surface water regulation system, (which shall include the stormwater ponds shown in the simplified masterplan drawing referred to in condition 4 of this notice of approval), is designed and implemented to the satisfaction of the Local Planning Authority and supported by detailed calculations. The regulation system for the site must ensure that the runoff from the 1% probability storm is controlled and will restrict the outflow to that which would have occurred had the site been a green field. The scheme shall include a maintenance programme and establish ownership of the storage system for the future.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 20 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 21 All foul drainage, including contaminated surface water runoff, shall be disposed of in such a way as to prevent any discharge to any borehole, well, spring or watercourse (including dry ditches with connection to any watercourse).

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 22 No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 23 The method of controlling groundwater at the site during the construction works shall be carried out in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, prior to any development commencing on site.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 24 The construction of the relief road shall include the provision of culverting to allow for the free flow and passage of floodwater. These shall be provided concurrent with the construction of the road. Thereafter, any culvert shall be permanently retained and maintained to prevent obstruction to the free flow and passage of floodwater.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 25 The ground floor level of all buildings on the site shall be at least 2.36 metres AOD (2. see footnotes at end of condition 59)

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 26 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank of the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses shall be located above ground within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Any associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 27 Prior to the establishment of any developers/contractor's storage compound, and/or site office, and/or hoardings details of the location of the compound/office and/or hoardings, including measures to be taken to minimise the visual impact, pollution, noise and lighting and including a stated date for its removal, shall be submitted to and approved in writing by the Local Planning Authority. Any such compound/office shall be removed at the stated date or immediately thereafter. This condition shall apply notwithstanding the provisions of Part 4 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order).

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 28 The sports pitches shall not be illuminated.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 29 No dwelling shall be occupied until the appropriate phase of public open space and play areas, including equipped play areas, have been provided according to the approved phasing plan referred to at condition 1(g) of this notice of permission and made available for use by the general public.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 30 At the commencement of the development of any phase or sub phase, signs shall be erected on the site of all proposed play areas associated with that part of the development. The details of such signage shall first be submitted to and approved in writing by the Local Planning Authority and they shall be retained in accordance with the approved details until the play areas are provided.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 31 No development of any sub phase shall commence until a scheme for the future management of the play areas which form part of the development has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance programme and establish ownership of the play areas for the future.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 32 All trees and hedgerows on the site shall be retained unless details of their removal, including any required replacement planting, are first approved in writing by the Local Planning Authority. A scheme of protection, including the provision of protective fencing in accordance with BS 5837 'Trees in relation to construction' shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development works for each sub-phase of development. Such protective measures shall be fully implemented and maintained for the duration of that phase of development works. Within the areas contained by protective fencing there shall be no storage whatsoever, including any materials, oils, chemicals, plant or spoil nor shall there be any changing of ground levels or excavation, including any trenching works, without the prior written approval of the Local Planning Authority.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 33 The development of each sub-phase of residential development shall not be commenced until such a landscaping plan has been submitted for that phase. The scheme shall be carried out in the first planting and seeding season following the occupation or substantial completion of that phase or at such other time as is first agreed in writing by the Local Planning Authority. Any trees or plants which within a period of five years of the occupation or substantial completion of that phase 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 prior

written consent to any variation.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 34 There shall be no burning of material within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 35 Where detailed plans referred to at condition 1 of this notice of permission, relate to any building open to the public or used for employment or education purposes, they shall include provision of access and parking facilities for people with disabilities. Each detailed plan shall be accompanied by a written statement to explain how access for people with disabilities is to be provided, including any outdoor areas comprising the curtilage of such buildings.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 36 Prior to the commencement of any development, a scheme for the maintenance of the area shown for the provision of the community/sports changing building, health centre and school shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of any temporary fencing and the maintenance regime for these areas during the period prior to their development. The area shall be maintained in accordance with the approved details during the period prior to their development.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 37 The area shown in the simplified masterplan referred to at condition 4 of this notice of permission, for the provision of the community/sports changing building, health centre, and school shall not be developed other than for the purposes of community/sports changing building, health centre and school.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 38 None of the buildings/dwellings shall be occupied or used until works for the disposal of foul and surface water drainage have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 39 No work for the carrying out of the development hereby approved shall be undertaken on the site on bank or public holidays or at any other time except between the hours of 7.30am and 6.00pm Mondays-Fridays and 8.00am and 1.30pm on Saturdays.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 40 A detailed timetable for the provision of noise bunding, which may include phased provision, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The construction of noise bunds, including landscape planting shall be carried out concurrent with the development hereby approved so as to ensure that noise mitigation is provided in accordance with the Environmental Statement received as part of this application by the Local Planning Authority on 22nd March 2005, to each phase or sub-phase of development.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 41 No development shall take place on the site 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.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 42 Development shall not begin until a phase 2 site investigation in accordance with British Standard BS10175:2001 - (2001) Investigation of Potentially Contaminated Sites: Code of practice - has been carried out and a scheme to deal with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until the measures approved in the scheme have been implemented.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 43 Upon the commencement of development and for the duration of the development phases until completion of development, the developer shall submit to the Local Planning Authority on a frequency of not less than every 6 months, a report setting out how development has met the requirements of all conditions of this notice of permission.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 44 No more than 350 dwellings shall be occupied until the community building has been completed and provided for use by the general public.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 45 A minimum of 14 days written notice of the commencement date of development shall be given to the Local Planning Authority.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 46 No development shall be carried out unless and until samples and a schedule of materials to be used for the external surfaces of buildings and any ground surface treatments, have been submitted to and approved in writing by the Local Planning

Authority. Development shall not be implemented otherwise than in accordance with such details.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 47 No development shall take place until details of existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 48 Noise attenuation measures, including the noise bunds referred to in condition 1 of this notice of permission, shall be provided and the noise bunds constructed in accordance with landscaping details approved by the local planning authority on 29th July 2009, prior to the operation of the western section of the Bognor Regis Northern Relief Road (BRNRR), as permitted under application ref BE/37/08.

Reason: To ensure that the bunds are provided and act as noise attenuation measures to the new dwellings before the Relief Road comes into use in accordance with policy GEN32 of the Arun District Local Plan and PPG24 Planning and Noise.

The development hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 1 The accesses from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 2 No development shall take place unless and until details of the relief road and estate road design layout (including roads, footpaths and casual parking areas), including specification and construction programmes, foul and surface water drainage and means of disposal and lighting have been submitted to and approved by the Local Planning Authority. The relief road and estate roads shall be constructed in accordance with the approved details. No house shall be occupied until it is provided with access constructed in accordance with such approved details to the established highway network. The details of the relief road submitted for approval shall include details of noise attenuation, surface water drainage and lighting.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 3 The buildings hereby permitted shall not be occupied until the access to Chichester Road serving the development hereby permitted has been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 4 With the exception of work in connection with the construction of the access road to serve the proposed development, no work shall be undertaken on the site until the said access road has been constructed in accordance with the approved plans, these plans to be submitted to and approved by the Local Planning Authority.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 5 The single sports pitch, which is considered in Appendix 12.3 of the amended Environment Statement received by the Local Planning Authority on 17th March 2005, shall be laid out in accordance with the design proposals referred to at section 2.2 of that Appendix, so that its surface is at a level of 1.30m AOD and flood compensation shall be included in the floodwater compensation area required under condition 1 of this notice of permission.

Reason: In accordance with the content and reasoning of the decision notice issued by the Secretary of State on 22nd November 2006.

- 6 No more than 142 of the dwellings hereby approved shall be occupied unless and until the works to the A27/A259 Vinnetrow Road/Bognor Road Roundabout substantially to the same effect as the works shown on drawing 200057-1062 Revision D (or such other scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport in consultation with the Local Highway Authority and thereafter approved by the Local Planning Authority) have been completed and opened to traffic.

Reason: In the interests of highway safety in accordance with PPG13 - Transport.

- 7 No more than 142 of the dwellings hereby approved shall be occupied unless and until the works to the A27/B2233 Crockerhill Junction substantially to the same effect as the works shown on drawing 200057/1063 Revision C (or such other scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport in consultation with the Local Highway Authority and thereafter approved by the Local Planning Authority) have been completed and opened to traffic.

Reason: In the interests of highway safety in accordance with PPG13 - Transport.

- 8 No more than 142 of the dwellings hereby approved shall be occupied unless and until the works to the A27/B2144 Oving Road Junction substantially to the same effect as the works shown on drawing 200057-1049 Revision E (or such other scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport in consultation with the Local Highway Authority and thereafter approved by the Local Planning Authority) have been completed and opened to traffic.

Reason: In the interests of highway safety in accordance with PPG13 - Transport.

- 9 No more than 142 of the dwellings hereby approved shall be occupied unless and until the works to the A27/A29 Fontwell Roundabout substantially to the same effect as the works shown on drawing 200057-1064 Revision E (or such other scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport in consultation with the Local Highway Authority and thereafter approved by the Local Planning Authority) have been completed and opened to traffic.

Reason: In the interests of highway safety in accordance with PPG13 - Transport.

- 0 INFORMATIVE:

It should be noted that a number of conditions to the original planning permission BE/45/04 have been discharged. The letters discharging those conditions shall be read as discharging the same relevant conditions of this planning permission.

- 1 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN32

NATIONAL POLICIES: PPS1, PPG24

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 2 INFORMATIVE:

It should be noted that there are Section 106 Agreements that accompanying this permission, including the original agreements as amended.

- 3 INFORMATIVE:

All Informatives on application BE/45/04 shall be read in conjunction with this planning permission.

- 4 INFORMATIVE:

It should be noted that the time limits on outline planning permission reference BE/45/04 and the subsequent approval of reserved matters applications shall still apply to this

BE/130/10/

permission in accordance with Section 73 of the Town and Country Planning Act 1990 (as amended).