



Da Vinci House
44 Saffron Hill
London EC4N 8EH

Simon Davis
Arun District Council
1 Maltravers Road
Littlehampton
BN17 5LF

14 April 2022

Dear Simon,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 96A APPLICATION TO
VARY PLANNING PERMISSION REFERENCE BN/147/21/OUT
LAND WEST OF FONTWELL AVENUE, FONTWELL, EASTERGATE, PO20 3RX**

On behalf of Reside Development Limited, this application is made under Section 96a of the Town and Country Planning Act 1990 (as amended) to amend Condition 3, 9, 10 and 20 of planning permission reference BN/147/21/OUT, granted by Arun District Council ('the Council') on the 3rd of March 2022.

This letter should be read in conjunction with the following submitted information:

- Application Form
- Phasing Plan (ref: 29662D_45)

Planning Policy

In accordance with the Government's Planning Practice Guidance on flexible options for planning permissions (ID: 17a), an application for a non-material amendment can be submitted under Section 96a of the Act. The relevant provision of Section 96a is set out below:

- (3) The power conferred by subsection (1) includes power—
- (b) to remove or alter existing conditions.

Justification For Non-Material Amendment Application

Since permission was granted in March 2022 (ref: BN/147/21/OUT) it has been established that the development will come forward in two distinct phases. Phase 1 will comprise of units 1-7 and phase 2 will comprise of unit 8 on the southern section of the site.

As such, this application adds a phasing plan to reflect the extent of the two phases to the approved document list and varies the wording of the relevant conditions 3,9,10 and 20. It should be noted site wide works required under the remaining conditions will be undertaken as a single phase.

Requirement to amend Condition 3

This application requests the non-material amendment of Condition 3.

Condition 3 of planning permission BN/147/21/OUT states:

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

*Location Plan dwg. 10 Rev D;
Site Block Plan Southern Site dwg. 199 Rev L (only in respect to the access arrangements); and
Access and Phase 1 Turning Head Tracking dwg 020.0672.011 Rev A (as located within the Transport Note).*

We require the amendment to Condition 3 to include the submitted Phasing Plan (ref: 29662D_45) as an approved document.

Requirement to amend Condition 10

This application also requests the non-material amendment of existing Condition 9 which relates to landscaping.

It is requested this condition is amended to include reference to the two phases as set out in the submitted Phasing Plan. As such the condition should state:

*The landscape details **for each relevant phase** to be submitted pursuant to condition 1 shall include the following items...*

Requirement to amend Condition 9

This application also requests the non-material amendment of existing Condition 10 which relates to layout, scale and appearance.

We require the amendment to Condition 10 to again reference the two phases as per the below suggested text:

*The layout, scale and appearance details **for each relevant phase** to be submitted pursuant to condition 1 shall include the following items...*

Requirement to amend Condition 20

This application requests the non-material amendment of Condition 20 which relates to sustainability.

Condition 20 of planning permission BN/147/21/OUT states:

None of the new houses shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

We require the amendment to Condition 20 to state:

*None of the new houses **within in each phase** shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.*

Conclusions and Summary

This application is made under Section 96a of the Town and Country Planning Act 1990 (as amended) and seeks to amend Condition 3, 9, 10 and 20 attached to planning permission reference BN/147/21/OUT. This application adds a phasing plan to reflect the extent of the two phases to the approved document list and varies the wording of the relevant conditions 3,9,10 and 20.

I trust that this letter provides sufficient information and I look forward to receiving confirmation that the application has been registered and validated. In the meantime, please contact me [REDACTED] [REDACTED] should you have any queries regarding this matter.

Yours sincerely,

Esme Sparrow

PLANNER