

Miss E Sparrow
Da Vinci House
44 Saffron Hill
Farringdon
London
EC1N 8FH

Date: 3rd May 2022

Please ask for: Mr S Davis
Tel: 01903 737874

Your Ref:

Our Ref: BN/47/22/NMA

Dear Miss Sparrow,

**Section 96A of the Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as amended) - Article 10**

Non material amendment following the grant of BN/147/21/OUT for the variation to wording of conditions concerning condition 3-providing Phasing Plan, 9-boundary treatment, 10-details of materials and 20-renewable energy.

Northfields Cottages Fontwell Avenue Eastergate PO20 3RX

I refer to your recent application for a Non Material Minor Amendment. I note that you propose to amend the wording of conditions 9, 10 and 20 to allow for a phased submission of details to allow one of the approved dwellings to be developed separately. You also request inclusion of a phasing plan in the approved documents to condition 3.

Non-material amendments are considered to be those changes which are insignificant and do not change the intensity, form or description of the original planning permission. They cannot breach adopted planning policy, conflict with any conditions of the original permission, result in changes to the external details that would materially alter the appearance of the building or be such that consultation or publicity is required. The Council will not accept an increase in width/length of more than 1m, an increase in height of more than 0.3m or the movement of the development by more than 1m in any direction.

Your proposal clearly affects the conditions on the original permission however, it is our view that the change is non-material and that it does not affect the requirements of the respective conditions. Therefore, in this case we have decided to allow the changes as an NMA under section 96A of the Town and Country Planning Act 1990 (as amended). The new conditions are set out below:

CONDITION 3

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);
- Access and Phase 1 Turning Head Tracking dwg 020.0672.011 Rev A (as located within the Transport Note); and
- Phasing Plan (ref: 29662D_45).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

CONDITION 9

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

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority;

(2) Details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter;

(3) A mitigation method statement which provides full details of how the retained hedgerows along the eastern boundary are to be protected and enhanced. The proposed protection details must include a 5m buffer zone to be secured by fencing around the retained natural areas during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures; and

(4) A Landscape Management Plan to provide full details on how the wildlife habitats and enhancements on the development will be managed post construction.

Reason: In the interest of visual amenity, the quality of the environment and bats in accordance with policies D DM1, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

CONDITION 10

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

- (1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings;
- (2) full details of all car parking including 5% of all parking provided as suitable for disabled persons;
- (3) full details of secure & covered cycle storage for each dwelling;
- (4) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval;
- (5) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting that illuminates the eastern and western site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details; and
- (6) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, highway safety/sustainability, the needs of the disabled, to minimise unnecessary light spillage outside the development site, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM2, QE DM3, ENV DM5 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

CONDITION 20

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.

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

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish and a period.

Neil Crowther
Group Head of Planning