

REPORT UPDATE

Application No: FP/174/09/

Reason for the Update / Changes

Reason for Update/Changes:

Late Considerations

One further letter of objection has been received stating that these amendments should have been submitted as part of the amendments to the Section 106 Agreement.

The numbering of the conditions on the recommendation from 49 onwards is incorrect and should be read as 50 to 60 inclusive.

Following a meeting held with the developers and the Highways Agency on 4th January 2010, the Highways Agency indicated that where they had previously said they might consider a commuted payment in lieu of the conditions, they had now decided that this was not an option that they would wish to pursue.

The Highways Agency have now replied to the consultation and stated:

In the interests of promoting development, we have reviewed the planning conditions set out in 2005 and indicated below what we consider to be acceptable adjustments in current circumstances.

It remains our view that the completion of agreed schemes as set out in the 2005 planning conditions is necessary in order to ensure that the Highways Agency's Strategic Road Network continues to operate at a satisfactory level of service.

Crockerhill Junction:

The Highways Agency accepts a revised threshold of 142 dwellings being occupied at both Felpham and Bersted prior to any works being necessary at Crockerhill junction. In this instance works relate to Drawing No. 200057/1063 Revision C as outlined in the 2005 planning conditions.

Fontwell Roundabout:

The Highways agency accepts a revised threshold of 142 dwellings being occupied at both Felpham and Bersted prior to any works being necessary at Fontwell roundabout. In this instance works relate to Drawing No. 200057/1064 Revision E as outlined in the 2005 planning conditions.

Oving Junction

The Highways agency accepts a revised threshold of 142 dwellings being occupied at both Felpham and Bersted prior to any works being necessary at Oving junction. In this instance works relate to Drawing No. 20057/1069 Revision E as outline in the 2005 planning conditions.

Bognor Road Roundabout:

The developers suggested threshold of 142 houses at each site results in an additional 33 and 37 trips in the AM and PM peaks respectively. Given the congested nature of the network in this area any increase in trips must be considered with caution. However, in this instance the Highways Agency accepts that the percentage increase in trips and overall impact to the junction will not be material and as such the Highways Agency accepts that the network will

continue to operate to a good level of service. The Highways Agency therefore accepts a revised threshold of 142 dwellings being occupied at both Felpham and Bersted prior to any works being necessary at Bognor Roundabout. In this instance works relate to Drawing No. 20057/1062 Revision D as outlined in the 2005 planning conditions.

Officer Comment:

The Highways Agency consider that the trigger points of no more than 142 dwellings to be occupied until the works are completed across all 4 junctions of the A27 is acceptable and will not cause any material impact on the junction capacities.

It is therefore recommended that the application be approved conditionally with the additional conditions required by the Highways Agency as follows:-

56. 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

57. 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

58. 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

59. 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

It should be noted that Condition 59 has not been changed from its original wording.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

FP/174/09/

PLANNING APPLICATION REPORT

REF NO: FP/174/09/

LOCATION: Land at Felpham
Felpham

PROPOSAL: Application for removal of conditions 56, 57, 58 & 59 of planning approval FP/92/04

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is a Section 73 application for the removal of Conditions 56, 57, 58 and 59 of planning permission FP/92/04 granted by the Secretary of State on 22nd November 2006.

The conditions read as follows:-

56 None 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.

57 No more than 49 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.

58 No more than 49 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.

59 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.

SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	N/A
CHARACTER OF LOCALITY	N/A

RELEVANT SITE HISTORY

FP/92/04/	Outline Application for residential development and associated uses forming part of policy site 6. Construction of the Bognor Regis Northern Relief Road from A259 at Felpham to A29 (This application is accompanied by an environmental statement and affects a public right of way)	Called In 30-11-2004 Appeal: Allowed+Conditions 22 11 2006
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FP/244/07/	Creation of temporary access into development site from Flansham Lane, Bognor Regis	Approve Cond 12-12-2007
FP/251/07/	Reserved Matters application pursuant to outline planning permission FP/92/04 relating to 3 phases of residential development for 464 dwellings, and up to 217sqm retail floorspace, with associated residential roads, drainage works and public open space - This application affects a Public Right of Way	Approved Cond + S106 18-09-2008
FP/220/07/	Approval of reserved matters following outline application FP/92/04 - The western section of the Bognor Regis Northern Relief Road between the A259 at Felpham to the A29 & associated engineering works (This application affects a public right of way & also falls within the parishes of Yapton, Middleton, Bognor Regis, Aldingbourne & Bersted)	Approve Cond 15-01-2009
FP/237/08/	Amendment to provide changes to 200 residential units previously approved in accordance with Reserved Matters application FP/251/07 pursuant to outline planning permission FP/92/04 relating to three phases of residential development for 464 dwellings, and up to 217sqm retail floor space with associated residential roads, drainage works and public open space - This application also falls within the parish of Yapton	Approved Cond + S106 03-03-2009
FP/43/09/	Application for Reserved Matters following outline planning permission FP/92/04 relating to phase D of residential development for 121 dwellings with associated residential roads, drainage works and public open space (Resubmission following FP/52/08) This application affects a public right of way	Approve Cond 17-06-2009
FP/128/09/	Reserved Matters application following outline planning permission FP/92/04 relating to phase E of residential development for 115 dwellings with associated residential roads, drainage works and public open space - This application affects a Public Right of Way	Approve Cond 03-12-2009

REPRESENTATIONS**Representations received:**

Bersted Parish Council

Aldingbourne Parish Council
Felpham Parish Council
Yapton Parish Council
Felpham Parish Council
Awaited

4 letters of objection

- Without the proposed works being carried out at the times stated within the Conditions there will be further congestion at the junctions of the A27.
- The details of the financial contributions under the terms of the Section 106 Agreement are not known, and cannot therefore be commented upon.
- Suitable financial contributions should be made to the existing cycle network.

Comments on Representations received:

The Secretary of State imposed the Conditions onto the planning permission at the request of the Highways Agency. As long as the Highways Agency are now satisfied that these alternative arrangements are satisfactory to cope with the increase in traffic at the junctions to the A27, the proposal is considered to be acceptable.

CONSULTATIONS

WSCC Local Development Divis.
Highways Agency
InterRoute
Chichester District Council

Consultations responses received:

Highways Agency
Awaited

WSCC Local Development

No objection. The conditions referred to above relate to works required to the various junctions on the A27 as part of the Site 6 development. These conditions were sought by the Highways Agency and it is understood that the works proposed as part of these conditions have in effect been rendered superfluous by other improvements now proposed by the Highways Agency.

The works proposed to the strategic road network would have limited consequences on the local highway network (i.e. that maintained by West Sussex County Council) and as such no objection would be raised to the removal of these conditions.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Class A Road

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPT1	Manage and Invest
	SEPT2	Mobility Management
	SEPSP2	Regional Hubs

Arun District Local Plan:

GEN7
DEV15

The Form of New Development
Safeguarding the Main Road Network

PLANNING POLICY GUIDANCE

PPS1
PPG13

Delivering Sustainable Development
Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to highway safety.

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 highway safety in the 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 removal of Conditions 56, 57, 58 and 59 of the planning approval FP/92/04, which is for the erection of 700 dwellings at Site 6 at Felpham. The conditions relate to highway works at 4 junctions of the A27, that is the Crockerhill junction (A27/B2233), Oving Road junction (A27/B2144), the Fontwell roundabout (A27/A29) and the Bognor Road Roundabout (A27/A259). The works were to be carried out before any dwellings were occupied, before 49 dwellings were occupied, before 49 dwellings were occupied and before 142 dwellings were occupied in the same order as above.

The applicants' agents have stated that they have undertaken to test the effect of any increase in capacity at these junctions based on development arising from Felpham the results of which indicated the triggers were not based on traffic capacity. Following negotiations with the Highways Agency by the agents, it was considered that the required junction improvements in the short term would be superceded by the timing of future works to the A27. In essence, it would be a waste of resources to undertake short term improvements to the A27 when they are not necessary until a substantial number of dwellings have been built and occupied by which time longer term works to the A27 road are likely to be under construction or completed.

If it is considered by the Highways Agency and the County Council as Highway Authority that these proposals are acceptable from a highway point of view, then it is considered there is no valid reason for the application to be refused.

It is therefore recommended that the application be approved subject to no objections being received from the Highways Agency, a satisfactory Section 106 Agreement being signed with regards to commuted payments for the works at the junctions, and 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 restated).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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;
 - (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 noise bunds, levels, profiles, clear-span culverting, lighting and fencing and of the stopped up part of Hoe Lane;
 - (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 and the delineation of the precise boundary of the proposed school site;
 - (k) design and operating mechanism of the proposed 'bus gate' at the access to Westmorland Drive;
 - (l) detailed design of a community centre and of sports changing facilities and a phasing plan for their provision;
 - (m) a lighting plan.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 3 The residential component of the development hereby approved shall comprise not more than 700 dwellings and shall give an average net density of not less than 35 dwellings per

hectare.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 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 parameters plans; drawings 1683 SK 30 E and 1683 SK 47 A.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 5 Detailed plans for the development of the application site shall be substantially in accordance with Part 3 of the Design Strategy (CD8.12) submitted with the planning application and received by the Local Planning Authority on 2nd April 2004, subject to the following;

- the layout drawings at pages 13, 14 and 21 are superseded by drawing 1683 SK 30 E, referred to at Condition 4 above;

- the layout illustrations at pages 18 and 21 are illustrative only;

- the density chromatic plan at page 16 is broadly indicative only.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 6 The tallest buildings at the site shall not exceed three storeys in height. These shall not comprise the predominant form of development and shall be sited away from the southern boundary of the site.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 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 the reasoning of the decision notice FP/92/04 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 the reasoning of the decision notice FP/92/04 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 the reasoning of the decision notice FP/92/04 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 the reasoning of the decision notice FP/92/04 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 12 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 the reasoning of the decision notice FP/92/04 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 14 Apart from as provided for under Condition 15, means of vehicular access to the site shall be from the relief road the subject of this permission only. Notwithstanding the

provisions of 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 Shirley Drive, Lindsey Court, Coniston Close, Normans Drive or Roundle Avenue, unless permission is granted on an application in that respect.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 15 Vehicular access to the site via Westmorland Drive shall be only for buses and emergency vehicles such as ambulances, fire engines and police vehicles. It shall not be used by any other vehicles whatsoever, including any construction vehicles unless permission is granted on an application in that respect. Vehicular access shall at all times be controlled by means of a vehicle control barrier the subject of condition 1(k) of this notice of permission.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 16 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 17 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 18 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 17 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

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

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 20 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 21 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 22 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 23 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 24 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 25 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 26 The ground floor level of all buildings on the site shall be at least 2.32 metres AOD (3. see footnotes at end of condition 59)

Reason: In accordance with the content and the reasoning of the decision notice

FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 27 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 28 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 29 The sports pitches shall not be illuminated.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 30 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 31 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 32 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 33 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 34 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 35 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 36 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 37 Prior to the commencement of any development, a scheme for the maintenance of the

area shown for the provision of the 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 38 The area shown in the simplified masterplan referred to at condition 4 of this notice of permission, for the provision of the school shall not be developed other than for the purposes of a school.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 39 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 40 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 41 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 42 No development shall take place on the site until a scheme to mitigate the effects of the development on archaeology at the site that is in general compliance with the outline scheme entitled "Mitigation of Archaeological Impacts, Land between Felpham and Flansham" has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation scheme.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 43 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 44 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 45 Any safety fencing to be erected in the vicinity of the sports pitches, shall be erected prior to the first use of the sports pitches, in accordance with details to be submitted to the Local Planning Authority for prior written approval under condition 1 of this notice of permission.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 46 Footpaths and cycle routes shall be provided in the locations indicated on the simplified masterplan drawing 1683 SK 30 E and the simplified Masterplan (Western Section) drawing 1683 SK 47 A and in accordance with the details of design and phased provision to be submitted and approved under Condition 1(h)

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 47 The development hereby approved shall include the provision of three shops within class A1 of the Town and Country (Use Classes) Order 1987 to comprise a total floorspace between 150m² and 240m², unless the Local Planning Authority gives prior written approval for any variation. The shop units shall be constructed prior to or concurrent with the construction of the 450th dwelling at the site.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 48 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 51 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 52 Detailed plans referred to in condition 1 of this permission shall provide for car parking at an average maximum of 1.5 off street car parking spaces per dwelling. The dwellings hereby approved shall not be occupied until provision for parking has been made within the site in accordance with the agreed details, and such provision shall thereafter be used only for the parking of vehicles.

Reason: In accordance with the content and the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 53 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 54 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 55 With the exception of work in connection with the construction of the access roads to serve the proposed development, no work shall be undertaken on the site until the said access roads have 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 the reasoning of the decision notice FP/92/04 issued by the Secretary of State on 22nd November 2006.

- 56 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.

- 57 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 20057-1049 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.

- 58 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.

- 59 No more than 142 of the dwellings hereby approved shall be occupied unless and until the works to the A27/A259 Ninnetrow 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.

- 60 INFORMATIVE:

It should be noted that there are Section 106 Agreements that accompanying this permission, including the original agreements as amended and one specifically relating to this application.

- 61 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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 highway safety and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: T1, T2, SP2

LOCAL PLAN: GEN7, DEV15

NATIONAL POLICIES: PPS1, PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

62 **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.

63 **INFORMATIVE:**

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

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