

Recommendation Report for Planning Permission

REF NO: FG/163/21/PL

LOCATION: The Chalet
Littlehampton Road
Ferring
BN12 6PG

PROPOSAL: Development comprising of marine workshop & boatyard, martial arts gym (Class E) & storage container compound (Class B8) to replace former glasshouses. This site is a Departure from the Development Plan & is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION It is proposed to demolish the glasshouses and erect a pre-fabricated single storey building, a container storage yard (37 containers at 2.6m high) and car parking for 20 cars. Also proposed is a 2.1m high fence to separate the dwelling from the site.

The new building will have a floor area of 450m² and measure 6.2m to the ridge (4.6m to the eaves). It will be subdivided to provide a class E(g) boat workshop and a class E(d) Martial Arts Dojo. The exact split of the building is not known at this time. Materials consist of composite wall/roof cladding panels, glazing, powder coated aluminium doors and composite roller shutter garage doors. The floor area of the containers is 546m².

The access is as existing. The application form states the site requires three new employees in addition to the two applicants. Hours of operation are 8am to 8pm Mon-Sun for the boat workshop, 6am to 10pm Mon-Sun for the Dojo and 6am to 10pm Mon-Sun for the containers. These hours are considered in the conclusions.

SITE AREA 0.3602 hectares.

TOPOGRAPHY Predominantly flat but sloping up from south to north due to it being located at the foot of Highdown Hill.

TREES None affected by the development.

BOUNDARY TREATMENT The site is fenced to a height of 2.1m from the shared access drive on the east side and on the north boundary. Lower height fence on the west boundary. The site is open to the associated dwelling (The Chalet) on the south side.

SITE CHARACTERISTICS The part of the site affected is occupied by greenhouses, two residential outbuildings and hardstanding. It was last operated

as a horticulture business. The greenhouses cover approximately 0.2 hectares. The site is accessed from Littlehampton Road and has its own private driveway which runs parallel to the shared access to other premises to the north. The access driveway is approximately 3.2m wide at its narrowest point and it starts approximately 17m back from the edge of the Littlehampton Road carriageway. The junction with Littlehampton Road is approx. 7.1m wide at its narrowest point.

CHARACTER OF LOCALITY

The site is outside of the built up area boundary in a rural location. A number of commercial uses are to the north of the site including offices, timber yard, storage container site and light industrial/storage uses. Some neighbouring uses were granted permission on appeal. The area to the north and east lies adjacent to the National Park. There is a detached two storey dwelling (Millwood House) to the south of the applicants home. To the west is Highdown Vineyard and to the east some sports pitches.

RELEVANT SITE HISTORY

FG/123/20/PL	Demolition of a polytunnel, storage building & scaffolders' shelters & racking, use of land for Class B8 container self-storage & the siting of 79 No. single-stacked storage containers, part regrading of the ground, new fencing, CCTV & lighting. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.	Refused 04-02-21
		Appeal: Allowed+Conditions 19-07-21
FG/74/19/PL	2 No. commercial B1/B8 use buildings with associated car parking, access & refuse storage This application is a Departure from the Development Plan.	Refused 10-10-19
		Appeal: Allowed+Conditions 10-09-20
FG/25/14/CLP	Application for a Certificate of Lawfulness for a proposed use as a unrestricted residential unit	Approve 20-05-14

FG/25/14/CLP confirmed the use of the whole site area as an unrestricted residential unit.

Pre-application advice was given in September 2017 in respect of the replacement of the glasshouses with B1/B8 (light industrial & storage & distribution) buildings. It was concluded were an application for permission to be submitted, it would be refused due to conflict with policy 7 of the Ferring NP, no evidence of marketing for the horticultural use and the proposed two storey construction of the B8 units.

FG/74/19/PL concerns a site a short distance to the north for which the siting of two new B1/B8 units was allowed on appeal. This had been refused on grounds of harm to the strategic gap and harm to the setting of the National Park & Highdown Hill. The Inspector considered that due to the presence of other

buildings nearby and tree screening, there would be no harm to the strategic gap, no conflict with horticultural policy and no harm to the setting of the SDNP or Highdown Hill.

FG/123/20/PL (allowed on appeal) concerns a site in the north west corner of the current collection of buildings on which it was proposed to site 79 storage containers. This had been refused due to harm to the strategic gap. The Inspector stated there would be no visual impact as the storage containers would be no higher than existing structures on site and there would be no harm to heritage assets due to the distances involved.

REPRESENTATIONS

Ferring Parish Council object. Their response is available on the Council's website but in summary, their concerns are:

- departure from development plan as in the countryside, loss of horticultural site and in a strategic gap;
- application form is misleading and no transport/noise assessment provided;
- proposed commercial uses are better suited elsewhere;
- increased vehicle movements to the site;
- staff increase does not take account of loss of horticultural business;
- applicant does not have legal rights to use whole width of the access onto Littlehampton Road;
- driveway is not wide enough to allow vehicles to pass; and
- proposed hours of operation are inappropriate adjacent to a resident property.

24 letters of objection raising the following concerns:

- previous Facebook marketing of the site was for dry storage not horticulture and the applicant previously tried to sell off the glass panels;
- loss of horticultural/agricultural land;
- increased vehicle movements to the site;
- insufficient space for boats to access the site given that the applicant does not have rights to use the full width of the main driveway thus causing highway safety concerns;
- increased vehicle pollution affecting existing trees;
- neighbouring occupants have health conditions which would be exacerbated by the development;
- increased noise and disturbance to Millwood House;
- loss of privacy to Millwood House from vehicles using the access;
- increased risk of crime;
- a mobile home has been sited on the plot allowing views over Millwood House;
- light pollution will affect the South Downs;
- plenty of other existing gyms in a 4 mile radius and storage sites in a 6 mile radius;
- applicant strongly objected to a nearby application for reasons of harm to their amenity from noise and light pollution;
- applicants previous business location was not near residential dwellings;
- harmful to the walking environment of the nearby footpath; and
- will affect house prices.

1 letter of no objection and 43 of support stating that:

- important for the local community and their health & wellbeing;
- accessible by local martial arts members & don't need a car;
- visual improvement due to redevelopment of derelict buildings;
- site not visible from South Downs or Littlehampton Road;
- no change of use as existing & proposed are both businesses;
- new jobs and income for local persons;
- boat workshop is a small local, family run, reputable business; and
- no problems accessing the site & plenty of visibility.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the issues raised by the Parish Council and residents are considered in the conclusions. However, it should be noted that:

- the site was formerly in a horticultural use with plants grown in a greenhouse not in the ground. Although horticulture is included within the definition of agriculture in the Town and Country Planning Act 1990, horticulture refers to the growing of both edible and non edible plants whereas agriculture is solely concerned with edible plants. The glasshouses were last used in 2010;
- the whole site has the benefit of a lawful development certificate for residential as granted in 2014;
- ownership and rights of access are not material planning considerations;
- permission is not being sought for the mobile home through this application and this is being considered separately through an enforcement case;
- the height of Millwood House's eastern boundary screening is such that there would be no views through or over it by cars or 4x4's; and
- the impact of a proposal on house prices is not a material planning consideration.

The letters of support are noted but the number of new jobs (three) and benefit to the local economy is likely to be low.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

NATURAL ENGLAND - have no comments.

SOUTH DOWNS NATIONAL PARK - the proposal adds to the creeping industrialisation of land along the foot of Highdown Hill and in the setting of the South Downs National Park. It would be preferable to retain an agricultural or horticultural use. Recommend landscaping to the western and eastern boundaries. Request there be no harm to the bridleway and enhancements be sought for its use. Details of external lighting should be conditioned.

WSCC HIGHWAYS - no objection but recommend a personal permission condition to operate in line with their described use to ensure safe/suitable access for all can be maintained. Comment as follows:

- The applicant has supplied supporting highway information;
- The site has the benefit of a lawful use certificate for residential and was previously horticultural;
- Trips to the boat repair business will be around 2 per week and will be max 20 foot boats towed by a car/4x4;
- Trips to the storage yard would be low and will not reach a level that would require a junction capacity assessment;
- Trips related to the Martial Arts gym are expected to be outside of the normal working day hours so won't add to trips during the daytime or AM peak hours;
- Access off the A259 is adequate in terms of visibility and there are no recorded accidents to indicate that the is causing a safety issue;
- The 17m distance between Littlehampton Road and the access driveway allows space for vehicles to wait off the A259;
- Given the proposed uses there is a higher chance of conflicting vehicle movements than compared with the previous use; and
- Do not expect 'described' uses by the current owners/occupiers to attract a significant unacceptable

level of HGV movements, or an unacceptable level of vehicle trips to warrant objection based on NPPF criteria.

WSCC PUBLIC RIGHTS OF WAY - state that there is potential for conflict with the existing bridleway.

ADC DRAINAGE ENGINEERS - no objection subject to conditions. The surface water drainage strategy is not currently acceptable and request it not be approved through the application.

ADC ENVIRONMENTAL HEALTH - no objection subject to a condition to secure a noise assessment to be carried out because there are several noise sources related to this type of scheme and proximity to residential properties. Request conditions regarding contamination and construction hours.

COUNCILS ECOLOGIST - request permission be subject to mitigation and enhancements shown in the submitted Preliminary Ecological Appraisal and Bat Roost Assessment.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted except as set out below.

SOUTH DOWNS NATIONAL PARK - there is limited space in the site layout to accommodate landscaping along the east and west boundaries. A condition will be applied as tree or hedge planting will be possible.

WSCC PUBLIC RIGHTS OF WAY - the bridleway runs unimpeded past the vehicular gate of the Highdown industrial area and would be unaffected by the proposals. From the A259 pedestrians can access the bridleway from the southern footway along Littlehampton Road via an informal crossing which has a pedestrian refuge island in the middle of the carriageway. The arrival and departure of boats at the premises will be infrequent (typically 2 boats per week). As evidenced by objections, the applicant does not have the legal right to propose enhancements to the junction with the A259.

ADC DRAINAGE ENGINEERS - the surface water drainage scheme has not been included in the list of approved plans.

ADC ENVIRONMENTAL HEALTH - the applicant raised concerns with the proposed noise assessment condition and stated one was not imposed on applications close to the site FG/74/19/PL FG/123/20/PL and FG/135/19/PL). The condition has been worded as requiring the assessment prior to "Damp Proof Course (DPC) level" therefore not requiring the applicants agreement.

COUNCIL'S ECOLOGIST - conditions are proposed to secure the recommendations. A condition regarding protection of birds nests is not appropriate as this is covered by separate legislation.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Area of Advertisement Control;
CIL Zone 3; and
Current/Future Flood Zone 1.

The site is 230m from the edge of the Highdown Conservation Area with the Listed Building Highdown around 100m further away.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HORDM1	HOR DM1 Horticulture
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP3	SD SP3 Gaps Between Settlements
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Ferring Neighbourhood Plan 2014 Policy 7

Land north of Littlehampton Road, encouraging of existing rural businesses

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Ferring Neighbourhood Development Plan are referred to in this report.

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 the development of this former horticultural site is appropriate in this location and there will be no materially adverse effect on the integrity of the strategic gap, on the setting of nearby heritage assets, on the South Downs National Park Area, on local character, residential amenity, highway safety or the natural environment.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 11A(2) of the National Parks and Access to Countryside Act 1949 is relevant:

"In exercising or performing any functions in relation to, or so as to affect, land in any National Park, a relevant authority shall have regard to the purposes specified in subsection (1) of section 5 of this Act and if it appears there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park"

Section 5(1) states:

"The provisions of this Part of this Act shall have effect for the purpose - (a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified .. and (b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public"

The proposal is considered to comply with these criteria in that it will not materially affect the setting of the National Park.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

There will be no appreciable harm to the Listed Building and its setting due to distance and the intervening screening.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the

Development Plan other than as set out in the conclusions below.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP) and the Ferring Neighbourhood Development Plan (FNDP).

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the FNDP and the ALP should be resolved in favour of the latter.

ALP policy C SP1 states development in the countryside outside the BUAB will be permitted if it accords with other policies in the Plan which refer to a specific use or type of development. Policy EMP DM1 (6) allows for economic growth outside the Built-up Area Boundary (BUAB) and states that it must be either an extension of an existing employment site or if a new site, that no acceptable alternative can be identified within existing permitted/allocated sites or within/through the redevelopment of existing commercial premises. The proposal is for the redevelopment of a former commercial horticultural site and thus is an appropriate location in the countryside.

The other criteria within EMP DM1 (6) are analysed in more detail elsewhere in this report but it is concluded that the proposal does comply with the whole of policy EMP DM1 (6) as there is no harm to highway safety or convenience, the design & layout is appropriate, the site can be accessed by means other than the private car, there is sufficient car parking, there is no harm to heritage assets, the National Park or biodiversity, no harm to residential amenity and that the site has secure boundaries.

Policy HOR DM1 (3) discusses the redevelopment of redundant/derelict horticultural glasshouses and requires it be proven the horticultural use/buildings are redundant with no demand for the use from others. The policy states that proposals for redevelopment of horticultural sites for non-horticultural purposes will be considered on a case by case basis against Policy C SP1 and should include provision for existing on-site horticultural businesses to relocate elsewhere in the district. There are no existing horticultural businesses present on the site.

FNDP policy 7 is also relevant as this states the loss of established horticultural uses on land north of Littlehampton Road will be resisted. It also states that new development must minimise harm to the surroundings, all new building must be located as part of existing clusters of buildings, landscaping is included and there be no harm to views from wider viewpoints. The proposal conflicts due to the loss of a former horticultural use but as will be seen from the rest of this report, does comply with the other parts of the policy.

The application states the glasshouses were last used by the previous owners in 2010 and a copy of a letter previously submitted with FG/25/14/CLP has been submitted to evidence this. The applicant stated the current owners tried to market the site through Facebook Marketplace and contacted local garden centres, some of whom visited the site. The feedback was that the glasshouses were too old. This evidence is anecdotal and without copies of the adverts has little weight. It is noted that one of the objectors provided a copy of an advert which shows it was marketed for storage not horticulture however the applicant refers to more than one source of marketing.

It is clear the site has not been used since 2010 for horticultural purposes and the glasshouses have fallen into disrepair. A certificate of lawfulness was granted in 2015 for the whole site as a residential use. Members may also wish to note that the site does not form part of the Councils Horticulture Local Development Order.

Whilst it is clear that the intention of policy HOR DM1 (3) is to allow redevelopment in the same horticultural use, it does allow for alternative redevelopment although it is stated that this should be used for the direct diversification of horticulture, other productive green environment or is a countryside-based enterprise activity which supports the rural economy. The proposal is an enterprise activity that will support the rural economy. Policy HOR DM1 (3) also requires that contamination be dealt with and landscaping be provided. These matters will be secured by condition and also ensure compliance with ALP policy QE DM4 (contaminated land).

Overall, the principle of the proposal complies with part (6) of policy EMP DM1 and is thus appropriate development in the countryside in accordance with policy C SP1. Although it is recognised that the main aim of policy HOR DM1 is to retain and modernise existing horticultural sites or put them into similar land uses, it does allow for redevelopment for other uses on a case by case basis. The proposal is for a mix of uses that the applicant is personally involved in and the applicant lives on the site thus allowing for the careful management of the uses and for them to co-exist. It is proposed to impose a personal permission and on this basis, a specific case can be made to allow this horticultural redevelopment.

The proposal is in conflict with FNDP policy 7 due to the loss of a former horticultural use but it is material that the Inspector in determining the appeals of FG/74/19/PL and FG/123/20/PL gave little weight to the FNDP policy 7 in respect of the loss of horticultural uses.

STRATEGIC GAP POLICY:

ALP policy SD SP3 states development in strategic gaps will only be permitted where it meets certain criteria. The proposal complies with the policy as the site is already developed and so there will be no effect on the integrity of the gap or the physical/visual separation of settlements. The proposed buildings will be taller and bulkier than the existing glasshouses but are still single storey and reflect the scale and design of other approved buildings in the area. The new building will also not be visible from the access driveway and bridleway on the eastern side of the site.

Whilst, it would be possible to have the uses elsewhere, it is more practical to have them here as the applicants are on site and thus can carefully manage the activities. This also means that they do not have to travel to their place of work.

It is material that in respect of the appeals of FG/74/19/PL and FG/123/20/PL, both Inspectors stated there would be no harm to the gap due to the respective proposals developing existing built sites. Given these decisions, an objection on grounds of harm to the strategic gap would not be sustainable.

HERITAGE:

The site is around 230m from the Highdown Conservation Area which is at a higher elevation than the site. The Conservation Area contains a Grade II Listed Building (Highdown) although this is 100m further away from the edge of the Conservation Area. This land is entirely in the SDNP area.

Arun Local Plan (ALP) policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM3 lists criteria for proposals affecting the setting of a Conservation Area. The NPPF provides guidance on how to determine impacts on heritage assets.

Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202).

In both recent appeal decisions (which concerned land closer to the Conservation Area), Inspectors stated there would be no appreciable harm to the setting of the heritage assets due to distance, the intervening screening and the containment of development within the identified boundaries of the site.

Given the site is further away than the closest of the two appeal sites, that the development is in the existing boundaries and that there are mature trees between the site and the heritage assets, there can be no argument that this proposal would have a different level of impact on the Conservation Area and Listed Building and therefore there is no harm and no conflict with the relevant policies.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways comments are set out in full on the website and summarised above. They do not object but recommend the use be restricted to the applicants as a personal permission due to the particular circumstances of the proposal including the low number of trips, the fact that the applicants are personally involved in the boat repair & martial arts businesses and that the applicant has shown that he can personally safely access the site from the A259 in a 4x4 towing a boat. As such, WSCC Highways do not consider that the proposal would be contrary to the NPPF guidance.

WSCC Highways have not considered the parking arrangements and although the application states 20 spaces is entirely appropriate for the Arun Parking Standards, there is no breakdown given of the requirements. The Parking SPD requires 1 space per 30m² for light industrial, 1 space per 22m² for leisure uses and 1 space per 100m² for B8 uses.

The requirement for the B8 use is 5 spaces and this is met by the 10 spaces on the east side of the site. The applicant has not made it clear how much of the new building will be for the light industrial use and how much for the leisure use. The requirement for a 100% light industrial use would be 15 spaces whilst that for a 100% leisure use would be 20 spaces. The proposal shows 10 spaces but there is space in the forecourt area for additional cars and according to the Parking SPD, only 5 of the 10 parking spaces for the storage use are required so there is capacity on that part of the site also.

The applicant states the martial arts Dojo will operate at different hours to the boat workshop thus

allowing parking to be shared. In this regard, it is material that the applicant is both the boatyard owner/chief engineer and the martial arts lead instructor and so would need to be involved in both uses. The applicant will manage the site and parking requirements. This fact reinforces the need for a personal use permission.

The proposal will generate new vehicular activity at the site however this has been estimated to consist of only around 2 per day for the boat workshop and a relatively low amount for the storage yard. There is likely to be a greater number of trips to/from the suite for the martial arts dojo but these will be outside of peak times. It is expected that trips relating to the former horticultural use would have mainly been related to employees and delivery/dispatch vehicles, with perhaps the odd trade customer. WSCC Highways consider that the net increase in the number of vehicle trips would not warrant an objection based on the NPPF criteria.

The SPD requires that cycle spaces and electric vehicle charge points for 20% of the total parking spaces are provided and conditions will be imposed to secure the details of these facilities. It is possible to access the site by bus or on foot from nearby population centres.

The proposal complies with ALP policies T SP1 & T DM1 and with the Parking Standards SPD. The application is silent on waste & recycling collection arrangements but this is likely to remain as per the existing arrangements due to there being limited width on the access drive. There is no conflict with ALP policy WM DM1.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development in the setting of the South Downs National Park must have special regard to the conservation of the setting including views into and out of the Park. The Arun Design Guide is a material consideration and section Q discusses rural development which sets out the need for development to integrate into the landscape setting, respect rural character and use simple, unobtrusive design.

The height of the glasshouses is not known but they are just visible above the height of the east boundary fence which is 2.1m high so it is suggested they are at most 2.5m high. They are visually unappealing but do have limited impact outside of the site boundaries. The new industrial building will be single storey but needs to be tall to accommodate boats and their masts. The building will be 6.2m high to the ridge and 4.6m to the eaves. The storage containers have a pre-set height of 2.6m.

The building and new containers will clearly be higher than existing structures. The storage containers are materially similar in height to the glasshouses and a condition will be imposed to ensure they are not stacked on top of each other. The new building will be some 35m from the east boundary having limited visibility from this aspect and by association, to the closest boundary of the National Park and the bridleway. The building will be more noticeable from the west boundary as a backdrop to views across Highdown Vineyard but there is some scope for landscaping along this boundary. Due to distance and intervening screening, it will not be detrimental to the National Park to the north or views in and out of it.

The building has a simple and functional design which reflects the design of other nearby commercial and industrial buildings and so is appropriate in this location. Materials are specified on the plans but a condition will be imposed to control these in particular the colours of the containers.

Whilst it is clear that the character of the site will change from what is a residential dwelling with former glasshouses to a residential dwelling with a mix of commercial and recreation uses, it is not considered that these will be so intensive as to result in harm to the character of the area particularly given the other

existing commercial/employment uses to the north of the site.

In the appeal decision concerning FG/74/19/PL, the Inspector stated there would be no visual impact as the proposed buildings would be commensurate in height to surrounding commercial buildings and the materials and building design reflects those in the surrounding area. That application concerned a new building of 5.8m high (eaves heights of 4m) which is located to the north and at a slightly higher elevation. The Inspector noted the presence of mature trees on the boundaries of that site with further additional planting still establishing itself to the north.

Overall, the proposal is in accordance with the relevant design and landscape policies including the Arun Design Guide.

RESIDENTIAL AMENITY & NOISE POLLUTION:

The concerns of the adjoining residential property (Millwood House) are noted as are the health conditions of the occupiers which are themselves capable of being material planning considerations.

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. ALP policy QE DM1 states new noise generating development should demonstrate there are no suitable alternative locations for the development and provide a noise report.

The application does not include a noise assessment and it is stated that the boatyard is a small light industrial business operated by the applicant with all works taking place in the building. It is stated that nearby appeal approvals were not subject to noise assessments. The applicant does not acknowledge the fact that the appeal sites were not as close to an existing residential property. The application does not set out whether there are other suitable locations for the uses but as discussed already, this is a practical location as the applicants live on the site and so can manage the site appropriately.

Environmental Health raise no objection but request a noise assessment take place by planning condition. There is no request for an hours of operation condition but such a condition is considered necessary due to the residential property next door and that the hours proposed by the applicant would allow boat repairs to take place until 8pm at night and allow the martial arts & storage uses to take place until 10pm at night with all three taking place on Sundays and Bank Holidays.

This would not be appropriate in this location and it is noted the Inspector imposed an 8am to 6pm Mon-Fri & 8am to 1pm restriction for the B1/B8 uses applied for by FG/74/19/PL. It is appropriate to propose the same hours for the boat repair/storage uses. The leisure use would take place entirely in the building but there is potential for external activity before and after sessions. It is appropriate to allow extended opening times for this use but not until late in the evening. Therefore, it is proposed to restrict the use to between 8am & 8pm (Mon-Fri) and 8am & 6pm on Saturdays and Sundays.

Storage and distribution uses tend to only create pollution due to deliveries to/from a site which in this case will be from cars and small vans not large vehicles. The description of class E(g) uses in the Use Classes Order is a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. In principle, light industrial is appropriate near to residential areas.

It is material that Millwood House is beyond the residential part of the site and it is approx. 55m from the new industrial building and around 40m from the nearest storage container with the applicants own house and gardens in between. In the absence of objection from the Council's technical advisers on

matters of pollution, it has to be concluded that there is no conflict with relevant policies and a refusal on grounds on residential amenity/noise disturbance (even taking account of health concerns) would not be sustainable.

AIR & LIGHT POLLUTION:

ALP Policy QE DM3 (Air Pollution) is relevant to major developments or those which require an environmental permit due to the creation of dust, smells, fumes, smoke, heat, radiation, gases, steam or other forms of pollution. The generation of fumes from vehicles accessing the site or those emanating from a boat engine are not covered by the policy and so it is not relevant to consider the policy requirements. Any odours associated with boat repairs would be localised to the site.

Policy QE DM2 requires that new lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation. The application does not discuss lighting proposals. A condition will be imposed to require the separate approval of new lighting to ensure compliance with the policy and at the same time seek to minimise harm from lighting on local bat populations.

SURFACE WATER DRAINAGE:

The site is not affected by flooding from rivers/sea and is not predicted to be so in the future. The site is developed with hardstanding but there is potential for a betterment to the drainage situation to take place.

The application includes a surface water drainage statement which proposes drainage to ground (infiltration) by way of a soakaway and an interceptor. The Council's drainage engineers have concerns with the use of proprietary treatment devices and the location of the soakaway close to the boundary. They recommend the use of porous paving be considered. It is not currently possible to agree the drainage strategy. However, the engineer states this can be resolved through conditions. As such, there is no conflict with ALP policy W DM3.

BIODIVERSITY:

ALP policy ENV DM5 requires development schemes achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity such as green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat.

The application is accompanied by a preliminary ecological appraisal and bat roost assessment. This found no evidence of use of the glasshouses by bats with the only suitable habitat being residential buildings which are being retained. The appraisal recommends that lighting be carefully controlled and that precautions be taken on the site during construction in respect to hedgehogs/small mammals. Conditions are proposed to secure these.

The appraisal does not suggest biodiversity enhancements but as it specifically refers to bats, birds and hedgehogs, a condition to secure suitable nesting habitats for these species would be appropriate and would demonstrate biodiversity net gain. As such, there is no conflict with the relevant policy.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all new commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. Policy ECC SP1 requires new development be designed to adapt to impacts arising from climate change. The application states

solar panels will be provided on the roof on the new building and these will provide a total energy performance of 22698kWh per year. A condition will be imposed to secure the details of the solar panels. As already stated, a condition will also be imposed to seek electric charge points.

SUMMARY:

Although this application has attracted significant public interest, the proposal is considered to represent appropriate redevelopment of a former horticultural site with new economic growth in the countryside. The proposal will alter the character & appearance of the site and its impacts on the local environment but not to such a degree as to have a significant impact on the integrity of the strategic gap, on the setting of nearby heritage assets, on the South Downs National Park, on local visual amenity and character, on residential amenity, highway safety or the natural environment. It is recommended that permission be granted in accordance with the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as

amended).

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

Location Plan;
Site Plan dwg Proposals 01;
Proposed Ground Floor Plan and Roof Plan (Buildings) dwg FG/LHR/02;
Proposed Front, Side & Rear Elevations (Buildings) dwg FG/LHR/03;
Proposed Ground Floor Plan, Elevations, Roof Plan (individual storage containers) dwg FG/LHR/04; and
Proposed South, West, North, East Elevations (storage container area) dwg FG/LHR/05.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, SD SP3, D DM1, T SP1 and QE SP1 of the Arun Local Plan.

- 3 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 4 During construction, all deep pits/trenches/holes present on the site shall during hours of darkness be either covered or have a rough sawn plank placed in them in order to allow small mammals to escape. In addition, all chemicals and pollutants shall be securely and safely stored away.

Reason: To safeguard resident hedgehogs & small mammals in accordance with policy ENV DM5 of the Arun Local Plan and the NPPF.

- 5 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any

construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 8 The use hereby permitted shall be carried on only by Ms Joanna Goodman and Mr Salvatore Aragona and their immediate family members.

Reason: In order to ensure that the development operates in line with the permitted use, on the grounds that a specific case has been made for the redevelopment of this horticultural site,

to ensure that there remains sufficient parking for all uses and that safe and suitable access for all can be maintained in accordance with policies C SP1, HOR DM1 and T SP1 of the Arun Local Plan.

- 9 The new building shall be used for a mix of class E(g) light industrial and class E(d) indoor sports/recreation/fitness only and for no other purposes (including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of nearby residential properties and given the location of the site in the countryside and a strategic gap in accordance with Arun Local Plan policies QE SP1, C SP1 and SD SP3.

- 10 The new storage containers shall be used for class B8 storage & distribution only and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any other Statutory Instrument revoking, re-enacting or amending these regulations).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities of nearby residential properties and given the location of the site in the countryside and a strategic gap in accordance with Arun Local Plan policies QE SP1, C SP1 and SD SP3.

- 11 Hours of operation of (and deliveries to/from) the class E(g) unit and B8 storage containers shall be restricted to between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no operation on Sunday or Bank Holidays. The class E(d) gym use shall be restricted to between 08:00 to 20:00 hours (Monday to Friday) and 08:00 to 18:00 hours on Saturday and Sunday with no operation on Bank Holidays.

Reason: In the interests of the amenities of nearby residential properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of new soft landscaping and details of any existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion 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 written consent to any variation.

Reason: In the interests of visual amenity, the environment and the setting of the National Park in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level shall take place unless and until a colour schedule of materials and finishes to be used for external walls and roofs of the proposed building and of the paint to be used for the storage containers have been submitted to and approved by the Local Planning Authority and the materials/colourings so approved shall be used in the construction of the building and the finish of the storage containers.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the character & appearance of the area in accordance with policies SD SP3, LAN DM1 and D DM1 of the Arun Local Plan.

- 14 No development above damp proof course (DPC) level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of plant and vehicle noise emanating from the site. The assessment shall include acoustic specifications of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the measured background sound level when assessed by a competent acoustician using BS 4142:2014, at any adjoining or nearby noise sensitive premises. Thereafter, the use of the proposed development shall not commence until the approved scheme has been fully implemented.

Reason: To protect the amenity of nearby local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 15 No development above damp-proof course (DPC) level shall take place unless and until the applicant has submitted a scheme for approval in writing by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of any part of the building 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.

- 16 No part of the development shall be first occupied until the new fence to form the northern boundary of the dwelling as shown on drawing Proposals 01 (Site Plan) has been erected. The fence shall thereafter be retained in perpetuity.

Reason: To protect the amenity of the on-site residential property in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 17 No part of the development shall be first occupied until full details of the placement of bird, bat and hedgehog nesting facilities within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority. The submission shall include:

- At least 1 bat box on the new buildings facing south/south westerly and positioned 3-5m above ground;
- At least 1 bird box on a building or on a tree within the site; and
- At least 1 hedgehog nesting box within the wider site area.

Reason: In the interests of securing biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 18 Prior to the occupation of any of the buildings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve those parking spaces allocated to staff members shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition. The current standards require EV charging points in 20% of the relevant parking spaces (rising to 30% in 2023).

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate

against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 19 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Arun Local Plan policy T SP1 and the Arun Parking Standards SPD.

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

Reason: To provide alternative travel options to the use of the car for employees in accordance with Arun Local Plan policy T SP1 and the Arun Parking Standards SPD.

- 21 Should any new external lighting be required in association with the new uses/buildings then prior to the occupation of any of the buildings or first use of the storage containers, details including type of light appliance, the height and position of fitting, predicted illumination levels & light spillage and details of what hours the lights will operate shall be submitted to and approved in writing by the Local Planning Authority. 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 nearby buildings, trees or hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting as approved shall be installed prior to occupation and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 22 There shall be no open storage of materials, finished or unfinished products/parts, crates, packing materials or waste in the site unless otherwise approved in writing by the Local Planning Authority. This condition does not prevent the storage of boats in the open.

Reason: To safeguard the visual amenities of the locality in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

- 23 The storage containers shall not be stacked, stored or otherwise positioned on the site to a height exceeding 2.6m measured from ground level.

Reason: To safeguard the visual amenities of the locality in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

- 24 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 25 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 26 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website and this should be submitted with a Discharge of Conditions Application.
- 27 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 28 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 29 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.