

DECISION NOTICE

Application Ref: P/159/21/PL

1 To Addressee

Whaleback Planning & Design
The Old Bank
257 New Church Road
Hove
BN3 4EE

2 Site Address

253-255 Inglenook Hotel
Pagham Road
Pagham
PO21 3QB

3 Description of Development

Variation and removal of conditions imposed under P/58/19/PL for the variation of condition 2-plans condition & 16-external lighting of roads & footpaths & removal of conditions 11-footpath access through Hotel site & 13-signage of vehicular access previously proposed.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location Plan 01 Rev A;
 - Site Overview 001 Rev E;
 - Refuse Vehicle Swept Path Analysis & Bin Collection Distances 003 Rev B;
 - Fire Tender Swept Path Analysis & Building Regulations Requirements 004 Rev E;
 - Car Parking Swept Path Analysis 005 Rev B;
 - Car Parking Swept Path Analysis 2 006;
 - House Plans (units 1-4) 1594-07;
 - Plots 5 & 6 Proposed Floor Plans 21-003;
 - Plots 5 & 6 Proposed Elevations 21-004
 - Bungalow Plot 7 Elevations and Floorplan 14 Rev B;
 - Plots 8 & 9 Proposed Floor Plans 21-006; and
 - Plots 8 & 9 Proposed Elevations 21-007.

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

- 2 All activity at the site is to be carried out in strict accordance with the submitted Arboricultural Report by Beechdown Arboriculture Ltd (ref: B/0189/18) as approved by P/58/19/PL.

Reason: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 3 All activity at the site is to be carried out in strict accordance with the mitigation and enhancement measures as set out within section 6.0 of the "Preliminary Ecological Appraisal and Bat Building Assessment" by Arbeco Ltd dated 09/04/18; and section 6.0 of the Reptile Survey Report by Arbeco Ltd dated 22/05/18 (all approved by P/58/19/PL). The mitigation and enhancement measures shall be implemented as per the documents and permanently retained and maintained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 4 The development shall proceed in full accordance with the Construction & Environmental Management Plan as approved on 15/10/21 through application ref P/119/21/DOC. This plan shall be in force throughout the construction process.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF.

- 5 The development shall proceed in full accordance with the surface water drainage scheme as approved on 15/10/21 through application ref P/119/21/DOC. The drainage scheme shall be implemented in accordance with the approved scheme and permanently retained 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.

- 6 The development shall be occupied in full accordance with the "SuDS Drainage Maintenance Schedule" as approved on 15/10/21 through application ref P/119/21/DOC. The owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

- 7 The site ground levels and the finished floor levels of buildings that are the subject of this approval shall be in accordance with the plans and details approved by application P/84/21/DOC on 20/07/21

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan.

- 8 The fire hydrant and water connection as approved by P/171/21/DOC shall be installed in accordance with the agreed details and prior to occupation of any of the houses. Thereafter, it shall be tested, the location identified with an H plate, cover sprayed yellow, plotted in the WSCC mapping system and permanently retained/maintained in accordance with the approved details.

However, should it not be possible to agree the connection to the water main in Spinnaker View due to land ownership issues then you will need to reapply using an alternative water source. This will require the submission of full details to the local planning authority for approval in writing prior to occupation.

Reason: In the interests of amenity and in accordance with policies INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a soft and hard landscape design scheme including details of all hard and soft landscape design elements (including hard surfacing to any new/upgraded roadways/footpaths or accesses). The approved planting 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. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of development, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of amenity, the environment of the development and pedestrian safety/convenience in accordance with policies D DM1, T SP1 & T DM1 of the Arun Local Plan.

- 10 The development shall proceed in full accordance with the materials approved through application ref P/171/21/DOC and these details shall be permanently retained.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of the nearby listed buildings by endeavouring to achieve buildings of visual quality in accordance with policies HER SP1, HER DM1, D DM1 and D SP1 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, details of all new and improved boundary treatments. No part of the development shall be occupied unless and until the development has been implemented in accordance with the boundary treatments hereby approved. Thereafter, these boundary treatments shall be permanently retained.

Reason: In the interests of amenity of existing and future residential occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 12 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed 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.

- 13 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved site plan. The parking spaces and garages shall thereafter be retained at all times for this purpose.

Reason: To provide adequate on-site car parking for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 14 No part of the development shall be first occupied until details of covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The covered and secure cycle parking spaces approved shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 15 No part of the development shall be first occupied until the roads, footways, and visitor parking areas serving the development have been constructed, surfaced, and drained in accordance with the approved plans and details. The roads, footways, and visitor parking areas serving the development shall thereafter be retained at all times for this purpose.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 16 No part of the development shall be first occupied until a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings have been submitted to and approved in writing by the Local Planning Authority. The facilities to enable the charging of electric vehicles shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained and maintained in accordance with the approved details.

Reason: New petrol and diesel 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 17 No part of the development shall be first occupied until detailed drawings of dustbin enclosures showing siting and design have been submitted to and approved in writing by the Local Planning Authority. The approved bin storage enclosures or spaces shall be installed prior to the first occupation of any dwelling and permanently retained in accordance with the approved details.

Reason: To ensure sufficient refuse facilities and to safeguard the appearance of the development & the amenities of the area in accordance with policies D DM1 and WM DM1 of the Arun Local Plan.

- 18 No part of the development shall be first occupied until a scheme to demonstrate that the new houses will incorporate decentralised, renewable and low carbon energy supply systems has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to the first occupation of any dwelling and thereafter shall be permanently retained and maintained in accordance with the approved details.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 19 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun district Council's CIL Charging Schedule as adopted on 15th January 2020.

Shortly you will receive a Liability Notice which includes the calculated charge and person(s) liable to pay. If you have not submitted all the necessary CIL forms such as Assumption for Liability ([Form 2](#)) or any appropriate exemption or relief forms available on the Council's website <https://www.arun.gov.uk/cil> you must do so prior to commencement of your development. Failure to do so would invalidate any claim for exemption or relief. Furthermore, you must remember to submit your Commencement Notice no later than the day before the day on which the chargeable development is to commence. Failure to do so could result in a surcharge of up to £2,500.

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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and is Community Infrastructure Levy (CIL) liable. As there is an increase in floorspace (due to the new second floor accommodation) since the original permission, there is a change in the amount of CIL payable. Therefore, a new Liability Notice that supercedes CIL Liability Notice ref 994 will follow.

INFORMATIVE: This decision is subject to a Deed of Variation to the previously approved section 106 legal agreement agreed on P/59/21/PL which related to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area. The Deed of Variation allows the original s106 to also apply to this new permission.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: 11th August 2022

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).