

## DECISION NOTICE

Application Ref: P/49/19/PL

### 1 To Addressee

Hallson Homes (Hall Developments Hardwick Road Ltd)  
Wrays Farmq  
Horsehill  
Horley  
RH6 0HN

### 2 Site Address

The Coop  
The Parade  
Pagham  
PO21 4TW

### 3 Description of Development

Variation of condition 2 imposed under P/4/18/PL relating to approved plans to construct a detached single storey double garage for plot 2.

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 the following conditions.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the 4th May 2018 (being the date that planning permission was granted for P/4/18/PL).

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:

- \* HHKBCP01 Rev C "Site Plan with Plot 2 Garage" (including Location Plan)
- \* 17.3030.100 Rev P4 Proposed Site Layout including Bin & Cycle Store Details (this is superseded in part by HHKBCP01 Rev C in respect of the position of the garage to plot 2);
- \* 17.3030.103 Rev P1 Bungalow 1 Proposed Floorplans & Elevations;
- \* 17.3030.104 Rev P1 Bungalow 2 Proposed Floorplans & Elevations;
- \* 17.3030.101 Rev P1 House 1 Proposed Floorplans;
- \* 17.3030.102 Rev P1 House 1 Proposed Elevations;
- \* KBDG01-001 Rev C "Double Garage Plan, Section & Elevation"; and
- \* 17.3030.105 Rev P1 Existing & Proposed Context Elevations from Sea Lane.

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

- 3 The development permitted by this planning permission shall only be carried out in full accordance with the mitigation measures set out within the submitted Noise Impact Assessment by Airtight & Noisecheck Limited ref Test/Job No: 16262 (dated 14-15 December 2017). The mitigation measures shall be fully implemented prior to occupation of any of the dwellings and permanently adhered to thereafter. There shall be no deviation from these mitigation measures without approval in writing from the Local Planning Authority.

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

- 4 The development shall be implemented in accordance with the surface water drainage scheme which was approved by the Local Planning Authority on the 22nd January 2019 (ref P/83/18/DOC) and which consisted of drawings A18237-0200-C3 "Drainage Layout" and A18237--0201-C1 "Typical Details". The approved drainage scheme shall be fully implemented prior to occupation of any of the dwellings and shall be permanently retained in good working order thereafter.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM2 and WDM3 of the Arun Local Plan.

- 5 The development shall be implemented in accordance with the materials as approved by the Local Planning Authority on the 5th March 2019 (ref P/8/19/DOC) and which consisted of the following items:

- (1) Brick - Weinerberger Warnham Nutcombe Multi-Stock; and
- (2) Roof Tile - Weinerberger 20/20 Flanders Interlocking Clay tile.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to protect the setting of the nearby Listed Building in accordance with policies D DM1 and HER DM1 of the Arun Local Plan.

- 6 The development shall be implemented in accordance with the landscaping scheme as approved by the Local Planning Authority on the 5th March 2019 (ref P/8/19/DOC) and which was detailed on the submitted Hard and Soft Landscaping Plans Refs CLD/605.1/18 Revision 7. The approved landscaping shall be carried out in the first planting and seeding season, following the occupation of the building 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: Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until the car parking (including the new garage to plot 2) 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 policies D DM1 and T SP1 of the Arun Local Plan.

- 8 The development shall be implemented in accordance with the lighting scheme as approved by the Local Planning Authority on the 5th March 2019 (ref P/8/19/DOC) and which consisted of the use of downwards facing lighting as described by the submitted "External Lighting Schedule" Rev

A. The lighting as approved shall be installed and shall be 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) and to minimise unnecessary light spillage outside the development site in accordance with policies QE DM2, QE SP1 and ENV DM5 of the Arun Local Plan.

- 9 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 10 The ground floor bathroom window on the western elevation of bungalow 2 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 11 The ground floor toilet window on the southern elevation and the first floor en-suite window on the northern elevation of house 1 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of both future occupiers and the adjacent property in accordance with policy D DM1 of the Arun Local Plan.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the western wall of bungalows 1 & 2 and the eastern or western walls of House 1 without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of both future occupiers and the adjacent property in accordance with policy D DM1 of the Arun Local Plan.

- 13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to any of the three dwellings shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers and maintain adequate amenity space in accordance with D DM1 of the Arun Local Plan.

- 14 Should any sewer be found during construction works then all development activities taking place within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy W SP1 and W DM1 of the Arun Local Plan.

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.

INFORMATIVE: This decision is subject of a Section 106 legal agreement as attached to ref P/4/18/PL relating to a contribution of £2,613 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

INFORMATIVE: It is noted that the high level windows on the eastern elevation of 53 Sea Lane currently allow views into the site above the height of the boundary fence and this may affect the privacy of the proposed garden to bungalow 2. The raising of the boundary fence or addition of boundary landscaping may mitigate this problem.



Neil Crowther  
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **9th September 2019**

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 12 weeks 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.

## 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).