

DECISION NOTICE

Application Ref: P/56/26/PL

1 To Addressee

Whaleback LTD
Whaleback
91 Boundary Road
Hove
BN3 7GA

2 Site Address

Land to the west of Inglenook Hotel
255 Pagham Road
Pagham
PO21 3QB

3 Description of Development

Demolition of existing storage buildings and construction of 6 No. dwellings and associated works (resubmission following P/43/25/PL). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.

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 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:

1. Location Plan 01
2. Proposed Block Plan 03 Rev A
3. Proposed Site Plan 08 Rev D
4. Plots 1 and 2 Ground Floor Plans 11
5. Plots 1 and 2 First Floor Plans 12 Rev A
6. Plots 3 and 4 Ground Floor Plans 21
7. Plots 3 and 4 First Floor Plans 22 Rev A
8. Plots 5 and 6 Ground Floor Plans 31

9. Plots 5 and 6 First Floor Plans 37 Rev B
10. Plots 1 and 2 Roof Plan 18
11. Plots 3 and 4 Roof Plan 28
12. Plots 5 and 6 Roof Plan 38 Rev A
13. Plots 1 and 2 Front and Side Elevations 19 Rev A
14. Plots 1 and 2 Rear and Side Elevations 20 Rev A
15. Plots 3 and 4 Front and Side Elevations 29 Rev A
16. Plots 3 and 4 Rear and Side Elevations 30 Rev A
17. Plots 5 and 6 Front and Side Elevations 39 Rev A
18. Plots 5 and 6 Rear and Side Elevations 40 Rev A
19. Proposed Street Scene 50 Rev A
20. Proposed Site Plan 10 Rev D

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

- 3 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 rear extensions to the dwellings permitted under Part 1 of Schedule 2 Class A(g), shall be constructed 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, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Arun Local Plan policy D DM1.

- 4 The first floor window on the eastern elevation of Plot 1 shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and non-openable below 1.7m above finished floor level / fixed to be permanently non-opening. This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 5 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policies D DM1 and HER DM1.

- 6 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

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.

- 7 No development shall take place (or such other date or stage in development as may be agreed in writing by the Local Planning Authority) until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, who shall consult with National Highways, WSCC Highways, the council's Environmental Health Team and Ecologist as appropriate. The approved CEMP shall thereafter be implemented and adhered to throughout the construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction. The CEMP shall provide details as appropriate, including but not necessarily restricted to, the following matters:

1. The preferred road routing for all construction traffic associated with the development.
1. Provision of wheel washing facilities (details of their operation and location) and other works required to mitigate the impact of construction upon the public highway, including the provision of Temporary Traffic Regulations Orders.
3. Details of street sweeping.
4. Details of suppression of dust and dirt arising from the site.
5. Details of areas for the unloading, loading, parking and turning of vehicles on site.
6. Details of areas to be used for the storage of plant and materials associated with the development.
7. Contact details for the site contractor, site foreman and CDM coordinator, including out-of hours contact details.
8. Details of the arrangements for public engagement/consultation prior to and during the development.
9. Measures to minimise the noise and vibration generated by the construction process, to include hours of work, proposed methods of piling for foundations, the careful selection of plant and machinery and the use of noise mitigation barriers.

If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration shall be submitted to and approved in writing by the local planning authority.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints and shall be available on site and their availability made known to all relevant parties.

No demolition/construction activities shall take place other than between 08.00 hours and 18.00 hours on Monday to Friday and between 08.00 hours and 13.00 hours on Saturday with no work on Sundays or Bank/Public Holidays.

Reason: In the interests of the safety/amenity of nearby residents and occupiers of any nearby noise-sensitive premises, the safety and general amenities of the area and in the interests of highways safety in accordance with Arun Local Plan policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by demolition/construction staff.

- 8 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained

in good working condition.

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

- 9 No development above damp-proof course (DPC) level shall take place until full details of the in-curtilage secure cycle stores have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage spaces associated with them have been provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 10 No dwelling shall be first occupied until the access road and car parking serving the dwellings has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

- 11 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 12 A badger survey on and within 30m of the site shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal by David Archer Associates dated August 2024 six weeks prior to the commencement of development. Should evidence of badger setts be found, development shall not, under any circumstances, commence unless and until the Local Planning Authority has been provided with, and has approved in writing, either:

1. A report demonstrating that no licence from Natural England is required and setting out the measures to be implemented to safeguard badgers and their setts; or
2. A copy of a valid licence issued by Natural England together with a scheme of mitigation, compensation and monitoring measures to be implemented.

The approved measures shall thereafter be implemented in full and retained for the duration of the development in accordance with the approved details.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under and Badger Protection Act 1992 and Arun Local Plan policy ENV DM5.

- 13 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal by David Archer Associates August 2024 and a letter of update dated 30 March 2026, shall be submitted to and approved in writing by the Local

Planning Authority.

The Biodiversity Enhancement Layout shall include the following measures:

- Three integral bat boxes;
- Six integral swift bricks;
- Hedgehog gaps in fences;
- Planting native species of local provenance.
- A bat friendly Lighting Plan.

These features shall also be included in the Biodiversity Enhancement Layout.

It is recommended the bat friendly lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in perpetuity in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 14 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown in Appendix 6 'Tree Protection Plan - Phase 1' of the Tree Survey and Report ref. B/0559/25, Beechdown Arboriculture Ltd.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Arun Local Plan Policy D DM1. It is necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 15 All activity at the site is to be carried out in strict accordance with: - Tree Survey and Report, ref. B/0559/25, Beechdown Arboriculture Ltd.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with Arun Local Plan policy ENV DM4 and BS5837:2012 and 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.

- 16 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Ref D2310/FRA2.1 by BP Civils March 2026 and the following mitigation measures detailed within the Flood Risk Assessment:

1. Identification and provision of safe route into and out of the site to an appropriate safe haven.
2. Finished floor levels are set no lower than 6.15 m above Ordnance Datum (AOD).

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants. In accordance with Arun Local Plan policies W SP1 and W DM2.

- 17 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the Local Planning Authority. The full details submitted for approval shall include:

1. Impermeable area plan,
2. Calculations modelling the surface water drainage network for the following storm events:
 - a. 100% Annual Exceedance Probability
 - b. 10% AEP + climate change allowance
 - c. 3.3% AEP + climate change allowance
 - d. 1% AEP + climate change allowanceAll storm events must include an allowance for urban creep and surcharged outfalls where appropriate,
3. Detailed drainage plans conforming to Local Planning Authority guidance,
4. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
5. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the Local Planning Authority.

Reason: In order to comply with Arun Local Plan policy W DM3 and the NPPF.

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

- 19 No development above damp-proof course (DPC) level shall take place unless and until details for the storage of waste and recycling on the site has been submitted to and approved in writing by the Local Planning Authority.

The approved waste and recycling storage facilities shall then be provided prior to occupation of the buildings and retained in good order in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

Statutory Biodiversity Gain Plan Condition

- 20 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:
1. A Biodiversity Gain Plan has been submitted to the planning authority, and
 2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-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 (as amended). 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 NPPF.

INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to securing the sum of £5844 to the Council on the date of commencement of the development, for the purposes of financial contributions towards the cost of delivering measures to avoid, or mitigate, the harm caused to Pagham Harbour by the development.



Neil Crowther
Group Head of Planning

Case Officer: Miss K Welch

Decision Issued: **28th August 2026**

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 should be made on line via Appeal A Planning Decision <https://appeal-planning-decision.service.gov.uk/before-you-start> If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of the support options available.

Before making an appeal, you may find it useful to review guidance and watch a video explaining the appeals process at <https://www.gov.uk/government/collections/make-an-appeal-to-the-planning-inspectorate-and-associated-guidance>

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).