

PLANNING APPLICATION REPORT

REF NO:	BR/268/22/PL
LOCATION:	Ravenna Richmond Avenue West Bognor Regis PO21 2YG
PROPOSAL:	2 storey extension and conversion of existing property to provide 8 self-contained flats with associated car parking.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The alterations to change the HMO units to self-contained flats are internal and external with a two-storey extension to the south and a small first floor extension to the lean-to part on the eastern elevation. Single storey outbuildings to the north would be demolished. A two-storey extension to the south would have a gable projection with double bay window to match the existing. Six parking spaces would replace the demolished outbuildings. The development would result in five 2-bed flats and three 1-bed flats.
SITE AREA	0.0844 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	95 dwellings per hectare.
BOUNDARY TREATMENT	Low level close boarded fencing to the west. High level close boarded fencing to the northern and eastern boundary, mature vegetation, and a brick wall on the southern boundary.
SITE CHARACTERISTICS	Substantial 2-storey detached house on a prominent corner plot. It has a single storey extension on the north side and a garden to the south. The site has vehicular access to Richmond Avenue with a small parking area.
CHARACTER OF LOCALITY	The area is characterised by 2 - 2.5 storey residential buildings sited close to the highway in a continuous built form. Immediately to the east is a block of flats in a relatively spacious plot. The intensity of built form slightly reduces to the west. There is an electricity substation to the southern boundary.

<b>RELEVANT SITE HISTORY</b>
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BR/201/21/PL	Erection of a new building comprising of 3 No apartments Refused (2 No 2 bed units & 1 No 1 bed unit), including alterations 16-11-21 to the fenestration of the existing building (resubmission following BR/176/20/PL). This site is in CIL Zone 4 (Zero
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Rated) as flats.

BR/176/20/PL	Erection of a new building comprising of 3 No apartments (2 No 2 bed units & 1 No 1 bed unit) including alterations to the fenestration of the existing building. This site is in CIL Zone 4 (Zero Rated) as flats.	Refused 23-12-20
BR/101/13/	Change of use of existing building from Residential Care Home for Children and Young People (Use Class C2) to House of Multiple Occupation for 18 persons (Sui Generis)	ApproveConditionally 03-09-13

BR/101/13/ concluded that the use of property as an HMO for 18 persons would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact on the established character of the surrounding area.

## REPRESENTATIONS

Bognor Regis Town Council: Objection.

- The development would result in an intensification of use and a cramped appearance which would adversely affect the character of the building occupying the site and the character of the residential area which affects neighbouring amenities.
- It fails to provide adequate amenity space which could harm amenities of future and existing occupants.
- The proposal has the potential to create unacceptable living conditions for the occupants of adjoining properties through overlooking the private area of Canberra Court.
- Does not include sufficient parking to meet the needs of future occupiers which will result in increase in pressure for on-street parking spaces which will be harmful to the amenity of residents in the area.

2 letters of objection:

- Parking issues in Richmond Avenue West are not from HMO residents but others who park there.
- There would not be enough allocated parking provided.
- There have been several new flat developments recently along Richmond Avenue.

### COMMENTS ON REPRESENTATIONS RECEIVED:

- WSCC Highways raise no concerns over an unacceptable impact on highway safety.
- Other planning issues are addressed below.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

**ENVIRONMENTAL HEALTH:** No objection. Request conditions relating to construction hours, noise, and potential contamination.

**DRAINAGE ENGINEERS:** Due to the scale, location, and type of application no conditions to request.

Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

WSSC HIGHWAYS: The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

NATURAL ENGLAND: Since this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Appropriate Assessment required.

ECOLOGY: Objection as insufficient information on European Protected Species (bats). The Planning Statement (J. Burgess & Associates Ltd, November 2022) states a portion of the building will be demolished. A Preliminary Roost Assessment to assess the buildings likelihood to be used by roosting bats has not been carried out. Local bat records show a number bat records in 1km of the site. Details of the Preliminary Roost Assessment and any relevant further surveys, mitigation and enhancement measures are required to make this proposal acceptable. Additional information on bats needs to be provided prior to determination.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

- The Appropriate Assessment has been sent to Natural England. Sufficient time has elapsed to issue a decision in the absence of a response.
- The applicant provided a Bat Assessment Report and a Bat Emergence Survey. The Ecology Consultant comments were received and discussed below.

#### **POLICY CONTEXT**

Designation applicable to site:

Within the Built-Up Area Boundary;  
Pagham Harbour Zone B.

#### **DEVELOPMENT PLAN POLICIES**

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

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.

There are no relevant policies in the Bognor Regis Neighbourhood Plan to the determination of this application.

**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 complies with Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact on the established character of the surrounding area and highway safety.

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.

**OTHER MATERIAL CONSIDERATIONS**

There are no other material considerations to be weighed in the balance with the Development Plan.

**CONCLUSIONS****KEY ISSUES**

The key issues are principle, design and visual amenity, residential amenity, highways/traffic, space

standards and impact on Pagham Harbour.

## PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built-up area boundary, such development should comply with the policies in the development plan. Key policies are D SP1, D DM1, D DM2, D DM4, ENV DM2, ENV DM5, T SP1, W DM1, W DM3 and EEC SP2 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 expects a high standard of architectural principles and a minimal impact of new development to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard and policy D DM4 requires the extension sympathetically relates to and is visually integrated with existing building. Policy ENV DM2 points out on an impact of new residential development within Zone B on Pagham Harbour, policy ENV DM5 requires new development to have a minimal impact on existing habitat and policy ECC SP2 expects new development to be energy efficient.

Policy SD SP1 of the Arun Local Plan states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Para 120 (d) of the NPPF affirms that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. Paragraph 124(d) NPPF requires planning policies and decisions to support development that makes efficient use of land, considering the desirability of maintaining an area's prevailing character and setting.

The proposal is acceptable in principle given its position in walking distance of shops, facilities, and services. It would provide eight self-contained flats on sustainably located previously developed site. This approach is supported by policies SD SP1 and SD SP2 of the Arun Local Plan and the NPPF.

## DESIGN AND VISUAL AMENITY

ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees, and crime prevention. Successful development should respond to locally distinctive patterns, buildings methods and detailing, history, and culture. Policy D DM4 would expect the proposed extension to be visually subservient to the main building.

The Arun Design Guide Supplementary Planning Document (SPD) is a material consideration in determination applications. Part N.O1 deals with building conversions and states new uses should be appropriate for the building and location in which they are to be accommodated and should make a positive contribution to the surrounding area.

The proposal is for the change of use from a House of Multiple Occupation (HMO) for eighteen persons (Sui Generis) and the formation of eight self-contained flats. The change of use includes internal alterations which involve the removal and/or relocation of some walling. The building would be extended to the south at ground and first floor resulting in the creation of three 1-bed flats with a separate entrance and access from the garden. The extension would have a gabled front and rear projection matching the existing, linked by an extended lean-to roof on the western elevation. A small first floor extension to the lean-to part on the eastern elevation with flat roof above would allow the creation of a 2-bed flat at the first-floor level.

The external changes would be sensitive and the extensions proportionate, complimenting the property and respecting the established spatial character and pattern of the street. The changes comply with Arun Local Plan policies D SP1, D DM1 and D DM4, the Arun Design Guide and guidance on character in the NPPF.

## RESIDENTIAL AMENITY

ALP policy D DM1 requires minimal impact to users/occupiers of nearby property and land. Policy QE SP1 states that all development contributes positively to the quality of the environment and will ensure development does not have a significantly negative impact on residential amenity.

The approved use of the building is an HMO. The proposed use remains residential and will have similar characteristics to other residential properties in the locality given the nature of the development which would result in a slight intensification.

There would be changes with respect to the relationship with Canberra Court to the east. Whilst there are existing habitable room windows at first floor, proposed bedroom windows would be 3m closer to the flank elevation of the western wing of Canberra Court with a high-level window at the ground and first floor level within a separation distance of 11.3m as a result of the proposed extension. The Arun Design Guide (p 71) seeks a separation distance between habitable rooms (back to side) of 14m. The flank windows of Canberra Court are secondary windows, the level of harm would not be unacceptable in this urban area.

There would be a substantial distance between southern extension and the rear elevations of dwellings along Aldwick Road and the front elevation of Halcyon on the opposite of Richmond Avenue West. Some overlooking would occur from the habitable windows of the southern extension at first and second floor facing the rear yard of Canberra Court with access to the garages which has little amenity value.

An Inspector in the report at 7 Ambleside (APP/C3810/W/23/3316888) stated: 'Some degree of mutual overlooking from upper floor windows would reasonably be expected in a built-up area such as this. The overlooking that could occur from the windows would not harmfully diminish those nearby occupiers' privacy.'

The extension and alterations do not create harm through overlooking or overshadowing that justify refusal. The proposal would, subject to conditions, have an acceptable impact on residential amenity, in accordance policies D DM1 and QE SP1 of the ALP and relevant paragraphs of the NPPF.

## SPACE STANDARDS

ALP policy D DM2 states that it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the flats will be suitable for residential use.

The flats would satisfy the requirements of the Nationally Described Space Standards.

The Arun Design Guide (ADG) Part H.04 advises on Residential Outdoor Amenity & External Space Standard and stresses that all development should provide residents with access to outdoor amenity space, whether private or communal. It advises that Residential Communal Shared Spaces should be a minimum 40sqm plus 10sqm for each unit. These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.



Approximately 30sqm of residential communal space for each flat is provided for each unit in the rear garden (180sqm in total). As the ADG states: 'the amount of shared space to be provided will depend on the quality, quantity, and accessibility of local public open space. Outdoor amenity spaces may comprise gardens, balconies, play areas, allotments, community gardens, or public spaces; and in combination should provide for a range of activities including relaxation, play, gardening, hanging washing and socializing.'

The proposal fails to comply with relevant external standards however, the development is acceptable given it involves the change of use of a building which is situated in vicinity of public open space and the coast in a highly sustainable location. The approved use is for 18 occupants and the development would only result in a slight intensification of occupancy.

The development would be in compliance with the ALP policy D DM2 and the Arun Design Guide.

#### **SITE ACCESS, PARKING AND HIGHWAYS IMPACT**

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with planning policies. The ADC Parking Standards (SPD) sets out the vehicle/cycle and EVCP parking standards. Policy T DM1 requires that development be in easy access of established non-car transport modes/routes and seek to contribute to the improvement of such routes & facilities.

There is existing vehicular access from Richmond Avenue where six parking spaces (5.0m x 2.5m) are proposed, in accordance with the guidance in the Arun Design Guide. Additional car parking spaces are provided via the new access off Richmond Avenue West to accommodate two cars. Cycle storage would be provided in a store adjacent to the car park.

The expected level of provision for a 1 or 2-bed flat in Parking Behaviour Zone 4 is one car. The eight parking spaces proposed satisfy this requirement. According to paragraph 3.3, additional parking for visitors will be required at a ratio of 20% of the total number of residential units. Principle 3, 2.16 states that 'active' charging points for electric vehicles shall be provided at a minimum of 20% (at 2019 levels of provision) of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

The applicant failed to provide one parking space for visitors as required by SPD. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. WSCC Highways confirm the one space shortfall would not be harmful to highway safety. They raise no objections to the proposal.

Given the existing use and occupancy rate the lack of a space for visitors is not likely to result in harm to amenity of residents. Subject to conditions, the proposal provides safe and suitable access, adequate parking and EVCP provision, and would not give rise to unacceptable highways safety or operation impacts. The proposal accords with ALP policies T SP1 and T DM1 the ADC Parking SPD (2020), the Arun Design Guide and the NPPF.

#### **BIODIVERSITY**

ALP policy ENV DM5 requires developments to achieve a net gain in biodiversity and protect habitats on site.

The site comprises a substantial two and half storey detached house which benefits from front and rear gardens with overgrown shrubs and bushes. A green boundary is evident in places but requires

reinforcement with further planting to enhance and improve biodiversity. The impact of the proposal could be blended into the environment. Landscape provision to the building and improvement with native species infill is required.

Having reviewed the Bat Emergence Survey (LHB Ecology - 20/06/23) and Bat Assessment Report (AEWC Ltd, 22/03/23) the Ecology Consultant (EC) raise no objection subject to securing a proportionate financial contribution towards Arun Strategic Access Management and Monitoring (SAMM) and biodiversity mitigation and enhancement measures.

The development complies with requirements of ALP policies ENV SP1 and ENV DM5 and relevant paragraphs of the NPPF, subject to conditions.

#### CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. As there are no decentralised, renewable, and low carbon energy supply systems in the application a condition is proposed as well as one to ensure an electric vehicle charging is provided.

#### PAGHAM HARBOUR SPECIAL PROTECTION AREA

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and this application results in a net increase in a slight intensification in occupancy.

The site is in Zone B, and it is necessary to apply this requirement. The net increase of four dwellings results in a contribution of £4,355. This will be secured by the signed Section 106 legal agreement. There is no conflict with ALP policy ENV DM2 of the Arun Local Plan.

#### SUMMARY

The proposal provides eight flats in a highly accessible area. The Framework seeks to significantly boost the supply of housing and has a positive approach to alternative uses of developed land. This proposal represents sustainable development without compromising the visual amenity of the area, the amenities of neighbouring residential occupiers or highway safety.

The scheme is acceptable when applying the Local Plan policies (that are relevant and up to date) and in accordance with paragraph 11c of the NPPF. Permission is recommended subject to a legal agreement, conditions and informatives.

If the s106 agreement is not signed within 2 months of the date of this committee the application will be refused due to the lack of a contribution to Pagham Harbour.

<b>HUMAN RIGHTS ACT</b>
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The Council in making a decision should be aware of and take into account 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 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 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 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.

#### **SECTION 106 DETAILS**

This decision will be granted with a S106 legal agreement relating to a contribution of £4,355 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the development.

#### **CIL DETAILS**

This application is not CIL liable as it falls within in Zone 4 and the 'Flats' element is Zero rated.

#### **RECOMMENDATION**

**APPROVE WITH 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:

Dwg No 6341 - 00, Location Plan;  
Dwg No 6341 - 01, Ground Floor Plan;  
Dwg No 6341 - 02, First Floor Plan;  
Dwg No 6341 - 03, Second Floor Plan;  
Dwg No 6341 - 04, West Elevation;  
Dwg No 6341 - 05, South Elevation;  
Dwg No 6341 - 06, North Elevation;  
Dwg No 6341 - 07, East Elevation;  
Dwg No 6341 - 08A, Site Plan;  
Dwg No 6341 - 09, Street Scene;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 The materials and finishes of the external walls and roofs of the extension shall match in colour and texture the existing building.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

4 Demolition or construction works shall take place only between 0800 and 1800 on Monday to Friday, between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

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

5 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 and in accordance with policy T DM1 of the Arun Local Plan.

6 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 all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting 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: 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 Parking Standards SPD and the NPPF.

7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

8 The flats shall not be occupied unless and until a scheme has been submitted for approval by the Local Planning Authority to demonstrate that the development will incorporate energy efficiency measures that reflect standards at the time of submission, together with decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

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

9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence Surveys (LHB Ecology, June 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The

appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Emergence Surveys (LHB Ecology, June 2023), shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework to enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 11 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 protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 12 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.

- 13 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.

- 14 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed

dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from : <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>

- 15 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £ 6,968.00 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.
- 16 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 representations that have been received and determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.

## **BACKGROUND PAPERS**

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BR/268/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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