

PLANNING APPLICATION REPORT

REF NO: M/68/20/PL

LOCATION: Poultry Farm
87 Yapton Road
Middleton-On-Sea
PO22 6DY

PROPOSAL: Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home arranged over two storeys together with associated access, car & cycle parking, structural landscaping & amenity space provision (resubmission following M/80/19/PL). This application is in CIL Zone 4 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application has been submitted to address the issues raised in the reasons for refusal of application M/80/19/PL. The ridge height of the property has been reduced by 1.6m and the laundry, plant, staff training and kitchen facilities moved from the roof area to a newly introduced basement level.

The proposal is for a 2 storey 'L' shaped 66-bedroom care home which will provide 24-hour support and care for the frail elderly, meeting residential, nursing and dementia care needs, including end of life and palliative services.

The agents have advised that the average age of residents will be approximately 85 to 90 years. Residents will move into the care home at the point at which their care needs have escalated and when they or their family/carers are unable to address these needs within their own home.

The scheme incorporates the following facilities and features:

- All bedrooms to be equipped with en-suite bathrooms designed for safety and accessibility.
- Communal and amenity spaces incorporating cafe/bar/lounge, hairdressers, cinema room, activity rooms, lounges, dining spaces and quiet rooms.
- On-site kitchen and laundry.
- Staff facilities including lounge, training area and changing rooms.
- Landscaped amenity areas and gardens.
- Car and cycle parking as well as dedicated spaces for deliveries and ambulance.

The maximum ridge height of the proposed development is 8m

and the lower flat roofed 2 storey section of the development has a height of 6m.

SITE AREA	0.62 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	106 bedrooms per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Protected trees are on site and some (those at the site entrance) are affected by the development.
BOUNDARY TREATMENT	Hedging/fencing between 1 and 3m high along road frontage. To fields temporary wire fencing.
SITE CHARACTERISTICS	A public footpath runs along the south boundary. The premises previously operated as a poultry farm, but this use ceased and the property is vacant. Many of the buildings on the site have now been demolished.
CHARACTER OF LOCALITY	Predominantly rural on edge of residential. Fields to north. Housing estate to south.

RELEVANT SITE HISTORY

M/80/19/PL	Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision	Refused 06-02-20
M/45/16/PL	Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. This application is a departure from the development plan	ApproveConditionally 07-02-17

M/45/16/PL was granted in February 2017 for the demolition of the redundant poultry farm buildings and dwelling and the erection of 13 dwellings with associated access, car parking and landscaping.

The scheme includes a mix of 2, 3 and 4-bed detached, semi-detached and terraced properties, each two storeys in height. The approved built form is orientated such that it would be positioned adjacent to eastern and northern site boundaries with an area of amenity space provided in the southern part of the site (allowing for the retention of the protected trees). A new vehicular access was to be formed from the existing road spur off Silver Birch Drive to the south.

M/80/19/PL was refused by Committee and is the subject of an Appeal Hearing on 25-11-2020. The reasons for refusal were as follows:

1) The proposals are considered to be an over development and adversely affect the visual amenities of the locality by virtue of them being out of character in scale and density in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policies in the National Planning Policy Framework.

2) The use of the proposed access will result in damage to the protected Ash Trees by virtue of the proximity of vehicle movements to them, leading to their loss contrary to policy ENV DM4 of the Arun Local Plan.

REPRESENTATIONS

Middleton Parish Council - Objection:

- The only amendment to the above is a reduction in the height of the building, it has not reduced the overall footprint of the site and so there is still overdevelopment of the site as previously refused.
- The overall mass and scale is an overdevelopment and out of keeping with surrounding properties. It is out of character with the streetscene and it is unneighbourly as the site will be viewed by residents of Silver Birch Drive, Yapton Road and users of the Public Right of Way.
- The "Draft Transport Management Plan" report provided by the applicant is inaccurate and misleading.
- The proposal does not meet the tests for sustainable development.
- The proposed development will impinge on the privacy of adjoining properties.
- The proposal will harmfully add to the existing road congestion at both the roundabout exiting from Silver Birch Drive and the dangerous A259 Comet Corner junction.
- 29 car parking spaces is insufficient.
- Surface water flooding is a concern. The new basement area will increase the risk of flooding.
- It is not clear that the protected trees are not adversely affected.

133 Objections:

- There is no need for the home.
- Unsuitable and unsafe access.
- The care home will attract a significant increase in traffic to this already over burdened neighbourhood.
- Car parking is insufficient and will lead to parking on adjoining roads.
- Site is at risk of flooding.
- It will destroy the rural tranquillity of the area.
- The access from Silver Birch Drive to the building site will cause irretrievable damage to wildlife and the natural habitat plus the loss of trees including those with TPOs.
- Overdevelopment of the site.
- Will overlook residents and is not in keeping with the area.
- Submitted flood risk and drainage analysis is flawed.
- Infrastructure is inadequate to support the proposal.
- How can a company predict that 50% of their future employees will use public transport before the business has opened.

3 Support:

- Proposal would be a lot better for the area than approved houses. It would mean less traffic and less strain on the services in the area.
- The area has a rising number of elderly people, who are likely to have dementia, but who have children unable or unwilling to give them care.
- Understand that Ash Dieback disease is in the County so the mature Ash Trees may need to be felled as a result.

1 No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

- County Highways have raised no objection regarding highway safety. This proposal will not result in a

significantly worse or severe highway environment.

- Car parking provision meets adopted standards.
- Travel surveys and management of travel plans can be controlled by condition.
- With regard to ecology issues required surveys of the site have been undertaken and no evidence of protected species has been found.
- Layout will preserve protected trees and acceptable landscaping and sufficient planting will be provided.
- Asbestos pollution is covered by separate legislation.
- Other points raised are addressed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection. The biodiversity enhancements proposed are suitable and should be incorporated into the landscaping scheme and conditioned.

Southern Water - No Objection.

County Highways - No Objection.

County Fire Service - No Objection.

County Drainage - No Objection.

Sussex Police - No Objection.

Drainage Engineer - No Objection.

It is clear that there is some conflict between existing trees and proposed crates. There are no crates shown within root protection areas. Therefore, either by adjusting the drainage strategy or discussing this further with the tree officer a solution can be achieved and can be secured through conditions.

Tree Officer - No Objection.

If this development proceeds with access from Silver Birch Drive (as proposed), then it will be necessary to complete that element of the scheme prior to any other groundworks or construction occurring elsewhere on the site, to safeguard trees. This approach has been described in the Construction Traffic Management Plan (para. 3.3.).

Retention of expert arboricultural services throughout the project (to include an auditable trail of their site inspections and monitoring) will be essential to limit damage to retained trees of amenity and landscape value.

Landscape Officer - No Objection

Further thought and improvements to the landscape proposals are requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions recommended as proposed including submission of a landscaping scheme.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
 Class B road
 Tree Preservation Order
 Public Right of Way Adjacent to Site

DEVELOPMENT PLAN POLICIES

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

ECCSP2	ECC SP2 Energy and climate change mitigation
DSP1	D SP1 Design
HDM2	H DM2 Independent living and care homes
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
INFSP1	INF SP1 Infrastructure provision and implementation
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

Middleton does not have an adopted neighbourhood plan.

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 given the significant

demand for this type of accommodation in the District. In addition there would not be an unacceptable impact on the character of the area, protected trees, highway safety, visual amenities of the locality or the residential amenities of adjoining properties.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site is physically connected to the built up area to the south and has an extant permission for residential development. The area to the north and west is rural in character with open fields. For reasons expanded on below the development would be in keeping with its immediate surroundings and would not conflict with the aim of Local Plan policy D DM1 to protect and enhance the quality of the environment and protect neighbouring residential amenities.

It is outside of the Littlehampton to Middleton-on-Sea Gap between settlements which borders the east side of Yapton Road and outside the boundary of the existing Open Space area (as designated in the Arun Local Plan) to the north and west.

IMPACT ON CHARACTER AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan states that development should seek to make efficient use of land but reflect the characteristics of the site and local area, in matters such as layout, density, scale, mix, character, landscaping, materials, finish and architectural details. It also states that proposals should adhere to objectives informing sustainable design e.g. attractiveness, inclusivity, security and climate change.

Policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

Although the site is currently rural in appearance it is located within the built up area boundary as defined by the Arun Local Plan. The development would not be visually isolated and would represent an acceptable expansion of existing built form. However, it is acknowledged that there are no buildings in the locality with a similar footprint, height and bulk.

Whilst the bulk and extent of the building in terms of its length and width across the plot results in a significant and prominent form of development this would not be sufficient to warrant refusal of the application given the extant permission and the context of the site adjacent to residential and commercial built form.

The care home would be located adjacent to a residential estate of 2 storey dwellings on the opposite side of the public footpath to the south and opposite industrial units (Middleton Business Park) located on the east side of Yapton Road. This comprises a number of businesses set within a single storey terraced row and a separate two storey detached building used for vehicle repairs. 2 storey residential properties are located immediately to the north-east of the Business Park, extending beyond the northern boundary of the application site.

The previously refused scheme has been reduced in height by 1.8m. The proposal is designed in an attempt to reflect a domestic built form of terraced 2 storey dwellings which would be in context with the backdrop of existing residential properties to the south. The National Design Guide (para 40) defines well-designed new development as development which responds positively to the features of the site itself and the surrounding context. The houses adjacent to the site are 2 storeys with pitched roofs and the care home maintains the character and scale of the area which includes the commercial units to the east. The comparative street scenes submitted as part of the application demonstrate that the development is the same height as the dwellings in Silver Birch Drive, given the 1.8m reduction in height from the refused scheme. In terms of its relationship with the industrial unit to the east, the height of the proposed unit would accord with the height of the internal buildings within the industrial estate. It would not therefore dominate the surrounding development in terms of its height.

The elevations of the proposed development along both boundaries has broken up the roof form of the elevations/mass so that they appear as a series of distinct elements. The form provides relief by incorporating a staggered roof line, creating gaps within the roof form, providing set-backs and gable projections. The design elements help to reinforce local distinctiveness and attempts to produce a building which appears as a series of inter-linking elements. The development responds well to the site and its setting in accordance with section D of the Arun Design Guide.

The site is generally well screened. The eastern boundary comprises tall trees and hedging and the southern and western boundaries are edged with trees and hedgerows. The northern boundary is screened from within the surrounding landscape owing to the publically edged and visually more prominent southern and eastern boundaries. The south-eastern corner of the site has a lack of screening when viewed from Yapton Road. The proposed landscaping plan would increase and bolster landscaping and planting in this area and views into the site from Yapton Road would include communal gardens and soft landscaped boundary treatment. Screening along the northern edge of the public footpath is 2m high hoop top fence. Landscaping adjacent to the field boundary incorporates a native hedge which softens the appearance of fencing and this will be in keeping with this rural setting.

The care home has a footprint similar in shape to that of the approved housing layout, but the depth of the development is increased internally by 6 - 12 m. A minimum of 10m separation is provided between the north boundary and the building providing visual space around the building and reducing its prominence when viewed from outside the site. The distance to the east boundary varies between 4m and 10m. Given the staggered nature of the elevation this provides an acceptable gap to surrounding development and meets the generally adopted guidelines for space between dwellings.

Comparison drawings have been submitted as part of the proposal which indicate the differences in site coverage between the extant and proposed schemes. When including both built form and hardstanding the site coverage will increase and the scheme is no closer to the neighbouring houses. The current proposal incorporates a slight increase in the distance to the southern site boundary and also removes any built form within the western part of the site. The current proposal represents an 85% increase in terms of the building footprint. It was 940sqm as previously approved and is now proposed to be 1,737 sqm.

The approved residential scheme had a density of 75 bedrooms per hectare (compared to 106 per hectare proposed). However, this increased density is understandable as by the very nature that it is a single use building it will be higher than that approved and adjacent residential development.

The National Design Guide at para. 49 states that well-designed, sustainable places with a strong identity give their users, occupiers and owners a sense of pride, helping to create and sustain communities and neighbourhoods. The proposal would accord with this guidance in that it has a domestic scale and creates a positive addition to built form in the area and has a clear identity. Nearly

every ground floor unit has its own external patio area and the communal gardens would be well landscaped and provide an outside area for visitors and relatives to enjoy.

The design seeks to respect the site context, the parameters established through the extant planning permission and Local Plan policies D SP1 and D DM1 which relate to building form and character. These policies seek to ensure the height and massing of new development respects overall streetscape and does not detract from the character of the area. The scheme retains vegetation and supplements this with new planting to help reduce the scale of the care home. This ensures views of the building will read as a series of stepped and varied elevations softened by boundary hedging and enhanced planting.

It is considered the proposal is acceptable in terms of impact on visual amenity/character of the area in accordance with policies D DM1 and DSP1 of Arun Local Plan.

RESIDENTIAL AMENITY

Impact of the development on residential amenity did not form part of the previous reason for refusal and the siting of the unit is unaltered in relation to site boundaries. It would not therefore be reasonable to refuse the application on this basis when it has previously been considered acceptable.

The proposal is located a significant distance from the nearest residential properties (more than 40m from rear residential curtilages) and is located behind existing tree/shrub planting that is to be retained or bolstered. The properties facing Silver Birch Drive are situated along the northern boundary of the site and are over 50m away which is an acceptable separation distance to prevent any harmful overlooking, overshadowing or loss of privacy.

The eastern section of the building adjacent to Yapton Road has a gable end which has a ridge height of 8m and would be located 10m from the rear boundary of 4 Silver Birch Drive. No windows are proposed in the elevation and is in any event separated by existing mature landscaping. A minimum of 20m separation is provided between the care home southern gable and the closest neighbouring houses. There would therefore be no materially adverse effects resulting to the residential amenities of adjoining neighbouring properties.

There are no immediate residential properties to the west, north or east of the site. Residential dwellings to the north-east are located on the opposite side of Yapton Road at least 50 metres away. The introduction of new and replacement planting shown in the accompanying Landscape Plan will soften the development and improve the relationship to neighbouring properties.

Outside amenity space for residents is provided as gardens to the north and east of the home which are well screened from traffic activity. Residents will access gardens from the cafe or dayrooms, not via the main entrance. Garden pathways offer easy access to patios, gazebo and seating places for residents and their family/visitors to enjoy. Many of the residents would be housebound and the outside space would be mainly used by some residents and family members/visitors. This accords with Arun Design Guide which suggests that all development should provide residents with access to outdoor amenity space, whether private or communal.

Having regard to potential for noise and disturbance, the car parking area is set back a minimum of 10m from the shared site boundary (and over 20 metres from the nearest house) and the intervening space is well-screened. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

COMPLIANCE WITH POLICY H DM2 OF ARUN LOCAL PLAN

The applicant has submitted evidence which demonstrates the need for this type of accommodation both

nationally and within the Arun District Council area. The proposal would provide a new scheme for 66 bedrooms helping to address the demand for such accommodation in the locality.

Policy HDM2 states that new care homes will be permitted where applications can demonstrate compliance with certain criteria relating to accessibility, design, scale, amenity space and other policies in the Local Plan. The supporting text at para 12.6 of policy H DM2 of the Local Plan acknowledges Arun has one of the highest older populations and highest life expectancies in the County and suggests that the provision of new care homes should be located close to community and social facilities. Policy H DM2 requires new facilities to be located within the built up area boundary and to be easily accessible by foot or public transport as is the case with this site.

The site is physically and visually connected to the existing built up area to the south, it is in walking distance of the shops at Middleton and there are good bus and cycle links to surrounding areas. The site is reasonably accessible to existing communities in and around Middleton and Felpham. The site connects to local facilities for pedestrians by the existing footpath network accessed from Silver Birch Drive, where access to a range of facilities and services is available including the no. 600 bus service and National Cycle Route 2. These factors are of limited relevance to care home residents given their high levels of dependency, but are important in promoting the sustainability of the site for access by staff and visitors.

Nationally the population aged 85 and over is projected to double from 1.7 million in 2018 to 3.4 million in 2030. In reflecting this demographic change, the NPPF requires Local Authorities to reflect the housing needs of older people in planning policies which includes the provision of care home accommodation. At a County level, the West Sussex Joint Strategic Needs Assessment (JSNA) (2015) refers to a 16% increase in the population of the 85+ age group over the next 5 years and Arun's Strategic Housing Market Assessment (2012) indicates that care home population will increase by around 1,470 persons between 2012 and 2030.

The evidence submitted with this application assesses the level of demand for market standard bed spaces within the local catchment area for the site. When accounting for all existing provision the current shortfall within a 1 mile radius of the site is 110 bedspaces, indicating that at least 2 care homes of the scale proposed on the subject site would be needed to keep pace with current demand. This level of need is reflected in the wider 3-mile target area within which the majority of prospective residents are likely to live at present. The limited care home supply that is available in the 1-mile and 3-mile catchments includes a prevalence of smaller converted homes and an absence of modern, purpose-built care facilities.

The proposal delivers 66 bedrooms to the local housing stock (minus the loss of the dwelling on the site). This will help to reduce pressure on other sites in the area.

The acknowledged need for this type of accommodation in Arun requires this to be carefully balanced against the approved development which is preferred by many neighbours. Whilst the footprint proposed is larger and a greater proportion of the site area would be built upon, any harm to visual amenity and the character of the area would be countered by the demand for this type of development now and in the future. The Authority has recently lost an appeal on a site within the settlement gap at Climping on the basis that the demand for this type of accommodation is significant and likely to increase in the future with the increasing ageing population within the District.

EMPLOYMENT CONSIDERATIONS

The care home has the potential to generate significant employment opportunities, including jobs for local people. It is anticipated that the care home will create jobs for approximately 50 to 55 staff (full-time

equivalent) and between 60 and 70 jobs overall (including part-time and full-time positions).

The new facilities will create knock-on employment opportunities, for example, during construction and through associated facilities and services to support the on-going care home operation. This is a significant benefit of the proposals when considering the three principles of Sustainable Development.

HIGHWAY ISSUES

The application is accompanied by a Transport Statement, Stage 1 Road Safety Audit and Draft Travel Plan and the site is sustainably located with good connections to local bus services.

WSCC Highways have raised no objection. The siting of the access route from Silver Birch Drive will be replicated as per the approved scheme and a sensitive construction methodology is proposed in the vicinity of protected trees. The access is fully compliant with visibility splays. The width of the road will be 5.5m allowing for two vehicles to pass. The proposal incorporates safe pedestrian access with footpaths extending into the site with appropriate signage proposed at the crossing with the public footpath.

A total of 29 car parking spaces are provided which includes 2 disabled spaces. 6 with active electrical vehicle charging, and the remaining would have the potential to be up be upgraded. 3 spaces would be provided for motorcycles and 6 cycle parking spaces.

The level of provision accords with Arun's parking standards which require 1 resident space per 20 bedrooms, 1 space per 8 bedrooms for visitors and 1 space per 5 bedrooms for staff. For a 66-bed home, with a maximum of 25 staff on site, this equates to a total of 25 spaces. At 29 spaces, the scheme includes a surplus of 4 spaces.

A swept path analysis has been provided and shows that a refuse vehicle can access and egress the site in a forward gear and all parking spaces are accessible for a car.

The staff operate in three shift patterns, which are generally between 08.00 and 14.00, 14.00 and 20.00 and 20.00 and 08.00. The timing of shift changes is also staggered. Given these shift patterns it is estimated that 20-25 staff would be on site at any one time, less than half of the parking provision would therefore be required for staff, with the remainder being for visitors. The applicants do not envisage the need for more than 10 visitor spaces and the level of provision includes an element of spare capacity for times of peak demand. Car parking spaces have increased to reflect comments raised at the public consultation relating to pressures for parking off site.

The site is sustainably located within access to the 700 and 600 bus route. The proposal is therefore considered compliant with policy TSP1 of Arun Local Plan.

TREE PROTECTION AND LANDSCAPING

Policy ENV DM4 of the Arun Local Plan parts (a) to (c) refer to the circumstances under which damage or destruction of protected trees may be acceptable and ensures appropriate replacement. The rest of the policy sets out the measures for adequate protection and management of trees. It requires the submission of tree surveys, a tree constraints plan and an arboricultural impact assessment to include tree protection plan and an arboricultural method statement. All of these items have been submitted as part of this application. The proposal involves the loss of 4 trees which were not included in the previously approved scheme for residential dwellings, but their removal is compliant with this policy.

The public access right of way (ref: PROW 160) runs east to west along the south edge of the site. This is accessed off Yapton Road and continues to open land to the west. Parallel to the footpath, on its

northern edge, is an existing watercourse ditch. This path and ditch visually separate the developable site from rear gardens of neighbouring houses to the south. The area contains mature tree and undergrowth, including 3 protected trees (2 ash and 1 maple) close to the proposed access. There is a line of mature trees adjacent to the rear gardens of neighbouring houses to the south and this acts as screening between the houses and the site. The design proposal will retain these features, subject to good practice maintenance, and being within the ownership of the site they will be subject to enhancement and on-going management.

The application is supported by an Arboricultural Method Statement and an Arboricultural Impact Assessment. Although the care home does not fall in the root protection area of the protected trees, the access will incur into them. It is proposed the access road and footways in this location be constructed using a Cellweb tree root protection construction. The tree survey and arboricultural protection plan demonstrate that the demolition and construction elements of the scheme allow for the long-term retention of protected trees and ensures they remain a prominent feature within the site.

Elsewhere in the site, the development will be located outside the root protection areas of the retained trees and, subject to adherence to the measures set out in the accompanying arboricultural method statement and protection plan, these trees will not be adversely affected by the construction works. The scheme proposes four additional tree removals to the previously consented scheme. This comprises two Category U trees and two Category C trees, each of which is considered to be of low quality and limited amenity value. One tree previously proposed for removal can also now be retained.

The majority of the well-established tree screening along the eastern boundary fronting Yapton Road (its most public frontage) is being retained through the layout of the proposal. There is a group Tree Preservation Order extending from Silver Birch Drive southwards (reference TPO/M/1/96), but this will not be affected by the proposed development as it lies outside of the site boundaries.

The north and west boundaries will be a combination of close-boarded timber fencing and native species hedging to create a secure border but with a soft appearance from inside and out. The east boundary to Yapton Road benefits from a combination of hedging and banking. This native species feature will be retained and enhanced with additional planting. The northern edge of the public footpath includes 2m high hoop top fencing which will be softened by shrub planting adjacent to the existing ditch. The southern edge of the footpath would be retained as open grass verge with existing trees.

Submission of a detailed landscaping scheme is conditioned which will include mitigation for loss of trees. Given the above and taking the comments of the Council's arborist into account it is considered that the proposed development is compliant with policy ENVDM4 of Arun Local Plan.

ECOLOGY ISSUES

The application includes an Ecological Impact Assessment, based on an updated site visit in July 2020 and includes Internal and External Bat Survey. A Reptile Mitigation Strategy has also been submitted. Subject to satisfactory enhancement which is to be controlled by condition, there would be no unacceptable adverse impact on protected species. These enhancement measures are proposed to increase the site's biodiversity value in accordance with Local Plan Policy ENV DM5.

FLOOD RISK AND DRAINAGE

A Flood Risk Assessment and Surface Water Drainage Strategy have been provided as part of the planning application. This confirms that all areas of the site proposed for built development lie within Flood Zone 1 and that there is no known history of flooding from fluvial or tidal sources.

With regards to surface water, the proposal is to incorporate a Sustainable Urban Drainage System (SuDS) solution that uses attenuation for the surface water that falls on the site, together with permeable surfaces for the car parking. The drainage strategy includes the following measures:

- The roof areas to be suitably drained with sufficient opportunity for infiltration to the ground, where possible, to the proposed underground crate.
- Permeable surfaces throughout the development, including pavements and car parking areas.
- A restricted water discharge point to the existing drainage ditch to the south of the site, which will be enhanced to ensure there is suitable overflow capacity from the site.
- A lowered kerb to the parking area to ensure that excess surface water is routed away from the building, and safely into the drainage ditch.

The Council's Drainage Engineer has commented to conclude that with recommended conditions the site can be suitably drained.

The proposal accords with policies W DM2 and W DM3 of the Arun Local Plan.

SUSTAINABLE CONSTRUCTION

Tackling climate change is a key government priority for the planning system. Proposals for development should demonstrate how they will contribute to the Government's ambition of a low carbon economy and how well adapted they are for expected effects of climatic change.

In accordance with policy ECC SP2 of the Local Plan which requires that new residential development is energy efficient it is recommended that a condition is imposed requiring that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements. A condition is also imposed requiring incorporation of electric vehicle charging points within the development.

CONCLUSION

The proposal therefore accords with relevant development plan policies H DM2, D SP1, D DM1 & T SP1 of the Arun Local Plan and is therefore recommended for approval subject to conditions.

A s.106 legal agreement is being drawn up. If after three months of the date of the resolution the s106 has not been completed and signed delegated authority should be given to the Group Head of Planning in conjunction with the Committee Chairperson and Vice chairperson refuse the application or in limited circumstances to extend the time to complete the s106. The reason for refusal is as follows:

"The proposed development makes no contribution towards local infrastructure and is thereby contrary to the Policy INF SP1 of the Arun Local Plan and the National Planning Policy Framework."

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.

SECTION 106 DETAILS

Paragraph 6.13 and 6.14 of the CIL Charging Schedule states: "Residential care homes and nursing homes are not housing (rather being institutional accommodation). Development that falls within this definition will be taken to be All Other Development (so subject to the zero rate) for the purpose of CIL."

The proposal will not therefore be subject to CIL at all and section106 contributions will need to be used.

The application is subject to a Section 106 Agreement which is being drawn up and seeks library contributions of £13,455 and Fire & Rescue £1,250.

The contributions generated by this proposal shall be spent on expansion of the facilities at Bognor Regis Library. This contribution is considered to be NPPF compliant as being necessary and directly related to the development proposed.

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Middleton. However, a recent appeal decision (Blastreat Retirement Home, Arundel) where a similar contribution was requested the Inspectors decision was that such a very general request for a contribution could not be shown to be directly related to the proposed development. As such, this contribution will not be sought as it is not thought to be NPPF compliant.

Nursing homes and homes where care is provided fall into Class C2 where affordable housing contributions do not apply.

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:

2017/PA/001 Site Location Plan
2017/PA/002 Site Plan as Existing
2017/PA/004 Proposed Site Layout Plan
2017/PA/011 Proposed Ground Floor Plan
2017/PA/012 Proposed First Floor Plan
2017/PA/013 Proposed Roof Plan
2017/PA/020 Proposed Elevations Sheet 1
2017/PA/021 Proposed Elevations Sheet 2
2017/PA/002 Proposed Site Sections
2017/PA/025 Street Scenes Sheet 1
2017/PA/026 Street Scenes Sheet 2
2017/PA/10 Basement Plan Proposed
402.6594.0008_RC_001 General Arrangement Plan
2017/PA/003 Site Plan (Footprint Comparison)
2017/PA/030 Site Survey

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 No development shall commence until a detailed Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

4 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy TSP1 of Arun Local Plan.

5 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 spaces so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy TSP1 of Arun Local Plan.

6 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of Arun Local Plan.

7 No part of the development shall be first occupied until such time as plans, details and construction specification showing the proposed surfacing works for Right of Way no. 160 have been submitted to and approved in writing by the Local Planning Authority and the details so approved shall be completed within 3 months of first occupation of the home.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users in accordance with T SP1 of the Arun Local Plan.

8 The development shall proceed in accordance with the Ecological Impact Assessment dated August 2020 and the Reptile, Bat and Hedgehog Mitigation Measures and Enhancement Strategy detailed within the report. The mitigation provided shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.

9 The care home shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the home will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the home 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.

10 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 a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and erected and positioned exactly as shown on the Tree Protection Plan, PJC/5602/20/C (sheets 1 to 4), 27/08/2020.

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reason: To comply with BS5837 and policy ENV DM1 of Arun Local Plan 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. It is considered necessary for this to be a pre-commencement condition to ensure that the health of the protected Ash trees is not compromised

11 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact

Assessment, PJC ref: 5602/20-02 Rev - and Arboricultural Method Statement, PJC ref: 5602/20-03 Rev

- 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.

Reason: To comply with BS5837 and policy ENV DM4 of Arun Local Plan 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.

12 Any approved tree pruning or that later considered essential to enable the agreed development must wherever achievable meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and policy ENV DM4 of Arun Local Plan.

13 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 hard and soft landscaping and details of 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 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: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

14 No development above damp proof course (DPC) level shall take place until precise details of boundary treatments have been submitted to and approved by the Local Planning Authority and the care home shall not be occupied until such treatments have been erected.

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

15 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building and hard landscaping have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with

policy D DM1 of the Arun Local Plan.

- 16 Prior to the commencement of construction works details of a proposed foul and surface water sewerage shall be submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to consider the foul water drainage system prior to commencing any building works.

- 17 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.

- 18 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 19 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 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.

- 20 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.

- 21 Prior to occupation of the home, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved home 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 retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, 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 National Planning Policy Framework (NPPF).

- 22 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 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 event plus 40% on stored volumes, as an allowance for climate change. 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 here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 23 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 24 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to

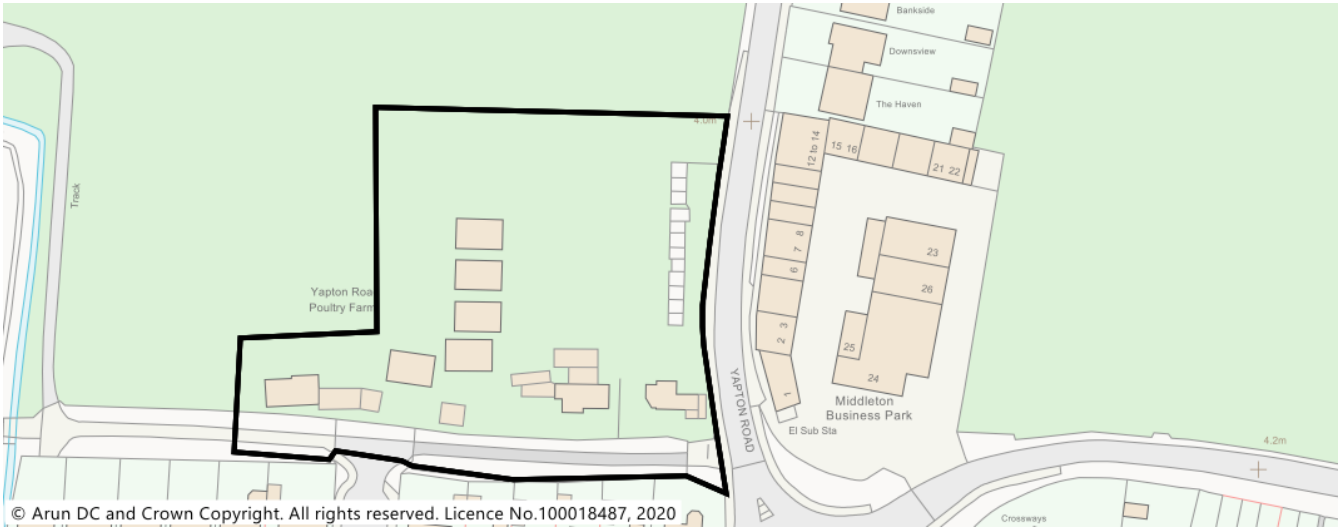
enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

- 25 **INFORMATIVE: Works within the Highway - Implementation Team**
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 26 **INFORMATIVE: Temporary Developer Signage**
The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 27 **INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>**
- 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: 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.**
- 30 **INFORMATIVE: The applicant should manage grassland areas to benefit reptiles.**

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)

M/68/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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