

16th September 2019

REF: FRON1004a

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

Dear Sir/Madam

Land at Dappers Way/Water Lane, Angmering - Certificate of Lawfulness

On behalf of our client, Frontier Estates (Mering) Ltd, I enclose an application for a Certificate of Lawfulness for the above site.

Planning permission has been granted in 2017 for 53 care apartments through the erection of four separate buildings. In 2019 a 70 bed care home was approved to part of the site replacing one of the care apartment buildings. This Certificate of Lawfulness application seeks confirmation that it would be lawful to build out buildings 1-3 under the 2017 permission alongside the care home authorised under the 2019 permission.

The application is submitted via the planning portal under reference PP-08140211 and comprises the following documents listed below:

- Application form
- Counsels Opinion
- Approved site layout plan Ref: 1877-HIA-ZZ-XX-DR-A-01002 Rev P5

Planning History

In February 2017 planning permission A/27/16/PL was granted at the site for the “Erection of 53 care apartments within Class C2, parking, access, footpath, landscaping & other associated works”. Implementation was required by 9th February 2019.

In order to implement the 2017 permission, the two pre-commencement conditions were discharged (7 – relating to the CMP and 19 relating to tree protection measures) and the development commenced by demolishing the buildings on site. To provide additional comfort that the permission was indeed lawfully implemented, a Certificate of Lawfulness was sought, by way of an application in November 2018. That Certificate was granted on 15th February 2019 (Ref: A/151/18/CLE).

In May 2019 planning permission was granted through application A/114/18/PL for “Demolition and erection of a 70 bed care home within Use Class C2 (replacing building 4 approved by A27/16/PL), access, parking, landscaping and other associated works”.

It is noted from the council's committee report for this application that it remained of the opinion that it would not be possible to implement both the 2017 and 2019 schemes. However, no restrictive conditions or clauses within the s106 were included that relate to the implementation of the wider scheme.

Certificate of Lawfulness

The Opinion of Robert Walton QC has been obtained and the advice received forms part of the submission. This confirms that the application approved in 2019 was made on the basis that the care home would **replace** building 4 approved under the 2017 permission.

The Certificate therefore seeks confirmation that development of the 70 bed care home approved through application A/114/18/PL replaces building 4 approved by application A/27/16/PL and both permissions can be implemented on site. It is strongly contended that this position is lawful.

The fee of £14,948.50 has been paid by BACS transfer referencing the Planning Portal reference.

I look forward to receiving confirmation that the application has been registered. Should you require any further information at this stage, please do not hesitate to contact my colleague Emma Patchell or I.

Yours Sincerely



Anna Gillings
Managing Director

