

REPORT UPDATE

Application No: BN/52/26/S73

Reason for the Update / Changes

Reason for Update/Changes:

The NPPF has been updated.

Policy P3.1 states development should be appropriate for its location. P3.2 (a) makes reference to living conditions and avoid exposure to levels of air, noise, artificial light and other sources of pollution which can have an adverse effect. The proposal complies with this.

Policy TR4 (e) makes reference to parking provision and states 'including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.....'.

The NPPF changes do not alter the officers recommendation.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions Under a Previously Approved Permission

REF NO: BN/52/26/S73

LOCATION: The former Croft Surgery
Barnham Road
Eastergate
PO20 3RP

PROPOSAL: Variation of conditions 4 and 6 imposed under BN/130/25/PL relating to EV charging and hours of operation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Vary conditions 4 and 6 of BN/130/25/PL which sought permission of the change of use of a doctors surgery to a place of worship.

Condition 4 read: Within three months from first occupation of the development, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved use in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 20% of parking spaces (rising to 50% from 2028 and 100% from 2033) with electric

REPORT_1011(ODB)

ducting provided to all other spaces to provide passive provision for these spaces to be upgraded in future. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Condition 6 read: The building shall not used except between the hours of 19:00 - 21:00 on Mondays and 06:00 - 08:00 on Sundays.

These would be varied to read;

Condition 4: 'Within three months from first occupation of the development, the applicant or developer shall provide 2 No. electric vehicle charge points to serve the parking spaces associated with the approved use in accordance with the council's standards as set out in its Parking Standards SPD. The electric vehicle charge points shall thereafter be retained and maintained in good working condition'.

Condition 6:
The building and car park shall not be used at any time outside the hours of 08:00am to 22:00pm Monday to Saturday and 05:30am to 22:00pm Sundays.

BOUNDARY TREATMENT
SITE CHARACTERISTICS
CHARACTER OF LOCALITY

The site has extensive hedging bordering the site.
Single storey detached building with an adjoining car park.
The area is predominantly residential. A new doctors surgery has opened to the rear of the site.

RELEVANT SITE HISTORY

BN/130/25/PL	Change of use of the existing building and associated facilities from a doctor surgery (Use Class E) to a place of worship (Use Class F) and all associated works and infrastructure. This application is in CIL Zone 2 (Zero Rated) as other development.	ApproveConditionally 03-03-26
--------------	--	----------------------------------

REPRESENTATIONS

Barnham and Eastergate Parish Council (BEPC) - objection.
- Object to the variation of condition 4 relating to the installation of charging stations in line with BEPC sustainability objectives and NPPF objectives to promote sustainable transport.
- No objection to the removal of condition 6.

6 letters of support have been received from nearby occupiers. 1 objection was received, although this reads as support.

- The hours condition is unnecessary and unsupported given the worship activities are quiet. The EV charging condition is disproportionate for the small scale. Both conditions fail the NPPF tests of

necessity, reasonableness, and proportionality.

- It should be questioned whether the community uses have similar irrelevant conditions.
- The approved worship activities are short in duration, infrequent, and low intensity.
- Many people live locally and will walk to site and there is no need for EV chargers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

WSSC Highways - The Highway Authority considers that this is also a matter for the LPA to consider using their own Parking SPD.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

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.

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 in that it would deliver sustainable transport methods and would not result in harm upon neighbouring amenity.

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.

BIODIVERSITY NET GAIN

Exempt from net gain as it is for a S73 application which relates solely to change of use.

CONCLUSIONS

PRINCIPLE

The principle of development was established under BN/130/25/PL for the change of use from a doctor's surgery to a place of worship.

This application seeks to vary conditions 4 and 6. The applicant originally sought removal of the conditions, however it has been agreed they will be varied. All other matters were considered and remain as approved under application BN/130/25/PL.

CONDITION 4

Condition 4 read: Within three months from first occupation of the development, the applicant or developer shall provide electric vehicle charge points to serve the parking spaces associated with the approved use in accordance with the council's standards as set out in its Parking Standards SPD. This requires EV charging points in 20% of parking spaces (rising to 50% from 2028 and 100% from 2033) with electric ducting provided to all other spaces to provide passive provision for these spaces to be upgraded in future. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Arun Parking Standards SPD details the amount of EV charging that should be delivered across development in the district.

The applicant states that due to the limited duration and frequency of services compared with the times needed for effective EV charging, condition 4 is unreasonable and unnecessary. Further to this, the applicant states that passive provision to remaining spaces on site is not required. Para 2.16 of the SPD states 'with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future. This applies to residential, retail (supermarkets), office/industrial,

and other commercial land uses.' As the use does not fall within the categories above, passive provision should not be required.

It is accepted the site does not appear to fall in the categories specified in para 2.16 which refers to passive ducting. With regards to active charging at para 2.8 of the SPD it states 'The proposed standards will mean that all new houses with a driveway or garage will be required to provide active EV charging points (in accordance with current ADC Vehicle Infrastructure Study (2017). All other development will need to provide EV charging points in 20% of parking spaces from the date of adoption of this SPD'. This would require active charging at 20% and require 4 charging points.

The applicants advise there is practical difficulty in providing 4 active chargers as existing electrical supply has limited capacity. The existing supply will accommodate no more than 2 active charging points, with an upgrade quoted at £60,000 to be able to provide an additional 2 chargers and would involve improvements crossing Barnham Road. This would not be viable for the charity.

The applicants have agreed to vary the wording rather than remove the condition. This would require the installation of 2 EV charging points and does not require passive provision in compliance with the wording of SPD and is considered acceptable.

CONDITION 6

Condition 6 read: The building shall not used except between the hours of 19:00 - 21:00 on Mondays and 06:00 - 08:00 on Sundays.

As part of the original application, it was stated the operational hours of the building were Monday-19:00-21:00 and Sunday 6:00-8:00. As a result, these were the hours that were conditioned.

The applicant notes the premises creates very little noise and as it was not requested by Environmental Health, the condition should be removed. The planning statement notes other premises operate without recorded instances of harm on amenity and noise assessments have shown noise was only audible in very close proximity to the building. No assessment or details identifying the specific sites have been provided and it cannot be determined whether it would have the same outcome here.

Whilst it is noted the use of the building for worship activities may not result in excessive noise, it is still necessary to have some control over the opening hours, to ensure that should activities or hours of use change in the future, it can be controlled with regards to how early or late this takes place and the potential impacts this could have upon amenity.

The removal of the condition as a whole would not be appropriate. It would be acceptable to vary the opening hours to suit the place of worships needs.

The applicants agreed to vary the wording of the condition. This would enable use of the building and car park to cover the worship times requested and enable use of the space for longer hours during the day. Due to its location relative to dwellings and the hours proposed, this is acceptable.

SUMMARY

The conditions are to be varied which ensures that the provision of sustainable transport is provided and hours of opening would not result in significant harm upon nearby amenity.

As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.

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.

CIL DETAILS

This application is not CIL liable with no change in floor area.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun on or before the expiration of 3 years from the date of the original permission granted under application BN/130/25/PL approved on the 3 March 2026.

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:

 - Location and Block Plan - Dec 2025
 - Proposed Ground Floor Plan - Dec 2025
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.
- 3 Within three months from first occupation of the development, the applicant shall submit to the Local Planning Authority for approval (in consultation with WSCC Highways), plans showing details of a footpath taken from Barnham Road running alongside the eastern side of the

existing vehicular access serving the development. The footpath shall thereafter be constructed in accordance with the approved plans within six months of the approval of the details by the Local Planning Authority.

Reason: In the interests of road safety and to promote non-car access to the development in compliance with Arun Local Plan policy T SP1.

- 4 Within three months from first occupation of the development, the applicant or developer shall provide 2 No. electric vehicle charge points to serve the parking spaces associated with the approved use in accordance with the council's standards as set out in its Parking Standards SPD. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

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

- 5 Within three months from first occupation of the development, plans and details shall be submitted to and approved in writing by the Local Planning Authority showing provision for covered and secure cycle parking spaces. The spaces so provided shall be retained in perpetuity.

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

- 6 The building and car park shall not be used at any time outside the hours of 08:00am to 22:00pm Monday to Saturday and 05:30am to 22:00pm Sundays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies D DM1, QE DM1 & Q DM2.

- 7 Notwithstanding the provisions of any Town and Country Planning General Development Order or Use Classes Order (or any Order revoking or enacting that Order), the use hereby permitted shall be restricted to a place of worship.

Reason: To enable the Local Planning Authority to consider the acceptability of alternative use, in accordance with Arun Local Plan policy D DM1.

- 8 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an

acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the NPPF.

- 10 **INFORMATIVE:** The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works (footpath from Barnham Road). The applicant should 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.