

Recommendation Report for Planning Permission

REF NO:	BR/5/25/PL
LOCATION:	St Julianas Convent Marian Way Bognor Regis PO21 1PA
PROPOSAL:	Change of use from convent (Sui Generis) to residential use (C3) for adults with learning difficulties and autism with minor amendments to external appearance. This application may affect the setting of a listed building, may affect the character and appearance of the Upper Bognor Road and Mead Lane Conservation Area and is in CIL Zone 4 (zero rated) as flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the change of use from convent (Sui Generis) to residential use (C3) for adults with learning difficulties and autism with minor amendments to external appearance. This will comprise 14 self-contained units.
SITE AREA	0.26 ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	53.9 (54) units per ha.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Dwarf flint wall approximately 1m high to south, wrapping round to east and rising to 2m in height, with trees and shrubbery. 1.8m to 2m high combined close boarded timber and brick wall / fence to north, with fencing to west with further shrubbery, hedging and trees.
SITE CHARACTERISTICS	Former use as St Juliana's Convent, a one and two storey square shaped 1980s building comprising residential, community and worship uses for convalescing Nuns. The site has been vacant since April 2024.
CHARACTER OF LOCALITY	Outer Town Centre locality comprising a mix of uses including leisure, residential, professional and commercial. Hotham Park and the University of Chichester (Bognor Regis Campus) is located to the north, with the Butlins holiday park site to the east. Gloucester House Government Offices is situated to the south, with residential properties to the south and west. Bognor Regis Town Centre is located approximately 200m west.

RELEVANT SITE HISTORY

BR/232/17/PO	Application to modify a Planning Obligation dated 13th March 1987 imposed under Planning application BR/450/86 - Change of age restriction from 'State Pensionable Age' to 'Persons of 55 years or over'	Approve 06-10-17
BR/304/13/PO	Application to modify a planning obligation dated 13th March 1987 imposed on planning application BR/450/86 - change of age restriction from "State Pensionable Age" to "Persons of 60 Years or Over".	Refused 18-06-14
BR/1/00/	Erection of porch	ApproveConditionally 31-05-01
BR/164/97	Addition of toilet and storage areas within courtyard	ApproveConditionally 02-09-97
BR/165/97	New conservatory adjacent to sitting room to form sun lounge	ApproveConditionally 29-08-97
BR/187/94	Alteration to access & parking with addition of four rooms & bathroom	ApproveConditionally 26-08-94
BR/149/93	Extension to east wing to provide laundry room and store area	ApproveConditionally 13-08-93
BR/567/87	Amendment to BR/293/87 for formation of extra flat in roof space (making 24 elderly person flats in total)	ApproveConditionally 14-12-87
BR/293/87	Amendments to plans previously approved under BR/450/86 Retirement housing - 23 Units	ApproveConditionally 13-07-87

Relevant planning history noted.

REPRESENTATIONS

Bognor Regis Town Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ECOLOGY OFFICER:

No objection subject to condition requiring details of biodiversity enhancements to be submitted and include 3 swift bricks, 3 bat boxes / tubes, 2 insect hotels and 1 hibernaculum.

ADC ECONOMIC REGENERATION:

No comment.

ADC CONSERVATION OFFICER:

No objection. No harm identified to the significance of heritage assets or their setting.

CAAC:

Response awaited.

WSCC HIGHWAYS:

No objection. The proposal would not give rise to material intensification of vehicular traffic when compared to the existing use.

WSCC S106 CONTRIBUTIONS:

Withdrawn due to no increase in occupation numbers. Reduction in total population of site from 24 bedrooms to 14.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions applied below.

POLICY CONTEXT

Built Up Area Boundary

Flood Zone 2 (partially to south east)

Future Flood Zone 3a (2061 onwards)

Adjacent to 'Upper Bognor Road and Mead Land' Conservation Area

Wider setting of Grade II Listed Building

Pagham Harbour Zone B

Economic Growth Area

2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

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

AHSP2 AH SP2 Affordable Housing

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bognor Regis Neighbourhood Plan 2015 Policy 1	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 8	Pre-Application Consultation
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking

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.

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 have no adverse harm to visual, residential or highway amenity, heritage assets, flooding and drainage, biodiversity or the character of the area.

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

PRINCIPLE

Policy SD SP1 concerns sustainable development and states the Council will take a positive approach to development which reflects the presumption in favour of sustainable development contained in the NPPF. The site benefits from being in the Built-Up Area Boundary in which the principle of residential redevelopment is acceptable. Policy SD SP2 states that development should be focused in the Built-Up Area Boundaries and will be permitted, subject to consideration of other relevant policies of the within the Local Plan.

Policy H SP1 concerns the Housing Requirement for Arun. The change of use from convent to residential use for 14 units (8 No. Bungalows and 6 No. Flats), would see the sustainable redevelopment of an existing site within the BUAB, which would contribute positively to the HLS position for Arun, in accordance with H SP1. Policy H DM2 states that new independent living and care homes will be permitted where the following can be demonstrated:

- The scheme is located within the BUAB;
- The scheme is easily accessible either by foot or public transport to community and social facilities;
- The design of the scheme shall be such that it can be easily adapted to the varying needs of the users;
- The design and scale is appropriate to the local context;
- Amenity space is provided;
- The scheme is located where it would support and encourage the continuation of a healthy, active lifestyle.

The development meets all of the above criteria, and as such is in accordance with H DM2 of the ALP.

The NPPF (paragraph 129) supports the effective and efficient use of land for sites in the built-up area but advises new development should maintain an area's prevailing character and setting (including residential gardens) and secure well-designed, attractive, and healthy places.

Paragraph 11(c) states that development proposals that accord with an up-to-date development plan should be approved without delay. 11(c) is relevant in this case as the proposal falls within the Built Up Area Boundary and will be determined under an active adopted local plan, in accordance with ALP policy SD SP2.

The site is sustainably located, in close proximity to Bognor Regis town centre, and associated public transport routes (such as bus or train). The proposal for 14 No. supported living units would make a positive contribution to the current HLS shortfall and help to meet local housing needs. The need for residential housing for adults with learning difficulties and autism is significant within the District, with written support provided by WSCC Adult Services identifying this fact. This development would therefore be of substantial benefit in supplying this specialist form of supported living facility. The proposal meets the economic, social, and environmental aspects of sustainable development, and as such the principle of this change of use is acceptable.

AFFORDABLE HOUSING PROVISION

In accordance with Policy AH SP2, all developments of 11 residential units or more are required to provide a minimum of 30% of the total units proposed as affordable housing. This is where it cannot be proven that the 30% affordable housing provision is not viable. Of the 14 units proposed, this would require a minimum of 4.2 units be affordable. However, given the speciality of this development, and its significant need within the District, the requirement to comply with AH SP2 should be considered pragmatically. Para 66 of the NPPF (2023) was previously relevant, and specified 10% Affordable Housing would not be required if the development provided specialist accommodation. However this wording has been removed within the 2024 update of the NPPF. Para 64 of the NPPF (2024) states the following:

'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless:

...

b) the agreed approach contributes to the objective of creating mixed and balanced communities'

In this case, the Council acknowledge the specialist accommodation being provided through the development, and the significant need for this form of housing to be provided within the District. As such, in this instance, Para 64 (b) would mitigate the need for the provision of Affordable Housing to be provided, as it would contribute to an objective for creating mixed and balanced communities within the District. Therefore, the need to comply with AH SP2 of the ALP is discarded, and instead determined to comply with the NPPF (2024).

DESIGN / VISUAL AMENITY AND CHARACTER

Policy D SP1 of the Arun Local Plan requires that development proposals should make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish, and architectural details.

Policy D DM1 of the Arun Local Plan sets out a 15 point criteria against which the design of new development should accord with. Policy D DM4 of the Arun Local Plan provides a 5 point criteria against which development for alterations to existing buildings shall be assessed.

Arun has adopted a Design Guide which provides detailed guidance that will help raise design standards across the district.

Being a change of use with only minor changes to the internal and external appearance of the property, these alterations are acceptable with little harm to design and visual amenity.

The proposal would have some impact on the character of the locality, however this would not be adverse and comparable to the existing use of the site. The immediate vicinity abutting the convent to the west is residential, with Butlins to the east, and further housing and student accommodation to the north. This existing character is a mix of residential and tourism; and as such the introduction of a new residential unit for supported living would be coherent with the general varied character of the area.

Given the minor scale of physical works to the building, and the congruent character with the locality, the proposal would not have adverse harm to the visual amenity or character of the locality. This is in accordance with D DM1 and D SP1 of the Arun Local Plan, Policy 8a of the Bognor Regis Neighbourhood Development Plan (BRNDP), and the Arun Design Guide.

RESIDENTIAL AMENITY / QUALITY OF ENVIRONMENT

ALP policy D DM1(3) requires the consideration of impacts of neighbouring amenity such as loss of sunlight, privacy and outlook and unacceptable noise and disturbance. In this instance the primary concern is potential for noise and disturbance, as there will be no change to the structure of the building that would result in a change in existing overbearing, overlooking or overshadowing.

Policy QE SP1 of the Arun Local Plan requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact on residential amenity. Policy QE DM1 seeks to protect against the impacts of new noise generating development.

The NPPF requires that decisions should ensure that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The change of use would have some impact on neighbouring amenity, resultant in a change to the nature and movements of the occupiers and visitors of the property. The proposal includes residential accommodation for 14 unrelated individuals, each needing varying levels of care. This would result in an increase in noise pollution and disturbance from each of the 14 occupiers, visiting carers, and any other visitors such as friends and family. However, this noise pollution will not be detrimental to amenity, as this noise will generate primarily from those using the garden, and the coming and going of person(s) and vehicles. This noise would be occasional rather than constant, and would be greatest during the day, rather than at night during anti-social hours. Noise at night would be limited. This would result in some minor disturbance, however it would not give rise to significant harm to residential amenity.

The proposal would not result in adverse harm upon neighbouring amenity in compliance with D DM1, D DM4, QE SP1 and QE DM1 of the Arun Local Plan and the Arun Design Guide.

INTERNAL / EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. From the plans submitted, it is demonstrated the residential units exceed the criteria set within the Nationally Described Space Standards and thus

accord with Policy D DM2 of the Arun Local Plan.

Part H of the Arun Design Guide provides a guideline that communal shared spaces, such as shared external amenity space, should be at minimum 40m², plus 10m² for each unit (a total of 140sqm). This would mean the minimum space provided would need to be 180m². The amenity land to the south of the building has been measured, and approximately 700m² of external amenity space would be provided (not including the courtyard to the centre of the building). Subsequently, the site exceeds the requirements of Part H, and would be acceptable.

HERITAGE ASSETS

The NPPF requires the effect of an application on the significance of a designated or non-designated heritage asset (locally listed buildings) to be taken into account. In weighing applications that directly or indirectly affect heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy HER SP1 of the Arun Local Plan states that heritage assets and their settings will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Policy HER DM1 concerns listed buildings and requires the following:

- a. Preserve or enhance the historic character, qualities and special interest of the buildings;
- b. Be necessary and not detrimental to the architectural and historical integrity and details of the exterior;
- c. Protect the architectural and historical integrity of the interior;
- d. Protect the special interest of buildings of architectural or historic interest; and
- e. Protect, and where possible enhance the setting of the building.

Policy HER DM3 concerns conservation areas and requires applications to preserve or enhance the character or appearance of the area.

BRNDP Policy 1 requires any major development to identify the significance of any affected heritage assets and assess any harm and benefit.

The proposal would be to the south of a Conservation Area and Grade II Listed Building. As such, there would be some risk to the wider setting of these Heritage Assets, as a result primarily of the change of character of the building. The Conservation Officer was consulted on this application and concluded that the application would not cause harm to the significance of the heritage assets or their setting. As such, it is determined that the proposal would accord with HER SP1, HER DM1 and HER DM3 of the Arun Local Plan, and Policy 1 of the BRNDP.

It is noted the Conservation Officer observes the installation of the PV panels to the south facing roofs. These have not been proposed, unless considered necessary for installation in officers opinion. Their potential implementation would not have harm to the setting of the heritage assets.

DRAINAGE AND FLOODING

The site lies within EA Flood Zone 2, and Future Flood Zone 3a (from 2061), as identified by the Arun Strategic Flood Risk Assessment (SFRA). Para 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Policy W DM2 of the Council's Local Plan states that development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the SFRA, will only be permitted where

all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e., consideration of flood flow routing and utilising temporary storage areas

Due to the location of the site within Flood Zone 2, and 3a, a Flood Risk Assessment (FRA) has been submitted with the application. This details that only a minor portion of the communal part of the building, and part of the external garden is subject to any risk of flooding. As such, the risk of actual harm to life and property is low. No residential units are located within FZ2 or 3, and access and egress from the site is also not subject to flood risk. Therefore, there is no risk of an 'island' effect being created in a flood event. As such, it is concluded there is minor probability of flood risk posed to property and life, and as such the proposal is acceptable in regard to W DM2 of the ALP.

Policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

Being a change of use, the proposal will retain the existing drainage infrastructure as in previous use. The development will result in a cumulative reduction in occupiers of the property; reducing from 24 beds to 14. As such, there will be no increase on capacity or demand on the drainage system, and no anticipated strain on the existing arrangement which may result in failure.

The change of use will not result in adverse risk of flooding to life and property, and will retain the existing drainage infrastructure. This is acceptable, and in accordance with W DM2 and W DM3 of the Arun Local Plan, and the NPPF.

HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan requires development to incorporate appropriate levels of parking in line with West Sussex County Council guidance on parking provision, taking into consideration the impact of development upon on-street parking. The Arun Parking Standards SPD sets out parking requirements for developments.

As the change of use would be Sui-Generis, the Arun Parking Standards does not provide a minimum number of vehicle and cycle parking spaces that must be provided. Rather, parking provision will be determined on a case by case basis on travel plan and needs.

It is understood from the planning statement that it is not anticipated the future residents will be car users. As such, the parking demand will arise from staff and visitors to the property. Parking provision on site currently stands at seven spaces. From the details submitted it is not anticipated the total number of staff on site would exceed six at any one time. Given this parking arrangement existed under the previous occupation of 24 residents and did not result in any know impact on highway amenity or safety, the retention of this parking provision for a lower number of occupants will not result in material change in harm or demand to parking capacity in the area over the existing use. The site is sustainably located, being a 13 minute walk from Bognor Regis Railway Station (0.6 miles), and 2 minutes walk from the nearest bus stop. Therefore, accessibility to the site from public transport links is easily and readily available.

WSSC Highways were consulted on this application, and raised no objection in respect of impact to vehicular traffic or the operation of the highway network. It is also determined there would be no adverse harm to highway amenity resultant of the change of use, given the retention of parking spaces, and sufficient alternative transport options for those travelling to and from the site.

Cycle parking is proposed within the existing garage, which is in accordance with the Arun Parking SPD. This cycle parking has been secured via a condition.

The application is in accord with T SP1 and T DM1 of the Arun Local Plan, Policy 8b of the BRNDP, Arun Parking Standards and the NPPF.

BIODIVERSITY

Arun Local Plan policy ENV SP1 states Arun District Council encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. The Council will ensure, policy ENV SP1, that the intrinsic features of particular interest are safeguard or enhanced. Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

Paragraph 187 of NPPF (2024) requires planning policies and decisions to contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible. This paragraph calls for the establishment of coherent ecological networks that are more resilient to current and future pressure.

Biodiversity Net Gain became mandatory for major development from 12 February 2024, requiring that all new developments provide 10% BNG on or off site. This is subject to any exemptions. As the proposal is for a change of use, it is subject to the 'de minimis' exemption, as it would not be affecting more than 25m² of onsite habitat, or any priority habitats. Therefore, it is not necessary for the development to demonstrate 10% BNG.

The ADC Ecology Officer raised no objection to the development, subject to securing a condition for the installation of 3 swift bricks, 3 bat boxes/tubes, 2 insect hotels and 1 hibernaculum. This is in line with the measures recommended within the ecology statement, and meets the requirements of ENV DM5 of the ALP. This condition has been applied below.

SUSTAINABLE CONSTRUCTION

Policy ECC SP2 requires all new residential and commercial development to demonstrate how it will be energy efficient.

The proposal seeks the reuse and repurposing of an existing structure. This includes the enhancement of the building's operational energy efficiency by replacing and upgrading windows and doors. This aids improvement to both insulation properties and air tightness. It is also noted the internal wall build up is to be upgraded to enhance the fabric performance. These measures are acceptable to improve energy efficiency.

In light of the sustainable reuse of an existing building, and improvements to the fabric and efficiency of the structure, it is not necessary to impose a condition requiring details of 10% energy generation on site from renewable sources such as PV panels.

The proposal is in accord with Policy ECC SP2 of the Arun Local Plan.

WASTE MANAGEMENT

Policy WM DM1 states that new residential development, including conversions, will be permitted provided that:

- a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles
- b. Where appropriate, communal recycling bund and safe bin storage areas are available to residents of flats.

From the submitted documents, it is detailed the existing strategy for refuse and recycling will be retained. This is acceptable.

PAGHAM HARBOUR ACCESS MANAGEMENT CONTRIBUTION

The site falls within Pagham Harbour Zone 4 and as such is subject to a S106 agreement to secure financial access management contributions towards Pagham Harbour. This contribution is currently set at £962 per new residential unit.

As the site was in existing residential use, this is taken into account within the contribution calculations. As the convent was in use as shared accommodation, this calculation has considered that every three rooms is equal to one residential unit. Therefore, the existing unit number on the site was 8 (24 divided by 3).

As 14 residential units are proposed, the contribution needs to cover the addition of 6 new residential units. This attracts a total fee of £5,772 (6 x £962).

A S106 Unilateral Undertaking has been checked and sealed by the ADC Legal Department, and requires the undertaker to pay £5,772 to the Local Planning Department on the completion of the deed. This payment has been received and secured.

The proposal is in accord with ALP policy ENV DM2.

S52 CESSATION

It is noted the site is currently subject to a Section 52 Agreement, imposed under the Town and Country Planning Act 1971 which restricts the occupation of the flats to persons of or over state pensionable age. This was modified in 2017 under BR/232/17/PO to state 55 or over years.

As this application seeks planning permission for a different use of the premises, separate to previous planning permissions and their attached legal agreements and obligations, it is confirmed that the granting of this permission will result in this S52 having no effect on implementation. Therefore, the use of the premises will no longer be required to abide with the clauses set out by the legal agreement.

SUMMARY

The development is in accordance with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives. The recommendation is made in accordance with para 11(c) of the NPPF.

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

A S106 has been secured and requires the undertaker to pay £5,772 for the purpose of delivering mitigatory actions at Pagham Harbour. This payment was received on 11/06/2025.

CIL DETAILS

This application is not CIL liable.

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:

- Location and Block Plans 24056A-P-001C
- Proposed Site Plan 24056A-P-110D
- Proposed Elevations 24056A---112B
- Proposed Elevations 24056A-P-113B
- Proposed Ground and First Floor Plans 24056A-P-111C

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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the property shall not be used for any other uses falling under C3 other than a residential use for adults with learning disabilities and/or autism and/or physical disabilities and/or mental health, unless permission is granted by the Local Planning Authority for an application on that behalf.

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

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans hereby approved (Proposed Site Plan 24056A-P-110D). The spaces so provided shall be retained in perpetuity.

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

- 5 Prior to first occupation, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecology Statement (ECE - 16/01/2025) , shall be submitted to and approved in writing by the Local Planning Authority. This shall include installation of the following:

- 3 Swift Bricks
- 3 Bat Boxes / Tubes
- 2 Insect Hotels
- 1 Hibernaculum

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

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

- 6 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the payment of £5772 to be paid by the undertaker to the Local Planning Authority for the purpose of delivering mitigatory actions at Pagham Harbour. This payment has been received and secured.

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 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).