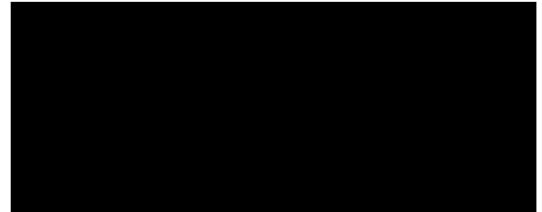


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Ms Anita Gardner
Arun District Council
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Date: 9th August 2021

Your ref: CM/16/18/PL

By email only

Dear Ms Gardner

Re: Application pursuant to Section 73 of the Town and Country Planning Act 1990 to carry out the development approved under planning permission CM/16/18/PL subject to variations to conditions 2, 3, 4, 5 and 9

Planning permission was granted on appeal for a 64 bedroom care home on 21st January 2020 at land to the rear of Bairds Farm Shop, Crookthorn Lane, Climping. This permission was subject to 13 conditions.

Conditions 3, 4 and 5 had pre-commencement requirements and these have since been discharged under references CM/48/20/DOC and CM/21/21/DOC. A non-material amendment to the planning permission has also been approved (ADC ref: CM/25/21/NMA) which approved a minor increase in the finished floor level of the building.

Following further discussions with the proposed operator of the care home, a small number of other modest amendments to the scheme are also being proposed. These include the installation of an enclosed electricity substation adjacent to the car park area, the installation of air source heat pumps on a concealed part of the roof, a reconfiguration of the car parking spaces, and a change from the approved roof tile. These amendments necessitate changes to the approved plans and drawings listed in condition 2 as well as the reference to the site plan in condition 9. I have proposed a revised form of wording for these conditions in the application form.

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The installation of a substation as part of the development is required by SSE (the District Network Operator) in order to ensure that the development is able to provide an 'all electric' power and heating solution to the building and thus benefit from sufficient power supply. This 'all electric' approach eschews the need for connection to the natural gas network and significantly improves the energy performance of the development by reducing reliance on fossil fuels and thereby reducing carbon emissions. The air source heat pumps proposed on the roof of the building form an on-site renewable technology that would assist in generation of hot water for the development and reduce energy demand from the national grid thus further improving energy performance. The improved energy performance of the scheme and its enhanced contribution to mitigating climate change is consistent with national objectives in the NPPF and supported by Policy ECC SP2 of the Arun Local Plan 2011-2031 and so should amount to an appropriate amendment to the approved development in planning terms.

A minor amendment is also proposed to the layout of the car parking area from that currently approved. This would not change the number of car parking spaces (24 regular spaces and 4 wheelchair accessible would remain) but simply change their configuration in order to provide a more efficient use of this part of the site. The revised car parking layout would ensure that the parking spaces are similarly accessible to cars for manoeuvring into and out of them whilst also affording the ability to increase soft landscaping and thus soften its appearance. The proposed change in this respect is very minor in nature and would have no associated adverse impacts in comparison to the extant scheme such that in planning terms it should be entirely acceptable.

Finally, this application proposes a change to the roofing material from the currently approved Winchcombe Grey roof tile to a Natural Spanish Slate. This amendment is required due to difficulties in sourcing the approved roofing material. The Natural Spanish Slate proposed as an alternative however is very similar in appearance and actually represents a likely improvement in its durability and quality. Given that it would not materially adversely affect the appearance of the development, this amendment is also considered to be entirely appropriate in planning terms.

The Planning Practice Guidance (Ref ID: 17a-013-20140306) confirms that Section 73 of the Town and Country Planning Act 1990 can be used to vary conditions attached to a planning permission including making a 'minor material amendment' where there is a relevant condition that can be varied. Condition 2 of planning permission CM/16/18/PL is such a condition given that it lists out the plans and drawings that have been approved and which the development must be carried out in accordance with. Other conditions are proposed to be varied at the same time (condition 3, 4, 5 and 9) in order to ensure consistency between the conditions and to ensure that details already approved pursuant to pre-commencement are 'carried over' to the new planning permission so that they do not have to be re-discharged.

The PPG also advises that a 'minor material amendment' is '*likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved*'. It also clarifies in Ref ID: 17a-014-20140306 that applications under Section 73 cannot be used to change the description of the development stated in the planning permission. This was recently further clarified by the Court of Appeal (Finney v Welsh Ministers [2019] EWCA Civ 1868) which confirmed that Section 73 cannot be used to change the description of the development but rather approve the same development subject to different conditions.

The amendments proposed as part of this Section 73 application however do not result in a change to the description of the development and, as described above, the amendments proposed are very minor in scale and nature in comparison to that already approved. Consequently, the 'minor material amendments' hereby proposed to planning permission CM/16/18/PL are entirely

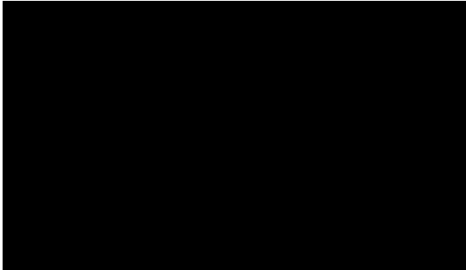
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appropriate to be made under Section 73 of the Town and Country Planning Act 1990 and are furthermore wholly acceptable in planning terms having regard to relevant material considerations.

I trust therefore that the approved development can be satisfactorily amended as proposed and a new planning permission issued accordingly under Section 73 of the Town and Country Planning Act 1990 with the relevant conditions revised as necessary and as detailed in the accompanying planning application form. If you have any queries however, please do not hesitate to contact me to discuss them further.

Yours sincerely



Matthew Parry MRTPI
Development Planner

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