

Recommendation Report for Planning Permission

REF NO: CM/46/21/PL

LOCATION: Land to the rear of Bairds Farm Shop
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Variation of conditions following grant of APP/C3810/W/19/3227274 (CM/16/18/PL) relating to Condition Nos 2 - approved plans, 3 - Construction & Environmental Management Plan, 4 - tree protection & retention, 5 surface water drainage and 9 - car parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The applicant is seeking to vary the following conditions of planning permission CM/16/18/PL as set out below:

Condition 2 - Variation of the approved plans and drawings in order to introduce an electricity substation onto the site, installation of air source heat pumps on the roof of the building, a reconfiguration of the car parking, and a change to the approved roofing material on the care home building.

An electricity substation is required in order to ensure the care home building is served by an all-electric supply of energy (heating and power) in the interests of energy efficiency.

Air source heat pumps are to be installed as part of improving the energy efficiency of the building and facilitating the switch to an all electric energy supply.

Changes to the roofing material propose an alternative of similar appearance (Merayo Natural Slate) due to difficulties in sourcing the approved slate (Winchcombe grey roof tile).

Changes are also proposed to the car parking layout to enable a more efficient use of the car parking area for the operator of the care home.

Variations to the wording of other conditions (3, 4, 5 and 9) are proposed in order to ensure that the conditions imposed on the new s73 planning permission take account of the details previously approved pursuant to the requirements of pre-commencement conditions associated the current planning permission. A variation to the wording of condition 9 is also proposed so that it takes account of the amendments to the site plan.

Condition 3 - Variation to specify that the development will be carried out in the accordance with the Construction & Environmental Management Plan approved under application reference CM/48/20/DOC.

Condition 4 - Variation to specify that the development will be carried out in accordance with the tree retention and protection

details approved under application reference CM/48/20/DOC.

Condition 5 - Variation to specify that the development will be carried out in accordance with surface water drainage scheme approved under application reference CM/21/21/DOC and shall be maintained as approved thereafter in accordance with the maintenance manual approved as part of application reference CM/21/21/DOC. Immediately following full 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 drawings and is fit for purpose.

Condition 9 - Variation to require the car parking to be laid out in accordance with the site plan (dwg no. M9316-APL003 Rev. E) prior to the first occupation of the development and be retained as such thereafter.

The requested wording for the amendment to the proposed conditions is as follows:

Condition 2 - The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location plan dwg. APL001
- Proposed Site plan dwg. APL003 Rev. E
- Proposed Refuse & Recycling floors & Elevations plan dwg. APL004
- Proposed Ground Floor plan dwg. APL005
- Proposed First Floor plan dwg. APL006
- Proposed Substation dwg no. M9316-HUN-02-SL-DR-A-13-0022
- Proposed Northern Elevation NN plan dwg. APL008 Rev. B
- Proposed Eastern Elevation EE plan dwg. APL009 Rev. B
- Proposed Southern Elevations SS plans dwg. APL010 Rev. B
- Proposed Western Elevation WW plans dwg. APL011 Rev. B
- Proposed True Elevations plans dwg. APL012 Rev. B
- Site Sections plans dwg. APL013 Rev. A
- Landscape Strategy plan dwg. 11423/PO8c
- Proposed Highway Improvements dwg no. 025 Rev. P7

Condition 3 - The construction of the development shall be carried out all times in full accordance with the Construction & Environmental Management Plan approved under application reference CM/48/20/DOC.

Condition 4 - The development shall be carried out in accordance with the tree retention and protection details approved under application reference CM/48/20/DOC.

Condition 5 - No occupation of the development shall take

place until the surface water drainage scheme (approved under application reference CM/21/21/DOC) has been fully implemented. Thereafter the surface water drainage scheme shall be maintained in accordance with the details approved pursuant to application reference CM/21/21/DOC. Immediately following full implementation of the approved surface water drainage system and prior to occupation of any part of the development, as-built drawings of the implemented surface water drainage scheme together with a completion report prepared by an independent engineer (that confirms that the scheme was built in accordance with the approved scheme and is fit for purpose) shall be submitted to the Local Planning Authority.

Condition 9 - No part of the development shall be first occupied until the car parking has been constructed in accordance with that set out in the approved site plan (dwg no. APL003 Rev. E). These car parking spaces shall thereafter be retained at all times for their designated purpose.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The boundaries of the site consist of mature planting and some fencing to a height of approximately 1.5m.

SITE CHARACTERISTICS

The site comprises agricultural land.

CHARACTER OF LOCALITY

The area is rural in character with Bairds Farm Shop situated to the north and sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land.

RELEVANT SITE HISTORY

CM/21/21/DOC	Approval of details reserved by condition imposed under ref CM/16/18/PL relating to Condition No 5 - surface water drainage.	DOC Approved 15-06-21
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CM/48/20/DOC	Approval of details reserved by condition imposed under ref APP/C3810/W/19/3227374 (CM/16/18/PL) relating to Condition Nos 3 - Construction & Environmental Management Plan, 4 - tree protection & retention and 5 - surface water drainage.	DOC Part Approved 11-03-21
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CM/16/18/PL	Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.	Refused 15-11-18
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CM/48/21/DOC approved the tree retention and protection details and Construction Management details forming part of this proposal.

CM/21/21/DOC approved the drainage scheme forming part of this proposal.

REPRESENTATIONS

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

Tree Officer - Awaited.

Drainage Engineer - No Objection.

Fire Officer - Request imposition of a planning condition for the requirement of an additional fire hydrant.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It would not be reasonable to request an additional fire hydrant as part of this approval as it relates to the provision of the building itself which is not being considered as part of this proposal. However the comments have been included as an informative.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within Settlement Gap

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM1	QE DM1 Noise Pollution

QESP1	QE SP1 Quality of the Environment
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
ECCDM1	ECC DM1 Renewable Energy

Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN10	Protection of high grade Agricultural Land
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 relevant policies of Clymping Neighbourhood Plan have been taken into account.

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 there would be no adverse impact on visual amenity or the character of the area, residential amenity or flooding.

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

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

CONCLUSIONS

PRINCIPLE

The principle of the development has been agreed. It is only the issues relating to the amended conditions wording sought in this application which can be considered namely the addition of an electricity substation, installation of air source heat pumps on the roof of the building, a reconfiguration of the car parking, and a change to the approved roofing material on the care home building and revisions to the variations to the wording of other conditions (3, 4, 5 and 9) to ensure that the conditions imposed take account of the details previously approved pursuant to the requirements of pre-commencement conditions associated the original planning permission. The application only relates to the alterations listed in the description. All other matters relating to the permission remain unaltered.

IMPACT OF SUBSTATION AND HEAT PUMP INSTALLATION

An electricity substation is required in order to ensure the care home building is served by an all-electric supply of energy (heating and power) in the interests of energy efficiency. Air source heat pumps are to be installed as part of improving the energy efficiency of the building and facilitating the switch to an all electric energy supply.

The substation would be located on the eastern side of the site, close to the approved bin store and would have a floor area of 5.5m by 4.6m and an eaves height of 2.6m with a ridge height of approx. 4m. It would be constructed of contrasting facing brickwork Wienerberger Pagus Grey laid in stretcher bond (To match main building) with timber cladding blackened charred Accoya fixed in vertical orientation (To match main building) and roof slate Natural Spanish Slate (To match main building).

The proposed additional structure would not be seen as an isolated structure and would not have a significant or unacceptable impact upon the character of the locality by virtue of its scale and height in compliance with policies D SP1, D DM1 and SD SP3 of the Arun Local Plan. The materials which closely reflect those approved for the care home would ensure it would be visually integrated with the main building.

The air source heat pumps on the roof would be located on the central flat roof part of the building and so hidden behind the ridges of the main roof heat pump would be located on the roof of the building on the eastern side of the development, as such they would not be visible in elevations.

Policy ECC DM1 of the Arun Local Plan states that planning permission will be granted for renewable energy developments subject to a number of criteria, including no significant adverse impacts on landscape, habitats, the historic environment and residential amenity including visual, noise and odour.

To ensure that adjoining residential and commercial premises are adequately protected in terms of potential noise a condition has been imposed requiring submission and approval of a noise assessment.

The proposal would be acceptable in terms of these criteria given its limited size.

The proposal would also accord with Arun Design Guide, Part K which requires all new development to be designed to reduce energy demand and carbon emissions in line with national and local standards including the Arun Local Plan and encourages incorporation of low and zero carbon (LZC) technologies and clear commitments to comprehensive energy monitoring and transparency of performance.

AMENDMENT TO ROOFING MATERIAL

Changes to the roofing material propose an alternative of similar appearance (Merayo Natural Slate) due to difficulties in sourcing the approved slate (Winchcombe grey roof tile). This change is acceptable and would not significantly alter the appearance of the building. It would comply with policies D DM1 and D SP1 of Arun Local Plan.

AMENDED PARKING LAYOUT

Changes are also proposed to the car parking layout to enable a more efficient use of the car parking area for the operator of the care home. Variation of condition 9 is required to refer to the car parking to be laid out in accordance with the site plan (dwg no. M9316-APL003 Rev. E) prior to the first occupation of the development and be retained as such thereafter. The number of parking spaces remains at 24 and 4 disabled as originally approved, but is reconfigured.

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

Policy CPN 14 of the CNDP requires that new development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

The access to the site is unaltered. The application has been assessed by WSCC Highways who do not have any objections to the amended parking layout. Adequate parking provision is retained in accordance with the previous approval in compliance with policy T SP1 (d) and (e) of the Arun Local Plan.

AMENDMENTS TO CONSTRUCTION MANAGEMENT PLAN

The application replicates the details agreed under CM/48/21/DOC which were agreed in consultation with environmental health and county highways and are acceptable in terms of highway safety and noise in compliance with policies QE SP1 and T SP1 of Arun Local Plan.

AMENDMENTS TO TREE PROTECTION

Policies ENV DM4 of the Arun Local Plan and CPN9 (Protection of Natural Habitats) of the Neighbourhood Plan apply. The proposal seeks to vary condition 4 to specify that the development will be carried out in accordance with the tree retention and protection details approved under application reference CM/48/20/DOC. The proposal therefore complies with policy.

AMENDMENTS TO DRAINAGE

The proposal seeks to vary condition 5 to specify that the development will be carried out in accordance with surface water drainage scheme approved under application reference CM/21/21/DOC and shall be maintained as approved thereafter in accordance with the maintenance manual approved as part of application reference CM/21/21/DOC.

Arun Local Plan policy W DM2 seeks to limit development in areas at risk of flooding and W DM3 discusses the need for sustainable urban drainage systems. Policy CPN 11 Quality of Design (e) refers to adopting the principles of sustainable urban drainage.

The site lies within a low risk zone (Flood Zone 1) and Arun Drainage Engineers do not raise any objection to the scheme.

On this basis, the application is considered to comply with the relevant Development Plan policies.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Site Location plan dwg. APL001
 - Proposed Site plan dwg. APL003 Rev. E
 - Proposed Refuse & Recycling floors & Elevations plan dwg. APL004
 - Proposed Ground Floor plan dwg. APL005
 - Proposed First Floor plan dwg. APL006
 - Proposed Substation dwg no. M9316-HUN-02-SL-DR-A-13-0022 rev F
 - Proposed Northern Elevation NN plan dwg. APL008 Rev. B
 - Proposed Eastern Elevation EE plan dwg. APL009 Rev. B
 - Proposed Southern Elevations SS plans dwg. APL010 Rev. B
 - Proposed Western Elevation WW plans dwg. APL011 Rev. B
 - Proposed True Elevations plans dwg. APL012 Rev. B
 - Site Sections plans dwg. APL013 Rev. A
 - Landscape Strategy plan dwg. 11423/PO8c
 - Proposed Highway Improvements dwg no. 025 Rev. P7

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.

- 2 The construction of the development shall be carried out all times in full accordance with the Construction & Environmental Management Plan approved under application reference

CM/48/20/DOC submitted on 10-12-2020.

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

- 3 The development shall be carried out in accordance with the tree retention and protection details approved under application reference CM/48/20/DOC namely ecus Environmental Consultants Tree Survey, Arboricultural Impact Assessment & Method Statement combined report inclusive of a Tree Protection Plan.

Reason: To ensure existing trees are adequately protected in accordance with policy ENV DM4 of Arun Local Plan.

- 4 No occupation of the development shall take place until the surface water drainage scheme detailed in the following approved plans has been fully implemented. Thereafter the surface water drainage scheme shall be maintained in accordance with the details approved pursuant to application reference CM/21/21/DOC. Immediately following full implementation of the approved surface water drainage system and prior to occupation of any part of the development, as-built drawings of the implemented surface water drainage scheme together with a completion report prepared by an independent engineer (that confirms that the scheme was built in accordance with the approved scheme and is fit for purpose) shall be submitted to the Local Planning Authority.

The development shall be carried out in accordance with the surface water drainage details set out in the following approved plans, drawings and documents and retained in perpetuity:

BCH-ICS-01-XX-DR-C-003-Rev P13- Proposed Drainage Strategy
BCH-ICS-01-XX-DR-C-002-Rev P05- Levels Design
BCH-ICS-01-XX-DR-C-004-Rev P02- Surface Finishes & Kerb Types
BCH-ICS-01-XX-DR-C-009-Rev P02- Flow Control and Storage
BCH-ICS-01-XX-DR-C-010-Rev P03- Typical Details- Drainage Levels
BCH-ICS-01-XX-DR-C-011-Rev P02- Typical Details- Road Details
2868-BCH-ICS-XX-RP-C-07.010 Rev C- Suds Maintenance Guide

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

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with that set out in the approved site plan (dwg no. APL003 Rev. E). These car parking spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure satisfactory car parking is provided in accordance with policy T SP1 of Arun Local Plan.

- 6 Prior to the first use of the electricity substation, an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no adverse effect to residential or commercial properties. The electricity substation equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant, no new plant shall be used without the written consent of the Local Planning Authority

Reason: To protect residential amenity in accordance with Policy QE DM1 of Arun Local Plan.

- 7 INFORMATIVE: This permission relates to the variation of conditions 2, 3, 4, 5 and 9 of planning permission CM/16/18/PL only. The applicant is advised and reminded that the other

planning conditions attached to the original planning permission number CM/16/18/PL remain in force and must be complied with.

- 8 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 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 National Planning Policy Framework.
- 9 INFORMATIVE: The Fire Officer has requested an additional fire hydrant. Currently the nearest Hydrant to the proposed 64-bed Specialist Dementia Care Centre is 410 metres away. The supply of water for firefighting for a commercial premises should be within 90 metres. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 2 2019 Edition: B5 Section 15, including Table 15.2 and diagram 15.3.