

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

REF NO: FP/32/25/S73

LOCATION: Land off Stanhorn Grove
Felpham
PO22 8FA

PROPOSAL: Variation of condition 2 imposed under FP/104/22/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to amend the reserved matters approval granted by FP/104/22/PL by increasing the number of rooms in the care home from 70 to 80. This has resulted in internal as well as minor external changes to the approval.
SITE AREA	8672 sq.m
TOPOGRAPHY	Predominantly flat but the site gently rises up from surrounding roads (although is lower than the A259 to the north).
TREES	None of significance affected by the development.
BOUNDARY TREATMENT	Generally open - there is a bund to the north adjacent to the A259.
SITE CHARACTERISTICS	Open land. Formerly agricultural but now an undeveloped part of a wider development site (Site 6) in the previous Local Plan.
CHARACTER OF LOCALITY	To the south is an estate of modern homes with older housing and the settlements of Felpham and Bognor Regis adjoining them. To the north is the A259 relief road but with countryside beyond and the settlement of Flansham.

RELEVANT SITE HISTORY

FP/104/22/PL	Proposed Care Home with Car Parking, Landscaping and Ancillary Facilities. This application is in CIL Zone 4 (zero rated) as other development.	App Cond with S106 21-07-23
--------------	---	--------------------------------

The site history is noted.

REPRESENTATIONS

Felpham Parish Council - No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Highways - No objection

West Sussex County Council Infrastructure - Due to increased bedrooms the library and fire contribution increases.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The s106 agreement is to be amended by application FP/108/25/DOV to amend the figures to £18,539 for libraries and £1520 for fire.

POLICY CONTEXT

Designation applicable to site:

Within built up area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM2	H DM2 Independent living and care homes
HWBSP1	HWB SP1 Health and Wellbeing
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

[Felpham Neighbourhood Plan 2019-31 Policy CLW1](#)

Provision for Older People

Felpham Neighbourhood Plan 2019-31 Policy CLW8

Education Provision

Felpham Neighbourhood Plan 2019-31 Policy ESD1

Quality of Design

Felpham Neighbourhood Plan 2019-31 Policy ESD5

Surface Water Management

Felpham Neighbourhood Plan 2019-31 Policy ESD9	Protection and Enhancement of Wildlife or Ecological Networks.
Felpham Neighbourhood Plan 2019-31 Policy GA1	Promoting Sustainable Movement
Felpham Neighbourhood Plan 2019-31 Policy GA4	Parking in New Residential Development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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 the Bersted 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 the care home by reason of its, size, design and position would not cause harm to the character or appearance of the area or the amenities of the area. The proposal conflicts with CLW8 of the Neighbourhood Plan as this allocates the site for education.

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 other material considerations to be weighed in the balance with the Development Plan. These are discussed below.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it amends a previous permission which was not subject to BNG.

CONCLUSIONS

PRINCIPLE:

This Section 73 application seeks to make some changes to the original plans to increase the number of bed spaces from 70 to 80.

The policies of the Arun Local Plan (ALP) and Felpham Neighbourhood Development Plan (FNDP) remain in force now as at the time of the original decision. It is not necessary to reconsider the whole application scheme afresh since the original permission is still extant. It is only relevant to re-assess the impact on trees and wildlife.

The site is in the built-up area boundary where the principle of development is acceptable under the development plan. The key policies of relevance to principle are SD SP1 and SD SP2 of the Arun Local Plan. Development in the built up area - such as a care home - was found acceptable in principle previously. Due to conflict with CLW8 of the Felpham FNDP the proposal was assessed against paragraph 11d) ii of the NPPF. The scheme continues to provide much needed accommodation for older people in accordance with the NPPF. This is set against the land not being brought forward for educational purposes. The education authority made alternative provision for school facilities and there is limited harm in not complying with the original intent of the allocation due to the alternative provision. The benefits that were previously identified including temporary and long term employment opportunities and creation of biodiversity net gain in accordance with paragraph 174 of the NPPF remain and are enhanced through there being a greater number of rooms for older people which can help free up residential units. The scheme meets the economic, social and environmental objectives for sustainable development of the NPPF. The benefits of the development would significantly and demonstrably outweigh the adverse impacts and the proposal accords with paragraph 11 d ii of the NPPF.

ALLOCATED USE:

FP/92/04 was granted in August 2005, following a call-in inquiry, for residential development and associated uses at Site 6, Felpham (Blake's Mead) together with the construction of the Bognor Regis Northern Relief Road (Charles Purley Way) from the A259 at Felpham to the A29.

The land is allocated for a primary school serving Blake's Mead on Map F in the Felpham Neighbourhood Plan (2019-2031). Policy CLW8 in the Felpham Neighbourhood Plan says: "development of land at Blake's Mead (Map F: School Site at Blake's Mead) identified for the provision of a school is supported"; and the supporting text says "the community at Blake's Mead can only be enhanced by such provision as it will negate the need for young children to travel greater distances for education".

The details of the school site option agreement are set out in the Section 106 Agreement on FP/92/04. Paragraph 8 of Schedule 3 of the S106 Agreement, dated 19th December 2005 said: "The owners shall not occupy or cause or allow the occupation of more than 300 open market dwellings until the freehold owners and all other persons with an interest in the school site at the time (the school site owners) have offered to grant the school site option to the County Council by executing in duplicate and delivering to the County Council undated the School Site Option Agreement on condition that it remains open to the Council to complete the School Site Option Agreement by executing and dating the Agreement and delivering one copy to the school site owner within 6 months of receiving the duplicate School Site Option Agreement in respect of which time shall be of the essence".

Schedule 3 of the S106 Agreement states: "the period in which the School Site Option may be exercised is 7 years from the date of the School Site Option Agreement and the School Site Option shall expire if not exercised within that period" (paragraph 10(3)).

The County Council's School Planning Officer (South & West) previously stated:

"The site was secured for a possible primary school site back in 2005 as mitigation for the strategic housing allocation known as Site 6, Felpham (now known as Blake's Mead). At the time the mitigation from the development was for a 1 form entry (FE), 30 place per year of age, primary school; and the land secured at the time was of sufficient size to cater for this type and size of school.

In 2012, the County Council consulted with the local community, staff and governors of the two existing schools in the area, the Church of England and Catholic Diocese', Bognor Town Council, Felpham Parish Council, other schools within the Bognor/Felpham locality, Bognor Library, local GP surgeries and local Early Years providers whether a new school or expansion of one of the existing schools would be the preferred option to cater for the increase in demand for the pupils from the development. It was agreed that expansion of Downview Primary School from a 2 Form Entry, 60 place per year of age to a 3 Form Entry primary school, 90 places per year of age was the preferred option. The additional school places became available in 2015 to cater for the demand in the area. In addition, changes to the education landscape means that primary school sites secured for strategic housing allocations need to be of sufficient size to enable a primary school to be constructed to a minimum of 2 Form Entry school, in line with the Department for Education guidance. The school expansion therefore mitigated against the additional pupils created by Blake's Mead and avoided a need to construct a 1 Form Entry school against the change in government guidance".

The loss of the site for school use was previously accepted and this situation remains unchanged.

DEVELOPMENT OF A CARE HOME:

Policy H DM2 of the Local Plan supports the provision of specialist accommodation, including Care Homes. As the site is in the built-up area boundary it would comply with Policy H DM2(a). The site is easily accessible by foot and by public transport with suitable access to nearby community and social facilities. There are bus stops on the Charles Purley Way and from Felpham on the A259; and there are new footways running through Blake's Mead linking up with Felpham in compliance with Policy H DM2(b).

The design of the scheme appears to be easily adapted to the varying needs of future occupiers and would comply with Policy H DM2(d). The amenity space for residents is in compliance with Policy H DM2(e). The site is in Blake's Mead, which includes areas of public open space and sports pitches and shared footway/cycleway links which connect with Felpham Leisure Centre to the south and with the new footway/cycleway from Flansham Park to Littlehampton to the east. This is a location where the Care Home would support and encourage the continuation of a healthy and active lifestyle, in compliance with Policy H DM2(f).

The supporting text at paragraph 12.6 of Policy H DM2 acknowledges Arun has one of the highest populations of older people as well as the highest life expectancies in the County and suggests that the provision of new care homes should be close to community and social facilities. At a national level, the population aged 85 and over is projected to double from 1.7 million back in 2018 to 3.4 million in 2030. In reflecting this demographic change, the NPPF requires Local Authorities to reflect the housing needs of older people in planning policies which includes the provision of care home accommodation. The most recent revisions to the PPG are more explicit in stating that "the need to provide housing and housing choice for older people is critical as people are living longer lives and the proportion of older people in the

population is increasing." Arun District Council's Strategic Housing Market Assessment (2012) indicated that care home population would increase by "around 1,470 persons between 2012 and 2030".

The provision of a larger care home would bring even greater benefits than the original approval. There is an identified need in Arun for 2,250 units of specialist housing and 991 residential care bed spaces in the period up to 2031. The development would provide an important contribution to this essential housing need for some of the most vulnerable people in society.

The development of a care home conflicts with Policy CLW8 and Map F in the Felpham Neighbourhood Plan (2019-2031) which identify the land for the provision of a primary school. Substantial weight is given to the FNDP as it was made on 17 March 2021. The Local Education Authority's decision to provide pupil places elsewhere through the expansion of Downview Primary School from a 2 Form Entry to a 3 Form Entry primary school rather than construct a 1 Form Entry School at Blake's Mead is a material consideration. CLW1 of the Neighbourhood supports the provision of accommodation for older people where the character and impact on amenity is acceptable. The report concludes that these factors are acceptable.

The principle of developing a care home was considered acceptable under the previous application as the County Council do not appear to have taken up their option, as a new primary school is no longer required on the site to serve Blake's Mead, and the amended details of the care home complies with Policy H DM2 of the ALP and CLW1 of the Neighbourhood Plan.

DESIGN and CHARACTER:

The building remains to be set over two and three storeys set in landscaped grounds and the floor area remains the same. The building has a traditional form with pitched roofs and a material palette similar to those used in Blakes Mead. Parking is to the front (east) and the open space surrounds the building on 3 sides.

Floor plans have been amended. The general location of communal areas, bedrooms and staff facilities have been maintained. Some of the larger bedrooms previously shown have been reduced in size. There would be 32 ground floor rooms, 37 first floor bedrooms and 11 second floor bedrooms. To achieve these changes there have been some additional changes to the building. All room sizes meet Care Quality Commission guidance.

The building is large, as previously, but it appears in context with the recently completed development and would be set in landscaped grounds. By reason of its size and design it would not appear out of character with the area. The building would be seen from some vantage points on the A259. However, so are other buildings on Blakes Mead. Whilst this would be closer to the A259 than other buildings the size and height of the building would not have such an impact on the character of the area that it would warrant a refusal.

The Arun Design Guide encourages sites to be designed to respond to their setting and encourages appropriate building design through form, massing, scale and character (Part J). As discussed above the building would be large but does reflect the recently completed development to the south in its form and use of materials.

The building would be visible from the A259 but due to its size, height and appearance would not cause demonstrable harm to the character of the area.

Concerns were raised in public comments about the use of the property not be acceptable for the area. Blakes Mead is a modern development of residential character. The provision of a care home on the

fringe of this type of development is acceptable as it represents a different type of residential development and would provide a care facility in a sustainable location easily accessible to employees.

The building and associated development would comply with policy D DM1 of the Arun Local Plan, the Felpham NP and Arun Design Guide.

RESIDENTIAL AMENITY

The siting of the care home has been considered in terms of separation distances so as to protect the amenities of neighbouring residential occupiers. The site is separated from the houses at Blake's Mead. The construction of the care home, as previously accepted, would not result in materially adverse overlooking of neighbouring properties in Blake's Mead. The closest houses at Blake's Mead would generally benefit from an acceptable separation distance from rear elevation of the houses to primary elevation of the care home. This separation distance would prevent any demonstrable overlooking or loss of privacy to the existing dwellings from the care home. The additional 10 bedrooms, with additional visitors, would not have a demonstrable impact on the amenity of neighbouring residents due to the separation distances.

Separation distances between the development and existing dwellings are sufficient to prevent overlooking or overshadowing of neighbouring properties.

The proposal would introduce new residents and traffic. This would create additional movements in the locality but at a sufficient distance from neighbours so that this would not give rise to demonstrable harm to amenity.

The proposal therefore complies with policy D DM1 of the Arun Local Plan.

COMMUNAL SPACE and LANDSCAPING:

The provision of residential communal shared space and garden areas would comply with the Arun Design Guide and Policy H DM2(e) of the Local Plan. The gardens would provide a suitable level of amenity for the residents of the care home and their visitors.

A condition is recommended, as previously, to secure details. The current plans indicate a greater level of landscaping than previously shown.

Subject to the condition the proposal complies with policy H DM2(e) and ENV DM5.

HIGHWAYS and PARKING

No objection has been received from WSCC on highway grounds subject to conditions. The site has an existing access and based on predicted trips there is no objection from WSCC on highway issues.

The car park layout has been rationalised to provide a different layout with increased soft landscaping. The parking spaces increase from the approved 36 to 42 and includes 3 spaces for disabled people, 9 electric vehicle charging points and 30 other spaces. An ambulance bay and a delivery bay are also provided along with 16 cycle spaces.

The number of car parking spaces is sufficient for the use proposed. Conditions are proposed regarding the provision of the parking facilities as shown on the plan.

The proposal accords with policy T SP1 of the Arun Local Plan.

CONDITIONS

As this is a Section 73 (s73) application any new permission sits alongside and separate to the original planning permissions, which remain intact and unamended. It has been established by the Supreme Court decision in *Lambeth LBC v SSHCLG* (2019) that whilst the conditions in the original permission cannot be taken to be implied in the new permission if they are omitted from it, they nevertheless continue to have effect (except to the extent that the s73 permission has varied them).

Nevertheless, it is still good practice, to repeat in the s73 permission all the unamended conditions from the earlier permission, as well as those that have been amended. It is also possible for a Local Planning Authority to delete any previous conditions or to impose new conditions.

No conditions on the previous permission have been discharged. Therefore all conditions will be re-imposed. Condition 2 will be amended to reflect new plans submitted under this application.

Condition 1 has been amended to confirm the date for implementation remains as per the original permission.

CONCLUSION:

The scheme as amended will not result in any demonstrable harm to the visual amenities or the character of the locality.

The proposal is in accordance with ALP policies C SP1, SD SP2 & H DM2 and FNDP policies CLW1, ESD1 and ESD9. The proposal conflicts, as previously, with FNDP policy CLW8. Para 11 d ii requires that where the policies which are most important for determining applications are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The scheme provides much needed accommodation for older people in accordance with the NPPF. This is set against the land not being brought forward for educational purposes. The education authority have made alternative provision for school facilities and there there would be limited harm in not complying with the original intent of the allocation due to the alternative provision. Other benefits arise from the development including temporary and long term employment opportunities and create biodiversity net gain in accordance with the NPPF. The amended scheme still continues to meet the meet the economic, social and environmental objectives for sustainable development in paragraph 8 of the NPPF. The benefits of the development would significantly and demonstrably outweigh the adverse impacts and therefore the proposal accords with paragraph 11 d ii 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 positive impact on the protected characteristics - age.

SECTION 106 DETAILS

Application FP/32/25/DOV amends the original s106 agreement by increasing contributions to £18,539 for Libraries and £1520 for fire.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the original permission (21 July 2023).

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:

H229/S73-L01 REVA Existing Site - Location Plan
H229/S73-01 REVB Proposed Ground Floor
H229/S73-02 REVB Proposed First Floor Plan
H229/S73-03 REVB Proposed Second Floor Plan
H229/S73-04 REVB Proposed Roof Plan
H229/S73-05 REVB Proposed SE & SW Elevations
H229/S73-06 REVB Proposed NE & NW Elevations
H229/S73-07 REVB Proposed Site Plan

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 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policy D DM1.

- 4 The development hereby permitted shall be used as a care home (for the provision of nursing and/or personal care) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To control the use of the development in accordance with Arun Local Plan policy D DM1.

- 5 The approved development shall achieve a minimum of 10% energy supply generation from the use of decentralised, renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of the building and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure the generation of on-site energy use to meet the predicted energy demand in accordance with Arun Local Plan policy ECC SP2 and the NPPF.

- 6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 8 The building shall not be occupied until the parking spaces/turning facilities/secure cycle parking shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 9 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrant(s) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrant(s) (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Revised Preliminary Ecological Appraisal (Tetra Tech, February 2023) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and policies ENV DM5 of the Arun Local Plan and ESD9 of the Felpham Neighbourhood Plan.

- 11 A Non-licenced Great Crested Newt Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Non-licenced Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and policies ENV DM5 of the Arun Local Plan and ESD9 of the Felpham Neighbourhood Plan.

- 12 Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and policies ENV DM5 of the Arun Local Plan and ESD9 of the Felpham Neighbourhood Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 13 Prior to commencement a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement of the development .

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981

(as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and policies ENV DM5 of the Arun Local Plan and ESD9 of the Felpham Neighbourhood Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 14 Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and policies ENV DM5 of the Arun Local Plan and ESD9 of the Felpham Neighbourhood Plan.

- 15 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and policies ENV DM5 of the Arun Local Plan and ESD9 of the Felpham Neighbourhood Plan.

- 16 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the

Arun Local Plan.

- 17 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 18 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the impact of noise (including vibration) generated by the construction process on nearby sensitive receptors - to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 19 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 20 The development hereby approved shall be carried out in accordance with the Sound Solution

report "Proposed Care Home Development | Land off Stanhorn Grove, Felpham, West Sussex, PO22 8FA | Acoustic Design Statement Technical Report | Ref 38243-R1' (dated 24/05/2022), such that glazing and ventilation achieve the acoustic performance levels detailed in table 5. Where MEV or MVHR is implemented, mechanical service noise limit shall be 26dB (A) in habitable rooms. The acoustic scheme shall be implemented and maintained thereafter.

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

- 21 Following implementation of the building envelope, glazing and ventilation specifications (where appropriate), sound testing shall be carried out to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. Sound testing shall also be carried out for mechanical services.

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

- 22 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with T SP1 of the Arun Local Plan.

- 23 No part of the development shall be occupied until any sewerage network reinforcement required by Southern Water to ensure that adequate wastewater network capacity is available to adequately drain the development.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage and to manage the quantity of foul sewage in order to minimise the risk to controlled waters & the public drinking water supply in accordance with policies W SP1, W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 24 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.

- 25 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is

capacity in the system to contain the critical 1 in 100 year + climate change allowance storm event on site.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design.

Designers are guided to refer to "Sustainable drainage systems: non-statutory technical standards" and The SuDS Manual by CIRIA as these guide our decisions about the design, maintenance, and operation of sustainable drainage systems. Supplementary guidance notes and design checklists regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> and <https://www.arun.gov.uk/surfacewater> on Arun District Council's website

26 INFORMATIVE: The applicants attention is drawn to the advice received from Southern Water on 19/08/2022 on the previous application.