

Planning and Development
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF



02nd August 2017

Dear Sir / Madam

MINISTRY OF JUSTICE

**SECTION 73 APPLICATION FOR AMENDMENT TO PLANNING PERMISSION REF LU/256/02/ TO VARY
CONDITION 1 (TIME LIMIT) TO ALLOW THE RETENTION AND CONTINUED USE OF THE
TEMPORARY MODULAR BUILDING UNTIL 30TH NOVEMBER 2022 AT MEADOWFIELD HOUSE, EAST
STREET, LITTLEHAMPTON, BN17 6AU**

PLANNING PORTAL REFERENCE: PP-06212019

On behalf of our client, the Ministry of Justice, we have been instructed to submit a Section 73 application to vary Condition 1 of planning permission LU/256/02/.

Due to the Ministry of Justice being unable to locate a suitable replacement site, this application seeks consent for the retention of the temporary modular buildings until 30th November 2022. This covering letter outlines the merits of the proposal to extend the temporary planning permission for an additional five years.

To support this Section 73 application we submitted the following documents:

- 01 Planning Application Forms and Certificates
- 02 Site Location Plan (1:1250) -- Prepared by Cushman & Wakefield
- 03 Site Block Plan (1:500) -- Prepared by Cushman & Wakefield
- 04 Site Photos - Prepared by Cushman & Wakefield
- 05 Existing building visual inspection notes -- Prepared by Mace

Planning application fee of £195 has been paid via BACS

Background

The Ministry of Justice, founded in May 2007, is a ministerial department supported by 32 agencies and public bodies, who seek to protect the public, reduce reoffending and to provide a more effective, transparent and responsive criminal justice system for victims and the public. It is also responsible for areas of constitutional policy not transferred in 2010 to the Deputy Prime Minister, human rights law and information rights law across the UK.

Site Context

Meadowfield House extends to approximately 0.05 hectares and is located just off East Street (B2187). The site, which comprises of a temporary single storey modular building, is currently being used by the Ministry of Justice as a rehabilitation centre. Approximately 50-55 workers work on-site. Car parking facilities for both staff members and visitors of Meadowfield House are situated to the front of the premises.

The site is situated next to Littlehampton Police station (west) and opposite Littlehampton Ambulance Station (south). The wider area is largely characterised by low-rise residential homes, Rosemead Pak and

Littlehampton Academy to the north, River Beach Primary School to the south, East Beach to the east and open green space to the west. In regards to transport, Meadowfield House is located 0.5 miles from Littlehampton Station (Southern Rail) and 0.1 miles from local bus services.

There are no listed buildings on the site nor in the immediate surrounding area. The site sits within Arun's conservation area and falls within Flood Zone 1 with an annual flooding demise of less than 1 in 1,000.

Planning History

We have undertaken an online appraisal of planning application for the site using the Arun District Council website.

We set out below the relevant planning history of the site;

Application Reference	Proposal	Decision	Decision Date
LU/134/02/	Erection of modular office building	Granted	22-07-2002
LU/256/02/	Abrogation of Condition No 1 of Planning Approval LU/134/02 dated 22.7.02 for modular office building	Granted	15-11-2002
LU/322/07/	Metal shed for storage of equipment	Granted	23-11-2007
LU/420/07/	Install 6 off Fujitsu split heat pump units complete with external condenser units to be located on the roof of the building	Granted	21-01-08

Pre-app for the site (PAA/35/17/) was carried out on 15th March 2017 for the purpose of retaining the existing modular building on the site on a permanent basis. The Council recommended against the permanent retention of Meadowfield House due to the appearance of the building. By virtue of the modular buildings design and construction the Council raised their concerns against the likelihood of the modular building deteriorating and negatively impacting the visual amenities of the surrounding area if retained on a permanent basis.

A second pre-app was undertaken (PAA/12/17/) on 06th June 2017 for the purpose of retaining the existing modular building for a temporary period of five years. The Council stated in principle, the retention and occupation of Meadowfield House by the Ministry of Justice would be accepted on the basis of the modular building being retained for a temporary period of five years. The pre-app response further stated an application looking to extend the retention of the building for a period over five years would unlikely be accepted, due to the impact it would have on the conservation area.

The Proposed Development

The Section 73 application is to vary Condition 1 of planning permission ref LU/256/02/ to the following:

"The building hereby permitted shall be discounted permanently and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 30th November 2022"

The Ministry of Justice are looking to retain and use Meadowfield House as a rehabilitation centre for a further five years in order to provide the Ministry of Justice the necessary time to locate a permanent site which meets theirs and their visitor's needs and requirements. It is the Ministry of Justice's priority that Kent Surrey & Sussex Community Rehabilitation Company is able to focus on providing its visitors with the best possible rehabilitations services - by varying condition 1 until 2022, the Ministry of Justice will be able to provide the required services to its visitors all whilst being able to locate a suitable site that meets the criteria.

Planning Policy Framework

Development proposals for the site are assessed against the statutory development plan comprising of the Arun District Local Plan (2003). The National Planning Policy Framework (2012) and the Draft Arun Local Plan 2011 – 2031 (2014) will also be a material consideration in the determination of planning applications.

Planning Policy GEN7 states developments must make efficient use of land or buildings, however not at the expense of unacceptable adverse impact on adjoining occupiers. The policy further states the District Council will expect a high standard of design and layout and would look to improve the visual amenities of the particular locality in scale, external appearance, hard and soft landscaping and materials. Policy D SP1 and Policy D DM1 of the Arun Local Plan 2011 – 2031 (2014) adds all development proposals must consider the efficient use of land, layout, landscape and its setting, density, scale, materials and finish and further ensure development has minimum impact to users and occupiers of nearby property and land.

In regards to conservation areas, Policy Area 2 states developments within the conservation area would require the preservation and enhancement of the character and appearance of the conservation area and its setting. Policy HER DM3 adds, planning permission will normally be granted for proposals within or affecting the setting of a conservation area provided they retain or emphasise the qualities of the townscape in the area and alterations or additions to existing buildings are sensitively designed and constructed of appropriate materials that are sympathetic to the existing buildings and townscape in the area.

Policy SD SP1 of the Arun Local Plan 2011 – 2031 (2014) states when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development as highlighted in the National Planning Policy Framework. It will work proactively with applicants to jointly find solutions which contribute to the social and economic improvement of the area.

Since the approval of the previous temporary permission, there has been no significant change to policy. As such, given that the proposal was previously considered to be in accordance with planning policy and, since this judgement was made no material changes have taken place, it is considered that the proposal continues to be acceptable in terms of both National, Regional (London) and Local Planning Policy.

Planning Assessment

The Ministry of Justice is seeking to retain the existing modular building onsite for a temporary period of five years to allow the continued rehabilitation of individuals whilst a permanent site is allocated. The Ministry is not looking to increase the floor space or the visual external or internal appearance of the modular building.

Whilst previously a pre-app was submitted which sought to retain Meadowfield house onsite permanently, the Ministry of Justice has taken on-board the Council's comments and are now only looking to retain the site for a temporary period. The site will, therefore, be brought back to its original use at the end of the agreed time period and will have no long-term detrimental visual impacts to the surrounding area as highlighted in policies GEN7 and AREA2 of the Local Plan.

Although the site falls within Arun's conservation area, government planning policy supports developments within the conservation area subject to the development being well integrated with the surrounding area, makes the most effective and efficient use of the land and complements the neighbouring buildings and local area in terms of scale, density, layout and access. Meadowfield House is located in an urban area and is surrounded by development of a similar scale and layout. Due to the surrounding immediate uses and the site's size, other uses on the site such as offices and residential dwellings would not be considered suitable due to noise, safety and access. Therefore, the use of the site as a temporary rehabilitation centre is considered the most effective and efficient use of the site in line with national and local policy. In regards to street view, the modular building, which mimics the design and appearance of the adjacent Littlehampton

Police Station, is separated from the main road by an open car park and moderate foliage, thereby restricting its view from the main road.

The pre-app response indicated the permanent retention of Meadowfield House would not be approved based on the long-term visual detrimental impacts of the modular building to the surrounding area. The modular building by design is considered to be a temporary structure and is thus not constructed to withstand permanent occupancy. Upon inspection of the building and its condition, it was agreed with the Council that the modular building would not cause any detrimental impact to the surrounding area nor the areas conservation status for at least another five years.

Furthermore, whilst the rehabilitation centre does not fall under the conventional community facility bracket, Ministry of Justice is providing a community service to the area by providing a range of rehabilitation services to individuals and generating local jobs. Under Local Plan, the Council will guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs and will further seek to improve any such facilities which improve the area and meet local needs.

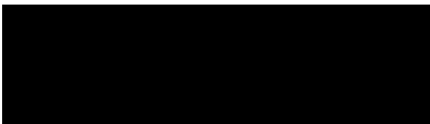
Conclusion

The Ministry of Justice is seeking to vary Condition 1 of planning application LU/134/02 in order to retain the temporary modular buildings until 30th November 2022. This will enable the continued rehabilitation of individuals whilst the Ministry of Justice locate a permanent site.

This Section 73 application demonstrates sound compliance with all relevant development plan policies. Furthermore, the application is supported by key provisions in the NPPF, including the presumption in favour of sustainable development. It is in our view the temporary retention of Meadowfield House for up to five years will have no substantial material impact on the surrounding area. The NPPF outlines the support towards the effective use of land by reusing land that has been previously developed (brownfield). The site, albeit temporarily, is effectively utilising brownfield land and is helping both local community members and with generating local jobs. Therefore, in the absence of any material considerations indicating otherwise, the applicant respectfully requests that the Council grants planning permission for this proposal.

Please feel free to contact me at these offices should you require any further information or clarification on 0203 296 3821 or zainab.arshad@cushwake.com.

Kind regards,



Zainab Arshad Bsc (Hon) Msc
Cushman and Wakefield, Inc.