

Recommendation Report for Planning Permission

REF NO: R/258/18/PL

LOCATION: Rustington Convalescent Home
Sea Road
Rustington
BN16 2LZ

PROPOSAL: Variation of conditions 2 & 3 imposed under R/187/16/PL relating to amended phases (phase one amended to the conversion of the laundry building, cooks house & dairy & works to the Convalescent Home and phase two amended to the erection of the new build dwellings).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The variation of condition is to alter Phase One and Two to allow the works to the Convalescent Home to be brought forward to Phase One along with the laundry, cooks house and dairy conversion and for the erection of the new build dwellings alone to be constructed in Phase 2. No design changes to the approved scheme are proposed.
SITE AREA	3.07 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mixture of boundary treatments - open mesh wire fencing; hedging; wall to front
SITE CHARACTERISTICS	Large detached property of attractive design currently with scaffolding around it. Grade II Listed Building with the listing stating:- 'Convalescent Home. 1897 neo-Caroline style. Brown brick with red dressings and some stone enrichment. Slate hipped roof with single and paired segment headed dormers. 2 storeys with attics and 1 storey and attic wing to east. Central square 4 storey tower with stone dressings surmounted by clock stage and octagonal open cupola over. 13 bay central block, with sash windows in pairs, and half-hipped aprons below glazing bars only in broken upper-leaves. Central stone segmental pedimented entrance in tower. 3 bay east wing, windows very closely spaced in centre with balcony over ground floor. 3 bay west wing projecting gable over and with windows closely spaced in centre and 2 storey octagonal corner turret with octagonal conical roof over at south west corner. West front 3 bays with south west corner turret.

Central 1 bay projection with pediment over and stone segmental pedimented entrance.'

Car parking area is provided behind the main building. Front area of site comprises formal expansive lawns and shrub planting. The building is located approximately 80m from the site frontage.

Further Listed Building within the site is the 'Laundry Building' to which the listing states:- 'Staff quarters block for Rustington Convalescent Home. 1897 by F Wheeler in a neo-Caroline style. Brown brick with red dressings. Wooden eaves cornice. Parallel ridge slate roof with central gable pediment to south, containing thermal window, over slight central projection. Octagonal ogee-domed cupola in central roof-valley. 2 storeys; 7 bays, with central 1 bay projection, wider with coupled windows in single opening. Sashes with glazing bars in upper blade and with slight segment heads on 1st floor and with rubbed brick arches and prominent rubbed brick keystones on ground floor. 2 storey 1 bay extension to left with parapetted roof, topped by globes. Irregular fenestration. Brick chimney to rear with upper stone moulded cornice decoration above blank brick arched panels.

There is also a 'Cooks House' and 'Carpenters House' on site. Vehicular access drive running to side through site to rear.

CHARACTER OF LOCALITY

Mainly residential. Mewsbrook Park to north west of the site, which contains, inter alia, boating lake, children's play area; football area; miniature railway; etc. Beach opposite

RELEVANT SITE HISTORY

R/187/16/PL	Variation of conditions 2, 3, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 24 imposed under R/83/15/PL to allow for scheme to be brought forward in two phases.	App Cond with S106 14-11-16
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Parks and Landscapes
 WSCC Strategic Planning
 Engineering Services Manager
 Engineers (Drainage)
 Environment Agency
 Environmental Health
 Concessions Officer
 Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer - Support

The application only appears to relate the phasing of the approved scheme and nothing else. This amendment would essentially allow the applicant to undertake all of the approved works to the Convalescent Home as part of the first phase of the building works.

County Highways - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
 Within the Built-up Area Boundary
 Grade II Listed Building
 Class B Road

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
HSP1	HSP1 Housing allocation the housing requirement
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
AHSP2	AH SP2 Affordable Housing

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies 1 and 2 of Rustington Neighbourhood Plan are considered relevant to consideration of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This application follows earlier approved applications R/187/16/PL and R/83/15/PL for development resulting in 26 new dwellings and conversion and repairs to the listed buildings to create additional apartment accommodation and additional rooms within the home.

This proposal seeks to vary Condition nos. 2 and 3 of planning permission R/187/16/PL, granted 14th November 2016, for the following:

"Variation of conditions 2, 3, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 24 imposed under R/83/15/PL to allow for scheme to be brought forward in two phases."

The development is permitted to be brought forward in two phases as follows:

1. Phase One - The conversion of the laundry building, cooks house and dairy; and
2. Phase Two - The erection of the new build dwellings and the works to the Convalescent Home.

A variation is sought to those conditions outlined above to allow the works to the Convalescent Home to be brought forward in Phase One, rather than as part of Phase Two. This is to enable the permitted works to the Convalescent Home to be commenced now.

The phases would be amended as follows:

1. Phase One - The conversion of the laundry building, cooks house and dairy and the works to the Convalescent Home; and
2. Phase Two - The erection of the new build dwellings.

Listed Building Consent has been granted for the conversion works and alterations to the buildings and home, which are the subject of this application, under R/85/15/L.

The originally approved application was submitted for additional housing within the grounds in order to fund repairs and improvements to the listed convalescent home building and to provide essential funding towards the endowment fund, ensuring that the Charity can continue to subsidise facilities and visitor stays at the home.

This variation would alter the time of works to the Convalescent Home by moving them to the first phase before any dwellings are constructed.

The application does not seek to make any alterations to the design of the approved scheme.

The clause within the agreed s.106 legal agreement (paragraph 5.3) is proposed to remain which requires the owner to complete the works to the Main House Convalescent Home prior to occupation of more than 75% of the new dwellings). By moving the works to the Main House Convalescent Home to phase 1 this will still be achievable as originally envisaged.

Since no amendments are proposed to the approved scheme and the only change in planning policy framework has been the adoption of the Local Plan, with no different site designations since the original approval, the only matters for consideration are the proposed amendments to the phasing of the development. These are not considered to adversely impact on residential or visual amenity or highway safety. The proposal therefore remains with adopted policy.

The wording of paragraph 7.5 of the original planning agreement, signed as part of the approval of R/83/15/PL, states 'this Agreement shall apply to the Development as authorised by the Planning Permission issued pursuant to the Application or to the Development after variation or renewal of the planning permission from time to time', the agreement will not apply to this application if approved. A new Agreement has therefore been signed.

All pre-commencement conditions in respect of Phase One have already been discharged. It is considered that only Condition 7 (Landscaping Scheme) may be required to be re-discharged if the Convalescent Home is to be included in Phase One.

CONCLUSION

It is considered that any damage to the setting of the listed building is offset by the derived finance which will facilitate its long term retention and maintenance and use (the optimum viable use). The application is recommended for approval subject to the following phased conditions/agreement including control over the provision of repairs and endowment funds.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The previous Section 106 Agreement signed as part of the approval of R/83/15/PL does not apply to this variation of condition application by virtue of paragraph 7.5 of the original Agreement and therefore a new Deed of Variation Agreement has been signed.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from 14-11-2016, which is the date of the original planning permission R/187/16/PL.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans location, 222-A-I-P-00, 222-A-I-01, 222-A-I-P-02, 222-A-I-S-00, 222-A-I-E-00, 222-A-I-E-01, 222-A-I-E-02, 222-A-I-E-03, 222-A-x-SE-00, 222-A-D-E-00, 222-A-E-P-00revA, 222-A-x-SE-01 revB, 222-A-x-SE-02revA, 222-A-2-EXP-00, 222-A-2-P-00, 222-A-A-P-00revB, 222-A-B-P-00revB, 222-A-C-P-00revA, 222-A-D-P-00, 222-A-D-E-00 revA, 222-A-E-P-00 revA, 222-A-X-SP-01 revK, 222.901, 10631012 Basement, Ground, First and Second

Floor plans of Home , floor plans and elevations of The Cottage, Carpenters Home, 281/700, 281/100 rev9 and 281/101 revB and phasing plan 222-AX-SP-02 rev N.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be implemented and undertaken in accordance with the phasing details approved on drawing number 222-AX-SP-02 Rev N and any reference in this permission to Phase One or Phase Two shall be to Phase One and Phase Two as shown on drawing number 222-AX-SP-02Rev N. Any reference in this permission to the submission and approval of details shall be construed as referring to matters remaining to be approved in respect of each phase and may be submitted separately for each phase.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 4 Prior to commencement of development within Phase 2, a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings in Phase 2 shall be submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space, protect the setting of the listed building and safeguard the cohesive appearance of the development in accordance with policy DDM1 of the Arun Local Plan and the NPPF.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the buildings shall not be altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of the locality in general and the setting of the listed building in accordance with policies DDM1 and HERDM1 of the Arun Local Plan and the NPPF.

- 7 Development shall proceed in accordance with the landscaping scheme approved by the Local Planning Authority under R/40/18/DOC. 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 policy DDM1 of the Arun Local Plan.

- 8 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy DDM1 of Arun Local Plan.

- 9 All proposed works to take place within the Root Protection Areas are to follow the submitted Method statements. This includes hard surface removal (as described in section 11 of the submitted Arboricultural Method statement), and also with the installation of no-dig road surface (section 12 of the submitted Arboricultural Method statement).

Reason: In the interests of the visual amenities of the locality in accordance with policy DDM1 of Arun Local Plan.

- 10 All proposed protective fencing (meeting the BS 5837 standard) must be erected before any site works begin. Equally all protective fencing must be kept in place until the completion of the proposed development, as specified in section 6 of the Arboricultural Method statement.

Reason: In the interests of the visual amenities of the locality in accordance with policy DDM1 of Arun Local Plan.

- 11 If any root is discovered with a diameter of over 25 mm diameter, which requires severing then the Arun District Council tree officer must be informed to supervise any pruning.

Reason: In the interests of the visual amenities of the locality in accordance with policy DDM1 of Arun Local Plan

- 12 Prior to occupation of each phase, details of the vehicular access serving the relevant phase of development and refuse vehicle turning space for that phase shall be constructed in accordance with further details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy DDM1 of the Arun Local Plan

- 13 Prior to the occupation of Phase Two, provision shall be made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policies TSP1 and DDM1 of the Arun Local Plan.

- 14 Prior to the occupation of Phase Two, visibility splays of 2.4m by 43m shall have been provided at the proposed site vehicular access onto Sea Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policies TSP1 and DDM1 of the Arun Local Plan.

- 15 Prior to occupation of each phase the car parking spaces for the relevant phase shall be constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority and such provision shall thereafter be used only for the parking of cars.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy DDM1 of the Arun Local Plan.

- 16 Prior to the occupation of each phase, covered and secure cycle parking spaces for the relevant phase shall be provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways in accordance with policy DDM1 of the Arun Local Plan.

- 17 The Construction Management Plan approved under R/43/18/DOC shall be implemented and adhered to throughout the entire construction period.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with policy DDM1 of Arun Local Plan.

- 18 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment(FRA) and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 300mm above existing ground level or the 1 in 200 tidal flood event with climate change whichever is the greater.

The mitigation measures for each phase shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority (LPA).

Reason: To reduce the risk of flooding to the proposed development and future occupants. In accordance with policy WDM2 of the Arun Local Plan.

- 19 Construction of Phase Two of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that the development is satisfactorily drained in accordance with policy WSP1 of Arun Local Plan.

- 20 No unit for that phase shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the details agreed under R/85/18/DOC 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 WDM3 of the Arun District Local Plan.

- 21 Prior to occupation of Phase One or Phase Two formal consent in that phase shall be approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM3 and WDM2 of the Arun Local Plan.

- 22 Upon completion of the construction of the SuDs System, approved under R85/18/DOC the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22

- 23 Prior to the installation of any external lighting within each phase precise details of the position, luminosity and design of the external lighting shall be submitted to and approved by the Local Planning Authority and the development shall proceed in accordance with the approved details.

Reason: In the interests of the setting of the listed building in accordance with Arun Local Plan policies DDM1 and QEDM2 and the National Planning Policy Framework.

- 24 The development shall proceed in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey by PJC Ecology dated June 2013.

Reason: To ensure that the ecological value of the site is maximised in accordance with policy ENVDM5 of Arun Local Plan.

- 25 Prior to the occupation of the Phase Two dwellings hereby approved, a detailed Management Scheme which shall include details of grass cutting management, regular repair and repainting of dwellings, control over the cohesive uniformity of the development, maintenance of landscaping and control over additional structures including aerials and satellite dishes, changes to windows/doors, re-pointing, alterations to front garden areas, driveways etc shall be submitted and approved by the Local Planning Authority.

Reason: In the interests of the setting of the listed building in accordance with policy DDM1 of Arun Local Plan and the National Planning Policy Framework

- 26 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 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.

- 27 INFORMATIVE: The internal layout has been considered by a senior engineer in the implementation team at WSCC. It is unclear from any of the submitted drawings if the roads are to be offered for adoption. If this is the case it would need to be clarified what is intended for adoption.

The internal roads appear to be very narrow, 4.8m wide in some sections (including footways/verge) e.g. at block E. It would be helpful for the designer to dimension the drawing, i.e. give widths of carriageways, verges, footways etc. The carriageway looks even narrower around Block C.

- 28 INFORMATIVE: Application for a S278 Agreement to cover the off-site highway works should

be made to WSCC as Highway Authority. Full details are available on the WSCC website. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 29 INFORMATIVE: Where possible any new entry doors and any ground floor or any easily accessible windows should conform to PAS 024 2012.
- 30 INFORMATIVE: Lighting throughout the development should conform to the recommendations in BS 5489 2013.
- 31 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119) or www.southernwater.co.uk
- 32 INFORMATIVE: A formal application for connection to the water supply is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119) or www.southernwater.co.uk
- 33 INFORMATIVE: Detailed design of the proposed drainage system should take into account the possibility of the surcharging within the public sewerage system in order to protect the development from potential flooding.
- 34 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the provision of funds from the development being applied to the charity endowment fund or the repair and maintenance of the Convalescent Home and that the repairs are completed prior to occupation of 75% of the units.
- 35 INFORMATIVE: For the avoidance of doubt this permission is granted without the provision of play area which was included in the original application prior to amendment.