

Recommendation Report for Planning Permission

REF NO: AL/88/18/PL

LOCATION: Aldingbourne Cottage Rest Home
Westergate Street
Westergate
PO20 3QR

PROPOSAL: Two storey side extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
TREES	Officers note a tree to the rear of the application site outside the boundary wall. While this tree is outside the application site it could still be impacted by the proposed development as it roots could run into the application site. Should planning permission be granted a suitable and reasonable tree protection condition will be imposed.
BOUNDARY TREATMENT	The site is enclosed by fairly low-level walls with a limited amount of planting in the form of bushes/hedging to the southern boundary.
SITE CHARACTERISTICS	The site is set back from Westergate Street with a low level boundary wall to the front of the site. The rest of the site is enclosed by low level brick walls. The property is a 1.5 storey building with accommodation in the roof space. The application property is currently operated as a care home.
CHARACTER OF LOCALITY	Main road with residential of various styles and designs. Terraced properties to the North of the site along Old School Place, with a mix of property styles to the south of the site including terraced properties, detached and semi-detached properties. To the east are mainly open fields, while to the west is Westergate Street along with residential properties of varying styles.

RELEVANT SITE HISTORY

AL/46/84	Change Of Use From Village Hall To Rest Home	ApproveConditionally 25-07-84
AL/52/85	Install New Roof Lights To Allow Use Of Roof Space	ApproveConditionally 12-06-85

Planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council: Have been consulted but no response/comments received.

1 letter of objection has been received, the comments of which are summarised as follows:

In principle we would have no objection, except for some concerns.

Builders do not use Elmcroft Place as a parking for their own vehicles, private or otherwise.

The gate between Elmcroft and the nursing home, which is supposed to be locked at all times is not used.

Concerned with noise disturbance during the night if the proposed upper bedroom is used by a volatile resident.

COMMENTS ON REPRESENTATIONS RECEIVED:

Officers note the objection /concerns raised.

With regard to the concern that builders do not use Elmcroft Place as a parking for their own vehicles, private or otherwise it is considered that as there are no restrictions along Elmcroft regarding parking, the builders would be entitled to do so. Should the builders park in an unsatisfactory manner this could be looked into at the time as a potential enforcement/highways matter.

With regard to the concern that the gate, as aforementioned, should be locked and not used it is not considered that this is a not a material planning consideration with regard to this application. If the gate in question was conditioned as part of a previous planning application then this would be a matter for Planning Enforcement.

Officers note the concern with noise disturbance during the night if the proposed upper bedroom is used by a volatile resident. Officers note the close proximity of properties to the proposal and that a noisy resident be put into one of the rooms proposed as part of the extension. The fairly close proximity of the existing carehome is noted and noisy residents could already reside in the care home. Officers note that the proposed extension would bring rooms far closer to the nearby properties such as 5 Elmcroft Place. However, it is considered that Officers cannot assume that a noisy resident would be placed within any of the proposed rooms. Some noise is expected when living adjacent to a care home. That said, should noise be an issue and noise complaints are received by the Council, this would become a matter for the Environmental Health Department/Officers to investigate in-line with all current noise legislation. As such it is not considered that this application should be refused with regard to noise.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

Southern Water - informative requested

Engineers:- It should be noted that the site is located on the edge of flood zone 2 and 3, with very small areas of flood zone 2 and 3 within the red line boundary. Westergate street and the eastern edge of the site are also within an area of pluvial flood risk. Historic flooding has also occurred along the eastern edge of the site.

Please apply standard conditions to ensure flood risk is not increased as a result of the development. Soakaways must be investigated for surface water disposal. Full comments available on line.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - appropriate conditions/informative will be added.

POLICY CONTEXT

Designation applicable to site:
 Within Built-up Area Boundary.
 Within Flood Zones 2 and 3.
 Lidsey Foul Water Treatment Catchment Area.

DEVELOPMENT PLAN POLICES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
DSP1	D SP1 Design
HDM2	H DM2 Independent living and care homes

[Aldingbourne Neighbourhood Plan 2016 POLICY LC1](#)

Support independent living

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Development in Flood risk areas will not be supported unless...

Surface Water Management

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The relevant Aldingbourne Neighbourhood Plan policies have been considered in this report.

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.

CONCLUSIONS**PRINCIPLE:**

The principle of development is acceptable within the built up area boundary in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against relevant development plan policies. The key Policy considerations in the determination of this application are deemed to be D DM1, D DM4, D SP1, H DM2, W DM1 and W DM2 of the Arun Local Plan 2011-2031W DM1 and the relevant policies of the Aldingbourne Neighbourhood Development Plan.

DESIGN:

The proposal is for a modest size and scale, 2 storey side extension. From an assessment of the plans and Officer's site visit the proposed side extension would be acceptable in design terms as it would be of a size and scale that harmonises with the original building. With regard to the proposed external

materials, the applicants have stated that they would match that of the existing property.

Therefore the proposals would not be unduly prominent or out of keeping with the design and external appearance of the application property. Therefore, Officers consider that the proposal would not have a detrimental impact on the street scene and the wider area.

The proposed extension is considered to accord with Policies D DM1, D DM4 and D SP1 of the Arun Local Plan 2011 - 2031.

NEIGHBOUR AMENITY:

Officers note the properties along Elmcroft Place and that they have windows that look out toward the care home. There was concern with these properties being overlook, particularly into the bedroom window of adjoining property number 5 Elmcroft Place. As such, amended plans have been received which show the windows at first floor would be obscurely glazed. Therefore with appropriate and reasonable conditions it is considered that no detrimental overlooking would occur to the occupiers of adjoining properties along Elmcroft Place, with particular regard to number 5.

The proposal would also include windows in the side roof slopes/side elevations. Limited views would be available toward Westergate street due to the existing pitched roof rear projection providing a level of screening. Any views from these windows out toward the properties opposite, along Elmcroft Place would be at an angle such that views would be limited. One of the windows in the roof slopes/side elevations would allow views toward adjoining property number 9. While views would be available out toward the rear garden of number 9 it is considered that they would be at an angle and limited over a distance of over 17 metres. Additionally Officers note the window at first floor in the side elevation of adjoining property number 9, but do not consider that detrimental over looking sufficient to warrant a refusal would occur toward this window as a result.

2 rooflights are proposed within the roofslope facing the properties along Old School Place. The rooflights would serve 2 bedrooms. From an assesment it is considered that they would not lead to any detrimental overlooking toward the properties along Old School Place. It is considered that no detrimental overlooking would occur to occupiers of adjoining properties.

Given the separation distances between neighbouring properties from the proposed extension it is considered that no unacceptable overshadowing, loss of light/sunlight and overbearing impact would occur to the occupiers of adjoining properties.

The proposed development would not have a detrimental impact on the residential amenity of the occupiers of neighbouring properties with regard to overlooking, overbearing effect, overshadowing and loss of light/sunlight.

The proposed extension is considered to accord with policies D DM1 and D DM4 criterion 3 of the Arun Local Plan 2011 - 2031.

PARKING AND HIGHWAY SAFETY:

The existing access to the front of the site would be utilised for accessing the exiting parking. Therefore it is considered that no highway safety issues would occur as a result of the proposed extension.

The applicant has not provided parking details. The extension would increase the number of bedrooms to 15. Having regard to WSCC Parking Guidelines officers consider the required 6 spaces + 1 service

vehicle space when required could be provided to the front of the care home within the off-road parking area.

As such, it is considered that the proposal would comply with Arun District Council Policy T SP1.

FLOODING, FLOOD RISK AND DRAINAGE.

Part of the site falls within Flood Zones 2 and 3. The majority of the Flood Zones are to the front of the site. A very small portion of Flood Zone 2 crosses the site close to the area that the proposed extension would be sited. The care home already, successfully, operates within these Flood Zones. As the carehome has been operating for many years officers consider that the owners would have a flood evacuation plan in place and should flooding take place staff and residents could take refuge at first floor level. The extension would be close to small portion of Flood zone 2, not significantly within it, it is considered that it would not have a detrimental impact upon it.

The proposed extension would not have a detrimental impact on flooding or flood risk such that warrants refusal of this planning application

The Council's Drainage engineer has not objected. They recommended the imposition of a suitable drainage condition. Therefore the proposal would not have a detrimental impact with regards to the Lidsey Foul Water Treatment Catchment Area

As such, the proposal would accord with W DM1 and W DM2 of the Arun Local Plan 2011 - 2031.

IMPACT ON MINERALS CONSULTATION AREA.

The site is in the Minerals Consultation Area. As it is an extension to a care home the proposal would not have a detrimental impact upon the Minerals Consultation Area re: sharp sand and gravel.

INDEPENDENT LIVING AND CARE HOMES:

The proposal would adhere with Policy H DM2 of the Arun Local Plan.

ALDINGBOURNE NEIGHBOURHOOD DEVELOPMENT PLAN:

The proposal would adhere with all the relevant Aldingbourne Neighbourhood development Plan Policies.

SUMMARY:

It is recommended that the planning application is granted subject to the imposition of 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 positive impact on the protected characteristics (age).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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 Plan

Block Plan

PG.3047.18.1

PG.3047.18.2

PG.3047.18.3

PG.3047.18.4 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 3 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. 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.

- 4 Immediately following 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 drawing/s and is fit for purpose. The scheme shall thereafter be maintained 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.

- 5 No development shall commence until the tree (silver birch) to the south of the site (outside boundary wall of site) has been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 6 The windows at first floor, in the proposed extension hereby granted, facing the properties along Elmcroft Place shall be obscurely glazed to a height of 1.7 metres from the floor of the room they serve and shall be maintained as such in perpetuity.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 7 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.

- 8 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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here

<https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 9 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 (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.