

Recommendation Report for Planning Permission**REF NO:** **AW/16/13/****LOCATION:** Aldwick British Legion
 20 Hewarts Lane
 Aldwick**PROPOSAL:** Single storey extension**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks consent for a single storey side extension.
SITE AREA	Approximately 0.132 ha
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	300mm high brick wall to front and side boundaries (south and west). 1 metre wire mesh fence to side (east). 1.8 metre high fence to rear.
SITE CHARACTERISTICS	Detached, single storey building constructed from brick with pitch, tiled roof and single storey flat roof side extensions. Concrete hardstanding to front and side with parking for 26 cars (including 1 disabled bay). Public footpath runs parallel to east boundary.
CHARACTER OF LOCALITY	Predominantly residential comprising low density residential development of two storey dwellings and bungalows of various character and design.

RELEVANT SITE HISTORY

AW/100/88	Renewal of Unimplemented Planning Permission BR/421/83 for repositioning of snooker play area and extension thereof.	Approve Conditionally 16-05-1988
AW/57/97	Private disabled unisex toilet extension	Approve Conditionally 21-05-1997
AW/86/08/	Construction of open sided lean-to shelter and covered walkway to provide external smoking area.	Approve Conditionally 10-06-2008

BR/586/81	Extension to form snooker room	Refused 08-07-1981
BR/421/83	Reposition of snooker-area and the extension thereof	Approve Conditionally 08-06-1983

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members strongly object to the application on the grounds that the planned extension would have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Therefore, members agreed that the application is in direct conflict with Policy Dev 19 of the Arun District Local Plan 2003. Members also raised concerns about the inadequate number of parking spaces and the impact this would have on street parking and on neighbouring properties and Members would expect the Planning Office fully to investigate and evaluate this probable impact.

1 letter of Objection:

- Disturbed by noise, fights and shouting from British Legion;
- Unsightly building is putting off potential purchasers of property (no. 24) and will reduce value of property;
- Will request compensation if application is granted;
- Club is expanding as Bognor branch is closing. Why should my family suffer.

Comments on Representations received:

Comments noted.

- The property is a communal meeting place (D2 Assembly & Leisure). Policy DEV19 relates to residential buildings and is therefore not applicable
- Noise disturbance and anti-social behaviour (fights/shouting) should be reported to and investigated by Environmental Health Officers / Police
- Opening hours may be controlled by planning condition
- Valuation of property is not a material planning consideration
- Parking provision and impact on highway network is summarised below

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Consultations responses received:

County Highways: The proposal is for an extension to the Royal British Legion Club with access onto Hewarts Lane via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Hewarts Lane. The most recently available verified accident reports reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues in this proposal. The Parish Council have made comments referring to on street parking in the area. However, from WSCC's observations and evidence that it has access to, with the proposal being a small extension to the existing facilities and no loss of parking, this indicates that there will not be a material increase in movements to and from the site relating to the proposed extension.

Environmental Health: No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Class C Road
Permitted development restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
------	------------------------------------

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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

PRINCIPLE

The site is located within the built-up area boundary, where the principle of new development is acceptable, subject to the impact on visual and residential amenity.

DESIGN AND VISUAL AMENITY

It is proposed to construct a single storey flat roof extension on the east flank elevation of the British Legion building to provide enlarged meeting space, enlarged kitchen, WCs, disabled WCs and baby change facility.

The extension will measure 16.7 metres in depth, 7.2 metres in width and 3 metres in height, in line with the eaves height of the existing building. It will be constructed from facing brickwork (colourwashed) with a flat, felt tiled roof and glazed roof lanterns. A gap of approximately 500mm will be retained to the side (east) boundary.

The extension will be in line with the front elevation of the building and the height is positioned well below the ridgeline of the original barn end style roof. As a result, the extension is visually subordinate. It is considered to be an acceptable form, scale and design that will not appear visually obtrusive or overbearing in the streetscene. Subject to a condition to secure samples of materials, the proposed extension is considered acceptable in design terms.

RESIDENTIAL AMENITY

The surrounding area is predominantly residential. Nos 17 and 15 Robins are located sufficient distance to the rear of the application site (over 20 metres to the south) such that there would be no adverse impact on the residential amenities of these properties, through overlooking, loss of privacy or daylight.

Nos 1, 3 and 4 Hazels Grove, is a residential cul-de-sac located to the west and southwest of the Royal British Legion carpark. The proposed extension will be sited on the east side of the building, approximately 40-45 metres from these properties. The proposal is therefore not considered to have a detrimental impact on the residential amenity of these neighbouring properties.

No. 24 Robins Drive is sited to the east of the application site. There is a 2 metre high wall forming the side boundary of this property, beyond which is a public footpath that runs parallel with the application site to the east, through to Robins Drive at the rear. The rear garden of this property is sited close to the application site. The proposed extension would be sited on the east flank elevation on an existing hardstanding, within 500mm of the perimeter boundary and 2 metres of the neighbour's boundary.

In terms of its scale, form and design, the building is single storey, 3 metres in height, and no windows are proposed in the east flank elevation of the extension. The proposed extension is not considered to be an excessive depth, height or scale in relation to the neighbour at no. 24 (which is a two storey detached dwelling) and the high boundary wall on the neighbour's side boundary will largely screen the proposed extension from view. The proposal is therefore not considered to harm the outlook, daylight or privacy of the neighbour in this respect, nor is it considered to have an overbearing impact.

It is noted that the private rear garden of this property is in close proximity to the Royal British Legion Building, and the proposed extension will be sited at a distance of approximately 2 metres to the boundary of no.24. The use of the site for assembly and leisure purposes is established. The proposed layout of the extension positions ancillary rooms, such as WCs and offices closest to the flank boundary wall of the neighbour, with the main hall positioned further into the site. Some concern is raised by the neighbour with respect to noise and anti-social behaviour, therefore a condition is recommended to control the hours of use of the building. Environmental Health Officers raise no objection to the proposed extension.

PARKING AND HIGHWAY NETWORK

The site is accessed from a vehicular crossover onto Hewarts Lane on the north side of the site. A pedestrian footpath runs parallel with the site to the east linking Robins Drive and Hewarts Lane. No alterations are proposed to the existing vehicular access. The proposed layout plan indicates total parking provision of 25 operational spaces, 1 disabled bay and 5 cycle spaces to the side and rear of the building. The proposal is a small scale extension that retains the existing parking provision and is not anticipated to generate a material increase in traffic movements. There is no apparent visibility issue at the point of access onto Hewarts Lane and no reported accidents in the vicinity of the site. County Highways therefore raises no objection on highway safety grounds.

SUMMARY

In summary, the proposal is considered to be an acceptable form, scale and design that will not harm the visual amenity or character of the surrounding area. The proposal is not anticipated to adversely impact highway safety and adequate parking is retained to the front and side of the site. The proposal will not result in a loss of daylight, outlook or privacy; however, it is considered that the impact on neighbouring residential amenity may be mitigated by planning condition to control the hours of use. It is therefore recommended that consent is granted, subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 to 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 (positive) have been identified upon those people with the following protected characteristics (disability).

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, sheet 2 of 3 Proposed Elevations, Roof Plan, Block Plan and Location Plan, sheet 3 of 3 Existing Floorplans, Elevations and Roof Plan, Sheet 1 of 3 Proposed Floorplan, received on 28 January 2013.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The building hereby permitted shall not be open or in use except between the hours of midday-23.00 Monday-Friday; midday-midnight Saturdays; midday-10.30pm Sundays and Bank Holidays.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material

considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.