

Recommendation Report for Planning Permission

REF NO: BR/112/19/PL

LOCATION: Villa Maria
Campbell Road
Bognor Regis
PO21 1NW

PROPOSAL: Application for removal of condition no. 4 imposed on planning reference BR/270/16/PL relating to arboricultural protection measures

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The permitted development has been implemented.
TOPOGRAPHY	Predominantly flat.
TREES	Two mature TPO trees (Sycamore & Lime) just adjacent to the NW corner of the site (on neighbouring land). One small fir type tree in the southwest corner of the site which would not qualify for TPO protection.
BOUNDARY TREATMENT	* 1.7m high wall and part rear wall of single storey garages to the western boundary with Sabey Court; * Part 1m/part 1.7m wall (forward of Villa Maria) and part external walls of existing single storey buildings back onto the northern boundary; * 1.8m high wall to the southern boundary with Allestree Court; and * Low wall to the eastern boundary with Campbell Road.
SITE CHARACTERISTICS	Prior to implementation of BR/270/16/PL there was a large 2 storey detached building with dormer roof accommodation formerly used as a Convent. Materials include red/light brown bricks, light grey render, red clay tiles. Detached pitched roof garage adjacent to the southern wall with 1 parking space in front. External fire escape on the southern wall. Single storey rear conservatory and single storey open porch on the front. Single storey outbuildings along the northern and part western boundaries.
CHARACTER OF LOCALITY	Existing large 2 storey detached building with dormer roof accommodation formerly used as a Convent. Materials include red/light brown bricks, light grey render, red clay tiles. Detached pitched roof garage adjacent to the southern wall with 1 parking space in front. External fire escape on the southern wall. Single storey rear conservatory and single storey open porch on the front. Single storey outbuildings along the northern and part western boundaries.

RELEVANT SITE HISTORY

BR/111/19/DOC	Approval of details reserved by condition imposed under ref BR/270/16/PL relating to Condition No 3 proposed surface water drainage scheme.	DOC Approved 23-04-19
BR/138/18/DOC	Application for approval of details reserved by conditions imposed on planning reference BR/270/16/PL relating to condition no. 3 (Drainage), 4 (Arboricultural Protection Measures) & 6 (Materials & Finishes)	DOC Part Approved 01-10-18
BR/208/17/DOC	Application for approval of details reserved by condition imposed under planning permission BR/270/16/PL relating to condition No, 3 (surface water drainage), 4 (arboricultural protection measures), 5 (construction site set up), 6 (materials of external walls and roofs), 7 (landscaping scheme) & 10 (lighting)	DOC Part Approved 31-01-18
BR/45/17/PL	Variation of condition 2 imposed under BR/270/16/PL relating to approved plans replacing 3 No. large 2nd floor flats with 1 No. 4 bed cluster flat with shared facilities.	ApproveConditionally 31-05-17
BR/270/16/PL	Change of use of an existing residential convent (C2 Residential Institutions) to provide 25No. units of student accommodation (Sui Generis) with proposed side extension & rear detached single storey outbuilding with car parking spaces & cycle storage	ApproveConditionally 25-01-17

Condition 4 of BR/270/16/PL states that:

No development, groundworks or demolition processes shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in strict accordance with the approved details. The scheme shall include details of: (a) Timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority.

Reason: To adequately protect all protected trees worthy of retention and protection from development harm and to provide for their amenity contribution thereafter in accordance with Policy GEN7 of the Arun District Council Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to protect the trees prior to commencing any building works.

This was applied following comments from the Council's tree officer who was not satisfied that the applicants tree report contained sufficient information.

The permission was implemented and the development is now completed.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

No objection.

No other representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary;
Pagham Harbour Management Zone A; and
Flood Zone 1.

DEVELOPMENT PLAN POLICIES**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).

There are no applicable policies in the Bognor Regis Town Council neighbourhood Plan.

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 is not necessary to maintain the condition.

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

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

- 1.necessary;
- 2.relevant to planning;
- 3.relevant to the development to be permitted;
- 4.enforceable;
- 5.precise; and
- 6.reasonable in all other respects.

IMPACT ON TREES

The tree officer had principally made his requirement for this condition to be imposed to potentially protect two TPO trees on neighbouring land. However, an enforcement investigation relating to these trees revealed that the trees had not been affected by the development of this site.

CONCLUSION

The development has now been completed and given the findings of the enforcement investigation this condition is no longer necessary and as a result can be agreed to be removed.

HUMAN RIGHTS ACT

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.

RECOMMENDATION

APPROVE

- 1 INFORMATIVE: Except for condition number 4 which has now been removed all other conditions imposed on BR/270/16/PL shall apply.
- 2 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.