

PLANNING APPLICATION REPORT**REF NO:** BR/210/09/**LOCATION:** 11 Stocker Road
Bognor Regis**PROPOSAL:** Proposed detached single storey smoking room**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposed single storey smoking room measures approximately 7.030m in width, 2.530m in depth and 2.6m in height.
SITE AREA	Approximately 811 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front boundary has dwarf brick wall painted white, east side boundary has close boarded fencing approximately 1.2m in height + garage wall of adjoining site, west side boundary elevation of adjoining building, rear boundary has rear elevation of garages.
SITE CHARACTERISTICS	The three and two storey building has brickwork on lower level with cream rendered walls on upper level, red tile hanging on part front elevation. Detached garage sited on east side boundary in rear garden.
CHARACTER OF LOCALITY	Residential comprising detached properties, many of which are rest/nursing homes.

RELEVANT SITE HISTORY

BR/64/09/	Extensions to provide laundry, office & recreational areas	Approve Cond 27-05-2009
BR/143/09/	Erection of single storey extensions to form office, laundry and smoking area (Amendments to previously approved BR/64/09)	Approve Cond 05-08-2009
BR/545/78	Fire escape	Approve Cond 23-08-1978

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Environmental Health

Consultations responses received:

I have the following comment to make in regard to the application.

Under the Smoke-Free (Exemptions and Vehicles) Regulations 2007, Regulation 5, the smoking shelter can be classed as a designated room but the applicant must ensure that:

1. The room has been designed in writing by the person in charge of the premises as a room where smoking is permitted.
2. The room must be clearly marked as a room where smoking is permitted.

Comments on Consultation responses:

Noted. An informative will be placed, if approved, on any decision regarding comments from Environmental Health.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	DEV20	Rest and Nursing Homes

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

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.

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

The application seeks to construct a single storey detached building which will be sited in the rear garden and will be used as a smoking room for residents who reside in the residential care home at Albany House.

A previous application BR/143/09 was recently approved for a smoking room which would have been constructed on the rear of the existing building. It has been decided that for health and safety reasons and safety of the occupants and staff the smoking room should be sited away from the main building. The single storey structure will be sited on the eastern boundary in front of the existing garage which is approximately 4m from the main building. The timber structure will have weather boarding painted in a colour that will match the existing building.

The neighbouring property to the east No 9 has a pitched roof garage that is sited to the boundary with No 11 and the proposal will be sited adjacent to this structure. In view of its height it is not considered that the building would be readily visible above this garage. Taking this into account it is not considered that the proposal would detrimentally harm the occupiers of No 9 by way of overbearing effect or overshadowing.

The proposal being set back from the front of the highway by approximately 19m will not be readily visible, nor would it harm the established character of the street scene or surrounding area.

It is therefore recommended that the application be approved, subject to the following conditions.

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 This permission relates to the following approved plans 1/250 Site Plan and Floor/Elevations dated 3rd September 2009.

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 INFORMATIVE: Environmental Health have made the following comments regarding the designated smoking room.
1. The room has been designed in writing by the person in charge of the premises as a room where smoking is permitted.
 2. The room must be clearly marked as a room where smoking is permitted.
- 4 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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: GEN2, GEN7, GEN20

NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.