

Recommendation Report for Planning Permission

REF NO:	BR/248/19/PL
LOCATION:	Homelands Care Home 21-23 Richmond Avenue Bognor Regis
PROPOSAL:	Alteration to the existing building to provide 6 No. additional bedrooms with en-suites to include two storey rear extension & conversion of 2nd floor loft space & dropped kerb.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to convert the existing rear of the loft/attic space (noting that the front has already been converted - and there are no changes to the front elevation) by adding a dormer to each pitched roof plane (plus velux windows) and new windows to the rear gable. This will create three en-suite bedrooms. Below, at first floor level, internal alterations are proposed to enlarge two existing en-suite bathrooms. To the rear, a lantern window is to be added above the existing ground floor lounge. The lounge itself, along with the adjacent dining room are to be extended internally. To the very rear of the site, the existing single storey flat roofed buildings/extensions will be redeveloped with a new one and a half storey extension. This will include, at ground floor, additional dining room space, an internal refuse store, small store, office and sun lounge. At first floor, there will be 3 en-suite bedrooms, small office and store room. The roof space is to be utilised with four small dormers facing the back street and 4 velux windows facing back towards the house. To the front, it is proposed to drop the kerb along the length of the site frontage to formalise an existing three car parking area. However, this in itself does not require planning permission due to the classification of the road.
SITE AREA	0.0622 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Dwarf wall to front, open to access road at the rear.
SITE CHARACTERISTICS	Semi-detached red brick Edwardian dwelling with bay windows and pan tiles above the bays. Existing rear small amenity area with table and chairs for staff with Perspex roof. Single storey rear extension to the kitchen which extends down to the rear boundary. The building is a residential care

home for the elderly and mentally infirm. It provides 17 rooms on 3 floors with 2 living rooms, dining room, and bathrooms. There is a small enclosed garden accessed from the lounge, dining rooms and kitchen. To the rear of the site is an access road and a large garage. Space for 3 cars to park off-road to the front and for 1 or 2 to park side on to the rear boundary on the back street whilst still allowing one way travel on the back street (this is standard practice on this side of the back street).

CHARACTER OF LOCALITY

Predominantly residential in Richmond Avenue, consisting of single dwelling houses, flat conversions, HMOs and care homes. This end of the back street has single storey buildings and the nearest two storey property on the back street is no. 116a to the east.

The property to the west (no. 25) has a large pitched roof garage in its rear garden which fronts the back street and is adjacent to the part of the site to be redeveloped. The rear of that property is in a flatted use and there are no windows affected in the flank of that dwelling. A bathroom window exists on its first floor rear. To the other side, no. 19 also has no affected flank windows and has a bedroom bay window on the first floor rear. There are no first floor windows on the property to the other side of the back street.

RELEVANT SITE HISTORY

BR/175/12/	Rear extension & extension to existing loft conversion to provide additional rooms & facilities to care home	Refused 19-10-12
BR/123/11/	Rear extension & loft conversion of existing building to provide additional nursing bedrooms & communal facilities	Refused 26-07-11
BR/247/94	Dormer extension for additional accommodation	ApproveConditionally 18-11-94
BR/111/94	Extension to store/utility to bring facilities up to standards required by Health Department	ApproveConditionally 27-05-94
BR/23/91	Extension to residents lounge, additional W.C. and re-siting of precast concrete garage	ApproveConditionally 25-02-91

BR/123/11 proposed 11 new bedrooms and was refused as it would be overbearing and unneighbourly and an overdevelopment of the site with limited amenity space out of character with the area.

Permission was refused in 2012 for a rear extension & loft conversion of the building to provide 8 bedrooms and facilities. The application accepted there to be no harm to the amenity of neighbouring residents from the new roof level dormers/windows in the main building or from the windows in the proposed one and a half storey rear extension but considered that the overdevelopment issue had not been overcome. It was refused for the following reason:

"The proposal represents an overdevelopment of the site by virtue of the extent of development proposed and resulting limited amenity space. This resultant extent and coverage of development would be out of keeping with the character and appearance of the area which is characterised with plots that are more spacious and free of development to the rear in the form proposed. The proposal is contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework."

The present application has reduced the number of bedrooms to 6, has removed the proposed first floor accommodation above the lounge/dining room to the rear and has reduced the bulk of the extension at the rear of the site. Although the concern from the previous application over the lack of space for rear parking/deliveries remains, it is material that there is currently no parking space in the location where the extension is to go and therefore, there is no loss of any provision.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

"No objection"

Two letters of objection both from occupiers of flats in no. 19 and raising the following concerns:

- (1) Extension is out of character with surroundings;
- (2) Already too many commercial properties in Richmond Avenue;
- (3) Overdevelopment of the plot;
- (4) Potential for noise pollution particularly from laundry facilities and residents in the garden in a predominantly residential area;
- (5) Increased air pollution (laundry and cooking smells);
- (6) The proposed loft extension with dormer windows will overlook bedroom windows;
- (7) Extension at the rear of the site will take away light from windows & garden;
- (8) Overbearing impact on ground floor windows;
- (9) New bedrooms only a short distance from a rear workshop which is used during permitted hours;
- (10) The property is in a poor state of repair on the side bordering 19 and is not nice to look at.

COMMENTS ON REPRESENTATIONS RECEIVED:

Points (1), (3), (6), (7) & (8) are considered in the conclusions. The following comments are made in response to the other neighbour objections:

(2) Noted - this is not a reason to withhold permission as the site is already in a commercial use;

(4) & (5) It is noted that the laundry is an existing part of the main building and is not being enlarged. The kitchen is not being enlarged and neither is the garden. The size of the increase in the accommodation is not such that there will be a significantly harmful impact on the amenities of neighbouring properties. It is noted the Council's experts on matters of pollution (Environmental Health) have no concerns, and these issues were not raised previously on either of two refused applications;

(9) Accepted. However the workshop benefits from a permission (BR/336/01/) which has restrictions on it in terms of hours of use, what activities can take place and what tools can be used. These restrictions were imposed to protect the amenity of neighbouring properties and there is no reason to suggest that the development would be affected by this to a greater affect than existing neighbours;

(10) This would not be a reason to withhold permission particularly as the approval could result in improvements being made to all parts of the site.

CONSULTATIONS

Natural England
Ecology Advisor
Environmental Health
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection subject to appropriate financial contribution being secured to offset the recreational impacts of the development on the Pagham Harbour SPA.

COUNCILS ECOLOGIST - A precautionary approach should be undertaken. Following an inspection by an ecologist prior to works commencing, removal of the roof tiles should be undertaken by hand in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. Require a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

ADC ENVIRONMENTAL HEALTH - Make no comment.

ADC DRAINAGE ENGINEERS - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

It is not appropriate to require a Pagham Harbour mitigation contribution as additional care home bedrooms do not share the same characteristics as a new dwelling and residents are limited in where they are able to travel to for recreation purposes.

Although a new section of dropped kerb is proposed the road is not of a classification that planning permission would be required for this and there is an existing access across the low kerb to the front parking spaces. It was not necessary to consult WSCC Highways. An informative will be attached to remind the applicant to approach WSCC for permission to completely drop the kerb.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Within 2km of Bognor Reef SSSI; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HDM2	H DM2 Independent living and care homes
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

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.

There are no relevant Bognor Regis Neighbourhood Plan policies.

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 the development plan in that it would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents and it would not result in harm to the local highway.

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 in the built up area boundary where development is acceptable in principle provided it is in accordance with other policies of the Local Plan covering the extension of care homes, character/design, residential amenity and highway safety/parking.

CARE HOME POLICY:

ALP policy H DM2 states that extended independent living and care homes will be permitted where applications can demonstrate that the following criteria are adhered to and where the proposal is consistent with all other Local Plan policies:

- (a) The scheme is located within the Built Up Area Boundary if it is a new facility;
- (b) The scheme shall be easily accessible either by foot or public transport, to community and social facilities e.g. shops, post offices, healthcare, community facilities;
- (c) The design of the scheme shall be such that it can be easily adapted to the varying needs of the users of the scheme;
- (d) The design and scale of the scheme shall be appropriate to the local context;
- (e) Amenity space shall be provided; and
- (f) Overall, the scheme should be located where it would support and encourage the continuation of a healthy, active lifestyle.

In response:

- (a) The proposal is for the extension/expansion of an existing facility in the built up area;
- (b) The site is within the urban area and is thus accessible by a range of transport modes
- (c) The scheme is proposed to cater for the increasing demand for elderly care facilities but also to improve the existing care home's functionality, daylight factor, comfort and thermal/sound/fire performance to current Building Regulation Standards;
- (d) This report will conclude that the design and scale of the scheme is appropriate to the site context;
- (e) The site maintains the existing amount of external amenity space (AstroTurf lawn to rear); and
- (f) The site's urban location means that residents, if physically/mentally able can walk to local shops, public parks etc and as such this will support a healthy lifestyle.

CHARACTER & DESIGN:

D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is also necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. The policy requires that the scale of development keep within the general confines of the overall character of a locality.

D DM4 requires extensions/alterations: sympathetically relate to and are visually integrated with the existing building in siting, massing, design, form, scale & materials; are visually subservient to the main building & provide a high standard of amenity; do not create a terracing effect where no terrace exists; and do not compromise the established spatial character & pattern of the place. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

There are local objections to the development on the grounds that the extensions do not reflect local character and that the proposal is an overdevelopment of the site.

It is accepted the design of the dormers and the rear extension do not reflect the character of the host building. However, they are on the rear of the building which faces onto a back street and the character of this location is decidedly mixed with instances of new and old and some built features considered to be untidy and not attractive. The extensions are considered to improve the site's appearance by tidying up the rear of the site.

The extensions to the main building are considered to be subservient in form. The rear extension, due to its one and a half storey height would not be subservient, however this is acceptable given the presence of other higher buildings elsewhere in the back street and the general mix of built forms. It is proposed the materials of the extensions will match the existing in colour and where possible, texture.

It is not considered the proposal overdevelops the site as there is a minor increase in footprint with the alterations either to existing buildings or as a redevelopment of the existing rear extensions. The existing rear amenity area is retained in full and could be considered improved through the new sun lounge and undercroft area in place of the existing former garage which faces onto the AstroTurf lawn.

It is considered the proposal complies with ALP policies D DM1, D SP1 and D DM4.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF states that developments should provide a high standard of residential amenity for existing and future users.

There are objections to the development on the grounds that the dormer level windows will overlook neighbouring windows and that the rear extension will take light from adjoining gardens & have an overbearing impact on ground floor windows.

The alterations include dormers and velux windows in the main roof which face sideways at the two

adjoining properties. The principle of these new windows were accepted on the previous applications. These do not overlook neighbouring windows or gardens as they are at a high level and essentially face neighbouring buildings (within which there are no flank windows at roof level). The applicant indicates in the plans that the two dormer bedroom windows will be obscure glazed but this is not considered to allow for a decent standard of amenity and is not considered necessary as the windows do not allow for a loss of privacy to neighbouring windows. Obscure glazing will be required for the new roof level bathroom windows.

The new rear roof level windows face out over the site and could allow overlooking on neighbouring gardens. However, views of neighbouring land would be at an indirect angle in the same way as views can be taken from first floor windows. This does not result in a harmful impact to the amenities of neighbouring properties and was accepted on the previous applications.

The rear extension includes windows on the front (facing the back street) and rear. Those to the rear serve only non principal rooms (bathrooms & a small office) and it is appropriate to require these to be obscure glazed to prevent views back towards the resident bedroom windows on the main house or the first floor windows on the adjacent properties. Those four proposed dormer bedroom windows to the front are acceptable as they face onto the back street and that the property opposite (rear of another care home) has no affected first floor windows. One of these four dormer windows is a bathroom so this will be obscure glazed to protect the privacy of the occupant.

The proposed rear extension will not take significant light from neighbouring land. The extension is approximately 10m from the rear of no. 19 and 13m from the rear of 25, is to the south of the neighbours windows and will only be in the way of sunlight during the part of the day when the sun is its highest. The extension is not excessively high and the rear roof plane is sloped so as to allow greater sun light past the extension to the neighbouring land. The height of the extension and the distance from neighbouring windows also serve to prevent the structure from having an overbearing impact on neighbouring windows.

The proposal complies with ALP policies D DM1, D DM4 and QE SP1 as well as the guidance on amenity within the NPPF (para. 127).

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

There are no changes to the access and no changes to the adopted highway network. The site has space for 3 cars to park off-road to the front and there is space to the rear on the back street for a further 1-2 cars without blocking the road. This situation will not change with the changes to the front only

serving to formalise the front parking arrangements. It is noted the proposal includes a new bin store and this will assist parking as the bins are currently positioned on the back street.

Although the increase in the number of bedrooms requires an increase in the parking provision it is material that the site is in an accessible location such that staff and visitors would be able to travel to the site by bus, cycle or on foot. It would be possible to park elsewhere and walk a short distance to the site. The parking shortfall would not result in harm to highway safety or amenities of local people.

It is therefore considered the proposal is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY:

There is no in principle conflict with development plan policy in respect of the extension/enhancement of this existing Care Home and it is considered that the proposal complies with all normal development control criteria concerning highway safety/parking, character and residential amenity. It is therefore recommended that planning permission be granted subject to the following 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 neutral impact on the protected characteristics.

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:

190601 P 01 Rev A "Location and Block Plans";
 190601 P 09 Rev A "Proposed Ground Floor Plan";
 190601 P 10 Rev A "Proposed First Floor Plan";
 190601 P 11 Rev A "Proposed Second Floor Plan";
 190601 P 12 Rev A "Proposed Side Elevation SE";
 190601 P 13 Rev A "Proposed Side Section A-A (SE)";
 190601 P 14 "Proposed Rear Elevation & Section B-B";
 190601 P 15 Rev A "Proposed Side Elevation NW & Section C-C";
 190601 P 16 "Proposed Site Plan; and
 190601 P 17 "Visibility Splay Site Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

- 3 A precautionary approach must be undertaken in respect of the potential for bats to be roosting at the site. No demolition should occur unless the site has been inspected by a suitable qualified ecologist and thereafter, the removal of any roof tiles should be undertaken by hand in the presence of the ecologist. If a bat is found then all works must stop immediately and Natural England contacted.

Reason: In the interests of the protection of bats in accordance with ENV DM5 of the Arun Local Plan.

- 4 None of the new accommodation shall be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that either 10% of the energy supply shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) or it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. The development shall be implemented in accordance with the approved details and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 5 Prior to the addition of new materials to the external facings of the extended buildings hereby permitted, a scheme to show the placement of bat and bird boxes on the site shall be submitted to and approved by the Local Planning Authority. Such approved nesting boxes shall thereafter be provided prior to occupation of any of the new bedrooms and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that there is habitat for them after the completion of development in accordance with ENV DM5 of the Arun Local Plan.

- 6 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 7 The five new first floor windows (3 x en-suite, 1 x office & 1 x stair) in the new extension at the rear of the site shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 8 The new second floor en-suite windows in the southeast, southwest (rear) and northwest roof planes of the main building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 9 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.

- 10 INFORMATIVE: In respect of condition 05 above, the placement of bird boxes should be as per the submitted Bat Survey Report (November 2019) whilst the bat box requirement is for 1 box placed facing either south or southwest and between 3 & 5m above ground level.

- 11 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>