

Recommendation Report for Planning Permission

REF NO: BR/314/18/PL

LOCATION: Abbots Lawn
Sylvan Way
Bognor Regis
PO21 2RS

PROPOSAL: Front 1st floor extension over residents lounge to provide 4 No. bedrooms & link extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Extension at first floor level over existing single storey front projection. The proposed extension would have a footprint of the ground floor, including the neck which connects the main building with front projection. The proposed pitched roof above the neck would be 0.6m lower than that above front projection; hipped roof with flat crown above. The proposed fenestration would match the existing. The proposed extension would provide four new bedrooms with bathrooms. The agent have been asked to amend the proposed roof and the internal layout of an existing bedrooms due to an unacceptable outlook and daylight of the existing bedroom behind the proposed first floor extension. The adequate provision of parking spaces has been provided.
TOPOGRAPHY	Predominantly flat.
TREES	There are significant trees both on and off this site which could be adversely affected by the proposals.
BOUNDARY TREATMENT	Wall and fence to front.
SITE CHARACTERISTICS	Detached care home with a landscaped garden to the front.
CHARACTER OF LOCALITY	Mixed character residential area.

RELEVANT SITE HISTORY

BR/316/18/PL	Single storey extension to west elevation.	ApproveConditionally 31-01-19
BR/134/17/PL	Rear 1st floor extension & new 2nd floor under new tiled roof to provide 10No. bedrooms & lounge area	ApproveConditionally 31-08-17

BR/63/14/	Rear 1st floor extension and new 2nd floor under new tiled roof to provide 10 No bedrooms and lounge areas	ApproveConditionally 09-07-14
BR/171/10/	Single storey extension	ApproveConditionally 19-08-10
BR/174/10/	Rear extension to 1st floor and new 2nd floor under new tiled roof to provide 10 no.bedrooms and lounge areas widened access, extended bin storage area and hardstanding - resubmission following BR/7/10	ApproveConditionally 10-11-10
BR/7/10/	Rear extension to first floor and new second floor under new tiled roof to provide additional 11no bedrooms and lounge area.	Refused 08-03-10

Planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

4 letters of objection:

Traffic in Sylvan Way; staff, visitors and trade and service vehicles park in the road preventing occasionally using of driveways.

Can you review the parking in Sylvan Way related to this establishment;
most homeowners have to exit their properties with care.

This building is large enough. It has a negative influence on surrounding properties. Noise pollution from the many daily arrivals of delivery vans and service vehicles. Properties opposite and alongside will have privacy infringed upon.

Constant intrusion of all types of vehicles arriving day and night. As it stands the upper floors of this establishment have direct vision into our front 2 bedrooms.

COMMENTS ON REPRESENTATIONS RECEIVED:

The agent has provided the parking layout showing an adequate provision of parking spaces.

With regards to violation of a privacy of the occupiers of properties to the east, it is considered that the proposed first floor windows facing to the north would not cause any significant loss of privacy given the substantial separation distance of more than 20m between the proposed extension and the residential properties to the east. To avoid overlooking of the private gardens obscure glazing condition will be imposed. Noise pollution would not materially increase.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

No objection

Engineers:

Due to the application being for first floor alterations and therefore no proposals to alter building footprint we have no conditions to request. Any alterations to surface water drainage should be designed and constructed in accordance with building regulations.

Tree Officer Comments:

I note from the application form it is stated that there are no trees or hedges either on or adjacent the proposed development site that could influence the development or might be important as part of the local landscape character. It is clear from online resources alone that the exact opposite is in fact the case. It should therefore, come as no surprise that trees may now be a complicating factor at this late stage.

There are significant trees both on and off this site which could be adversely affected by the proposals. There is no supporting arboricultural information submitted with the application - a requirement of BS5837:2012. As such, were this development proposal to now proceed, we will not have sufficient information to guarantee such trees would be adequately respected and protected.

I understand that since the above development proposal was permitted, there is an outstanding issue relating to the provision of adequate off-street parking bays.

Although the property benefits from a good density of tree stock, notably along the south and west boundaries, some of these will inevitably have to be sacrificed during the provision of adequate parking facility. In any event, an engineering solution such as 'No-dig' construction may be necessary to ensure those retained trees can survive without detriment to their ongoing health and vitality, although we cannot determine this until the applicant's appointed arboriculturalist has provided a detailed report and set of plans, which demonstrate the viability of and make recommendations for - that element of the proposal.

Those trees of significant value upon the site are confined to the west and southern boundaries, two of which (a mature lime and semi-mature yew) are of sufficient value to justify the making of a Tree Preservation Order. The other trees on and immediately adjacent the site may be considered important for their screening value although due to their age, condition and management history ought not to be a complicating factor in development of the site.

Recommendations:

The applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that the Detailed Planning Application is accompanied by an Arboricultural Method Statement (AMS) and also most importantly a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without

detriment to their vigour and vitality and are given adequate protection both above and below ground. The applicants have employed The Sussex Tree Company LLP to prepare Arboricultural Reports inclusive of the above survey data and supporting information entitled Arboricultural Method Statement for this project. The presentation is unconventional but adequate. The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012. I am broadly in agreement with the retention category ratings for on and off-site trees.

COMMENTS ON CONSULTATION RESPONSES:

Noted: no objection have been raised from statutory consultee, subject to conditions.

POLICY CONTEXT

Designation applicable to site:

Within built up area

2km Buffer for Site of Special Scientific Interest, Bognor Reef

Pagham Harbour Access Management 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
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM2	H DM2 Independent living and care homes
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
SDSP2	SD SP2 Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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 policies in the Bognor Regis 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 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 in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as character/design, residential amenity, space standards and highway safety/parking.

Policy H DM2 allows for extensions to care homes subject to certain criteria such as accessibility by foot or public transport to community and social facilities, design and scale of the scheme shall be appropriate to the local context and amenity space shall be provided.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy TSP1 in criterion d. states that 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 forthcoming Arun Design Guide taking into consideration the impact of development upon

on-street parking.

Policy ENV DM4 requires land and tree surveys and an arboricultural impact assessment to include a tree protection plan and arboricultural method statement where there are trees on or adjacent to a development site.

The extension is an addition to the first floor of an existing front projection and would have only a modest impact on the street scene due to its position and design and would be situated within a substantial separation distance of at least 20 m from the nearest neighbouring habitable rooms windows where it would not harm their amenities. The privacy of the gardens to the private gardens to the east will be secured by obscure glazing condition.

Abbots Lawn is situated within walking distance from social facilities.

Submitted drawings show provision of 15 parking spaces, according to the requirement of West Sussex County Council guidance and agent provided Arboricultural Method Statement; (BS:5837)

and Tree Protection Plan as requested by a Tree Officer and to satisfy Policy ENV DM4 due to a significant tree on a development site.

The proposal complies with the relevant policies of the development plan and therefore it is recommended that the application be approved subject to 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:

Sheet 1a: 'Proposed Ground Floor Plan & Block and Location Plan'

Sheet 2a: 'Proposed First Floor Plan'

Sheet 3b: 'Proposed Elevations & Roof Plan'

Sheet 7a: 'Proposed parking Layout', received on 23/08/2019

STC-TTP-V1: 'Tree Protection Plan', dated September 2019

Arboricultural Method Statement; (BS:5837), dated September 2019

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

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

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.

- 4 The first floor window on the eastern elevation of the proposed extension serving to the bedroom facing to the road shall at all times be glazed with obscured glass fixed to be permanently non-opening.

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

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.

- 6 All activity at the site is to be carried out in strict accordance with: - Arboricultural Method Statement, The Sussex Tree Company LLP, dated September 2019
- Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan dwg. no. STC-TPP-V1.
- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area and policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to verify the fitness of protective fencing and ground protection measures prior to commencement of the proposed works.

- 7 If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared

by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area and policy ENV DM4 of the Arun Local Plan.

- 8 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:
- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
 - Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and to comply with policy ENV DM4 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 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.