

REPORT UPDATE

Application No :	BR/60/08
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Reason for the Update/Changes ♦ Representations One further letter of objection has been received raising no new points to those indicated in the officers report. County Highways have made further comments on representations made with regards to the formation of a new footway. He states: "There it would seem is still on going legal dispute over where the highway boundary actually is. This does place an element of doubt in respects of whether the footway can be provided. I do note that the Applicant of the proposed development at No. 262 does indicate that this footway can be provided. I would though recommend that the previously recommended condition for the footway is altered to ensure that the footway is provided prior to any development occurring. In this way, any disputes over the extent of the highway would have to be first resolved. I should also add that there are adequate pedestrian facilities on the opposite side of Hawthorn Road along with a suitable crossing point in the vicinity of the proposed development. Residents of the proposed care home would therefore be able to cross Hawthorn Road safely and conveniently. Therefore if due to the doubts over the actual ability of the Applicant to provide the new footway and that subsequently the Planning Authority is minded to remove the requirement for the new footway, then no objection would be raised to this. In the first instance though I would recommend the condition is altered to ensure the footway is provided prior to any other development occurring."	
Officer Comment : Condition 23 should now read: "A new 2 metre wide footpath shall be provided on the north side of Hawthorn Road linking to the existing path before any other development is commenced."	
Notes: Changes to recommendations, conditions and/or reasons for refusal will always be accompanied by a new replacement recommendation sheet.	

PLANNING APPLICATION REPORT

REF NO: BR/60/08/

LOCATION: 262 Hawthorn Road
Bognor Regis

PROPOSAL: Demolition of existing dwelling & erection of 36 Category 2 sheltered apartments, communal facilities & car parking (Resubmission of BR/388/06)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for 36 sheltered apartments, communal facilities and car parking. The building would be 2 storeys in height to the northeast, rising to 2.1/2 storeys on the south western end nearest to the roundabout. A 2 storey wing goes back into the site on the north eastern side adjacent to the rear garden of 252 Hawthorn Road. A 2 storey wing at the south western part of the site is close to the boundary with 10 Newhall Close, with its ridge line approximately 0.6m higher than that property. Car parking is to take place to the rear of the site with access from Hawthorn Road. The front elevation of the building is broken up by deep inserts and glazed links. The majority of the trees and shrubs are to be retained that are mainly on the boundaries of the site.

SITE AREA

0.52 hectares

RESIDENTIAL DEVELOPMENT DENSITY(NET)

69 dwellings per hectare

TOPOGRAPHY

Predominately flat.

TREES

A considerable number of mature trees mainly around the boundary of the site.

BOUNDARY TREATMENT

To northeast - 1.3m high wooden fence and 1m high chain link fence. To southeast - 1.5m high chestnut paling fence. To southwest - 2m high closed boarded fence. To northwest - close boarded fence 1.6m high.

SITE CHARACTERISTICS

Two storey detached house in very large garden, presently boarded up. White painted smooth render on a brick plinth. Red plain tile roof. Hoardings around site.

CHARACTER OF LOCALITY

Mainly residential. 252 Hawthorn Road is a single

storey bungalow. 10 Newhall Close is a chalet bungalow with dormer windows in the roof. Detached two storey houses on other side of Hawthorn Road. The Martlets Public House is situated on other side of West Meads Drive.

RELEVANT SITE HISTORY

Reference	Description	Decision
BR/369/05/	Outline application to form new access way to Hawthorn Road. Demolish number 252 and build 5no. 3 bedroom houses within the curtilage of numbers 262 & 251	Approve Cond 18-01-2006
BR/165/06/	Erection of 44 sheltered apartments (category 2), house managers accommodation, communal facilities, car parking and landscaping	Refused 24-05-2007
BR/388/06/	Erection of 44 sheltered apartments, house managers accommodation, communal facilities, car parking and landscaping	Refused 22-02-2007 Appeal: Dismissed 22-AUG-2007

REPRESENTATIONS

Representations received:

Bognor Regis Town Council
No objection.

14 letters of objection:-

- Over dense
- Out of character with the street scene
- Low standard of design
- Unneighbourly to surrounding properties
- Does not allow for safe movement of pedestrians and vehicles
- Land to front of properties 252 - 248 is privately owned
- Loss of wildlife
- Building too high
- Dangerous access too close to roundabout
- Lack of car parking spaces
- Inadequate local services, doctors, dentists, hospitals

location of the development close to public transport and other essential services further reduces the need for car use.

The site at Hawthorn Road is reasonably located for sheltered housing, being situated within easy walking distance of local bus services which then connect to shops in Bognor and the Aldwick Road areas. In addition, it is a short walking distance to the new Medical Centre in Hawthorn Road.

The submitted layout shows the existing access to Hawthorn Road closed and a new access being formed some 46 metres further along Hawthorn Road, providing a greater distance from the roundabout for vehicles entering and leaving the site. Visibility sight lines from the proposed new point of access back to the roundabout are adequate. Sight lines, looking towards the east are also satisfactory. Finally, forward visibility towards the roundabout for drivers approaching the site from the east and wishing to turn right into the site is acceptable.

The submitted plans show a new 2m wide footway is to be provided on the north side of Hawthorn Road, linking to the existing path to the east. The area of land on which the path is to be provided is not included within the red-edge of the planning application, but I will recommend a Grampian type condition that the units shall not be occupied until a path is provided. Furthermore, the new access is shown as being laid out as a bellmouth - this need only be a dropped crossing.

The only other point of any significant difference between the current application and BR/165/06 is in respect of the car parking provision. The plans submitted with BR/165/06 showed the provision of 23 spaces, the current application shows 12 spaces. The WSCC Maximum Parking Standards state that for sheltered accommodation, 1 parking space should be provided per 2 units. On that basis a maximum of 18 spaces may be provided. Given that 12 spaces are proposed, the maximum standard is not exceeded and no concerns would be raised. The site is in an accessible location with passenger transport facilities within walking distance and Bognor Town Centre is within reasonable walking distance to facilities offered within Aldwick and Bognor Regis.

Principal Enabling Officer:-

I confirm that since there was a prior agreement on the affordable housing element for the committed sum, it would be appropriate in this instance to agree that the same formula is used on the revised number of "Affordable Homes" which I understand will now be 14 units. Y

Southern Water - No objection.

Landscapes - The tree protection plan provided with this application appears to adequately address the protection of the important trees on and adjacent to the development site. Previous concerns regarding proximity of trees to the proposed building are satisfactorily addressed. Landscaping scheme is adequate.

Engineers - Awaited

- Inadequate infrastructure
- Contrary to Local Plan policies
- Culverting the ditch will result in drainage difficulties and flooding
- Does not meet the terms of the Inspector's decision on the previous appeal in that it will still adversely impose on the character of the area and be unneighbourly.

Comments on Representations received:

It is considered that the design of the flats would make a positive contribution to the character of the area. The revised design splits the buildings into visually different elements that are linked by glazed links set back. In the street scene the roof lines of the building aligns with the existing buildings that abut the site. It is not considered that the proposals will be unneighbourly in that the buildings are set back from the boundaries sufficient distances so that there will be no significant adverse effect by overshadowing or overlooking. The car parking area to the rear of the site is considered to be far enough off the boundary and landscaped not to cause undue unneighbourliness by reason of noise. The most important trees on the site are being retained. County Highways are satisfied with the access arrangements and that the access and the resultant movement of vehicles will not have an adverse impact on highway safety. There is a dispute over the land to the front of the properties 252 - 248 and the applicants have indicated that the highway authority does have control of this land. This matter is now a civil matter and not a material planning consideration.

It is considered that the proposals do take into account the Inspector's decision on the previous appeal and that now the visual impact is reduced, the archway removed and the proposals far enough away from the boundary with No.252 Hawthorn Road for undue overlooking and overshadowing not to occur.

CONSULTATIONS

West Sussex - Planning Officer
 Head of Highways and Transport
 Southern Water Services Ltd
 Philippa Dart
 Engineering Services Manager
 F A O Sue Welfare

Consultations responses received:

County Planning Officer:-

No strategic planning objection. Infrastructure contributions required of £4,476 for library and £500 for fire. An archaeological investigation is required.

County Highways:-

No objections raised. Previous comments on BR/165/06 still applicable:-

It is acknowledged that sheltered housing in the form proposed by McCarthy & Stone here and elsewhere throughout the country generates extremely low levels of traffic, and the

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan	LOC1	Locational Strategy
	NE3	Housing Provision
	NE17	Roads
	CH1	Character
	CH7	Archaeology
	ERA1	Making the best use of land
	DEV1	High Quality Development
	DEV3	Infrastructure Requirements
	DEV5	Parking Provision
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN12	Parking in New Development
	GEN23	The Water Environment
	GEN29	Nature and Conservation Across the District
	DEV17	Affordable Housing
	DEV21	Accommodation Restricted to Occupation by the Elderly

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG9	Nature Conservation
PPG13	Transport
PPG16	Archaeology and Planning

POLICY COMMENTARY

The above policies combine to give the development control criteria against which applications of this nature will be judged that is the effect on the visual and residential amenities for the area and highway safety. Also, as the proposal is over 24 units of accommodation there is a need for the provision of 40% affordable housing.

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. Also, there will be no adverse impact on highway safety.

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 site lies within the built-up area as defined in the Arun District Local Plan where the principle of residential development is acceptable subject to normal development control criteria being met.

The existing dwelling is pleasant in appearance but has no statutory protection and is not a designated Building of Special Character. It is therefore considered that its demolition cannot be objected to. The proposed buildings are large but are broken up in visual terms by having glazed links between the main elements and by having the driveway through the centre to the car parking at the rear. The design is considered to be of quality and will enhance the visual amenities of the area. A two storey element is adjacent to 252 Hawthorn Road, which is a bungalow. However, the ridge heights are 6.2 metres and 8.2 metres and have hipped roofs sloping away from each other. This will not cause undue overshadowing and overlooking.

The two storey wing to the rear is situated between 13.8 and 11.6 metres from the boundary with No. 252 Hawthorn Road. There are 3 living room and bedroom windows at first floor level overlooking the rear garden. However, it is considered that the distances to the boundary are sufficient not to cause unreasonable overlooking.

The ridge height of the proposed two storey wing adjacent to 10 Newhall Close (a chalet bungalow) is 8.6m. 10 Newhall Close's ridge height is 7.8m and there will be 14.7 metres between the two buildings. It is 7 to 11.6 metres from the boundary and set slightly forward of the next door property.

It is not considered that this will result in undue overlooking or overshadowing, especially as the windows in this elevation are being proposed as obscure glazed.

The car parking is to the rear of the site accessed between the two building blocks. The car park, consisting of 12 spaces, is in the region of 4.2 to 12 metres away from the rear boundary and it is proposed that a 1.8 metre high brick wall is constructed along the boundary and that an evergreen hedge is planted in front of the wall. It is considered that this is acceptable and will mitigate against there being an adverse effect on the amenities of the next door property.

On the original application (BR/388/06) an ecological report indicated the presence of Common Toad, Common Frog, Smooth Newt and Palmate Newt. It indicated that these species do not represent a legal issue but recommended that the pond and/or ditch be retained along the grassland and scrub bordering them.

The Inspector on the recent appeal identified two main concerns:-

- the effect on the character and appearance of the surrounding area
- the effect on the living conditions of neighbours with special reference to privacy and overshadowing.

He dismissed the appeal on the following grounds:-

- (1) He considered that the development proposal would have an adverse effect on the character of the area when viewed from Aldwick Road and the immediately adjacent roundabout.
- (2) He considered that there would be a loss of privacy to 252 Hawthorn Road from first floor habitable windows.
- (3) The proposed archway would be a height and size out of keeping with the domestic scale of building and surrounding housing.

The Inspector also states that the detailed design of the building is generally acceptable as it would be successfully broken up by the use of varied ridge heights, the provision of 3 storey elements within the roofspace and the use of three projecting elements on the main frontage forward of a recessive central core.

It is considered that the Inspector's reasons for dismissal at appeal have been overcome by the present proposals.

The buildings have been moved further into the site and the 3 storey elements reduced to 2.1/2 storey on the corner with the roundabout. It is now considered that the scale is more in keeping with the surrounding development and that the proposals will not be prominent or incongruous when viewed from Aldwick Road. The distances away from No.252 Hawthorn Road are considered to be sufficient for there to be no significantly adverse overlooking to the rear garden.

The archway has been removed from the proposal and two separate blocks of flats are being

proposed.

The applicants have indicated that they are offering a commuted sum in lieu of providing the affordable housing on site and the Principal Enabling Officer has indicated that this is acceptable. This was also accepted by the Inspector at the previous appeal.

It is therefore recommended that subject to the satisfactory receipt of a Section 106 Unilateral Undertaking for infrastructure provision is received by 14th May 2008 that the application be approved subject to the conditions set out overleaf. If no Section 106 Unilateral Undertaking is received by this date then the application be refused on the grounds of lack of infrastructure and affordable housing commuted sums.

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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 5 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 6 Details of a scheme for the retention and management of the amphibians found on the site shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced.

Reason: In the interests of nature conservation in accordance with policy GEN29 of the Arun District Local Plan.

- 7 The windows on the end elevation of the building facing 10 Newhall Close shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.

- 8 With the exception of the manager's accommodation, the Category II sheltered flats hereby permitted shall only be occupied by persons of 60 years of age or over, together with a spouse of 55 years or older, if applicable, or other persons as may be agreed in writing by the local planning authority.

Reason: A reduced car parking standard has been used in accordance with policy DEV21 of the Arun District Local Plan.

- 9 No development shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan

- 10 Details of any external lighting/floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: to safeguard the amenities of nearby residents in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN33 of the Arun District Local Plan.

- 11 Details of the materials to be used for the access drive and car parking area shall be submitted to and approved in writing before the development hereby permitted is commenced.

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

- 12 No development shall take place until details of screen walls, railings and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls, railings and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 13 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing before the commencement of any building works

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with policies CH7 of the West Sussex Structure Plan and AREA 17 of the Arun District Local Plan.

- 14 The development shall not proceed until details of the proposed surface water means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN9 of the Arun District Local Plan.

- 15 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: In order to prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 16 No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

Reason: To prevent pollution of controlled waters in accordance with policy GEN7 of the Arun District Local Plan.

- 17 The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 18 The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 19 The building hereby permitted shall not be occupied until all accesses to the site other than hereby approved have been stopped up permanently and obliterated.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 20 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 21 The building shall not be occupied until the parking spaces and turning facilities

shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan

- 22 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 23 A new 2 metre wide footpath shall be provided on the north side of Hawthorn Road linking to the existing path to the east and no flat shall be occupied until this has been provided.

Reason: In the interests of highway safety in accordance with policy NE17 of the West Sussex Structure Plan

- 24 INFORMATIVE: The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.

- 25 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO239EH (tel 01962 858688) or www.southernwater.co.uk