

REPORT UPDATE

Application No: BR/93/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Officers Comment:

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Since the Committee report was compiled the Council's Tree and Landscape Officer has commented on this application. In the event of insufficient information they would have to object to this application as there are significant trees both on and off the site which may be adversely affected by the proposals. However they consider that this development proposal is achievable but further work is required to come up with a plan and method statement that ensures adequate protection and respect for trees of significant value. They also consider that:

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

There is a cluster of trees at the site entrance which have important screening value and visual amenity. Although none are of special merit as individuals, they are a cohesive group with some landscape value and should be protected throughout any development of the site. This should be easy to achieve as much of their RPA is under established hard-standing which would remain undisturbed and remaining aspects given over to grass verge can easily be 'fenced off' without complicating any site work. Some facilitation pruning of overhanging branches may be required to allow uninhibited delivery of materials to site and this should also be specified in a formal report.

and they recommend that:

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 Protection 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) to 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.

Officers consider, as the Council's Landscape and Tree Officers states that the proposal is achievable following further work, the imposition of an appropriate condition recommending the aforementioned further details be provided prior to the commencement of works is appropriate.

Previous condition number 3 has been replaced:

Previous Condition:

Tree protection must be in place during construction for any trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 'Trees in relation to construction' Any tree works/removal must be in consultation with Arun District Councils Tree Officer.'

Reason: In order to ensure the protection of nearby trees in accordance with policy ENV DM4 of the Arun Local Plan.

Current Condition:

Prior to the commencement of works, relating to the extensions to the clubhouse hereby granted, the applicant is required to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment which must be inclusive of a Tree Survey Schedule, a Root Protection Area (RPA) Schedule and a Tree Protection Plan, which shall be submitted to and agreed in writing by the Local Planning Authority

In the event that a RPA of any tree which is proposed for retention overlaps the development an Arboricultural Method Statement (AMS) is carried out in accordance with BS5837:2012, prior to the commencement of works relating to the extensions to the clubhouse hereby granted, which shall be submitted to and agreed in writing by the Local Planning Authority.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: BR/93/18/PL

LOCATION: Clubhouse & Grounds
Hampshire Avenue
Bognor Regis
PO21 5JH

PROPOSAL: Single storey pitch roof side extension, flat roof rear extension with replacement of existing garage with 2 No. metal storage containers on a concrete slab with access ramps.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
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TOPOGRAPHY	Predominantly flat.
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TREES	None of any significance affected by the proposed development.
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BR/94/18/A Extension of 1 No. non-illuminated fascia sign to east elevation & logo signs to north elevation.

BR/307/14/PL Pitch roof rear extension to club house.

ApproveConditionally
28-01-15

A number of previous applications have been submitted in relation to the extension of the club house.

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Regis Town Council: Object to this application, their comments are summarised as follows:

- Committee did not object to the proposed extension to the clubhouse but did object to the 2 storage containers.
- Committee are aware of anti-social behaviour resulting from the location of the existing garage, it being in such close proximity to their rear garden fences.
- Do not believe that a replacement structure should be erected on the same site as existing garage.
- May be minded to raise no objection, in principle, should a planning application be submitted for 2 metal storage containers to be located elsewhere on the grounds.

4 Neighbour letters of objection have been received regarding this application and are summarised as follows:

- Extremely concerned that as our property and next door are the only ones effected by this proposal not

all considerations of the impact will be investigated as its a not a major project.

- Containers currently sited on rugby car park is massive but also very ugly to look at.
- Will block our back gate and be too close to rear fence.
- Object with regards to the anti social behaviour that occurs around the already existing storage shed. Activities would quickly disappear if the existing shed were to be demolished.
- Issue with volume of noise generated by metal containers.
- Maybe the storage containers could be moved to another area of the field.

COMMENTS ON REPRESENTATIONS RECEIVED:

Will be discussed within the conclusions section below.

CONSULTATIONS

Parks and Landscapes

Estates Manager

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Greenspace:

Do not object to this application (no landscape objections). The existing trees to south/western boundaries and particularly to the rear of the building where established and worthy of retention must be protected and retained. Before construction, tree protection must be in place including for any trees whose root protection areas fall within the construction zone.

Engineers Comments:

A Southern Water rising main crosses the proposed development. It is advised that early engagement with Southern Water is made. No comments relating to surface water drainage.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built-up area Boundary

Pagham Harbour Access Management Zone

500 metre buffer - permitted waste sites

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
SDSP2	SD SP2 Built-up Area Boundary

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
DSP1	D SP1 Design

[Bognor Regis Neighbourhood Plan 2015 Policy 9](#) Local Green Space Designations

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 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policy 9 of the Bognor Regis Neighbourhood Plan has been taken into consideration in the recommendation.

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 or the useability of the facility for recreational purposes.

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 principle of development is acceptable within the built up area in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 subject to consideration against development plan policies. The key policy considerations in the determination of this application are D DM1 and D DM4 of the Arun Local Plan 2011-2031. Policy 9 of the Bognor Regis Neighbourhood Development Plan protects named open spaces but allows development on them in certain circumstances e.g. where it preserves/enhances the existing use.

DESIGN AND VISUAL AMENITY:

The extensions to the existing club house are deemed to be sympathetic in terms of their size and scale as well as being in keeping with the existing character of the building. The extensions will be visually integrated with the existing building through the use of matching materials, apart from the proposed flat roof element. The addition of a flat roofed element would not have a detrimental impact, due to its position and design, on the club house or the surrounding area.

The proposal also includes the provision of storage containers to the north of the site, to the rear of properties on Chichester Road, in a similar position to that of the existing storage garage.

Objection has been raised, regarding the proposed storage container, whereby:

-Containers currently sited on rugby car park is massive but also very ugly to look at.

It should be noted that the container is already on site (minus the proposed pitched roof) within the car park and is painted green with brown stripes. The container would feature a pitched roof covered with anti-climb paint to stop antisocial behaviour. The proposed container would have a height of 3.8 metres to the bottom of the concrete base and would be metal in construction. Additionally the proposed container would be sited off the common boundary of adjoining properties by approximately 1.5 metres. While the proposed container would not be of the most outstanding design Officers consider it would not have a detrimental impact on the setting of the wider area.

As such, it is considered that the proposed extensions complies with D DM1 and criteria a, b, d and e of D DM4 of the Arun Local Plan 2011-2031.

The proposal is also deemed to be in accordance with policy OSR DM1 of the Arun Local Plan and policy 9 of the BRNDP as it will enhance the facilities at the site without having any impact upon the provision of open space.

RESIDENTIAL AMENITY:

Officers note that no objections have been received regarding the proposed extensions to the club house. The proposed flat roofed clubhouse extension would be sited over 20 metres from the rear elevations of the surrounding properties along Hampshire Avenue and Mons Avenue. The proposed pitched roof extension would also be sited over 20 metres from the rear elevation of nearby properties. No windows are proposed into any of the elevations of the proposed club house extensions. Therefore it is considered that the proposed extensions would not have a detrimental impact upon the occupiers of neighbouring properties with regard to overlooking, overbearing impact, overshadowing or loss of light/sunlight.

With regard to noise, Officers do not consider that the use of the proposed extensions (shower facilities) would result in a detrimental level of noise. However, should noise levels become an issue they can be dealt with under that appropriate Environmental Health legislation with regards to noise.

A number of objections have been received regarding the proposed storage containers.

Amendments have been made to the application whereby one of the proposed containers has been removed and the addition of a pitched roof covered in anti-climb paint is proposed. The plans have been amended so that the container would be sited 1.5m in from the rear boundary of neighbouring properties with spikey tree and shrub planting in the gap between the rear boundary of neighbouring properties. Not all unsociable activity can be stopped in this location but officers consider the measures go a considerable way to restrict the ability to climb on the storage container. Officers consider this could reduce disturbance caused to occupiers of neighbouring properties. Planning should take into account safety and security and where possible have mind to crime prevention. With this in mind, Officers consider that the amendments made would reduce the potential for the proposed storage container to be used to disturb occupiers of neighbouring properties.

Should undesirable activity take place to such an extent that the noise became a nuisance it would be a matter dealt with outside the planning system under the appropriate Environmental Health/other legislation.

Officers also note the objections raised with regards to noise from the use of the storage container. It should be noted that noise from use of the storage container would only occur if people were to throw items into it. It would be up to the club and its users to ensure that this was the not case and that mind was had to good neighbourly conduct with particular regard to noise.

The container would be sited approximately 17m from the rear elevations of the dwellings which would back onto the proposed container. Officers consider that noise or disturbance from the container would be limited and the proposal would not have a detrimental impact upon occupiers of neighbouring properties. Officers note that while views of the container would be available above the rear boundary fencing of the neighbouring properties it is considered that given the proposal is sited approximately 17m from the rear elevations of the dwellings, along with its size and scale, the container would not have adverse overbearing impact.

It is not clear who has access rights over the rugby club land and as such any access that may be blocked over is a civil matter. From an assesment of the Council's mapping data and the West Sussex County Council's imap there do not appear to be any public rights of way in the form of footpaths over the application site. If indeed the neighbour does have a right of access over this land it is not clear and would likely have been arranged privately. Officers consider the obstruction of a private back gate to be a civil matter with the applicants and is not a material planning consideration.

While the container could potentially be moved to another part of the site, based on the above assesment, Officers consider it would not have a detrimental impact upon the occupiers of neighbouring properties in its proposed location.

A such Officers consider that the proposals would not have a detrimental impact on the occupiers of adjoining properties with regards to overbearing impact, overlooking, overshadowing and loss of light/sunlight.

As such it is considered that the proposal would comply with policies D DM1 and D DM4 criterion 3. of the Arun Local Plan 2011 - 2031.

TREES:

There are trees close to the proposed extensions to the clubhouse. The Council's Greenspace Officer has been consulted. They do not object to this application (no landscape objections) there comments are

as follows:

'Existing trees to the south/western boundaries and particularly to the rear of the building where established and worthy of retention must be protected and retained. Before construction, tree protection must be in place including for any trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 'Trees in relation to construction' Any tree works/removal must be in consultation with Arun District Councils Tree Officer.'

The Council's Tree Officer has also been consulted and comments have yet to be received and will be given via a Committee update.

CONCLUSION:

It is recommended that, subject to the outcome of the Tree Officer comments and having regard to the above assessment, the planning application is granted subject to appropriate and reasonable 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:

19 Revision A, 20 Revision A, 29 Revision A, 21, 22, 23, 24, 25, 26, 27 and 28.

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

- 3 Prior to the commencement of works, relating to the extensions to the clubhouse hereby granted, the applicant is required to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment which must be inclusive of a Tree Survey Schedule, a Root Protection Area (RPA) Schedule and a Tree Protection Plan, which shall be submitted to and agreed in writing by the Local Planning Authority

In the event that a RPA of any tree which is proposed for retention overlaps the development an Arboricultural Method Statement (AMS) is carried out in accordance with BS5837:2012, prior to the commencement of works relating to the extensions to the clubhouse hereby granted, which shall be submitted to and agreed in writing by the Local Planning Authority.

- 4 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.