

PLANNING APPLICATION REPORT

REF NO: BR/55/20/PL

LOCATION: Abbots Lawn  
Sylvan Way  
Bognor Regis  
PO21 2RS

PROPOSAL: Proposed first and second floor extensions.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>It is proposed to extend the building as follows:</p> <ul style="list-style-type: none"> <li>- Single storey office extension on west side of front projection;</li> <li>- First floor hipped roof extension over existing single storey front projection to add 4 new bedrooms;</li> <li>- Second floor accommodation in the main roof to provide 9 new en-suite bedrooms and a lounge;</li> <li>- Two additional parking spaces alongside the western boundary;</li> <li>- Ground floor bedroom next to the laundry changed to a training room; and</li> <li>- New windows including roof level dormers to the corresponding new accommodation.</li> </ul> <p>The changes to the main roof will increase the height to approx. 9.6m. The existing is part 8.5m and part 7.3m. The first floor extension above the forward projection will be approx. 7.1m high. The applicant is also proposing two additional visitor parking spaces within the front car park</p>
SITE AREA	0.2 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There are significant trees on and off site which could be affected by the proposals. It is proposed to remove 6 trees (T5-10 in the schedule) and undertake pruning to T1 a Lime tree. The new car parking spaces will be under the canopy of a large Lime tree just inside the front western boundary.
BOUNDARY TREATMENT	1.8m high walling to front and sides. There is a part wall/part fence to the rear plus dense tree planting.
SITE CHARACTERISTICS	Care home of mixed height but predominantly two storeys with a tiled roof of pitches and hips. Many extensions have been added (one and two storey) including single storey front projection. Landscaped gardens to front/rear. Access from Sylvan Way leads to a parking area of 10 spaces. The site frontage is 38m long and has unrestricted on-street parking

along its length (save for the width of the access).

CHARACTER OF LOCALITY

Predominantly residential. Houses opposite are mainly two storeys and have windows in the gable end at second storey. There are houses to the rear in Elfin Grove.

<b>RELEVANT SITE HISTORY</b>
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BR/316/18/PL	Single storey extension to west elevation.	ApproveConditionally 31-01-19
BR/314/18/PL	Front 1st floor extension over residents lounge to provide 4 No. bedrooms & link extension.	ApproveConditionally 28-10-19
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

The proposal seeks permission for various extensions, which have been previously approved by other applications.

BR/134/17/PL (resubmission of BR/63/14/) allowed 9 bedrooms and a lounge in a new second floor, a 2 bed first floor extension at the rear and the widening of the car park access. This permission expires on the 31 August 2020.

BR/314/18/PL allowed a 4 bedroom first floor extension above the front projection. It was approved with a Tree protection plan and relevant conditions. This permission expires on the 28 October 2022.

BR/316/18/PL allowed a single storey office extension on the west side of the front projection. This permission expires on the 31 January 2022.

The application is an amalgamation of these three but with a loss of 1 bedroom on the ground floor to provide a new meeting/training room area and without the 2 bedroom first floor extension approved by BR/314/17/PL. The application represents a net loss of 3 bedrooms compared to what has planning permission. The proposals are very similar in design but the new roof design has 1 less dormer (replaced by a velux) in the south elevation than BR/314/17/PL. In addition, two secondary bedroom windows (one per flank elevation) have been removed from the new first floor of the forward projection.

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Object - plans result in overdevelopment and have an adverse effect on the area due to the increase in noise, traffic and pressure on parking.

18 letters of objection:

- (1) Details of tree works added late;
- (2) Loss of privacy to neighbours (from east/west facing windows & works to trees) and loss of light;
- (3) Noise disturbance from residents & traffic movements;
- (4) Insufficient parking provision leading to on-street parking conflicts;
- (5) Applicant should fund off-street parking permits for existing residents on Sylvan Way;
- (6) No parking for contractors;
- (7) Commercial development not in keeping with residential area;
- (8) Difficult to believe that no new staff will be employed;
- (9) Planning notice put up in wrong location twice then removed; and

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The Town Council comments are noted and considered in the report conclusions. The following comments are offered in response to the resident objections:

- (1) Although additional copies were added in June, the Tree Protection Plan and Tree Schedule did form part of the original submission and are on the website (03/03/20). The statement was added later but this is the same as submitted with BR/314/18/PL and did not represent new information;
- (2) & (3) Residential amenity issues/ noise are considered in the conclusions but the only new east/west facing windows are on the flanks of the first floor extension of the forward projection which is centrally sited and some distance from neighbours. New dormers and velux windows face either north or south. Only minor works are proposed to 1 Lime Tree and these were allowed by BR/314/18/PL;
- (4) This will be considered in the report conclusions;
- (5) This is not considered to be reasonable or relevant to the impacts of the proposal;
- (6) Construction impact is temporary and contractors could park on the road to the front of the site without causing conflict to other road users;
- (7) Noted however, this is an existing commercial care home;
- (8) Noted;
- (9) Accepted. This was rectified and neighbours allowed 21 days from the posting of the 3rd notice. It is unfortunate the notice on Sylvan Way was removed; and

#### **CONSULTATIONS**

Engineering Services Manager  
Engineers (Drainage)  
WSCC Strategic Planning  
Arboriculturist

#### **CONSULTATION RESPONSES RECEIVED:**

WSCC HIGHWAYS - no objection and recommend no conditions. State that:

- No highways objections raised to previous applications;
- Sylvan Way is subject to a 30mph speed limit;
- No recorded injury accidents within the vicinity of the site in the last 5 years;

- No anticipated highway safety concerns with any increase in vehicle movements;
- No additional parking provision is proposed to serve the extension but no loss of any spaces;
- As stated in the application, no additional staff will be employed as part of the extensions;
- There are no parking standards for care home uses but visitor & staff parking would likely be required;
- Parking restrictions prohibit on-street parking in places detrimental to highway safety; and
- Recommend that the applicant clarify why no additional parking is proposed.

ADC DRAINAGE ENGINEERS - no objection and state no conditions requested.

#### COMMENTS ON CONSULTATION RESPONSES:

WSCC HIGHWAYS - The applicant advised that no extra staff will be employed at the care home also that visitor times are staggered as per health and safety legislation. Notwithstanding, the applicant has acknowledged the concerns of residents and suggested a proposal to add two additional parking spaces for visitors and these are now included in the application plans.

ADC TREE OFFICER - The Councils Tree Officer will be providing a response which will be reported to the Committee by a report update. In the meantime a TPO (TPO/BR/2/20) has been served on two trees (Yew & Lime) at the front of the property.

#### POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;  
No Public Sewer;  
Provisional TPO/BR/2/20; and  
PD Restriction.

#### 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
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM2	H DM2 Independent living and care homes
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:

**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.

There are no relevant policies in the Bognor Regis Neighbourhood Development 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 relevant Development Plan policies in that the extensions by reason of their size and position would not cause demonstrable harm to the character or appearance of the area or the amenities of the neighbouring properties and the increase in bedrooms would not require an increase in the number of parking spaces.

**OTHER MATERIAL CONSIDERATIONS**

It is material that the proposal is effectively an amalgamation of three previous approvals all of which are still valid and could, subject to the discharge of pre-commencement conditions, still be implemented.

**CONCLUSIONS****PRINCIPLE:**

The site lies in the built up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan covering such issues as character/design, highway safety/parking, residential amenity and noise pollution.

ALP policy SD SP1 states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

Para 61 of the NPPF states housing needed for different groups in the community should be assessed and reflected in planning policies and this should include housing for older people. ALP policy H DM2 reflects this and sets out 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 (BUAB) 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 a facility in the BUAB;
- (b) The site is in a sustainable location with potential for trips by staff/visitors from the surrounding area to be made on foot, cycle or bus. There is a railway station in the centre of Bognor Regis;
- (c) The scheme is designed in the interests of the potential users of the accommodation;
- (d) This report concludes the design and scale of the scheme is appropriate to the site context;
- (e) The site already provides a good amount of external amenity space; and
- (f) The site is appropriately located such that it supports a healthy lifestyle enabling residents (if able) to walk in the local area.

In comments from June 2019 from an other application for care home accommodation (AL/42/19/PL), WSCC People Services stated:

- Local analysis indicates that overall demand for different types of care from 2014 to 2034 is estimated to rise by 67% in West Sussex;
- This translates to a projected additional demand in the County for 9,707 residential care home beds and 6,720 nursing beds;
- It is anticipated that Arun will experience the largest rise in demand in West Sussex across all care types due to the projected increase of people over the age of 75 within the district and long term care which is projected to grow by an estimated 72% by the year 2034; and
- This projected increase would suggest that the number of residential care services will need to increase in Arun in excess of 2000 new residential placements by the year 2034.

The proposal is acceptable in principle having regard to ALP policies SD SP1, SD SP2 & H DM2.

#### CHARACTER & DESIGN:

ALP Policy D DM1 requires that the Council seek to make the best possible use of 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 necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. ALP policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. These generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The building is a mixture of roofs that add to the visual appearance of the building. The new larger main roof is mainly formed of a single plane which is uncomplicated, set in from the flanks and is broken up by two gables and dormer windows on the front and by the subservient first floor forward projection.

Although the increase in height means there is conflict with D DM4 as it is not subservient to the existing, the height increase is not significant in the context of what is an existing large building with significant bulk & mass. The building is set well back from Sylvan Way and there are a considerable number of

trees to the front, rear and on the western side which help to screen it and diminish views from Sylvan Way. It is not considered that the extension will be seen as dominating in the street scene or overdevelop the site.

The ground floor office extension and first floor extensions to the existing forward projections are considered to be modest additions which would only have a minor impact on the street scene.

The proposal complies with ALP policies D DM1 & D SP1. There is conflict with part (b) of D DM4 but this is not sufficient to justify refusal given the screening, set back distance and the planning history.

#### RESIDENTIAL AMENITY:

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 (c) requires that extensions/alterations: sympathetically 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". Regard should also be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The nearest dwelling to the rear in Elfin Grove lies 25m from the site boundary and there are significant trees on the boundary. There will be no significant adverse effect on these properties by reason of overbearing, loss of light or from overlooking. The same situation exists to the front to properties on Sylvan Way which are 45m from the main building and 31m from the front of the forward projection.

The east elevation to Orchard Gardens has no additional windows and the closest part of the main roof is hipped back then flat before the roof rises to accommodate the second floor accommodation. It is not considered that this results in significant adverse effect on the amenities of the neighbours. The west elevation to Courtney Lodge has no additional windows and similarly, the roof is hipped back, with a flat area and then another height increase.

Whilst residents of the new second floor accommodation will be able to look diagonally out of windows and potentially have views across adjacent land, this is not unusual and reflects the situation with existing first floor windows and also windows on other existing buildings with the street.

New east/west facing windows are proposed at first floor above the forward projection (1 on the east & 1 on the west) and these look west across the front of Courtney Lodge and east into the rear gardens of Knowle and 1 The Orchard Close. There will be around 13m between these windows and the neighbouring gardens to the east. The distance to the west is greater at 15m.

On BR/314/18/PL (which previously approved this first floor extension), 2 windows per flank elevation were shown and a condition was imposed to ensure that the secondary window on the east facing elevation was obscure glazed. In a change to the previous application, officers have secured an amendment to remove both secondary windows leaving only 1 first floor window on each first floor flank elevation and thus reducing any sense of overlooking.

For the above reasons, the proposal is in accordance with ALP policies D DM1 & QE SP1.

#### NOISE POLLUTION:

ALP policy QE DM1 requires proposals for new noise generating development must demonstrate there

are no suitable alternative locations for the development and provide a noise survey. This is not new noise generating development and it is not considered that the new bedrooms will have a materially greater harmful effect on neighbouring residents. No concerns were raised in relation to this on the previous applications.

It is not considered that a refusal on grounds of noise could be justified and the proposal accords with ALP policy QE DM1.

**PARKING PROVISION & ACCESS:**

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". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

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 that: "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 WSCC do not consider there to be any highway safety concerns associated with the potential for an increase in vehicle movements.

The Arun Parking Standards SPD does not contain specific rules on parking for care homes. WSCC considered the proposed increase of 13 bedrooms (net loss of 3 versus to that approved) alongside the existing parking provision, the maintenance of current staffing levels and comprehensive parking restrictions in the area which prevent parking in unsafe locations. WSCC recommend the applicant clarify why no additional parking is proposed - in response 2 additional spaces are proposed.

As WSCC raise no objections, as there are no actual parking standards to consider and as 2 extra spaces are being provided, it is not considered that a refusal on parking grounds can be justified or sustained on appeal. The site's sustainability credentials are discussed elsewhere. The proposal accords with policies T DM1 & T SP1 of the ALP and with the guidance on highway safety in the NPPF

**SUMMARY:**

It is not considered the proposals will have an adverse effect on the residential and visual amenities of the area or on the safety and capacity of the local highway network. The additional 13 bedrooms meet a demand for this type of accommodation. The proposal is considered to be acceptable and it is recommended that planning permission be approved subject to the conditions set out below.

<b>HUMAN RIGHTS ACT</b>
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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.

#### **CIL DETAILS**

This application is not CIL Liable therefore no developer contributions are to be sought.

#### **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:

Location and Block Plans;

Proposed Ground Floor Plan, Proposed North and South Elevations (December 2019 - as amended June 2020);

Proposed First Floor Plan, Proposed East and West Elevations (Rev A);

Proposed Second Floor Plan (December 2019); and

Proposed Extra Parking Spaces.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1, D SP1, H DM2, T SP1 & QE SP1 of the Arun Local Plan.

- 3 All activity at the site is to be carried out in strict accordance with the Arboricultural Method Statement by The Sussex Tree Company LLP, dated September 2019 and the included Appendix 6 Tree Protection Plan (dwg. no. STC-TPP-V1).

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.

- 4 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.

- 5 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.

- 6 No part of the extensions shall be occupied until the two additional car parking spaces shown on the part block plan received on the 18th May 2020 (on our website dated 11/06/20) have been provided. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 7 The materials and finishes of the external walls and roof of the extensions hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies D DM4 of the Arun Local Plan.

- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority

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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.

## **BACKGROUND PAPERS**

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.

**BR/55/20/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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