

Recommendation Report for Planning Permission**REF NO:** R/130/13/**LOCATION:** Rear of Denewood
74 Woodlands Avenue
Rustington**PROPOSAL:** Change of use of workshop (B1 Businesses) to residential use as a holiday let (C3 Dwelling House)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Proposal relates to retention of a single storey former workshop building for use as a holiday let. The accommodation comprises a lounge with kitchen area, a shower/toilet room and a bedroom. The unit measures 11 metres long, 4 metres wide and is 2.7 metres high.
SITE AREA	120 square metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site is surrounded by 1.8 metre high close boarded fencing
SITE CHARACTERISTICS	Detached single storey flat roofed building located at the end of the existing garden serving no 74, on the rear boundary adjacent to a rear access. The proposal includes an enclosed garden area and has pedestrian access from the access road. No 74 is a 2 storey property. Parking occurs on the site frontage.
CHARACTER OF LOCALITY	Predominantly residential, but the site is located on the edge of the village centre where retail units and commercial units occupy the ground floor. A vets, beauty clinic and dentist are located in the parade adjacent to the chiropractors.

RELEVANT SITE HISTORY

R/345/87	Continuation of workshop use for cycle repair and extension to workshop (already erected on site)	ApproveConditionally 04-01-1988
R/275/89	Continuation of workshop use for the manufacture of fibrous plasterwork	ApproveConditionally 22-01-1990

R/89/94	Change of use of part ground floor from residential to chiropody practice.	ApproveConditionally 12-08-1994
R/278/75	O/A for change of use of No 4 Woodlands Avenue to doctors surgery & use of land rear of Nos 74 & 76 W A for c/ parking	ApproveConditionally 09-01-1976
R/3/84	Change of use to garage at rear to cycle repair workshop	ApproveConditionally 29-02-1984
R/208/84	Renewal of temp planning permission R/3/84 for change of use of garage at rear from garage to cycle repair works	ApproveConditionally 19-09-1984
R/188/85	Renewal of temp permission R/208/84 dated 19/9/84 for C of U garage at rear from garage(Domestic) to cycle repairs	ApproveConditionally 09-09-1985
R/168/86	Renewal of temporary PP R/188/85 dated 09/09/85	ApproveConditionally 08-09-1986

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection

This residential back-land development would create a precedent which would alter the character of the area. The lack of car parking for this additional use would attract standing vehicles on the highway which would interrupt the free flow of traffic and add to the hazards of highway users.

Six letters of objection - Don't see how a holiday let would work. If access is from the rear then this increase in traffic and noise will affect all houses which are very close to each other. It also adds to safety concerns regarding unseen cars in this area. Will the building remain single storey? This is surrounded by businesses and terraced houses which are all very close to each other and will feel the effect of people coming and going and the noise which a holiday let would bring. This location is wrong for this business. Backs onto quiet residential gardens. Holiday makers would be 3 metres from adjacent garden. The presence of pets and parties and BBQs would cause a nuisance. The bathroom can be heard when in use. Parking is inadequate. Proposal does nothing for Rustington. Block/site plan is incorrect. Very unsuitable position residents will be subjected to noise and disturbance. The proposal will devalue the price of the neighbouring property.

Comments on Representations received:

Comment on Parish Council Comments.

The proposal would not set a precedent. County Highways have no objection to the proposal.

Comment on other Representations.

The use of the building already exists. Given the limited footprint of the building the number of people staying in the unit is unlikely to exceed 4 and there would be no adverse effect on the residential amenities of adjoining properties from this occasional level of occupation. Incidental use of building for family members would not require planning permission and

would result in similar impact. The unit is unlikely to be continuously occupied. The proposal relates to the existing single storey building. The siting of this type of use is not inappropriate. Other business uses exist at ground floor level in Woodlands Avenue and the site is located on the edge of the retail centre of Rustington. The garden backs onto an access road and the nature of the use is residential and in keeping with the residential uses behind. Any noise from the property to the rear would not cause material harm. There are no windows facing onto the rear access road and the garden are is the other side of the application building. There is also no rear access. Noise associated with the proposed residential user would be no different to that associated with occassional occupancy of a small residential property. The parking facilities are adequate. The submitted block/site plan is correct. Devaluation is not a material planning consideration.

CONSULTATIONS

WSCC Strategic Planning
Environmental Health

Consultations responses received:

Environmental Health
No comment
County Highways

No objection. The site is located directly opposite the Rustington Town Centre car park. No concerns with parking arrangements. It is not anticipated to result in a significant increase in vehicular activity over the permitted B1 use. A condition relating to cycle parking should be included.

Comments on Consultation responses:

Noted. It is not considered that cycle parking provision is necessary. This is a holiday let close to the retail village centre and is not anticipated that holiday makers would bring their cycles or arrive on them. In any case the building is located within a secure and enclosed site where secure cycle parking could take place if necessary.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 DEV34	The Form of New Development Tourist Accommodation and Attractions
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PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

XXX3	Good Planning Practice Guide on Tourism
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed

according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

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

Background

The application has resulted from a desire to regularise the current unauthorised use of the building which the applicant was unaware required planning permission. The business was set up to provide additional income for the occupiers of 74 Woodlands Avenue. The use has been operating for a year and is advertised with Hoseasons and Cottages4you. The premises has an enclosed separate garden area to facilitate occupation by visitors with dogs. Bedding and towels are provided by the owner of 74 Woodlands Avenue.

Planning History

The proposal relates to use of the existing building. The structure was granted permission as a workshop on a temporary basis in 1987 which was subsequently renewed in 1989 under (R/275/89). This previous authorised use is a material consideration.

Residential Amenity and Character of the Area

The proposed residential use would be more appropriate in this residential area and would be likely to generate a lower level of noise than the manufacture of fibrous plasterwork. The proposal is only acceptable on the basis that the occupiers of 74 Woodlands Avenue own and operate the facility since parking facilities on the site frontage in Woodlands Avenue are shared with visitors

and the occupiers of the property service the holiday let which is located in their rear garden. The premises has no site frontage to Woodlands Avenue and there is no vehicular or pedestrian access to the rear. The site would not be large enough to accommodate an independent residential unit and would not be appropriately located to facilitate an independent unit that would not have an unacceptable impact on the character of the area. The level of accommodation that is provided is limited to one bedroom and a sofa bed so only a maximum of 4 people could occupy the premises at any one time and this is unlikely to be every time the premises is let. Subject to conditions restricting the length of occupation and number of occupants at any one time the proposal would not cause material harm in terms of noise and activity generated and impact on adjoining residents and is considered to be acceptable in terms of residential amenity.

Parking

County Highways have no objection to the application in terms of parking provision. The site has parking available in Woodlands Avenue shared with the business and residential use and there is a public car park opposite.

Tourism

The proposal relates to provision of tourist accommodation which accords with policy DEV34 in that there would be no adverse effect on the character of the area which is mainly residential, but does contain business uses at ground floor fronting Woodlands Avenue.

Affordable Housing

No affordable housing contributions have been requested since the unit would be occupied as a holiday let and would not be available on the open market.

Conclusions

It is therefore recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (the right to respect for 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 no negative 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: location plan, block plan and floor plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The accommodation hereby permitted shall be used in conjunction with the occupation and enjoyment of 74 Woodlands Avenue as a dwelling and business and shall not be used as a separate unit of accommodation unrelated to the occupation of 74 Woodlands Avenue.

Reason: To accord with policy GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 3 Notwithstanding the provisions of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days. The owner shall maintain a register of occupiers for each calendar year which shall include:

- 1)The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and
- 2)The start and end date of the stay and the purpose of the stay.

It shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: To ensure the property is retained for holiday purposes and does not become a permanent residential unit in accordance with policies GEN7 and DEV34 of Arun District Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the

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presumption in favour of sustainable development, as set out within the National Planning Policy Framework.