

Recommendation Report for Planning Permission

REF NO: R/147/21/PL

LOCATION: Land to the south of garage compound
Sutherland Close
Rustington

PROPOSAL: Two secure cycle stores to south side of existing garage block, 2m timber fence & soft landscaping around the perimeter. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application is for the construction of 2 cycle stores, the erection of a 1.0 metre high timber boundary fencing and the provision of landscaping at the end of an existing row of garages.
SITE AREA	31 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site boundaries consist of an area of overgrown trees and hedges along the eastern boundary; the existing row of 9 lock-up garages to the north; and the site fronts onto Holmes Lane to the south and Sutherland Close to the west.
SITE CHARACTERISTICS	The site comprises an area of overgrown trees and hedges at the end of a row of 9 lock-up garages at the junction of Holmes Lane and Sutherland Close, in Rustington. The application site finishes in line with the back wall of the existing row of garages.
CHARACTER OF LOCALITY	The site is located within a predominantly residential area of Rustington. The site is bounded to the north by the lock-up garages and beyond by an area of greenspace; to the south by Holmes Lane and beyond by a row of semi-detached and detached houses; to the east by a small tract of land containing overgrown trees and hedges and a 1.0 metre high fence running alongside the adjacent car park serving Marigolds Lodge; and to the north east by Nordseter Lodge; and to the west by Sutherland Close and beyond by a row of large detached bungalows fronting onto Holmes Lane.

REPRESENTATIONS

RUSTINGTON PARISH COUNCIL:
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS
CONSULTATION RESPONSES RECEIVED:**LOCAL HIGHWAY AUTHORITY:**

No objection.

The proposed development would not interfere with the free flow of pedestrians on the pavement; and the cycle store and fencing would not prejudice visibility at the Holmes Lane/Sutherland Close junction.

ADC DRAINAGE:

Due to the scale, location and type of application ADC Drainage have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ADC GREENSPACE:

No objection.

Landscape details require to be submitted in plan form detailing species choice, actual plant quantities, planting densities and size at time of planting.

COMMENTS ON CONSULTATION RESPONSES:

Planning related comments noted and addressed in the 'Conclusions' section below.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary in the Arun Local Plan and the Rustington Neighbourhood Plan.

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
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Rustington Neighbourhood Plan (NP) made in 2014; but there are no policies relevant to the proposed development.

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."

Section 70(2) of TCPA provides that:-

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposed development, which is located within the built-up area boundary (the BUAB) complies with relevant policies in the Arun Local Plan.

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 key policy consideration in determination of R/147/21/PL is Policy D DM4 of the Arun Local Plan (2011-2031) which deals with extensions and alterations to existing buildings (residential and non-residential).

JUSTIFICATION FOR THE DEVELOPMENT

The developer owns numerous lock-up garage compounds in the South East, including the garages at Sutherland Close, and has received requests for secure cycle stores where a full size garage is not required either due to the rental cost or in most instances, something as large as a typical garage is just not required. The market for bikes and for electric bikes has increased over the last few years during the coronavirus pandemic and there has been a significant demand for secure cycle storage, especially when on slightly older developments, provision for bikes may not have been provided at the outset.

DESIGN AND APPEARANCE

Chapter I of the Arun Design Guide, January 2021, which deals with cycle parking promotes the provision of readily accessible and secure cycle parking facilities in a range of locations to suit a range of needs. The Guide says that the type of storage should be selected according to the nature and scale of development; residential parking should be sheltered in order to ensure secure storage which protects bikes, including electric bikes, from the elements. Where cycle spaces are located in the public realm, these should respond to the character and layout of the area. The proposed cycle stores would be secure and would fit in with the adjacent row of lock-up garages and the development would be in compliance with the Arun Design Guide.

The 2 cycle stores have the appearance of 2 small garages and the proposal would be visually integrated with the existing row of lock-up garages in siting, massing, design, form, scale and materials, they would be set back 1.2 metres and 1.8 metres respectively from the front elevation of the garages and 2.5 metres from the site frontage with Holmes Lane; and they would not have a significant visual impact on the appearance of the row of garages, and would be in compliance with Policy D DM4 (a). The proposed single storey cycle stores would be visually subservient to the existing row of lock-up garages and would complement the design and appearance of the garages, in compliance with Policy D DM4 (b). The proposed cycle stores would not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties as they would be single storey structures and there would be no windows in the cycle stores, and the proposed development would be in compliance with Policy D DM4 (c). The proposed cycle stores would not compromise the established spatial character and pattern of the place due to the small scale of the proposed development, and the provision of a 1.0 metre high fence would match the fence that has been constructed alongside the adjacent car park serving Marigolds Lodge, consequently, the proposed development would enhance the appearance of the existing row of lock-up garages, in compliance with Policy D DM4 (e).

The design and appearance of the 2 secure cycle stores comply with Policy D DM4 and Policy D SP1 of the Local Plan, the NPPF and the Arun Design Guide.

SCALE AND BUILDING HEIGHTS

The top of the flat roof to the existing lock-up garages is 2.8 metres at the highest point with the adjacent parapet upstand on the southern end being 3.7 metres high. The height of the cycle stores would be 2.5 metres high and therefore lower than and subservient to the existing garages. The cycle stores would have brickwork walls, garage doors and felt flat roofs to match the existing garages. The single storey cycle stores would fit in with the existing row of garages; and the scale and height of the 2 secure cycle stores would be in keeping with the surrounding area. The development complies with Policy D DM1 and Policy D SP1 of the Local Plan in terms of the scale and the height of the 2 cycle stores.

NEIGHBOURING RESIDENTIAL AMENITY

The single storey cycle stores would not affect neighbouring properties due to the stand-off distances from the closest houses and flats on Sutherland Close and Holmes Lane. The single storey cycle stores would be built flush with the rear wall of the existing row of garages and would not project into the adjacent area of tree planting at Marigolds Lodge; and the cycle stores would be set back from the front wall of the existing row of garages. By virtue of not being overbearing, overshadowing or overlooking, the proposed cycle stores comply with Policy D DM1(3) and Policy D DM4 of the Local Plan and Chapter I of the Arun Design Guide in seeking to minimise the impact of the proposal on the character of the locality.

LANDSCAPING

The site comprises an area of overgrown trees and hedges on an empty tract of land alongside a row of lock-up garages; and the proposal would include the removal of these trees and hedges. The proposed timber fence has been reduced in height from 2.0 metres to 1.0 metres as there is no need for such a high fence around the site as it would have appeared bulky in the street-scene and it would have

reduced visibility for drivers and cyclists at the junction of Sutherland Close and Holmes Lane. There is a need for a 1.0 metre high timber fence as fly-tipping has occurred in the past, and the fence should deter future fly-tipping on the site. The provision of a 1.0 metre high timber fence with shrubs behind the fence line as shown on the Block Plan (Proposals 02 Rev. B - Ground Floor Plan & Elevations, June 2021) is acceptable. Subject to a landscaping condition detailing the shrub planting behind the fence line, the proposed development is acceptable and would comply with Policy D DM1 of the Local Plan and the Arun Design Guide.

ACCESS

The existing access to the lock-up garages along Sutherland Close would be retained and it would be used to access the 2 secure cycle stores. Consequently, there would be no highway safety issues and the proposed development would comply with Policy T SP1 of the Local Plan.

PARKING

The provision of 2 secure cycle stores each of which could accommodate up to a maximum of 6 cycles including electric bikes, depending on the size of the bikes, would effectively provide combined cycle storage capacity for up to 6 houses in total (i.e. 2 spaces per 3+ bed houses) as set out in Table 2.3 of the ADC Parking Standards SPD. The proposed development complies with Policy T DM1 of the Local Plan and the ADC Parking Standard SPD in terms of making provision for secure cycle storage.

DRAINAGE

Surface water drainage would remain as existing; as such, the proposed development complies with Policy W DM2 and Policy W DM3 of the Local Plan.

SUMMARY

The proposed development of 2 secure cycle stores on a 31 square metre site within the BUAB of Rustington is acceptable, in accordance with the policies in the Arun Local Plan, the NPPF, the Arun Design Guide and the ADC Parking Standards SPD.

RECOMMENDATION

It is recommended that this application is approved and the following conditions be imposed.

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.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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:

- Site Plan Rev. A: Land to South of Garages, Sutherland Close, Rustington.
- Proposals 02 Rev. B - Ground Floor Plan & Elevations, June 2021.

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

- 3 No construction activities shall take place, other than between the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, and bank and public holidays.

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

- 4 No development above damp proof course (DPC) level shall take place until details of the landscaping have been submitted for approval in writing by the Local Planning Authority. The landscaping details should include a planting plan and specification detailing species choice, actual plant quantities, planting densities and size at time of planting. The approved landscaping details shall be installed prior to first use of the secure cycle stores and thereafter will be permanently retained and maintained.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan and the Arun Design Guide.

- 5 The materials and finishes of the external walls and roof of the two secure cycle stores hereby permitted shall match in colour and texture those of the existing row of lock-up garages.

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

- 6 **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.