

Recommendation Report for Planning Permission**REF NO:** R/183/17/PL**LOCATION:** Willow Court
52-58 Woodlands Avenue
Rustington**PROPOSAL:** Conversion of store to 1 No. dwelling (resubmission following R/24/17/PL).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal relates to the conversion of the approved internal bin store to a one bedroom flat. No additional car parking or amenity space provision are proposed.
SITE AREA	43 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Road frontages defined by 1.8m high railings. Rear and side boundaries comprise 1.8 close boarded fencing, trees to approx. 4m and newly planted shrubs
SITE CHARACTERISTICS	The recently completed 3 storey flat development is almost fully occupied
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type, size and form

RELEVANT SITE HISTORY

R/329/07/	Approval of reserved matters following outline application R/149/07/ for landscaping scheme (demolition of numbers 52-58 Woodlands Avenue & erection of 19 No. 2 bedroom & 4 No. 1 bedroom apartments)	ApproveConditionally 27-02-2008
R/254/11/NMA	Application for a non material amendment following a grant of planning permission R/149/07 - Internal apartment 9 & 10 at 1st floor level & apartment 18 at 2nd floor level have been constructed as 2 bed apartments & not 1 bed.	Approve 29-11-2011

R/147/14/NMA	Application for a non-material amendment following a grant of planning permission R/149/07 to omit brickwork and railing to perimeter of site, ground floor railing to terraces to apartments 2, 3, 4, 5, and 8 and first floor balconies for railings to apartments 11, 12, 13, 14 and 17, soldier course to window sills, Juliette balconies to apartments 15 and 16, 3 No roof lights to East elevation and porch roofs to entrance; curved arches to window heads replaced with flat head and doors and window side lights replaced with windows.	Refused 10-07-2014
R/197/14/PL	Application for the variation of condition 3 (approved plans) following a grant of planning permission R/149/07/	Approve 17-10-2014
R/152/15/PL	Change of use of the internal bin store to create 1 No new 1 bed apartment.	Refused 07-09-2015
R/151/15/PL	Relocation of bin store from internal to external & relocation of cycle store.	Refused 07-09-2015 <i>Appealed</i> Appeal: Allowed+Conditions 01 06 2016
R/9/16/PL	Relocation of cycle store & additional bin store inside a gated compound beside Willow Court.	ApproveConditionally 18-03-2016
R/24/17/PL	Conversion of store to residential studio flat	Refused 25-04-2017

R/24/17/PL was refused for the following reason:

'Having regard to the overall gross internal floor area and lack of external space provision the conversion of the store into 1 separate unit of accommodation would be out of keeping with the character of the rest of the Willow Court development and would give rise to an unsatisfactory internal and external environment for the occupiers and would increase the demand placed on the approved external space provision for existing residents in conflict with policy GEN7 of the Arun District Local plan and policy DDM3 of the Publication Version of the Emerging Arun District Local Plan (February 2014), the Dept for Communities and Local Government Technical housing standards - nationally described space standards and the National Planning Policy Framework.'

The agent has advised that this revised application has been amended to delete the bathroom and provide a shower room and the footprint of the store is a total of 37.2sqm, a little over the National Space Standards for this type of apartment where a shower room is present.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

One Objection - As on the previous application, and clearly stated on our lease the store room that is

subject of the planning application, is the property of the residents. It appears Spurdawn have taken this back for their own profit, in submitting for a further accommodation. We feel this is absolutely unjustified. And strongly feel that this is not lawful.

Comments on Representations received:

No evidence has been submitted by occupiers to prove that they own the storage area and only 1 of the residents within the block has objected. The applicant has completed certificate 'A' stating they own the land and this has historically been the case. There is no evidence submitted to the contrary. Provided the correct notices are served ownership and rights to implement any planning permission are outside of planning control.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Consultations responses received:

County Highways - No Objection. From an inspection of the latest plans and documents available online there would not be any material changes to the previous highways comments to R/24/17 dated 23rd March 2017. It is noted that a car parking space will be available for the new unit within the existing off street car parking area.

No highway safety or capacity concerns.

Environmental Health

- No comments

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
GEN12

The Form of New Development
Parking in New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning

Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policy 2 'Housing Design' of Rustington Neighbourhood Plan is considered relevant.

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.

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 proposal relates to the conversion of the approved bin store to a one bedroom flat. A previous applications (R/151/15/PL) has been allowed at appeal which facilitates the movement of the bin store externally and which was amended by R/9/16/PL.

However the use of the store as a flat has previously been refused (R/152/15/PL) and (R/24/17/PL) and there has been no change in the extent of the internal floor area or external amenity space provision since this refusal. However the bathroom has been amended to a shower room and the agent has now provided additional information regarding the floor area sizes of the other flats in the development. The Council has recently been applying nationally described space standards and external space standards to this type of new residential development as set out in Emerging Local Plan policy DDM3.

The gross internal floor area for a single bedroom 1 person flat with a bathroom is 39sq m, but this is reduced to 37sqm if a shower room is provided instead of a bathroom. The proposed floor area is 36.6 sq m i.e. marginally below the minimum set. The accommodation is therefore not considered to be unduly cramped or unsuitable for single person occupation although there is a slight lack of adherence with the Nationally described Space Standards.

The agent has advised that although the majority of the scheme is 2 bedroom there is a 1 x 1 bed flat on the 2nd floor (Flat 19). She states that the original planning application, R/149/07, was granted with 3 No. 1 bedroom flats, however, these were converted 2 two bedroom flats as part of R/254/11/NMA. No additional floor area was made available to these flats and the floor area of apartment 18 on the 2nd floor was actually decreased. This has led to 3 flats with an approximate room size comparable to the proposed. However flat 19 is a 2 bed unit. Flat 20 is a single bed unit, but it is not directly comparable with the application unit having a separate living room, kitchen, bedroom, bathroom and hall.

The agent has also advised that externally, there are communal lawns fronting the apartment, totalling approximately 580sqm. With only 23 flats requiring a minimum of 20m² per flat, the requirement for external outdoor space, there is still capacity to allow for the additional apartment. This calculation doesn't take into account that the first floor flats have their own private space in the form of balconies. However, policy DDM3 requires external amenity space to be provided for each apartment. This unit requires 4sqm of private outdoor space. No additional outside space is included in the application, However given the amount of existing communal space, although the proposal technically conflicts with the above policy, it is not considered that one additional occupier of the premises would significantly increase the pressure on the existing amenity area approved in the original scheme which is used by other residents.

It is not considered that the conversion would result in a flat that is significantly smaller than other

units in the Willow Court development, which range from some relatively small 2 bedroom apartments to a large one bedroom unit. It would not therefore be out of character with the development as a whole.

The proposal does not make provision for additional car parking, but it is considered that the addition of a one bedroom single person unit would be unlikely to materially increase the parking demand. The site is sustainably located close to the village centre and bus routes.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 17021/01R3.

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.

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