

Recommendation Report for Planning Permission

REF NO: R/1/18/PL

LOCATION: 3 Claigmar Court
Claigmar Road
Rustington
BN16 2NP

PROPOSAL: Provision of two off road parking spaces to front garden for sole use of flat 3.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The 2 car spaces would be provided beside each other and side on to the front boundary of the site. Both would be accessed via an existing 3.2m wide access way serving garages to the rear of these properties. A new low level timber fence is proposed, although no details of this have been provided. The spaces would be 2.5m by 5m and surface materials are not specified.
TOPOGRAPHY	Predominantly flat.
TREES	None of affected by the proposed development.
BOUNDARY TREATMENT	Chain link fencing of approximately 1.2m in height.
SITE CHARACTERISTICS	Small two storey block of 4 flats. Red brick with tile hanging. Profiled concrete tile roof. Side access adjoining nos. 3 and 4 serving block of 4 garages at rear. Wooden panel fence 1.8m high adjoins access way and screens adjoining dwelling, although fence height lowers towards back edge of footpath. Site has a 1m post and chain link fence around front garden area.
CHARACTER OF LOCALITY	Adjoining unit has front hardstanding and double gates with dropped kerb for access across layby in front. Mixed character. Residential in immediate vicinity on this side of the road. Library and Methodist Church opposite and Post Office to north.

RELEVANT SITE HISTORY

R/70/66	Four Garages	ApproveConditionally 10-05-66
R/52/66	Two Storey Block Of 4 Flats And Garage Siting	ApproveConditionally

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council raises no objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways has requested a swept path analysis for the car spaces since the spaces will only be afforded circa 3.2 metres in order to manoeuvre into and out. Typically 6.0 metres is required to make this manoeuvre in one movement. While manoeuvring with a multi-point manoeuvre would be acceptable in such a situation WSCC would be concerned that the spaces would not be accessible. WSCC advises that it would be desirable for the applicant support the accessibility of the spaces with swept path tracking. WSCC then wishes to be re-consulted.

COMMENTS ON CONSULTATION RESPONSES:

Given that a multi point manoeuvre would be acceptable it is considered that a swept path analysis is not essential. The spaces proposed have been acknowledged by WSCC to be acceptable in most respects and they can be clearly manoeuvred into, albeit with some effort due to limited space.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN12	Parking in New Development

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

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings

D SP1 Design

T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG 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 Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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;

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).

Riustington has a Made Neighbourhood Plan (RNP) but this contains no policies of relevance to this

application.

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

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities. Policies in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

The proposed car parking spaces will have very little impact on the appearance of the site or the locality, although the parking of cars on them will impact. Situated as they would be behind an existing parking layby, impact is considered to be very limited visually and not to result in unacceptable harm to visual amenity. Design and appearance can be controlled by a condition relating to details of surfacing and fencing.

AMENITY

The is not considered to be an appreciable impact on the amenity of adjoining occupiers,.

HIGHWAYS

As previously advised above, a multi point manoeuvre would be acceptable and it is considered that a swept path analysis is not essential. The spaces proposed have been acknowledged by WSCC to be acceptable in most respects and they can be clearly manoeuvred into, albeit with some effort due to limited space.

CONCLUSIONS

The proposal does not result in harm in respect of design, visual impact or amenity. The spaces are functional and acceptable.

It is therefore recommended that planning permission be granted subject to 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

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 drawing:

Site Plan, Scale 1:500 - Proposed Parking Spaces - Received with Application.

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 No development shall take place until details of the walling and/or fencing for the front boundary(s) of the site have been submitted to and approved in writing by the Local Planning Authority and the access hereby permitted shall not be brought into use until such front boundary walling and/or fencing has been erected in accordance with the details so approved. The walling and/or fencing so provided shall thereafter be retained.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan and in the interests of highway and pedestrian safety.

- 4 No development shall take place until details of surface materials for the parking spaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the parking spaces hereby permitted shall not be brought into use until the parking spaces have been provided in accordance with the details so approved. The parking spaces so provided shall be thereafter retained for use only as parking spaces and for no other purpose.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan and in the interests of highway and pedestrian safety.

- 5 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.
- 6 INFORMATIVE: The applicant is advised that in respect of condition no.4, the details of the surface materials to be submitted should preferably include either the hard surface being made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The Department for Communities and Local Government has produced separate guidance on permeable paving. This can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf