

Recommendation Report for Planning Permission

REF NO: R/217/21/PL

LOCATION: Kenmore Guest House
Claigmar Road
Rustington
BN16 2NL

PROPOSAL: Change of use from C1 guest house with C3 ancillary residential use to C3 residential use with C1 ancillary guest accommodation, replacement of existing conservatory with a single storey rear extension, replacement front entrance porch & minor other external alterations. This site is in CIL Zone 4 & is CIL Liable as dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the change of use from C1 guest house with C3 ancillary residential use to C3 residential use with C1 ancillary guest accommodation, replacement of an existing conservatory with a single storey rear extension, replacement front entrance porch with slightly deeper, replacement of two windows with doors and another minor internal and external alterations. The proposed materials would match existing. The existing vehicular access would be retained.
SITE AREA	747.00 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	27 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fencing to the south and west, approximately 1m high with trellis on the top to the front behind a rich vegetation and a dense hedgerow on the shared boundary with Heatherdene to the north.
SITE CHARACTERISTICS	Detached 2 storey property at bend in road. Painted and pebble dash rendered and brick elevations. Established bed and breakfast premises. Some car parking to front. There is a shallow rear garden, larger yard to the east of property and front garden.
CHARACTER OF LOCALITY	Edge of village centre location. Predominantly residential characterised by mainly detached dwellings. Veterinary Clinic and Library to the north.

RELEVANT SITE HISTORY

Not implemented.

REPRESENTATIONS

Rustington Parish Council: No objection.

No letters of representation received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary;
CIL Charging Zone 4.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
SPD11	Arun Parking Standards 2020

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.

Policy 2 of the Rustington Neighbourhood Development Plan (made 2015) is relevant in the determination of this current 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 be weighed in the balance with the Development Plan.

CONCLUSIONS**KEY ISSUES**

The key issues are principle, loss of visitor accommodation, design and visual amenity, residential amenity and highways/traffic.

PRINCIPLE:

The site is in the built up area where development is acceptable in principle in accordance with policy SD

SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as principle of conversion, character, residential amenity, noise, highway safety & parking and space standards.

Regard should be had to policy SD SP1 of the Arun Local Plan which 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 120 (d) of the NPPF states that planning policies and decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively)".

The site is in a sustainable location in walking distance of a range of shops, facilities and services within centre of Rustington with frequent bus services providing access to Littlehampton, Bognor Regis, Chichester, and Brighton, this includes Angmering Railway station.

The development complies with policies SD SP2 and SD SP1 of the Arun Local Plan and relevant paragraphs of the NPPF.

PRINCIPLE OF CONVERSION:

Policy TOU DM1 of the Local Plan states existing visitors attractions, facilities and accommodation will not be granted planning permission for a change of use that leads to the loss of a visitor offer unless is demonstrated the use is no longer required.

The applicant in their Design and Access Statement explains how was property was initially marketed as an operational guest house with no firm offers. It was successful in February 2021 when the property was marketed as residential property. However, tourist accommodation will be retained on site albeit it would be changed from a traditional bed and breakfast operation to two bedroom self-contained area of accommodation (annex). Therefore the proposal would broadly comply with the ALP policy TOU DM1.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy 2 of the Rustington Neighbourhood Development Plan will support development proposals (including alterations to existing buildings), provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part J.02 requires the appropriate scale for new extensions/alterations to existing forms that should be determined by their context, their location within the order of streets, and their function and positioning, and should avoid overshadowing of neighbouring properties and to avoid insensitive extensions and alterations which deviate from the general scale and massing of the surrounding area.

Para 130 of the NPPF 2021 states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The National Design Guide was published in October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

In order to facilitate the change of use minor internal alterations are proposed along with external changes. The former Guest House with ancillary owner's accommodation which comprises 8 en suite bedrooms would be converted to a three bed residential dwelling with two bed guest accommodation (annex) which would have a new separate pedestrian access. The driveway and parking area would be shared by the residents of the main residential dwelling and the guest accommodation.

There are no considerable changes to the external appearance of front elevation except of the enlargement of a porch. The porch would be 0.6m deeper with gabled roof above. One of two existing windows on south elevation of single storey projection would be replaced with a new door with sidelight fitted. On the west elevation the window of two storey element would be replaced with new bi-fold doors. The conservatory attached to the lean to roofed single storey projection would be replaced with 5m deep single storey extension which would be set in from the side elevation by 0.35m, would be attached to the side elevation of two storey rear projection and would be set back from its rear elevation by 1.4m, would be 2.6m high, characterised by flat roof with a centrally positioned lantern. The external changes and extension would be visually integrated with the rear of the proposal building in sitting, massing/design and responds to the pattern of surrounding development.

The development would not detract from the local wider area's character and therefore complies with Arun Local Plan policies D DM1, D SP1, policy 2 of the Rustington Neighbourhood Development Plan, Arun Design Guide and with the guidance on character in the NPPF.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

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, the natural environment or upon leisure and recreational activities enjoyed by

residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required." It emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

One of the 'core planning principles' of the NPPF is to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

It is not considered a residential use would be a noise generating form of development especially in an area of mixed use development. The residential use would have similar characteristics to other residential properties in the locality.

The extension would be within 2m from the shared boundary with Heartherdene to the north. Given the design and height of the extension it is not considered the development results in any refusable amenity impacts to the residents of adjacent property. The rear elevation of 12 Hobbs Way to the west is within a separation distance of 20.56m from the proposed extension.

As such the proposal complies with Arun Local Plan policies D DM1, QE SP1 and QE DM1.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS:

Policy D DM1 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The requirement for a two storey, 3 bed, 6 person home is 102m² whilst 238m² is proposed which considerably extends the requirements of Nationally Described Space Standards. The approximate gross internal area of guest accommodation would be 78m² with sitting and kitchen/dining area at the ground floor and 2 en suite bedrooms of a sufficient size at the first floor.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

The size of the plot would not allow for the required Residential Outdoor Amenity. In respect of external standards, submitted drawings show access to private space albeit not of the required size. The proposal complies with the relevant internal standards and broadly comply with external standards providing limited private amenity space. It is considered to be acceptable given the vicinity of public open space and a sustainable location with a frequent bus services within a very short distance and the fact that proposal is for the conversion of an existing building.

CAR PARKING & HIGHWAY SAFETY:

Arun Local Plan 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 highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"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".

Para 110 of the NPPF (2021) 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 111 which states:

"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."

According to the requirement of the Arun Parking Standards 2 parking spaces for 3 bed house in Parking Behaviour Zone 4 is required. The site is accessed from Claigmar Road and no alterations to the access are proposed. There are 6 existing parking spaces (Application Form) on the site which satisfies requirement of the Arun Parking Standards.

Secure and covered cycle storage is proposed in the existing garage in the east corner of the site. This should provide storage for a minimum of four bicycles, in accordance with Arun's parking standards.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways in the NPPF.

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The documents do not show any indicative landscaping, this would need to be detailed to provide a scheme which will soften the potential impact of the proposal and add to biodiversity net gain. Biodiversity Net Gain will need to be provided.

The opportunity to increase biodiversity and mitigation measures will be secured via condition.

SUMMARY

The extension and conversion resulting in 3 bed dwelling and 2 guest accommodation represent an efficient use of urban land without compromising the visual amenities or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal is sustainable development and is in a general compliance with development plan policies. The recommendation to approve is made subject to conditions and informative.

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 Liable 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:

Dwg No 1069/04 Rev A, Proposed Floor Plans;
Dwg No 1069/05, Proposed Elevations;
Dwg No 1069/06, Proposed Site Layout;

Dwg No 1069/07, Site Location and Block Plan.

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 The materials and finishes of the external walls and roofs 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 DM1 of the Arun Local Plan.

- 4 Prior to the occupation of the dwelling and a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 6 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 annex 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 annex shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which 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: Reason: To preserve the availability of the accommodation as a holiday let in accordance with policies TOU SP1 and TOU DM1 of the Arun Local Plan.

- 7 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 8 Within 3 months of the date of the first occupation of hereby approved change of use improvements to secure biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be completed on site within 3 months of the approval of the details and retained thereafter.

Reason: In accordance with Arun Local Plan of policy ENV DM5 and the National Planning Policy Framework.

- 9 **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.