

Recommendation Report for Planning Permission

**REF NO:** R/299/21/PL

**LOCATION:** Land to South of Garage Compound  
Sutherland Close  
Rustington

**PROPOSAL:** New secure cycle store to South of existing garage block and 1m timber fence around the perimeter boundary (resubmission following previously approved R/147/21/PL). This application is in CIL Zone 4 (zero rated) as other development.

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| <b>SITE AND SURROUNDINGS</b> |
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| <b>DESCRIPTION OF APPLICATION</b> | This planning application is for the construction of 1 cycle store, 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.                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>SITE AREA</b>                  | 31 square metres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>TOPOGRAPHY</b>                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>TREES</b>                      | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>BOUNDARY TREATMENT</b>         | Site boundaries consist of an area of overgrown trees and shrubs 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.                                                                                                                                                                                                                                                                                                                                                           |
| <b>SITE CHARACTERISTICS</b>       | 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.                                                                                                                                                                                                                                                                                                                                |
| <b>CHARACTER OF LOCALITY</b>      | 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. |

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| <b>RELEVANT SITE HISTORY</b> |
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|             |                                                                                                               |                                  |
|-------------|---------------------------------------------------------------------------------------------------------------|----------------------------------|
| R/147/21/PL | Two secure cycle stores to south side of existing garage block, 2m timber fence & soft landscaping around the | ApproveConditionally<br>10-09-21 |
|-------------|---------------------------------------------------------------------------------------------------------------|----------------------------------|

perimeter. This site is in CIL Zone 4 (Zero Rated) as other development.

This application is a resubmission of R/147/21/PL which was for two cycle stores on the land.

## 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. The Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111).

ADC DRAINAGE:

No objections or conditions for the proposed new design.

### COMMENTS ON CONSULTATION RESPONSES:

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

## POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary.

### 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 |

**SUPPLEMENTARY POLICY GUIDANCE:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD11 | Arun Parking Standards 2020                   |
| SPD13 | Arun District Design Guide (SPD) January 2021 |

**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**

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

The principle of cycle storage on the land was obtained through the previous application R/147/21/PL for two cycle storeys and 2m high fence surrounding the site. This application for lesser works comes about because of a culvert found on site.

## **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 store 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 cycle store has the appearance of a small garage and the proposal would be visually integrated with the existing row of lock-up garages in siting, massing, design, form, scale and materials. It would be set back 1.1m from the front elevation of the garages and between 1.6m and 4.6m from the site frontage with Holmes Lane. It would therefore not have a significant visual impact on the appearance of the row of garages, and would be in compliance with Policy D DM4 (a).

Given the lower roof height when compared to the existing garage block, the proposed single storey cycle store 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 store 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 matching fence constructed alongside the adjacent car park serving Marigolds Lodge. As a result, the proposed development would be in keeping with the appearance of the existing row of lock-up garages, in compliance with Policy D DM4 (e).

The design and appearance of the secure cycle store complies with Policies D DM4 and Policy D SP1 of the Local Plan, the NPPF and the Arun Design Guide.

## **NEIGHBOURING RESIDENTIAL AMENITY**

The cycle store would not affect neighbouring properties due to the distances from the closest houses and flats on Sutherland Close and Holmes Lane. The single storey cycle store 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 store 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 store comply with Policy D DM1(3) and Policy D DM4 of the Local Plan and Chapter I of the Arun Design Guide which seek to minimise the impact of the proposal on the amenities of adjoining residential occupiers.

## **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. 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 plans is acceptable. The proposed development is acceptable and would comply with Policy D DM1 of the Local Plan and the Arun Design Guide.

#### **HIGHWAYS**

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. Highways have commented that as the proposed fence will be located on land not under Highways control and that the development would not impede free access around the site nor would it cause issues to visibility. The proposal accords with Policy T SP1 of the Arun Local Plan.

#### **DRAINAGE**

Further to the discovery of a culvert on site, plans have been revised to reduce the amount of cycle storage on site, so that the buildings did not interfere with the culvert. 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 a secure cycle store on the site within the BUAB of Rustington is acceptable, in accordance with the policies in the Arun Local Plan, the NPPF and the Arun Design Guide.

#### **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 Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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| <b>RECOMMENDATION</b> |
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**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:  
  
- Location Plan  
- Site Plan Rev. B: Land to South of Garages, Sutherland Close, Rustington.  
- Proposals 02 Rev. C - Ground Floor Plan & Elevations.  
  
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 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.