

Recommendation Report for Planning Permission

REF NO: R/34/22/PL

LOCATION: 7 Sterling Parade
The Street
Rustington
BN16 3DR

PROPOSAL: Retention of floor plans, number of flats and proposed windows following prior approval application for change of use (R/310/16/PD). This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to regularisation of the constructed floor plans, number of flats and proposed windows following prior approval application R/310/16/PD for change of use at first floor level. The works have commenced on site. The proposal involves creation of an additional unit of accommodation within the scheme in an area which was previously an office. The development comprises 4 no 1 bed flats and 2 no 2 bed flats and additional windows to the flank east elevation to the newly created one bed studio flat.
SITE AREA	1465 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	41 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is occupied by an end of terrace 2 and 3 storey premises currently used for retail purposes at ground floor with storage, commercial and residential uses above within a pitched roof which fronts The Street. The residential units have rear amenity spaces at first floor. The 2 storey return of the development to Claigmar Road is flat roofed and of little architectural merit. Parking is situated to the rear.
CHARACTER OF LOCALITY	The character of the locality is a mixture of residential and commercial. The majority of premises in immediate vicinity of the site feature ground floor commercial uses with residential accommodation above.

RELEVANT SITE HISTORY

changes to the layout of residential units as proposed in 14-10-21
granted prior approval application (Ref: R/310/16/PD) to
include 1 additional unit. Providing a total of 6 No.Units in
the scheme.

R/310/16/PD	Prior Notification under Class O for change of use from Office (Class B1(a)) to a dwellinghouse (Class C3)	Prior Approv not req 20-03-17
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R/87/17/PL	Second floor extension to create 4 No. dwellings & reconfigure existing second floor flat together with private balconies, secure bin storage & bicycle storage & allocated parking for the proposed new dwellings.	ApproveConditionally 29-06-17
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REPRESENTATIONS

Rustington Parish Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

County Highways - No Objection.

The car parking generated by the proposal is the same (7 spaces) as would have resulted from the development approved under R/310/16/PD.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Within Principal Shopping Area

Primary Retail Frontage

DEVELOPMENT PLAN POLICIES

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

RETSP1 RET SP1 Hierachy of Town Centres

DSP1	D SP1 Design
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)
TSP1	T SP1 Transport and Development

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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 relevant policies of Rustington Neighbourhood Plan have been taken into account.

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.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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,
 - (aza) 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. This is in the form of the Council's current lack of a 5 year housing land supply which means the NPPF's presumption in favour of sustainable development applies to applications for the provision of housing.

CONCLUSIONS

PRINCIPLE

The development plan in the determination of this application consists of the Arun Local Plan and the Rustington Neighbourhood Development Plan.

The site is in a Built-up area Boundary where new development should be focussed, according to policy SD SP2 of the Arun Local Plan (ALP), provided it accords with other policies of the Plan covering such issues as visual and residential amenity, parking and highway safety.

Regard should be had to policy SD SP1 of the ALP 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)."

The proposal is acceptable in principle given its location in a sustainable location within the Built-Up Area Boundary, in walking distance of a range of shops, facilities and services in Littlehampton Town Centre and access to different modes of sustainable transport including walking/cycling routes and bus routes. It would provide small scale accommodation i.e. accommodation for single people, within the village centre who may not have access to private transport.

The proposals would therefore accord with ALP policies SD SP2 and SD SP1

Policy D DM1 of the Arun Local Plan 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 SP1 of the Arun Local Plan sets out that 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 D DM4 of the Arun Local Plan requires that development proposals be in keeping with the host dwelling and the area it is located in.

Policy 2 of the Rustington Neighbourhood Development Plan states that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

DESIGN AND VISUAL AMENITY

The property is located on the corner of The Street and Claigmar Road and therefore it is prominent within the general street scene. The only external changes to the building are the addition of windows to the flank east wall at first floor level and these are not readily visible from either site frontage. The proposal would accord with policies D DM1 (1) , D DM4 (e) of the Arun Local Plan, policy 2 of the Rustington NP and the Arun Design Guide which requires that development respects local character and appearance.

RESIDENTIAL AMENITY

The addition of one more flat at first floor would not materially alter the noise or activity levels generated from the site. There is one additional unit created, but the units are smaller and would have fewer occupants. The new windows in the east elevation would be located 20m from the boundary of the site and would face over the car parking area so there would be no adverse impact on residential amenity or loss of privacy. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

The flats have the following internal floor areas which accord with the Nationally Described Space Standards and policy D DM2 of Arun Local Plan.

Unit 1 - 2B4P - 97sqm

Unit 2 - 1B2P - 60sqm

Unit 3 - 2B4P - 96sqm

Unit 4 - 1B2p - 56sqm

Unit 5 - 1B1P - 45sqm

Unit 6 - 1B1P - 39sqm

HIGHWAYS AND PARKING

As approved the scheme incorporated 5 residential units (2 x 1 bed / 2 x 2 bed / 1 x 3 bed) units. This application seeks to regularise as the build was implemented as 6 residential units (4 x 1 bed / 2 x 2 bed). The adjacent yard area is included within the red edge.

According to the Arun District Council Supplementary Planning Document (SDP) for Parking, it would be anticipated that the originally approved flats would have generated the parking demand for 7 parking spaces, the implemented scheme with different bedroom breakdowns would also be considered to generate a parking demand of 7 spaces. As such the implemented scheme will not have any impact upon parking demand / supply. Ample parking is provided on site with space for cycle parking for the sixth unit to the rear.

The proposal would therefore accord with policy T SP1 of Arun Local Plan which seeks to ensure appropriate levels of car parking are included in any development in line with the Supplementary Guidance.

SUMMARY

This proposal represents appropriate development of a dwelling without compromising the visual amenity of the area or amenities of existing neighbouring residential occupiers. All other relevant development plan policies have been complied with. As there are relevant development plan policies which are not out of date, the proposal is in accordance with the NPPF para 11(c) which states that development proposals that accord with an up-to-date development plan should be approved without delay. It is recommended the application be approved in accordance with the following 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

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 approved shall be carried out in accordance with the following approved plans :
 Surv01- Location and Block Plan, First Floor Plan as was Existing First Floor Plan granted under Prior Approval;
 Surv02 Existing elevations and section;
 PL01 - Proposed first floor plan, elevations 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.

- 2 **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.