

Recommendation Report for Planning Permission

REF NO: R/61/19/PL

LOCATION: Church Farm Cottage
76-78 The Street
Rustington
BN16 3NR

PROPOSAL: Change of use from museum & cafe to single dwelling. This application may affect the character & appearance of the Rustington Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is to convert the premises back to its former residential use by creating a 2 bedroom cottage with a detached hobbies room. The property originally comprised 2 cottages.
SITE AREA	504 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Building is located on site frontage. Garden area is enclosed by 2m high close boarded fencing.
SITE CHARACTERISTICS	The property is a historic detached cottage with flint elevations and a thatched roof. Detached building in garden has a plain tiled pitched roof and glazed elevations facing garden. Existing timber shed to side.
CHARACTER OF LOCALITY	Edge of town centre. Opposite church and between ironing shop and charity shops/restauarant.

RELEVANT SITE HISTORY

R/123/54	Change Of Use Of 1 Room On Ground Floor From Living Accommodation To Office For Period Of 5 Years	Approve 21-10-54
R/89/64	Temporary Change Of Use Of Part Of The Ground Floor Of A Veterinary Surgery To Solicitors Office	ApproveConditionally 25-05-64
R/7/10/	Construction of a community garden.	ApproveConditionally 31-03-10

R/157/06/	Museum craft workshop building and cafe (A3). (Re-submission following R/35/06/)	ApproveConditionally 14-07-06
R/35/06/	Proposed alterations and addition of conservatory and craft workshop building	Refused 28-03-06
R/81/05/	Change of use of arts & crafts shop (A1) to museum centre.	ApproveConditionally 09-05-05
R/3/92	Change of use of ground floor from veterinary surgery to art and craft shop	ApproveConditionally 10-02-92

The application buildings were converted to a museum and tea room in 2007.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Conservation Officer
WSCC Strategic Planning
Environmental Health

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.
No alterations to existing side access are proposed. Gates would open inwards into the site and not cause an obstruction. Parking and turning is acceptable. Conditions requested regarding parking for cycles and cars.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The shed indicated for parking of cycles is existing and its provision does not need to be conditioned. There is plenty of space within the hobbies room for cycle parking too so it is not

reasonable to insist on its retention in the long term for cycle parking. The site is sustainably located and the vehicular entrance to the site is already hard surfaced. The layout of the parking spaces and turning area are detailed on the site plan and their retention does not reasonably need to be conditioned given the location of the premises.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Listed Building
 Adjacent to Conservation Area
 Class B road
 Secondary Retail Frontage

DEVELOPMENT PLAN POLICES

[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
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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.

Policy 2 of the Rustington Neighbourhood Plan has been considered.

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 there would be no materially adverse on visual or residential or the character of the area.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the adjacent Conservation 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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1, D DM4, RET SP1, RET DM1 and HER DM3 of the Arun Local Plan. Additionally, Policies 1 & 2 of the Arundel Neighbourhood Development Plan apply.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

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

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

Policy HER DM1 states that consent will be granted for proposals that preserve or enhance the historic character of the building.

Policy RET SP1 states that the hierarchy of Town Centres will be retained. Rustington is to maintain its existing role as a service centre providing both a range of shops and services for the local population. Rustington is defined as a Local Service Centre which provides a good range of shops and other services. The site falls within a secondary retail frontage area.

Policy RET DM1 requires town centre uses to be accommodated in town centres. The proposed museum use of the premises has already taken place.

DESIGN AND VISUAL AMENITY

The listed building contributes positively to the character and appearance of the historic core of the village centre and the Conservation Area. The proposed alterations are internal with no external changes to be made. The property does not currently have a shop front and appears externally as a residential property in the street scene. The proposal only involves removal of secondary partitioning at ground floor to improve the layout for the intended use. The proposal would accord with policy 2 of Rustington Neighbourhood Plan. It would have no detrimental harm on the established character of the building or its locality. The proposed works are deemed to be in accordance with HER DM3, D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed use would be likely to generate less noise, activity and disturbance to adjoining properties than the previous use as a museum and community coffee shop.

The proposed alterations retain the same footprint as the existing building, and would not result in any significant change in overbearing or overshadowing impact on neighbouring dwellings. There are no new openings that form part of this proposal, which is considered to preserve the existing level of privacy within the area.

The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

With regard to internal space standards the proposals result in a gross internal floor area of 105sqm exceeds the requirements for a 2 bed 4 person unit. These proposed floor areas comply with the requirements as set out within the nationally described space standards.

VIABILITY AND IMPACT ON TOWN CENTRE

The site has been used as a museum for a number of years so the loss of the use would not adversely impact on any former retail use or impact on the viability of the town centre and therefore it is not appropriate to request a viability study is submitted for consideration.

COMMUNITY FACILITIES

Policy OSR DM1 of the Local Plan states that community and arts facilities should not be built on or redeveloped unless surplus to requirements. It is now surplus to requirements as a new museum is now located in the town centre to the rear of Waitrose in Broadmark Lane

HERITAGE ISSUES

The National Planning Policy Framework advises that small sites can make an important contribution to meeting housing requirements and that land should be used effectively. When considering heritage assets great weight should be given to their conservation. Any harm requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated asset this harm should be weighed against public benefit.

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting.

Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. A heritage assessment has been submitted within the application. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information

to be provided in order to assess the impact of the proposal upon these assets.

In this instance, given the limited amount of alteration required to facilitate the change of use, it is considered that the proposed development has 'less than substantial harm' upon the local assets. Therefore, Paragraph 196 of the Act applies, which states that where this level of harm is identified, the harm should be weighed against the public benefit of the proposal, including securing its optimum viable use. The proposal would ensure occupation and use of the heritage asset in the long term which would be in the public interest. The proposal would preserve and enhance the historic character of the building in accordance with policy HER DM1 of Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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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 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:

Block/Site Layout Plan 2019/04/04

Proposed Floor Plans 2019/04/03

Roof Plan-existing and proposed 2019/04/02

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun 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.