Recommendation Report for Planning Permission

REF NO: R/76/23/PL

LOCATION: 11 Brookside Avenue
Rustington
BN16 3LF

PROPOSAL: Demolition of existing garden shed and erection of garden building to provide sleeping accommodation for rental. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a single storey outbuilding in the rear garden that serves as rented accommodation.
SITE AREA	340sqm.
TOPOGRAPHY	Predominantly flat with rear neighbours on a higher topography.
TREES	1 No. large Willow Tree within the rear garden. This tree is not protected under planning, nor does it qualify for protection under a TPO.
BOUNDARY TREATMENT	Tall wooden boundary fences to the South, East & West shared boundaries with dense mature hedging to the East shared boundary also.
SITE CHARACTERISTICS	The host plot includes a semi-detached bungalow with converted loft with a generous rear garden space and small front hardstanding.
CHARACTER OF LOCALITY	The locality is characterised by residential and commercial use with the street including a mix of semi-detached bungalows and two storey terraced dwellings. there are warehouses to the North-West of the site.

None.

REPRESENTATIONS

Rustington Parish Council - Response:
- Concerns regarding access, parking provision, and noise impacts on neighbours.
- Encourages the Local Planning Authority to request additional information on these matters prior to determination.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The Parish have raised concerns but have not raised an objection to the proposal. It is also noted that their concerns have been raised and suspected to conflict with Policy 2 of the Rustington

Neighbourhood Development Plan. Given that Policy 2 concerns Housing Development (and alterations to existing buildings), this policy is not relevant to the provision of a rented outbuilding. All relevant planning matters are discussed in the conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No response.

Economic Regeneration - No response.

Drainage Engineers - No response.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built-up Area Boundary.
Prone to Groundwater Flooding.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
QESP1	QE SP1 Quality of the Environment
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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.

There are no policies of relevance within the Rustington Neighbourhood Development Plan.

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 is of an acceptable visual design, does not significantly adversely impact neighbouring residential amenity, and has no unacceptable impact on highway safety.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key Development Plan Policies relevant to this proposal are D SP1, D DM1, QE SP1, TOU DM1 & T SP1 of the Arun Local Plan (ALP).

Paragraph 111 relating to Highway Safety is also of relevance.

Additionally, the Arun Design Guide & Character Area 3 of the Rustington Village Design Statement (RVDS) are also of relevance. Whilst Character Area 3 is relevant to the site, this section of the RVDS provides guidance catered toward light industrial use which is prevalent in this area. As it does not consider the residential units within its scope, it is not appropriate guidance for this development.

DESIGN AND VISUAL AMENITY

The outbuilding would be approx. 2.5m in height, 9.8m in width, and 3.7m in depth. The scale of the proposed outbuilding is moderate, being virtually the full width of the rear garden but having a limited depth and height. Its scale is not overly dominant for its plot, ensuring the retention of a substantial rear amenity space. This outbuilding would feature vertical and horizontal timber boarding to the external walls and a flat roof design. These materials are acceptable given the nature of the proposal. The outbuilding would be within the rear amenity space and of a limited scale so it would not be visible from the public realm. Additionally, large rear outbuildings are relatively common within the locality.

The proposal is of an acceptable visual design and would have no visual impact on the wider locality. As such, it is in accordance with policies D SP1 & D DM1 of the ALP.

NEIGHBOURING RESIDENTIAL AMENITY

Owing to the scale and siting of the proposal, it will have no significantly adverse impacts by way of overbearing, overshadowing, or overlooking on neighbouring properties.

The proposed use of the outbuilding is that of short-term renting holiday accommodation. Given the outbuilding features 1 No. bedroom with 2 No. bed spaces, it would only have capacity for use by a small number of individuals at any one time. Additionally, given this would be for short term renting, it would not be occupied on a permanent basis. It is accepted that there may be some adverse impacts by way of noise generation/nuisance on neighbouring properties however, this is expected to be comparable to that of an ancillary residential annexe and not significantly adverse or detrimental to the amenity of neighbouring occupiers.

The proposal is in accordance with policies D DM1(3) & QE SP1 of the ALP.

PARKING

The proposal does not require any access onto the highway, nor alter any existing access. The Arun Parking Standards & Design Guide do not provide any guidance nor requirements for holiday accommodation to provide parking provision. Being within an existing residential area and benefitting from nearby pedestrian and vehicular networks and being within walking distance of bus stops along North Lane ensure this proposal would benefit from connections to the existing transport networks.

Whilst the proposal does not include any additional parking for users of the outbuilding, owing to its limited occupancy and use, the proposal would likely only result in the need for one, or at most, two vehicles to be parked within the vicinity on a temporary basis. Given that there are no restrictions to on-street parking within the vicinity and that this is a quiet cul-de-sac road with additional roads nearby that also have limited parking restrictions, the parking of such vehicles will not give rise to any severe or unacceptable impacts of highway safety or inconvenience to a level that would justify refusal on these grounds.

The proposal is in accordance with Policy T SP1 of the ALP. Whilst it is accepted that there may be some increase in on-street parking, it would not give rise to severe or unacceptable impacts of highway safety. The proposal is in accordance with paragraph 111 of the NPPF.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and paragraphs of the NPPF, as such, it is recommended for approval subject to the following conditions and informatives.

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 not CIL liable.

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:

- Location & Site Plan (Unique plan reference: #00807235-CA367F).
- Proposed Ground Floor Plan BSB/C23007A/2.
- Proposed Elevations BSB/C23007A/3.

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 outbuilding hereby approved shall at no time be occupied as a separate dwellinghouse and shall be used for the purpose of short-term holiday accommodation only, and for no other purpose without the written permission of the Local Planning Authority. It shall not be occupied by any individual(s) 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 include:
1) The full names, occupation, permanent address and contact telephone numbers of all of the person(s) occupying the premises; and
2) The start and end date of the stay and the purpose of the stay. It 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: For the avoidance of doubt and to prevent the over-intensification of the site through the use of the unit as an independent self contained annexe/dwelling with long-term/permanent residence in accordance with D DM1 of the Arun Local Plan.

4 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.