

Recommendation Report for Planning Permission**REF NO:** FG/73/15/PL**LOCATION:** The Bluebird Cafe
South Drive
Ferring**PROPOSAL:** Additional works to approved planning application (ref: FG/141/14/PL). Works include a new masonry bin store enclosure, amended weatherboard, fascia, soffit cladding colour & new tiled roof.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 775 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front. Walling and fencing to sides and rear at varying heights but commonly 1-2m.
SITE CHARACTERISTICS	The site comprises a 1.5 storey cafe which has smooth rendered elevations painted cream with blue painted sections and a hipped tiled roof. There is associated car parking situated to the west and a ramp and steps to side (west). The cafe occupies a beachfront location and is accessed down a narrow unmade road. Works to implement the extension approved under FG/141/14/PL have begun on site.
CHARACTER OF LOCALITY	The area is predominantly residential in character. There is an absence of immediate development due to the cafe occupying a beachfront location. Beach huts are situated immediately to the east.

RELEVANT SITE HISTORY

FG/6/95	Alterations and extensions to existing cafe and living accommodation (amendment to FG/106/93)	ApproveConditionally 02-03-1995
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FG/23/00/	Ice cream serving parlour	ApproveConditionally 26-04-2000
FG/44/03/	New store.	ApproveConditionally 30-05-2003
FG/141/14/PL	Demolition of existing garage & external store, new bin & recycling area, new take away hatch with raised gantry access & single storey rear extension, including extraction system.	ApproveConditionally 08-12-2014

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Environmental Health

Env. Amenities & Comm. Safety

WSCC Strategic Planning

Consultations responses received:

Environmental Health - No comment

County Highways - No concerns from a highway point of view

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN3
DEV8

GEN11
GEN12

[Publication Version of the Local Plan \(October 2014\):](#)

Protection of the Countryside
Circumstances in which Additional
Development may be Permit'd
Inland Flooding
Parking in New Development
C SP1 Countryside
D SP1 Design
D DM1 Aspects of Form and Design
Quality
W DM2 Flood Risk
QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no policies in Ferring Neighbourhood plan which specifically relate to this type of 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."

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located outside the built up area boundary where the principle of new development is unacceptable, unless it complies with relevant policies within the Local Plan. In this case, the proposal represents an amendment to a previously approved application to extend the premises which was considered to accord with policy, the proposal is therefore acceptable in principle.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to amend the approved extension of the premises on the eastern side of the site including a new masonry bin store and a new roof to the south elevation together with cladding. The bin store would be enclosed by 2m high walling rendered to match the existing building and accessed via timber gates to the south elevation. The roofing would comprise poly carbonate in the fridge/freezer area and the main roof would comprise plain clay tiles.

The amendments would not visually dominate the facade of the building and would be well integrated in terms of the use of materials and design. There would therefore be no adverse effect on the visual amenities of the locality.

RESIDENTIAL AMENITY

Owing to the relatively isolated location of the cafe on the seafront and generous separation distances to neighbouring properties, it is not considered that the proposal would give rise to any adverse effects on surrounding residential amenities.

It is therefore recommended that the application be approved, subject to the following conditions

HUMAN RIGHTS ACT

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 (the right to respect for 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 neutral 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).

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 1000 revA, 1050 revB, 2002 revB, 2003 revB, 3015 revA.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District 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.