

Recommendation Report for Planning Permission**REF NO:** R/176/15/PL**LOCATION:** 1 - 3 Broadmark Lane
Rustington**PROPOSAL:** Installation of free-standing external seating & parasol**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above The proposal relates to the provision of 3 tables, 6 chairs and a parasol to the rear of the store
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Railings are present along some of the site frontage with the highway
SITE CHARACTERISTICS	Supermarket building recently reopened following refurbishment. Outside seating is provided to the front of the store
CHARACTER OF LOCALITY	Town centre location. Mixed commercial/retail residential uses

RELEVANT SITE HISTORY

R/82/15/PL	Elevation alterations, security bollards & boundary treatment.	ApproveConditionally 01-06-2015
R/93/15/PL	Plant equipment to ground floor roof.	ApproveConditionally 18-06-2015
R/99/15/PL	External mobile merchandise tables. Installation of freestanding external seating & parasols & the relocation of existing elements to facilitate this. New external trolley shelter and Waitrose staff facilities. New ventilation extract grilles & fence to screen proposed generator plant.	ApproveConditionally 06-07-2015

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

- none

Comments on Consultation responses:

- none

POLICY CONTEXT

Designation applicable to site:

Class C road

Right of Way

Principal Shopping Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

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

The Form of New Development

D SP1 Design

D DM1 Aspects of Form and Design

Quality

PLANNING POLICY GUIDANCE

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 specific policies in Rustington Neighbourhood Plan relating to this particular 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

The site is located within the Principal Shopping Area, but outside the Primary frontage area. It therefore provides a complimentary role in the services offered by the retail centre. The additional external seating would add to the vitality of the shopping centre.

The premises have recently been refurbished prior to occupation by Waitrose. The seating would be located to the rear of the building, away from the main pedestrian thoroughfare, adjacent to the access to the car park. The proposal would have no adverse impact on the visual amenities of the locality and would not impede pedestrian access. The proposal would contribute an active frontage and would not detract from the character of the area.

The application is therefore recommended for approval 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 174-74-P37, 174-74-P38, 174-74-P40 and 174-74-P41.

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.