

Recommendation Report for Planning Permission

REF NO: R/200/19/PL

LOCATION: The Honeypot Cafe
19 Sea Lane
Rustington
BN16 2RD

PROPOSAL: Change of use of forecourt area to provide 4 tables & a bench for outdoor seating for maximum of 12 seats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to change the use of the forecourt area to the West of the cafe to provide a seating and dining area.
SITE AREA	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The proposal seeks to create a border of planters.
SITE CHARACTERISTICS	The site is a cafe.
CHARACTER OF LOCALITY	The area is populated by a mixture of business units and residential dwellings.

Noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Environmental Health
Economic Regeneration
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council -

The proposed seating area will provide outdoor seating for a maximum of 12 seats. The seating area is situated within a private forecourt and does not encroach onto publicly maintainable highway. Visibility at the junction with Sea Road and The Grangeway does not appear to be affected by this proposal.

The site is sustainably located and is well connected by public transport. A cycle rack is proposed for the outdoor seating area, which will help promote the use of sustainable alternative modes of transport to the private car.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Economic Development - Support

- Economic Development are keen to see businesses developing, and support this application.

Environmental Health - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QEDM1	QE DM1 Noise Pollution
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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).

Rustington Neighbourhood Development Plan has been considered during the determination of this application.

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 the proposal is considered to represent acceptable retail development, and does not have any significantly harmful impact upon the character of the host building, or its locality.

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

In this case, the key policies are deemed to be D DM1 and RET DM1 of the Arun Local Plan.

Policy D DM1 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 RET DM1 of the Arun Local Plan sets out the criteria for acceptable retail development schemes.

DESIGN AND VISUAL AMENITY

The proposed development is not considered to result in any significantly harmful impact upon the character of the host building, or its locality. The seating is set back from the street scene itself, and is bordered by an attractive mix of planters, and other planting materials. The use of this area of land is not considered to be out of character of the area as it complements the parade of shops.

RETAIL

Policy RET DM1 of the Arun Local Plan set out the criteria for retail development schemes within Arun. Part (3) of this policy relates to Town Centre uses outside of Town Centres. The proposal is considered

to meet all four criteria. The location is considered to be sustainable, in that the site is readily accessible by bus, bicycle and on foot. It should also be noted that the proposal seeks for an expansion of an existing premises, as opposed to a new premises entirely.

HIGHWAYS

West Sussex County Council have been consulted on the application, and stated that there will be no 'severe' impact upon the operation of the highway network. Resultant of the location of the application site, there are opportunities for the site to be accessible by public transport. Additionally, the application includes provision of cycle parking. As such, the proposed development is considered to be in accordance with T SP1 of the Arun Local Plan, and Paragraph 107 of the National Planning Policy Framework.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any significantly harmful impact upon the residential amenities of neighbouring dwellings. This is because the proposal is not considered to give rise to any significant intensification of use of the plot. This will be maintained so by the imposition of a condition to ensure the use of the area does not go beyond an acceptable time. As such, it is considered to be in accordance with D DM1(3) of the 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..

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

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:

- Planning Application for forecourt seating area - Appendix 1

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 proposed outdoor area, shall only be open to the public Monday - Sunday, 8:00 - 19:00.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 and 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.