

PLANNING APPLICATION REPORT

REF NO: R/206/11/

LOCATION: 8 Broadmark Parade
Broadmark Lane
Rustington

PROPOSAL: Putting tables & chairs outside front of shop

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves provision of a single row of 3 tables, with 6 chairs, positioned to the front of the shop window. A portable screen, approximately 0.8 metres high, would be positioned to the front. The overall area of the development would project 1.5 metres from the shop front.
SITE AREA	Approximately 4.8 metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open to the front and sides.
SITE CHARACTERISTICS	The site is part of a block paved pedestrian walkway which serves shops on Broadmark Lane.
CHARACTER OF LOCALITY	The site is located within a main shopping area that is characterised by ground floor retail, cafe and service uses. A number of buildings have residential accommodation above ground floor level. The surrounding area has a generally open and spacious character and appearance due to the wide walkway to the front of shops, allowing for the free movement of shoppers and other pedestrians. The walkway is broken up in places by street furniture including flower planters and public seating.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

Awaited.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Principle Shopping Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)
[AREA19](#)

Built-up Area Boundary
The Form of New Development
Primary Shopping Frontages

PLANNING POLICY GUIDANCE

PPS1
PPS4

Delivering Sustainable Development
Planning for Sustainable Economic Growth

SUPPLEMENTARY POLICY GUIDANCE

RDS

Rustington Design statement by Rustington
Parish Council

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 proposed seating will be in a highly visible position to the front of the cafe, however, it will not appear out of keeping due to the commercial nature of the surrounding area, the presence of

existing street furniture including seating and the fact that a number of shops nearby position items to the front of their windows. Furthermore, the seating may encourage shoppers to spend longer in the shopping area, supporting the vitality and vibrancy of the area, in accordance with the aims of PPS4.

As the seating will be positioned on a wide section of pavement it is not considered that it will obstruct the free flow of pedestrians. Further, the tables and chairs will be sited directly to the front of the cafe and will not hamper access to neighbouring shops.

It is considered reasonable to attach a condition preventing the seating from being permanently fixed in place in order to maintain tidiness when seating is not in use, reduce risk of vandalism and to allow for flexibility.

The applicant should also be made aware that the seating cannot be used until such a time as a license is granted for its use, on the public highway, by West Sussex County Highways.

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

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:-

1117 Rev: A;
1117/01;
1117/02;

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

- 3 No external item/structure shall be permanently fixed to the public highway and all external items shall be removed when the store is closed.

Reason: In the interests of amenity and to ensure the public highway is not permanently obstructed in accordance with Policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential

amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, AREA19

NATIONAL POLICIES: PPS1, PPS4

SPD: RUSTINGTON VILLAGE DESIGN STATEMENT

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 INFORMATIVE: The applicant is required to obtain the appropriate license from WSCC to permit the tables/chairs to be placed in the public highway. No items would be permitted within the highway until such a time as the license has been granted. The applicant should contact the WSCC legal services (01243 642105) to obtain the necessary paperwork to commence the process.