

PLANNING APPLICATION REPORT

REF NO: AW/177/23/PL

LOCATION: West Park Cafe
Silverston Avenue
Aldwick
PO21 2RD

PROPOSAL: Removal of public toilets and change of use to cafe only (Sui generis to Class E/A3), refurbishment of existing cafe including alterations to existing layout and conversion of existing flat roof to useable terrace, and installation of verandah. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to change the use of part of the building from public toilets (sui generis) to cafe (class E) with changes to the layout of the cafe, including fenestration and openings, addition of verandah to the perimeter, and the conversion of the roof to a roof terrace.
SITE AREA	210 sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
SITE CHARACTERISTICS	Cafe and block of 8 public toilets in the same building. The building is white painted brick with a false pitched roof. There is a small outdoor seating area to the north.
CHARACTER OF LOCALITY	The area is characterised largely by the park and urban greenspace which surrounds it. The park is in a residential area. The building abuts West Park car park to the south and West Park to the north. Walkways to West Park Play Area lie to the north and west of the building.

REPRESENTATIONS

Aldwick Parish Council - Objection:

- Loss of public facilities.
- Concerns regarding potential environmental issues arising from public needing toilet facilities outside cafe opening hours.

11 No. objections:

- Support the works as they will improve the cafe and enhance West Park but do not agree to the loss of the toilets.
- Is there any intention to replace the toilets? If not, the nearest toilets would be at the pier or Avisford Park.
- From the plans and lease the owner will be required to make the toilets available to the public.
- The public will use the bushes instead.

- Would support the application if some public toilets are retained.
- People cannot afford to buy a coffee or ice cream when needing the toilet.
- Some external toilets could still be incorporated without losing too much space.
- The toilets at West park provide facilities for local people but also visitors using the park, Aldwick beach and Marine park gardens, and are an important local amenity that needs to be not only be retained but also upgraded.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The lease will require that the owners make the toilets open to the public. Concerns regarding needing to purchase goods from the cafe to use the toilets are inaccurate.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Built Up Area Boundary
Pagham Harbour Access Management Zone B
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

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 complies with relevant Development Plan policies in that there will be no demonstrable harm to visual or residential amenities, or to the natural environment.

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 application are D DM1, D DM4, W DM3, WM DM1 and QE SP1 of the Arun Local Plan. Section H and G of the Arun Design Guide are also relevant.

Aldwick does not have a 'made' Neighbourhood Development Plan but has a Parish Design Statement (PDS). The park is listed in the Open Areas of the Parish section and is stated as an open space which should be preserved regarding future development. Parks are fundamental to the character of the community of Aldwick. There are no relevant policies or development criteria included in the PDS relative the application.

DESIGN, VISUAL AMENITY AND LOCATION

The proposal seeks to convert a cafe / toilet block into a cafe, with a new verandah and roof terrace. This will result in the removal of eight public toilets to the southern end of the building. A veranda and balustrade at first floor will be added.

The conversion of the public toilet block to form part of the cafe and the reconfiguration of the internal space will require external changes to fenestration and openings. Seven of the external doors are to be removed, to leave the existing opening to the north, a new entrance in the centre of the east elevation and a staff access to the rear (west elevation).

Additional uPVC windows are proposed on the east and west elevations and will improve the appearance of the building. These will match the windows on the cafe section. The brickwork will remain painted white to match the existing.

To the north end of the building is the current cafe, which has green painted framed windows and doors, with planters above. To the southern half is the toilet block, with four metal doors with additional metal gates to the eastern elevation, abutting the car park, a single metal door with metal gate to the south, and three metal doors with metal gates to the west. This end of the building provides little benefit in terms of visual amenity to the structure and adds very little character to the building and locality.

The removal of the metal doors, and renovation of the structure and external appearance to house the cafe will have a significant improvement to the design and visual amenity of the building. It will enhance the structure, modernising its dated design, benefitting the building and its surroundings. There will be no adverse harm to the visual amenity or character of the building, nor the locality as a result of the works, and the design will be more sensitive and sympathetic to its green and open context. It will appear as a far more attractive and visually appealing structure for those visiting West Park and a positive improvement to the character of the locality.

A timber verandah to all elevations will provide shading for those sitting outside the cafe. This will project 2.15m from the elevations of the cafe, held up by four timber posts on each side, and will measure 3.3m high. This verandah will be a sensitive addition and is acceptable in terms of visual amenity. A bin store and set of stairs are to the western elevation. These external features will integrate with the visual appearance of the building and are suitable additions.

The roof terrace would provide an additional 210 sqm. of floorspace. The roof terrace will incorporate a dwarf wall which will be painted brickwork to match the existing building, and a metal balustrade above this wall measuring 0.35m high. The change of roofline and slight increase in balustrade height would not harm visual amenity, as the cafe is a significant distance from other buildings. The addition of the dwarf wall and balustrading would have harm on the visual appearance or character of the building, nor the locality, and would be a sympathetic addition. The alteration would be visually integrated, in accordance with D DM1 and D DM4.

The principle of the location of the cafe is acceptable as an extension of the existing use. The works are well designed and will be an improvement to the visual appearance and character of the building. The proposal will have no adverse harm to visual amenity or the character of the locality and accords with D DM1 and D DM4 of the Arun Local Plan and the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY AND QUALITY OF ENVIRONMENT

The cafe is a significant distance from nearby residential properties and screened significantly by trees. There will be no overbearing, overshadowing or overlooking impact as a result of the roof terrace or changes to fenestration resulting in no adverse harm to residential amenity on these grounds. This is in accord with D DM1 and D DM4 of the Arun Local Plan.

There may be some additional noise and disturbance as the cafe use is intensified and increased by the roof terrace. As a change to current opening hours of the existing cafe has not been sought by this application, this increase will be limited to between 9am to 5pm. Being only during day time, and screened by surrounding trees and boundary treatments, the additional noise created by the change of use and roof terrace will not have a detrimental impact on the quality of the environment for those living nearby. This is in accord with QE SP1 of the Arun Local Plan. Environmental Health have not objected on noise grounds.

The proposal entails the loss of the 8 public toilets. This could have an impact on the amenity of West Park for users who are not visiting the cafe. Concern has been raised by the public and Parish Council on these grounds. New toilets will be provided in the cafe, and a provision in the lease requires that these toilets are made available for public use during opening hours. The lease does not require the operator to provide toilet facilities above/beyond what is required by Environmental Health under normal

assessments of footfall/covers, only to make them available to members of the public. Although there will be a reduction in the number of public toilets and will be restricted by the cafe opening hours, publicly available facilities will remain. Notwithstanding the retention of public toilet provision, this falls as a licensing issue rather than planning, and therefore a refusal on the grounds of loss of public toilets would be unjustified.

The proposed works will not result in adverse harm to the residential amenity or quality of the surrounding environment, and are in accord with D DM1, D DM4 and QE SP1 of the Arun Local Plan.

PARKING

Whilst the extension of the cafe will allow an increased number of customers, this increase should not have an adverse impact on parking provision for visitors. West Park has a car park which provides parking for around 30 cars. There are a significant number of time restricted on street parking spaces in walking distance of the cafe in Silverston Avenue, Kings Parade and Marine Drive West. This on street parking, alongside parking on site will sufficiently serve the customers of the cafe, and the increased intensity of the use of the cafe will not have a significant or detrimental impact on parking provisions in the area. There will be no adverse harm to highways or traffic in the locality.

This is in accord with T SP1 of the Arun Local Plan.

DRAINAGE

As the building is existing, and the works will not result in a change to the footprint of the building, there are no concerns in respect of surface water drainage. The works will not result in any additional surface water than already exists and is in accord with W DM3 of the Arun Local Plan.

BINS

A secure external bin storage measuring 2.8m wide and 1m deep is shown to the west elevation. This area will be fenced off from the public which will help ensure minimal impact to the visual, residential and environmental amenity of those using the cafe or park. The space will allow for sufficient waste management for the cafe, in accord with WM DM1 of the Arun Local Plan.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and 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 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 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 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.

CIL DETAILS

This application is CIL not 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 and documents:

- Site Location Plan 007 Rev C
- 006 Proposed Elevations Rev B
- 004 Proposed Ground Finishes Rev B
- 003 Proposed Plans (Roof Terrace) Rev B
- 002 Proposed Plans Rev B

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 Within one month of the extended cafe opening, the secure external bin storage shall be constructed, in accordance with the plans as approved in Condition 2 above.

Reason: In accordance with Arun Local Plan policy WM DM1 and the NPPF.

- 4 The opening hours of the cafe will be restricted to 9am to 5pm, Monday to Sunday.

Reason: In the interests of amenity and the environment in accordance with policy D DM1 and QE SP1 of the Arun Local Plan.

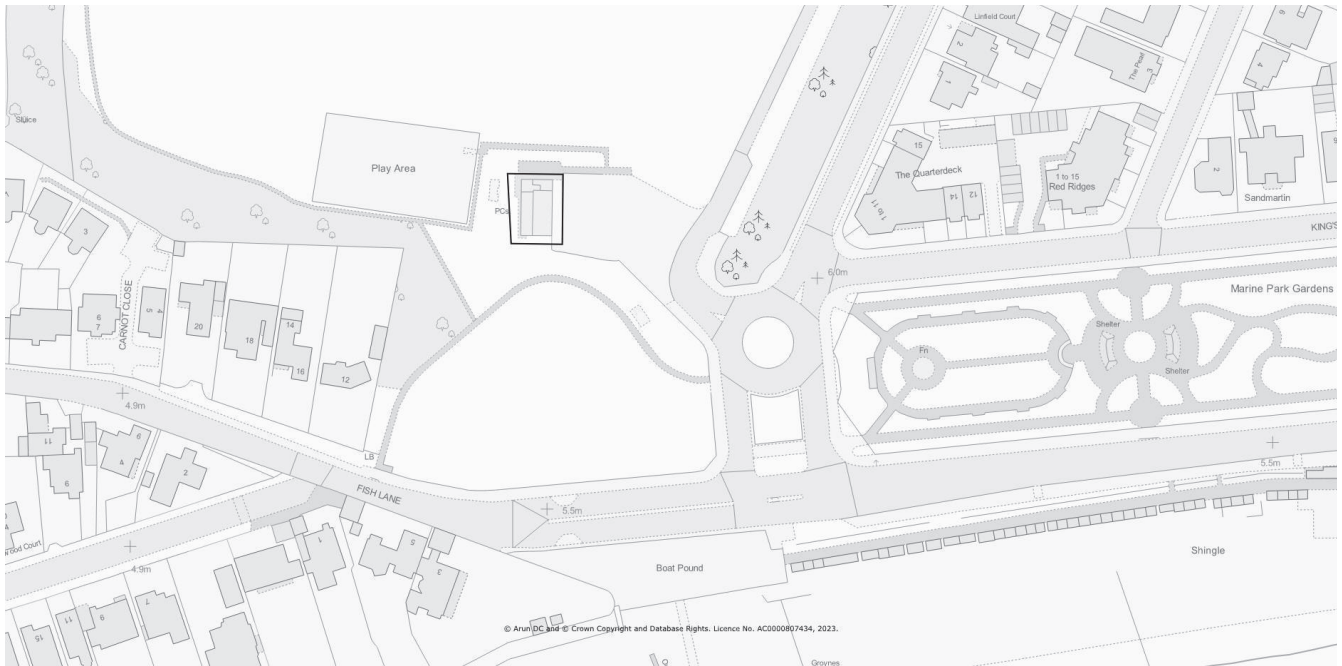
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out in the NPPF.

- 6 **INFORMATIVE:** The plans approved do not include any details of internal or external extraction fans, venting or ducting. As such, should any extraction infrastructure be required for use in the cafe, a separate application for planning permission will be required.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

AW/177/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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