

PLANNING APPLICATION REPORT

REF NO: M/88/21/PL

LOCATION: 155 Middleton Road
Middleton-On-Sea
PO22 6DF

PROPOSAL: Coffee trailer business to be located on the shingle area adjacent to the paved forecourt. This application may affect the setting of a listed building & is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal relates to the provision of a trailer for the sale of hot and cold drinks and food on the forecourt of an existing business. The proposal is a 'grab and go' facility with no cooking facilities and no seating.</p> <p>The trailer will be approximately 2.3m high and made from steel. The site area is approximately 4m by 6.7m.</p> <p>The trailer will be located on the gravel area to the west of the paved forecourt area. All adjacent shrubs, bushes and grassed areas are outside of the application site.</p>
BOUNDARY TREATMENT	Part of frontage is open, rest has a 1m high evergreen hedge.
SITE CHARACTERISTICS	The site comprises an existing 1.5 storey detached beauty salon with parking area to the front. The property is not purpose built but has been previously converted to its business use. The site has 2 entrances onto the main road, B2132, and access road to the parking area at the rear.
CHARACTER OF LOCALITY	The site is located in the village centre amongst a mixture of building types ranging from 1.5 to 3 storeys in height with a mixture of residential and business uses. To the West there is a 3 storey purpose built block of flats to the East there are some traditionally built shops with residential accommodation at 1st floor level.

REPRESENTATIONS

Middleton Parish Council - Objection

- Out of character with the streetscene.
- Will impinge on the privacy and living conditions of adjoining properties.
- Will set a precedent.
- Concerns in respect of parking, traffic and safety.

30 Objections

- Location is wholly unsuitable when adjacent parking belongs to other businesses.

- Coffee trailer passing customers are likely to encroach on this to the detriment of other established local businesses.
- The only area in front of the proposed coffee business has double yellow lines, which if parked on will cause obstructions and danger to motorists and pedestrians alike.
- There is an island in the road that is in frequent use and incorrect parking for the trailer would considerably increase the risk of an accident with pedestrians.
- The proposed trailer is inconsistent with the Village Design Statement.
- The proposed trailer does not fit in with the street scene.
- The village is adequately served by another nearby restaurant.
- From both directions drivers will have driven past without seeing the trailer and if interested would have to negotiate the awkward traffic situation to return and park.
- The flint walls opposite have been knocked down.
- Where will the rubbish be disposed of?
- This proposal which will adversely affect the appearance and setting of a building of character and local interest, which is included on the local list of an Area of Character.
- There is already significant congestion around the site as it is close to the junction of Middleton Road and Sea Lane. The arrival of the coffee trailer could make the situation worse because the 3 parking spaces parallel with the road and the front elevation of the Beauty Salon would be occupied by customers queuing for/purchasing cups of coffee.

63 Support

- Fantastic idea.
- Perfect opportunity for nice hot drinks for locals.
- Very crowded and busy part of the street with heavy traffic and serious parking problems and a Bus Stop which buses struggle to stop at.
- Would be great to have a grab and go speciality 'barista' coffee offering, and something very different from existing options.
- The trailer has been carefully thought through and designed very sympathetically (in terms of colour, size and location) to be in keeping with the style of the village, the area of special character and the street scene.
- Will attract attention, potentially encouraging younger customers into our shops.
- There is nothing similar in the vicinity and it is much needed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Representations are addressed in the conclusions section of this report.

The provision of a litter bin and hours of operation are conditioned.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Comment.

Conservation Officer - No Objection.

The proposal is for the introduction of a coffee trailer business on an area of shingle which is adjacent to the existing paved forecourt. It would appear to cover an area of 2.6m by 1.5m, and be located so as to be visible from the road to the front of the site. However, it would also be located in a vibrant village centre where there a mixture of shops and other uses, along with pedestrians and vehicles.

The trailer itself, would not be a permanent fixture and could be easily removed. The trailer would be a black colour with white lettering. This appearance would be acceptable.

The trailer would not harm the established character of this part of the village centre, nor the area of character or the setting of the Listed Building.

County Highways - No Objection.

The site benefits from existing hardstanding which can be utilised for visitors. Given the scale of the proposed development, the LHA anticipates that the existing parking area will be sufficient for this proposal. There are also parking bays on-street that can also be utilised in the event that the hardstanding area is full. There are comprehensive parking restrictions in place on Middleton Road, preventing vehicles from parking in places that would be a detriment to highway safety.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Within Middleton On-Sea Area of Character
 Host building is a Building of Character

DEVELOPMENT PLAN POLICIES

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

EMPDM1	EMP DM1 Employment Land: Development Management
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality
RETSP1	RET SP1 Hierachy of Town Centres
TSP1	T SP1 Transport and Development
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM4	HER DM4 Areas of Character
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD7	Middleton on Sea Village Design Statement

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.

Middleton does not have an adopted Neighbourhood Plan.

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 there would no adverse impact on the character of the area or visual and residential amenity.

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,
- (a) 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

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site lies within the built-up boundary where the principle of development is considered acceptable subject to compliance with other development plan policies. The key policies are D SP1, D DM1, TSP1, QE SP1 and RET SP1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan - Design states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 T SP1 seeks to ensure that development: provides safe access on to the highway network;

contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The main issues are whether or not the development would be out of character, and overly dominant, taking account of heritage assets, the impact on neighbouring dwellings and the retail hierarchy of the parade.

Policy QE SP1 of Arun Local Plan states that the Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. It goes on to state that the location of existing industrial and commercial uses, must be taken into account when considering proposals sensitive to noise, light, odour outputs to the air.

Policies that relate to the proposed development are EMP DM1 and RET SP1. Policy EMP DM1 seeks to protect and enhance existing employment sites and states that it will promote and support measures to upgrade existing areas.

Policy RET SP1 states village and suburban centres, including stand alone shops and parades form an important resource for businesses, visitors and residents. The expansion and additional provision of such facilities to a scale appropriate to the existing settlement will be welcomed provided it adds to the range of goods and services. When considering this proposal against this policy it provides a supplementary role, providing an alternative to a coffee shop where seats and a wider range of food are provided. The proposal is considered to accord with this policy.

VISUAL AMENITY AND CHARACTER OF THE AREA

Policies D SP1 and D DM1 of Arun Local Plan seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- The scheme is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.

The proposal will be a small trailer which will not be visually prominent and will result in no adverse impact on the character of the area. The proposed colour of the trailer (black with sympathetic white logo/signage) is consistent with the traditional style of a number of buildings in the village, including 155 Middleton Road (with black timber beams and white walls). The trailer is a very simple design, and the proposal will not detract from the existing outlook of the village and is very much in scale with existing buildings.

It is not much bigger than a large car or small van and there are numerous vehicles parked on the car showroom forecourt to the south and off-road parking of cars by residents & local businesses both during the day and at night time occurs within the immediate area. There are also existing commercial frontages where products for sale are being stored outside. The trailer will be located 2.6m from the site frontage and would be readily assimilated into the appearance of the streetscene. The trailer would be easily accessible on foot and by public transport.

EMPLOYMENT

ADC policy EMP DM1 part 1 states that the Council will promote and support positive measures to make more efficient use of under-used employment sites and premises; and work developers to achieve better management of employment areas, including measures which increase sustainability and reduce crime.

Paragraph 86 of the NPPF states policies and decisions should support the role that town centres play at the heart of local communities.

The proposed trailer will bring additional employment opportunities for the owner and possibly one other member of staff and would utilise a small section of the existing commercial forecourt and will complement the range of faculties offered within the village centre which serve the local community. The proposal is therefore compliant with this policy.

ACCESS AND PARKING

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

Regard should be had to paragraph 111 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe". Policy 108 refers to maximum parking standards for residential and non-residential development.

The proposal is for a small scale use. The Highway Authority have confirmed that the likely level of activity would result in no highway safety concerns for this application.

Arun's Parking Standards Supplementary Planning Document provides guidance on parking standards and states the amount of parking in commercial developments should be based on:

- the developments land-use,
- trip rate associated with the development (including base and forecast mode share) and
- the user group of staff/visitors of the site.

Parking for the existing business is served by the forecourt to the front of the premises, it is proposed that the trailer is sited to the Western end of this area. The site has an in/out access way which serves as a drive to the properties behind the premises; from the details submitted it is clear the in/out access way will not be blocked from the trailers positioning.

No dedicated parking provision is provided as part of the proposal, but it is anticipated that existing on road parking would be used to serve the development and much of the business would be derived from people passing on foot.

There is sufficient space to accommodate all business needs and the proposal is compliant with policy TSP1 of Arun Local Plan.

HERITAGE CONSIDERATIONS

Policy HER DM2 and HER DM4 deal with locally listed buildings and areas of character. Policy HER DM1 refers to the setting of listed buildings Policy HER DM2 states that proposals for alteration or extension to a locally listed building should be sensitive to its setting.

Policy HER DM4 states that proposals within these area will be granted permission subject to retention of buildings and other features, maintenance of an appropriate mix of uses, new development preserving, and enhancing the special character of these areas. As this proposal does not physically alter the existing building or the site it is believed that the proposal is in accordance with these heritage policies.

Para 200 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a development. The heritage asset is of some significance. Para 201 requires the LPA consider the significance of the impact upon that heritage asset. This guidance has been followed.

The siting of the trailer to the front of the existing building will cause the openness of the frontage, as mentioned within the 'Area of Character' description, to be altered slightly however the temporary nature of the structure means that the proposal would cause no harm to the locally listed building and its setting. The Conservation Officer has advised that the trailer would not harm the established character of this part of the village centre, nor the area of character or the setting of the Listed Building. In accordance with paragraph 203 of the NPPF the effect of the proposal on the significance of a non-designated heritage asset has been taken into account. No harm or loss results.

RESIDENTIAL AMENITY

Environmental Health have provided no comment on the proposal.

The proposal would not cause a nuisance to neighbouring properties given that:

- the conditioned hours of operation are appropriate for this location and business type;
- the trailer would not be reliant on an external generator and would take power from the business at 155 Middleton Road therefore keeping excess noise to a minimum;
- The trailer would only be serving hot and cold drinks and pastries to take away therefore keeping excess smells to a minimum.

Due to the location of the development, it is sited sufficient distance from nearby occupiers as not to result in adverse overbearing or overshadowing impacts.

It is considered to comply with policies D DM1 and QE SP1 and therefore there would be no impact to residential amenity as a result of the development.

CONCLUSION

Given the position and limited scale of the proposal it 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

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:

Proposed Coffee Trailer Proposed Block, Location and Elevation Plans 010621 / SL-30 A

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 use hereby permitted shall not be operated at any time otherwise than between the hours of 8am and 6pm on Monday to Saturday and 9am to 2pm Sundays and Public Holidays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun Local Plan policies QE SP1 and D DM1.

4 The use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be in accordance with details agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun Local Plan policies D DM1 and ENV SP1.

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 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.

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](#).

M/88/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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