

Recommendation Report for Planning Permission

REF NO: A/133/20/PL

LOCATION: The Resourceful Squirrel
Red Lion Building
High Street
Angmering

PROPOSAL: Variation of condition 5-hours of operation, following A/52/20/PL to allow opening from 9am. This application is in CIL Zone 2 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to vary the wording of condition 5 of planning permission A/52/20/PL to allow the premises to open 2 hours earlier every day at 9am instead of 11am as approved.
TOPOGRAPHY	Gently sloping front to rear of site.
BOUNDARY TREATMENT	Unenclosed, open frontage with courtyard area to ground floor retail unit.
SITE CHARACTERISTICS	The site consists of a ground floor which is currently in use as a coffee shop. The site includes a small separate WC, with a separate door off the front courtyard area in front of the shop. There is a ground floor residential flat behind the shop, and a first floor flat above. The building has been identified as a Building of Special Character.
CHARACTER OF LOCALITY	The premises is located within the Built-Up Area Boundary of Angmering Village. It forms the end unit, on the corner between the southern and eastern side of the High Street, and it terminates a small strip of commercial premises (including offices, estate agents, picture framers, a Co-op) which fronts the High Street and Water Lane. There is a mixture of commercial and residential uses, and a mixture of building styles, within a village setting. The site is within the Angmering Conservation Area, and also an Archaeological Notification Area.

RELEVANT SITE HISTORY

A/52/20/PL

Change of use from florist (A1 Shops) to barista coffee house/micro-bar (A3 Food & Drink & A4 Drinking Establishments). This application affects the character & appearance of the Angmering Conservation Area.

ApproveConditionally
11-06-20

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Building of Special Character

Built-Up Area Boundary

Conservation Area

Archaeological Notification Area

DEVELOPMENT PLAN POLICIES

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

QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality

[Angmering Neighbourhood Plan 2014 POLICY HD8](#) Parking for New Developments

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.

The relevant policies of the Angmering Neighbourhood Plan (made 2015) have been considered in the determination of this current planning 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 there would be no materially adverse impact on residential amenity by reason of noise and disturbance.

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:

Arun Local Plan (ALP) policy SD SP2 states that development should be focussed within the Built-Up Area Boundary (BUAB), subject to consideration of other policies within the Development Plan. Policy HD1 of the Angmering Neighbourhood Plan (ANP) similarly states that development of Angmering village shall be focussed within the Built-Up Area Boundary and will generally be permitted subject to meeting other policies in the Plan.

The site is located within the Built-up Area Boundary. As such, in accordance with ALP policy SD SP2 and ANP policy HD1, development in this location is acceptable, in principle, subject to consideration of all other Development Plan policies.

The proposal seeks amendment to the daily opening time of the premises to 9am. 2 hours earlier than the 11am start time approved under A/52/20/PL in order to maximise the potential for the success of the business.

RESIDENTIAL AMENITY IMPACT:

Policy D DM1 of the ALP requires that when considering any application new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 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.

Policies QE DM1 and QE DM3 set out the requirements to control noise and air pollution.

The proposal seeks permission to open the new barista coffee house at 9am daily. The applicant has identified a demand for earlier coffees by several existing customers and passer's by and people now working from home have expressed a desire to 'pop out' for a takeaway or sit in somewhere away from their work environment for a chat/coffee. The applicant feels that opening at 9am would enhance the community spirit already being developed in the business. General feedback is that this little corner of the village now has some character and is a welcoming and friendly place to visit. The envisaged character and ethos of the business is coming to fruition and the applicant is keen to enhance and develop this as an integral part of life in Angmering village. The potential growth of the village also adds to her conviction that opening at 9am would be good for and would help to enliven the village centre. The Council's Environmental Health team have raised no objection to the proposed increase in opening times. The other conditions imposed on the original would remain in place and still apply to the development.

With the existing previously imposed conditions in place relating to commercial deliveries and loud music any potential for neighbours to be disturbed in terms of noise will be minimised to an acceptable level. 9am is a reasonable opening time and correlates with the opening time of retail units in the village centre. The opening would include Sundays and Bank Holidays but given the nature of the use and size of the premises it is not considered that use of the premises would result in an adverse impact on residential amenity of nearby properties. Activity levels and back ground noise levels would be starting to increase at 9am every day of the week.

In conclusion, the proposal would have an acceptable impact on residential amenity, in accordance with policies D DM1, QE SP1, QE DM1 and QE DM3 of the Arun Local Plan.

SUMMARY:

For the above reasons the proposal would be in accordance with relevant development plan policies and permission is recommended 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 approved shall be carried out in accordance with the following approved plans:

 - Location and Block Plan SB 01 Loc/block

 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.
- 2 The use hereby permitted shall only be open for trade and business between 09.00 hours and 22:00 hours on Monday to Sunday, to include Bank and Public Holidays.

 Reason: To protect the amenity of local residents in accordance with Policy QE SP1, QE DM1 and D DM1 of the Arun 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 INFORMATIVE: This permission relates to the variation of condition 5 of planning permission A/52/20/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number A/52/20/PL remain in force and must be complied with. This decision only relates to the variation of Condition 5 of that planning permission.