

Recommendation Report for Planning Permission

REF NO: A/189/20/PL

LOCATION: Woodies Newsagents
The Square
Angmering
BN16 4AE

PROPOSAL: Provision of permanent outside seating & awning. This application may affect the setting of a listed building, affects the character & appearance of the Angmering Conservation Area & is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to place permanent seating in the forecourt area of the premises. The existing block paving ground cover will not be disturbed by the proposed seating. The new seating will not be fixed into/onto the pavements. The proposal will seat approximately 10 people. The benches will remain in position and will also form a barrier allowing: - Access to the premises - Access to the WC - A 2m wide footpath - 3m clear escape route from the Parish Council's Fire Exit door, and - Clear access to the first floor flat entrance Additionally, removable small tables will be placed for customer drinks with small, removable, stackable chairs. This furniture will be removed nightly and stored inside.
SITE AREA	18.85 sq m
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 with a 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.

RELEVANT SITE HISTORY

A/133/20/PL	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'.	ApproveConditionally 14-10-20
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 Heath - No Comment

County Highways - No Objection

This proposal would not 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.

An informative should be applied.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Informative applied.

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 or highway safety.

Where the building is located in a Conservation Area, Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which

affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Conservation Area and locally Listed buildings

OTHER MATERIAL CONSIDERATIONS

It is considered that there 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.

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 applicant obtained Planning Consent for the change of use to micro bar and barista coffee house on 11th June 2020 (application ref A/52/20/PL). Subsequently the hours were extended by application no. A/133/20/PL so that the premises can now open from 9am-10pm daily with an Alcohol Licence between 11am - 10pm.

The success of the business during the past few months, since its inception, has been helped by the Temporary Licence for outside seating which was granted by Arun Licencing Department on 7th August. This licence expires in January 2021. The proposal seeks permission to permanently provide seating outside the premises .

The Council's Environmental Health team have raised no objection to the proposal. It is proposed to limit the hours of use of the outside seating area at the end of the day to ensure that there is no adverse impact on the residential amenity of adjoining properties.

With the existing previously imposed condition in place relating to commercial deliveries and the loud

music condition re-imposed 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 proposed use of the terrace area in association with the coffee shop 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.

IMPACT ON HIGHWAY

The proposal does not extend across the whole of the site frontage and allows space for movement of pedestrians between its outer extent and the adjacent highway. The premises sit back and away from the local shops where the co-op, framing and other shops are situated. It has the benefit of a large forecourt on which the temporary seating is currently placed. The proposal would maintain pedestrian access in accordance with policy TSP1 of Arun Local Plan.

DESIGN & HERITAGE:

ALP policy D DM4 sets out the policy with regard to alterations and extensions to existing buildings. This includes that they are sympathetic and are visually integrated with the existing building in terms of siting, scale, form, massing, design and materials.

The Council have identified buildings of special character that make a positive contribution to local distinctiveness and sense of place as locally listed buildings. ALP policy HER DM2 seeks to protect the setting of locally listed buildings. ALP policy HER SP1 advises that designated heritage assets, including Conservation Areas (and their settings), will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM3 requires that proposals preserve or enhance the character and appearance of Conservation Areas. Policy HER DM6 requires the preservation of sites of archaeological interest.

Policy EH1 of the ANP relates to developments in Conservation Areas.

The premises forms part of a Building of Special Character, and is located within the Angmering Conservation Area, and an Archaeological Notification Area. The proposed addition of a blind and outside seating would have no materially adverse impact on the appearance of the area. Indeed it would assist in adding to its vibrancy. The terrace would be screened by the buildings to the east which protect it from direct view in the street scene.

The proposals would maintain the appearance of this Building of Special Character and the visual amenity of the area, preserve the character and appearance of the Conservation Area, and not have any harmful impact on archaeological remains. The proposals would accord with ALP policies D DM4, HER SP1, HER DM2, HER DM3 and HER DM6 and ANP policy EH1.

With regard to Paragraph 200 of the NPPF the main consideration is the indirect effect that the proposed seating area could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Area. As discussed above the proposal would represent an improvement on the appearance of the area.

The proposal has taken account of the policy objectives set out in paragraph 192 of the NPPF by

enhancing the significance of the heritage assets that may be affected by the application proposals. The conservation of the designated Heritage Assets has been given great weight in accordance with paragraph 193 of the NPPF. The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the designated Heritage Assets and make a positive contribution to local character by enhancing the setting of the heritage assets as required by para192(c) of the NPPF which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. The business has experienced great enthusiasm from local people and already sees a successful business growing, even in the current climate. The applicant is keen to become a key part of the community and enhance the village centre by encouraging people to socialise and get to know each other while savouring new flavours of locally produced ales. The business has brightened up this corner of the village.

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 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:
Location Plan
Block Plan
Existing and Proposed Elevations, Proposed benches SB bench and Elevations

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 outside seating area shall only be used between 09.00 hours and 19:00 hours on Monday to Saturday and 10am to 1600 hours Sundays, 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

- 4 There shall be no live or amplified music at any time.

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

- 5 Prior to installation of the blind, precise details of its size and appearance shall be submitted to and approved by the Local Planning Authority and the details so approved shall be used in the construction of the blind.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 6 INFORMATIVE: The items placed within the public highway are not to be permanently fixed and are to be removable. This is to permit the maintenance of the public highway and to ensure that a permanent obstruction does not result.

- 7 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.