

DECISION NOTICE

Application Ref: A/52/20/PL

1 To Addressee

Mrs L Galloway
41 Willowhayne Avenue
East Preston
West Sussex
BN16 1PL

2 Site Address

The Enchanted Florist
The Square
Angmering
BN16 4AE

3 Description of Development

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.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 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 and Block Plan (SB 01 Loc/block r1), received 03/04/20
- Existing & Proposed Floor Plans (SB 02 plan r1), received 03/04/20

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and D DM4 of the Arun Local Plan.

- 3 Details for the storage and collection of refuse and recycling waste on the premises (Waste Management Plan) shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of development. The details agreed shall be implemented prior to occupation and maintained in good working condition in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with policy WM DM1 of the Arun Local Plan.

- 4 No demolition/construction activities shall take place other than from 08.00 hours until 20:00 hours (Monday to Friday) and from 08.00 hours until 13.00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1, QE DM1 and D DM1 of the Adopted Arun Local Plan.

- 5 The use hereby permitted shall only be open for trade and business between 11.00 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.

- 6 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart from the premises outside the hours of 08.00 and 19.00 Monday to Saturday and 10:00 and 18:00 on Sundays and Bank and Public Holidays.

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

- 7 Construction work shall not commence until a scheme for protecting the nearest noise sensitive residential dwellings, has been submitted to and approved in writing by the Local Planning Authority. Following approval and completion of the scheme, a test shall be undertaken by a competent acoustician and submitted to the Local Planning Authority to demonstrate that the attenuation measures proposed in the scheme are effective and protect the noise sensitive residential dwelling from unwanted noise. The details thereafter agreed shall be permanently retained.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 and D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that nearby residents are protected from unwanted noise during and after construction, with particular regard to the noise sensitive residential dwelling above.

- 8 The use hereby permitted shall not commence unless and until details for secure cycle parking provision is submitted to and approved in writing by the Local Planning Authority and, once approved, it shall be installed as per the agreed details and maintained in good working condition in perpetuity for the purpose of cycle parking only.

Reason: To promote sustainable modes of transport, in accordance with policy T DM1 of the Arun Local Plan.

- 9 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.

- 10 Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) and/or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, retained in perpetuity as agreed and the plant/equipment shall be permanently maintained in good order thereafter.

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

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.

INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.

INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. The Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

INFORMATIVE: The current application approves the change of use only. The applicant is advised that changes to the signage may require separate advert consent.

INFORMATIVE: The applicant is advised that a separate licence will be required with regard to proposed consumption of alcohol on the premises.

INFORMATIVE: The applicant is reminded that all electrical appliances (for heating and cooling such as electric heaters and fans) will need to have the appropriate certification to demonstrate they have been safety tested annually. West Sussex Fire and Rescue Service should be consulted on these matters. Such matters would fall within the remit of the Health and Safety and Fire Regulations Legislation.



Neil Crowther
Group Head of Planning

Case Officer: Ms Myer

Decision Issued: 11th June 2020

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).