

Recommendation Report for Planning Permission

REF NO: A/63/19/PL

LOCATION: Shafiques
The Square
Angmering
BN16 4EF

PROPOSAL: External alterations comprising replacement shopfront, replacement main roof covering & raising of rear roof height. This application affects the character & appearance of the Angmering Conservation Area & may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to: 1) Replace the wooden shopfront with a wooden framed shopfront. 2) Re-roof the main building with natural slate. 3) Re-roof a rear extension with imitation lead rolls replacing corrugated roof panels. 4) Enlarge an existing cold store felt flat roof extension to the rear of the building by raising the roof 20 cm.
SITE AREA	100 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	To the rear of the property there is a 1.8 metre flint and lime wall. A 1.8 metre wooden fence separates the property from the neighbouring dwellinghouse Blaber House immediately to the west.
SITE CHARACTERISTICS	The property is a single storey restaurant/takeaway.
CHARACTER OF LOCALITY	The site is located within the village centre of Angmering where there is a mixture of commercial and residential uses. Listed Buildings exist to the rear of the site facing the back of the restaurant across Church Road and Blaber House is immediately adjacent to the rear of the site to the eastern boundary.

RELEVANT SITE HISTORY

A/45/09/	New fume extract system	ApproveConditionally 15-07-09
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A number of planning approvals relating to the use of the site as a restaurant/takeaway have been granted at the site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection subject to the report of Arun District Council's Conservation Officer.

2 letters of objection:

- Proposed cold store roof extension would block further light from the rear kitchen window.
- Materials of construction unsuitable in a Conservation Area.
- Increased visibility of raised roof within Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application does not need to go to Development Control Committee for determination in accordance with paragraph 14 of the Scheme of Delegation dated 16-01-2019.

Issues raised are addressed in Conclusions section of report below.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC Conservation Officer - The impact of the proposed development would cause less than substantial harm to heritage assets. Originally a UPVC framed shopfront was proposed however following objections from the Conservation the application has been amended to include a replacement wooden framed window.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

CONS AREA

WITHIN BUILT UP AREA BOUNDARY(BUAB)

DEVELOPMENT PLAN POLICIES

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

SDSP2 SD SP2 Built-up Area Boundary

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

[Angmering Neighbourhood Plan 2014 POLICY EH1](#) Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Policies EH1, HD4 and HD5 are considered relevant to this 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 it would complement the character of the area, improve the overall appearance of the building and enhance the Conservation Area within which it is located.

Conservation Areas/Listed Buildings

Where the building is located in a Conservation Area, Section 71(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.

Where the building affects the setting of Listed Buildings Section 66(1) of the Act states: where

development which affects a listed building or its setting, the local planning authority 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 character of the Conservation Area or the setting of nearby Listed Buildings.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the Built BUAB and therefore the principle of development is acceptable subject to other policies within the Local Development Plan.

The key policy considerations in the determination of this application are policies D DM1, D SP1, HER DM1 and HER DM3 of the Arun Local Plan, Policies EH1: Development in the Conservation Area, HD4: Materials and HD5 of Angmering Neighbourhood Plan.

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

Policy HER DM1 seeks to protect and where possible enhance the setting of listed buildings.

Policy HER DM3 seeks to preserve and enhance the character and appearance of the Conservation Area.

Policy EH1 seeks sufficient detail in planning applications to assess impacts on the Conservation Area.

Policy HD4 of the Angmering Neighbourhood Development plan seeks to ensure that development requiring planning permission which, by virtue of their materials, are inharmonious with the area, are refused.

Policy HD5 on the Angmering Neighbourhood Development Plan states that proposals should demonstrate their consideration of the proposal on its surrounding. This means that the proposed development should conform to the existing built form of the area, and constitute a positive addition to the current style, and mix. New development must integrate well with the character of the locality, and its landscape setting.

DESIGN AND VISUAL AMENITY

The proposed development is a set of minor amendments to an existing building which would improve the quality of the building as a whole by renovations and repairs of the existing structure.

The renovation of the main roof using natural grey slates, an imitation lead roll roof to the rear and a wooden framed front 'shop' window would enhance the appearance of the building as a whole.

The only extension to the structure would be 20 cm added to the roof height of an existing felt covered flat roof cold store at the rear of the premises which would not be considered to have significant impact on the character of the building nor its appearance within the street scene in the Conservation Area.

The proposal therefore accords with policies DDM1 and DSP1 of Arun Local Plan and HD4, HD5 of the Angmering Neighbourhood Plan.

RESIDENTIAL AMENITY

The only issue regarding this application would be the raising of the roof height of the rear cold store by 20 cm on the secondary kitchen window of Blaber Cottage. The loss of light and overbearing impact on the window would not be significant as the existing roof of the cold store already reaches the eaves height and thus already obscures the window combined with the fact that the window affected is a secondary side window to the kitchen which is primarily served by a large south facing window to the rear of Blaber Cottage.

No other impacts on residential amenity would be caused as a result of the development.

The proposal therefore accords with policy DDM1(3) of Arun Local Plan.

IMPACT ON THE SETTING OF LISTED BUILDINGS AND THE CONSERVATION AREA

The proposed development would overall improve the appearance of the building within the Conservation Area and the setting of nearby Listed Buildings by the use of higher quality materials including natural slate on the primary roof, imitation lead roll replacing corrugated roof sheet and the renovation of the wooden shop windows to the front of the development.

The raising of the cold store roof by 20 cm to the rear of the property is not considered to have a significant impact on the Conservation Area or Listed Buildings adjacent to the site.

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas. The information submitted with this application is considered sufficient to assess the significance of local heritage assets proportionate to the minor nature of the development. Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, it is considered that the proposed development has 'less than substantial harm' upon the local assets. Therefore, Paragraph 196 of the Act applies, which states that where this level of harm is identified, the harm should be weighed against the public benefit of the proposal. The enhancements to the local restaurant would be considered to have public benefit, in that it is considered to benefit the local community and the improvements to the building would benefit the wider Conservation Area and the setting of nearby Listed Buildings.

No objection to the proposal was raised by the Conservation Officer.

The design of the building is of a traditional character and would be and therefore the proposal is considered to comply with policy HER DM1 and HER DM3 of the Arun Local Plan and policy EH1 of the Angmering Neighbourhood Plan.

CONCLUSION

The application is therefore 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 Floor Plan, Roof Plan & Elevations Dwg.no. 867/03 Rev. B dated May 19

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings and extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

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

- 4 **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.