DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/23/1870
32 High Street, Steyning, West Sussex, BN44 3YE

DESCRIPTION:
Variation of Conditions 2 and 4 of previously approved application DC/05/0899 (Change of use to tea room and gift shop). Variation sought to allow for change to opening hours and the public use of the walled garden via access through the coffee shop

RELEVANT PLANNING HISTORY:

DC/05/0899	Change of use to tea room and gift shop	Application Permitted on 29.06.2005

SITE AND SURROUNDS

The application site is located to the north of the High Street, within the built-up area boundary of Steyning. The site comprises a Grade II Listed Building currently being used as a coffee shop. The site is located within the designated Conservation Area and within the defined Village Centre boundary and designated Primary Retail Frontage of Steyning. The immediate surroundings are characterised by a mix of commercial and residential units.

DETAILED DESCRIPTION

The application seeks permission to vary the existing conditions 2 and 4 under planning application Ref: DC/05/0899, to regulate the opening times to that of similar businesses within the locality and to remove condition restricting use of the garden area.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 43 - Community Facilities, Leisure and Recreation

Supplementary Planning Guidance:

Neighbourhood Plan:
Steyning Neighbourhood Development Plan

SNDP3 – Contribution to Character

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
HDC Conservation: No Objection - I am satisfied the extension of opening hours will not have a direct impact on the listed building. However, I would like to support any increased viability to ensure the continued use of this building in order to maintain the vibrancy of the village centre and preserve the character of the conservation area.

HDC Environmental Health and Licensing: No Objection - The measures and actions outlined in the document are considered to be satisfactory and will likely lead to the development having a minimal negative impact on the local amenity when implemented as stated. Most notably, the combination of a only a limited area of the garden being used, low amounts of accommodation for patrons in the external space, and restriction on times that the garden is available for use can be expected to limit noise breakout to reasonable levels. However, these principles and the measures in the document as a whole should be secured by Condition to ensure that they are implemented and followed for the lifetime of the development. On this basis, I can confirm that this Service would have NO OBJECTION to the application.

HDC Economic Development: No objection - We support the new business seeking to extend trading hours and maximise use of space to ensure the business flourishes. Our Economic Strategy (Priority 2) indicates that we need to support our local businesses to become more productive and resilient to facilitate long-term economic growth. Supporting change that allows an increase in opening time and makes use of the space available to increase customer numbers will support this and other local businesses thereby bringing benefits to the local economy.

Parish Comments:
No Objection

Representations:
20 letters of representation received of which 13 were in support of the application, 5 objections and 2 neither objecting nor in support of the application.

Reasons for support
- Supporting local businesses on the high street
- Steyning needs a coffee shop that opens early with outside seating
- Other eateries have updated hours of work
- The changes will bring variety and vibrancy to the high street

Reasons for objection
- Potential noise to be generated by patrons
- Loss of privacy
- Disturbance
- Smells
- Affecting the amenity of residential properties

Member Comments:
Councillor Finnegan requested the item to be heard at committee (received 06.02.2024).

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

The site is located within (albeit on the edge of) the built-up area, main shopping area, primary retail frontage, and defined town/village centre. Therefore, Policies 3, 12 and 13 of the Horsham District Planning Framework (HDPF) are the principle planning policies in which any future application would be assessed against. Steyning has been identified as a secondary centre, as per Policy 12 where proposals will be encouraged to help sustain their roles in meeting needs and acting as a focus for a range of activities, including retail, leisure, and recreation; provided they are appropriate to the scale and character of the centre. This policy promotes and encourages activities in town and village centres so they continue to be the prime focus for community life in the district by (amongst other things) maintaining a diverse range and choice of suitable uses including retail, leisure, entertainment, sports and recreation, arts, culture, business and commercial uses as well as residential use. Policy 13 seeks to reinforce the vitality, viability and character of the identified centres. Primarily, the policy seeks to retain Class E uses (formerly A Class uses).

The proposal would retain an active frontage, with the use the use of the garden area to rear to contribute to the vitality and diversity of the Village Centre location. The proposal seeks to expand and make use of the commercial unit, Policies 12 and 13 of the HDPF promote a mix of uses within Town and Village Centres, where development that complements the vitality and viability of the centre is supported. The retained commercial use on would diversify the retail offering within the Primary Shopping Area and would maintain an active frontage within the designated Primary Shopping Frontage.

Policy 11 of the HDPF states that measures which promote tourism and enhance local cultural facilities will be encouraged. Any development should be of a scale and type appropriate to the location and should increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors, and residents in the District. Support will particularly be given to proposals which: reinforce the local distinctiveness and improve existing facilities; seek to ensure that facilities are available within the towns and villages in the District and are in keeping with their relationship with the urban area and countryside around them, and do not result in the loss of a cultural resource. The proposed unit would increase the range of tourist eateries within Steyning and would be of a scale and type appropriate to the Village Centre location.

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves and enhances the landscape and townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy SNDP3 of the draft Steyning Neighbourhood Development Plan states that support is given to development proposals which demonstrate how they will positively contribute towards Steyning's character. Development should also respond to the scale, mass, height, building materials, and form of neighbouring properties.

Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.

It is acknowledged that the Tea Room continues to be very popular venue, bringing vibrancy to the High Street area within Steyning. The attractive external façade and associated signage is also considered to enhance the traditional character of the Conversation Area. No external alterations comprising redecoration of the front and rear elevations have been sought, as such the building will retain the detailing and character of the existing building. For these reasons, the proposed use and change in working hours is considered to retain the character and visual amenity of the building and its setting within the designated Conservation Area, in accordance with Policies 25, 32, 33, and 34 of the Horsham District Planning Framework (2015).

Heritage Impacts:

Paragraph 199 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

This follows the requirements of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets out that 'In considering whether to grant planning permission 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.'. In applying s.66, the identification of harm to a listed building or its setting carries significant importance and weight in the planning balance.

Policy 34 of the HDPF states that development should be reinforce the special character of the historic environment through appropriate siting, scale, form and design; and should make a positive contribution to the character and distinctiveness of the area. Proposals should preserve and ensure clear legibility of locally distinctive vernacular building forms and their settings, features, fabric and materials.

The application site comprises a Grade II Listed Building located within the designated Conservation Area of Steyning. Following consultation with the Conservation Officer, the proposed development the extension of opening hours will not have a direct impact on the listed building. The Conservation Officer supports any increased viability to ensure the continued use of this building in order to maintain the vibrancy of the village centre and preserve the character of the conservation area. As such, the proposed development is considered acceptable in heritage terms.

Amenity Impacts:

Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

Policy SNDP3 of the draft Steyning Neighbourhood Development Plan states that development shall protect the amenity of neighbours.

The proposed development would retain a commercial premises, with the use of the garden area to the rear. No alterations are proposed to the existing building. The wider surroundings are characterised by a mix of residential and commercial units, with examples of commercial use to the ground floor and residential above within the vicinity. Given the character of the area, it is not considered that the introduction of a composite use within the subject building would result in harm to the amenities and sensitivities of nearby residential properties. As such, the proposal is considered to accord with Policies 32 and 33 of the Horsham District Planning Framework (2015).

Water Neutrality

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The proposal falls within the Sussex North Water Supply Zone and would result in a greater level of water abstraction than the site presently generates. Natural England therefore require that the proposal demonstrates water neutrality or that it should be delayed awaiting an area-wide water neutrality strategy.

The submitted plans indicate that the with the use of the garden area to the rear would have the potential to increase occupancy of the existing Tea Room. Given the nature of the proposed activities, the development has the potential to increase water consumption at the site. A Water Neutrality Statement indicating the likely demand has not been provided, with no strategy put forward to address the assumed increase in demand.

In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions:

Whilst the principle of the development is considered acceptable and the application raises no heritage or amenity issues, in the absence of a water neutrality statement, there is no certainty that the development would not have an adverse impact on the integrity of the Arun Valley SAC, SPA and Ramsar sites, and as such the lack of information identified would significantly outweigh the benefits when assessed against 31 of the Horsham District Planning Framework (2015).

Recommendation: Application Refused

Reason for Refusal:

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

POSITIVE AND PROACTIVE STATEMENT

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, in order to be able to, where possible, grant permission.

Plans list for: DC/23/1870

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Noise Management Plan	NONE	04.01.2024
Supporting Statement	Planning	NONE	13.10.2023

DELEGATED

Case Officer sign/initial Shazia Penne Date: 09.04.2024

Authorising Officer sign/initial RHERMITAGE Date: 31.05.2024