

REPORT UPDATE

Application No: CM/16/21/PL

Reason for the Update / Changes

One additional letter of support raising no new issues.

One additional letter of objection

- Proposals are contrary to Arun Council's Action for Rural communities report and the Council's Public health wellbeing programme
- Council need to look at the environmental, and health well-being of their residents

Officer comment:

The recommendation remains as per the agenda report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: CM/16/21/PL

LOCATION: Bairds Farm Shop, Garden Centre
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Convert existing on site storage to picnic area with fast food Cafe. This application may affect the setting of a Listed Building. This application is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

On part of the disused storage areas, it is proposed to create a semi-permanent cafe to serve hot and cold food. There will be an option to have a drive through and a seating area. This is to the west of the on site building and would total approximately 37 sqm. The existing retail units is approximately 700 sqm.

The cafe will be constructed from two recycled shipping containers with a timber canopy. The aim of the applicant is to create a bright and bold design for their branding with an opportunity for customers to drive through or park up and use the picnic facility. The structure is single storey with an enclosed courtyard with seating and a canopy to the east of the cafe structure. The cafe is sited away from the building on

site (to the west) with the courtyard between the new structure and existing building.

Access is from the A259 via the existing entrance to the aquatic centre. The proposed site does not take up any existing car parking spaces.

Proposed opening hours are 6am - 6pm Mon - Sat and 9am - 4pm on Sunday's.

The nearest residential property is a dwelling approximately 28m south west from the proposed structure. The structure is within the existing storage courtyard for the existing business and is not sited closer to adjoining properties.

BOUNDARY TREATMENT

Post and rail style fencing to site frontage.

SITE CHARACTERISTICS

Established farm shop with car parking adjacent to road frontage. It is single storey with clad elevations. The area immediately to the east of the car park contains a raised bed planted with shrubs and enclosed by sleepers. The car park area is hard surfaced with clearly defined spaces.

CHARACTER OF LOCALITY

The area is rural in character with sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land.

RELEVANT SITE HISTORY

CM/16/18/PL	Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.	Refused 15-11-18 Appeal: Allowed+Conditions 21-01-20
CM/27/18/PL	Part change of use of farm shop (sui generis) to include sale of pet shop goods (A1 Retail)	ApproveConditionally 25-01-19
cm/30/18/po	Application to modify a Planning Obligation dated 16/01/2006 under planning application CM/40/02/ to allow for additional use as a pet shop	Approve 25-01-19
CM/7/18/PL	Change of use of land from agricultural field to 60 No. tent pitches operating from April to October to include 2 No. plumbed screened portable showers, 2 No. plumbed portable toilets, 2 No. screened changing cubicles, 2 No. 2 screened portable chemical toilets with hand wash facilities & washing up/drying area within existing	ApproveConditionally 12-07-18

building.

CM/20/20/PL	Use of site approved for tent pitches (CM/7/18/PL) to be used for caravan/motor home camping and tent pitches and associated changes to approved layout.	ApproveConditionally 25-08-20
CM/20/13/CLE	Application for Certificate of Lawfulness for use of land as a farm shop and for purposes ancillary to the farm shop	Approve
CM/40/02/	Extension to form shop to provide sales and associated facilities.	App Cond with S106 16-01-06

The site benefits from a lawful use as a farm shop. The recent change to aquatics sales use was granted by CM/27/18/PL. As part of the farm shop use there was a previous cafe on site and there is no restrictions on opening hours.

To the south and east of the site, permission has been granted for a 64 bed care home in a two storey building. This will be accessed from the existing access onto the A259.

Further to the east, permission has been granted for a 0.95ha site to be used for camping under CM/20/20/PL.

REPRESENTATIONS

Climping Parish Council - recognises a cafe existed in the Farm Shop but is very concerned by the potential to increase use of the shared entrance/exit onto the A259 by the introduction of a drive-thru facility and the queuing arrangements. This could impact on traffic flow on the A259. Asks that consideration be given to potential impacts on nearby listed building or planned dementia care home.

116 letters of Support

- Locally sourced products
- Good spot for a cafe
- Benefit to the local community
- Good use of empty space since closure of existing cafe
- Nice area to meet with for families
- Bring a derelict site back into use
- Positive contribution to area
- Good to have somewhere to eat rather than having to travel to Rustington/Bognor
- Good location between towns
- The facility will be in walking distance
- New housing estate will provide road improvements
- Creating Jobs for the local area
- Community asset
- Good to see local business expanding in difficult times

- Lots of parking space to accommodate all
- Useful outdoor space in current climate
- No traffic issues when busy farm shop and food truck were there
- Creating jobs for the local area
- Community facility
- Locally sourced contractors and products
- Applicants will support local community
- Applicant's support for charities
- Family run business with community at its heart.
- Successful business model looking to expand
- Better to have a local company rather than a big brand
- Benefit to other local business with passing trade
- Will bring in tourist trade as company has a lot of supporters
- Hard working applicants good for local community
- Something new to accompany garden centre
- From an economic point of view, this is what the site needs
- Application should be supported as it adheres to ADC Adopted Local Plan section 8.4.2 (Employment) as it supports local services in a rural area and enhances visitor facilities

27 letters of Objection

- Sets precedent for other fast food outlets on site
- Added congestion to main road
- Unsuitable location for drive through coffee shop, busy junction
- Contrary to Climbing Neighbourhood Plan
- Unsuitable facilities, no toilets for cafe
- Out of character development
- Will attract antisocial behaviour
- Incorrect positioning/number of planning notices
- Already numerous other small cafes in local area
- Hazardous entry/exit point into site
- Permission only given to aquatics shop due to the lower number of vehicular movements
- Visual impact increased and site will be intensifying contrary to older permission
- Contrary to Section 15 NPPF in that it will not protect or enhance a valued landscape, does not recognise the intrinsic beauty of the area, does not maintain the character of the coast, no net gain for biodiversity, unacceptable levels of soil, air and light pollution.
- Increase in vehicle accidents
- Development would destroy Climbing Gap
- Out of character with the Grade II building
- Increase in litter and vermin
- Concerns relating to sewage and grease in sewer system and flooding concerns
- Concerns about works already underway.
- Concerns relating to large vehicles using site
- Existing junction deemed unsatisfactory by WSCC
- Noise and smell problematic to new care home
- Wildlife concerns
- Contrary to climate change declaration to allow car reliant development in countryside location.
- Would need its own entrance

6 letters of No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. These issues have been set out in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council - WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns. The existing access has sufficient visibility in both directions. Proposals will not result in the loss of car parking and existing provision is sufficient.

The LHA does not consider this proposal would 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 NPPF (paragraph 109), and there are no transport grounds to resist the proposal.

Environmental Health - No objection in principle. Details of grease traps, control of odour, delivery hours and construction hours should be conditioned.

West Sussex Fire and Rescue - owner may need to tell insurance company fire hydrant is 250m away.

ADC Conservation Officer - On the basis of the provision of additional screening, I am of the opinion that application could not cause harm to the significance of the heritage asset/ its setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions recommended by Environmental Health have been included.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
Within Settlement Gap

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
HERDM1	HER DM1 Listed Buildings
SDSP3	SD SP3 Gaps Between Settlements
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
RETDM1	RET DM1 Retail development
TSP1	T SP1 Transport and Development

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN4 Protection of existing commercial premises or land

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. In this case, the development plan also comprises the Climping neighbourhood Plan which was made in January 2016.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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."

Section 70(2) of TCPA provides that:-

- (3) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposal is considered to comply with relevant Development Plan policies in that the proposed use is supported by Employment and Retail Policies in the Local Plan and there would be no material impact on the Strategic Gap or the highway network.

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**

The site lies outside the built up area boundary of Climping as defined in the Local Plan and the development plan in the determination of this application will consist of the Arun Local Plan (ALP) 2011 - 2031 and the Climping Neighbourhood Plan (CNP).

Policies SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031 are relevant. Policy C SP1 states that development in the countryside will be permitted if it is for diversification of the rural economy (d) or it is in accordance with other policies that refer to specific types of development (f). Two such policies that

relate to the proposed development are EMP DM1 and RET DM1.

Policy EMP DM1 seeks to protect and enhance existing employment sites and states that it will promote and support measures to upgrade existing areas. Part 6 relates to economic growth outside of the built up area boundary and states that permission will be granted if the proposals are an appropriately sized extension to an existing employment site, would not intensify uses to the detriment of access, there is a high standard of design, can be accessed by public transport and satisfactory relationship with adjoining uses. Paragraph 83 of the NPPF states policies should support economic growth and expansion in rural areas.

Policy CPN 4 of the CNP supports proposals to upgrade or extend existing employment sites if residential amenity is protected, the character of the area is respected and traffic impacts are acceptable.

Policy RET DM1 (3) states town centre uses outside of defined centre will only permitted if it is accessible by the network and public transport, with provision for access by cycle and on foot and makes appropriate provision for access for people with disabilities. When considering the proposals against this policy it is important to note there was a previous ancillary cafe use in the farm shop until recently. The proposal is considered to accord with this policy in that it is below the threshold for an impact test, it is easily accessible by car and bus and accessible by bicycle and on foot. The site is also flat and level and is already accessed by disabled.

Paragraph 88 of the NPPF states the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. There is no in principle objection to the proposals on the grounds of location and commercial use.

SETTLEMENT GAP AND VISUAL AMENITY

Policy SD SP3 Gaps between Settlements states that the generally open and undeveloped nature of the gaps between settlements, will be protected to prevent coalescence and retain their separate identity. It is important to note that this policy is an anti-coalescence policy; not a landscape designation policy.

The proposal is where an existing storage area is located (with means of enclosure) there will be no significant impact upon the quality of the Gap. A large two storey care home will shortly be erected to the south and west of the site and any impact on the Gap will be minimal at best.

CHARACTER & APPEARANCE

D SP1 (Design), DDM1 (Aspects of Form and Design Quality) Local Plan 2011-2031 and CPN11 (Quality of Design) and CPN7 (Protection of Open Views) of the Neighbourhood Plan. Policies D SP1 and DDM1 seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- The scheme is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.

The proposal will be a high quality contemporary appearance through the use of recycled storage containers and a well designed courtyard. The appearance will be an improvement on the existing structures on the site and result in no adverse impact on the character of the area.

TRANSPORT

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access. Policy CPN 14 of the CNP requires new development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

The proposal is for a small scale cafe use. This, when compared to the approved use of the access to the site to serve to aquatic sales (based on the potential maximum intensity of use (not necessarily the actual use) and approved care home and camp site, will result in a minimal additional journeys. The Highway Authority have confirmed that the likely level of activity would result in no highway safety concerns for this application and that the existing access has sufficient visibility in both directions.

Further, there is ample parking capacity on the site for a use of this intensity.

RESIDENTIAL AMENITY

The use is in a location where there is an existing external storage/sales area. There is permission for a 64 bed care home to the south and east. The closest property is approximately 28m to the south/west. The current use of the site is as a car park and external storage area and there will be existing levels of noise and disturbance. The existing retail use has no opening hours restrictions.

The cafe is intended to open at 6am. Whilst this will introduce additional activity early in the day, this has to be considered against the fact that the number of vehicles will not be substantial, they will be traveling at very low speeds in the car park and will be against a backdrop of noise from vehicles traveling on the A259.

It is proposed to erect a fence to the west of the serving hatch where cars will 'drive-thru'. This will comprise fence panels interspersed with planters which will be visually attractive as well as serving to enclose activity.

The means of enclosure on the southern boundary is currently being upgraded and will prevent vehicle headlights causing impacts outside the site. There are a number of outbuildings between the site and the nearest residential property. The private residential amenity area for this property is to the south of the building and away from the application site.

HERITAGE

Para 189 of the NPPF requires the LPA to identify the significance of the heritage asset affected by a development. The heritage asset is of some significance. Para 190 requires the LPA consider the significance of the impact upon that heritage asset. The proposal involves works adjacent to the heritage asset (Grade II Listed Building) which will have an impact on its setting. As a result of the screening proposed the Conservation Officer has concluded there will be no harm to the setting of the Listed Building and therefore the public benefits of the proposal do not need to be considered..

LIGHTING

The only illumination will be to the signage on the structure and an application for advertisement consent will be submitted. If this is restricted to the opening times of the business and is low level, it is likely that, due to the size and siting of the development and the separation distances, it will not result in significant harm upon amenity and accord with D DM1 of the Arun Local Plan.

SUMMARY

Policies in the development plan support the use. A small scale cafe use would not result in a material intensification when assessed against the lawful use of the site. There would be no significant impact or encroachment on the Strategic Gap, this is particularly true when considered along side planning permissions on adjoining sites.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply)

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:

PL1 24/21 Rev B
PL2 24/21 Rev A

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 Deliveries by commercial vehicles shall only be made to or from the site between 08.00 hours and 18.00 hours Monday to Friday, 08.00 - 13.00 hours on Saturday and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity in accordance with Arun Local Plan policies QE SP1 and

QE DM1.

- 4 No work for the implementation of the development hereby permitted shall be undertaken on the site on Public Holidays or at any other time except between the hours of 8am and 6pm on Mondays to Fridays.

Reason: To safeguard the amenities of nearby residents in accordance with policy QE SP1 of the Arun Local Plan.

- 5 The use hereby permitted shall not be operated at any time otherwise than between the hours of 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday. The courtyard area shall not be open for use before 08.00 hours Mon - Sun and there shall be no external illumination outside of these times.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies QE SP1.

- 6 The drainage serving the kitchen(s) at the commercial hot food business shall be fitted with a grease trap / separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. The applicant shall provide the Local Planning Authority with details of their proposed grease trap / separator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004 and BS EN 1825-2:2002 (Current Status: 'Under Review') or other effective means of grease removal. The approved details shall be retained in perpetuity.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 7 The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction of cooking odours (including details of the extract fan units, filters, extraction hoods and ducting together with method of noise abatement) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved shall be installed by a competent engineer before the use permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions. The extraction system shall be in accordance with 'EMAQ -Control of Odour and Noise from Commercial Kitchen Exhaust Systems - 2018'.

Reason: In the interests of maintaining adequate amenity to local residents and visitors to the area in accordance with Policy QE SP1 of the Arun Local Plan

- 8 Prior to the occupation of the structure hereby approved, full details of the boundary treatments to the southern and western boundary shall be submitted to and approved in writing by the Local Planning Authority. The structure shall not be occupied until such details have been approved. The approved details shall be installed within one month of first occupation and permanently maintained.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 9 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.