

Recommendation Report for Planning Permission

REF NO: CM/34/21/PL

LOCATION: Maidenhead Aquatics
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Change of use of part of site to car wash including siting of cabin and canopy. This application may affect the setting of a listed building & is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is for the change of use of part of the site to car wash including siting of a timber cabin and canopy. Staff facilities would be accommodated within a small cabin with a sloping roof 2.7m to 3.3m in height and area of 6m by 2.4m, whilst the canopied area provides shelter for car washing. The canopies excluding the supporting poles extend to approx. 3.4m in height and have an area of 4.8m by 9.7m. There is also a proposed screen which would be visible from the A259. Work has already started on implementing works within the application.

It is proposed that the car wash would operate daily between 8.30am and 5.30pm and would employ 3 full time staff.

Access is from the A259 via the existing entrance to the aquatic centre. The proposed site removes 15 existing car parking spaces.

The nearest residential property is a dwelling approximately 30m south west from the proposed structure. The structure is within the parking area for the existing business.

SITE AREA

2066 sq m

BOUNDARY TREATMENT

Post and rail style fencing to road 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/38/21/PL	Retention of timber cladding to side (west) & rear (south) of main building, Laying new shingle to existing made ground, lychgate to west of main building, timber cladding to generator housing & laying block paving and concrete slabs/replacement concrete slabs. This site may affect a listed building & is in CIL Zone 5 (Zero Rated) as other development.	
CM/16/21/PL	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.	ApproveConditionally 22-07-21
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/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

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.

Permission has recently been granted on the area to the south west for a fast food outlet reference CM/16/21/PL. The approved block plan indicates that the site is outside of the area of this permission. However the car parking indicated within proposal CM/16/21/PL would be reduced by 15 spaces and an additional use which generates parking is now being proposed.

REPRESENTATIONS

Climping Parish Council - Objection

- Proposal will result in the loss of several parking spaces at a busy retail outlet.

- Inappropriate location. There is an inadequate turning space within an already congested car park.
- The proposal is contrary to policy CPN4 of the Climping Neighbourhood Plan, Protection of existing commercial premises or land given that it would impact the amenities enjoyed by the occupants of surrounding properties. The application envisages queuing traffic on the boundary of a grade II listed cottage, with associated noise and vehicle exhaust fumes.
- The proposal would compromise the character of the area and setting of the grade II listed cottage. A hideous orange awning is already in place and yet another shipping container as an office. The proposed PVC shielding along the northern boundary will be totally out of keeping with the location.
- The proposals would impact traffic negatively. This is a traffic generator and a change of use of the car park with the loss of parking spaces. The envisaged vehicle circulation occupies the same space as the drive through caf (CM/16/21/PL) leading to probable chaos in the now limited parking area with potential to back up onto A259.
- The application raises environmental questions over car wash wastewater and road silt, together with sewage waste from the office.

6 Objections

- No valid reason for another car wash in the area as we already have 3 within 3 miles of this location.
- This proposal will add more traffic to the already difficult and at times dangerous situation of traffic accessing the A259 in the vicinity of clymping street.
- The proposed car wash will be next to a listed building to the detriment of the family who live there.
- The proposed site will be using the same area of the car park as the drive-through cafe. The queuing system seems to be the same queue using the drive through. There is no traffic management plan.
- There will be 5 other businesses in this site using one entry/exit onto the A259.
- Congestion will spillover to the A259.
- It is a total overdevelopment of this site.
- It compromises the character of the area.
- There is no mature screening from the listed cottage within 28m of this site.
- The proposed hours 8.30am-5.30pm are longer than Maidenhead Aquatic Centre is open.
- Concerns and the use of chemicals.
- There are no economic benefits.
- Pedestrians and cyclists from the nearby shared pedestrian and cycle path linking Felpham to Littlehampton will also access and leave the site by the same partially obscured, historically dangerous entrance/exit.
- The high visibility of the car wash red canopy further increases the risk of accident along this stretch of road. When approaching the site entrance/exit from the west.
- Pedestrians, including children, will be walking between moving vehicles within the site to access the different businesses while their car is being washed and valeted.
- There will be substantial noise from the jet wash and valet vacuuming equipment used by the car wash, which will be clearly audible both in the adjoining garden and inside the property.
- There is no provision for toilet facilities within the site as a whole or in the immediate area, the closest being a mile away on Climping Beach.
- The Listed Cottage is the oldest residential building in Climping Street. Its setting has already been compromised by the soon to commence construction of the 64-bed dementia care home, along the south eastern boundary of its garden. It will definitely no longer be an 'isolated dwelling'. The urgent social need within Arun for increased dementia care facilities was a major.
- The proposal is concreting over of the Climping Gap by stealth & development leads to more development.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

The adjoining building 'The Cottage' is a Grade II Listed Building, which to the west of the site.

The new development will essentially expand the site with further built form which would introduce a more urban character to the local area, which at present has a more semi-rural feel with a lack of visible development, tree presence and a limited number of residential properties located a short distance away in The Street.

The principal elevation of the cottage faces south and is visible from The Street to the west of the site. Whilst the existing vegetation screening reduces the link between the site and the neighbouring listed building, the property can still clearly be seen when standing in the carpark area. Such an impact could be reduced through the re-introduction and enhancement of mature planting and trees which would screen the listed building from the site.

The cumulative impact of both this and the previous application would mean that the site as a whole would have a much more suburban character. The colours chosen for the development are also visually intrusive.

The proposal will lead to less than substantial harm to the neighbouring heritage asset. The level of harm is considered to be on the lower end of the scale. As such, the public benefits that the development may achieve should be considered as part of the assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Environmental Health Officer - No Objection.

Imposition of conditions requested relating to construction management, hours and noise.

Southern Water - No Objection.

A formal application for any new connection to the public foul and surface water sewer is required to be made by the applicant or developer.

Drainage Engineer - No Objection.

Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

County Highways - No Objection

The 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 111), and that there are no transport grounds to resist the proposal.

The site benefits from an existing car park with provision for approximately 53 parking spaces. The Application Form states that 15 parking spaces will be lost as part of this proposal, reducing the amount to 38 parking spaces. Whilst a number of spaces will be lost, the LHA anticipates that the proposed parking provision will be sufficient for visitors to the nearby businesses. Nearby bus stops on Crookhorn Lane offer regular services between Littlehampton and Chichester, providing opportunities for alternative sustainable transport methods.

COMMENTS ON CONSULTATION RESPONSES:

The response from the highway officer is noted. Whilst staff may use sustainable forms of transport to access the site the proposal itself requires cars to be driven to the site and needs to be considered in the light of the recent fast food outlet recently approved on the same site which included car parking in the area of the proposed car wash.

The environmental health officer is requesting details of equipment which may result in harm to residential amenity be submitted by way of condition. These issues need to be assessed as part of the proposal prior to determination of the application. The level of information submitted at this stage is insufficient to conclude no harm would result.

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
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
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 Clymping 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."

The proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary in a settlement gap where development or redevelopment is unacceptable in principle and is not considered to accord with policies C SP1 and SD SP3 of the Local Plan. The proposal would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) 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,
- (aza) 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.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, 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."

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). The only relevant policy that relates to the proposed development is EMP DM1 in that the proposal would provide 3 full time jobs.

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, has a sympathetic relationship to the

surrounding area and a satisfactory relationship with adjoining uses. Paragraph 84 of the NPPF states policies should support economic growth and expansion in rural areas, but paragraph 85 states that such development should be sensitive to its surroundings. For the reasons set out below it is considered that the proposal is not sensitive to its rural location or the character and appearance of the area.

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.

Paragraph 89 of the NPPF states the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. However there is a principle objection to the proposals on the grounds of location and expansion of commercial uses and the resultant visual harm of structures in this location.

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.

The proposal introduces additional structures into an essentially rural area and results in expansion of the site with further built form which introduces a more urban character to the local area, which at present has a more semi-rural feel with a lack of visible development, tree presence and a limited number of residential properties located a short distance away in The Street. The structures are being introduced into an area of car parking which is divorced from the existing structures on the site and therefore increases the visual impact of the proposals on the area as a whole. There will therefore be an adverse impact upon the quality of the Gap. Even if the provision of the already approved large two storey care home which will shortly be erected to the south and west of the site is considered the proposal will still adversely impact on the appearance of the Gap and would affect its integrity. The proposed large structure will appear isolated from the structure approved under CM/16/21/PL and introduce a use and appearance which would be much more suburban in character. The colours chosen for the development are also visually intrusive.

The proposal would be clearly visible within the street scene when viewed from the north by virtue of its height compared to neighbouring development situated to the north of the site. Therefore the proposed development would have a significant and unacceptable impact upon the character of the locality by virtue of its scale, siting and height contrary to policies D SP1, D DM1 and SD SP3 of the Arun Local Plan.

The proposed development would have an unacceptable impact upon the visual amenities of the area as well as resulting in intensification of development within the gap. Further, given the position, size and height of the structure it would erode the open landscape character of the countryside in conflict with policy CPN7 (Protection of Views) of Climping Neighbourhood Plan. It would adversely impact on long distance views across the landscape. Policy CPN11 (Quality of Design) seeks to ensure that development by way of materials used, appearance and design are appropriate to their location and that there is no adverse impact on the landscape. It requires new development, to be of a high quality of design and protect and enhance local character as assessed by the Climping Character Assessment. Development proposals of poor design that fail to take the opportunities available for improving local character and quality of an area and the way it functions will not be permitted.

The proposals appear as a prominent form of development out of keeping with the flat open character of the area in conflict with Development Plan policy. This proposal would provide a dominant structure within the open area which would harmfully detract from the rural character of the area.

Part (c) of policy SD SP3 also requires that the proposal cannot be located elsewhere within the Gap. The provision of a car wash could easily be located elsewhere within the District outside of the Gap. The proposal contains no details of any alternative site searches.

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 is for a prominent structure which would be out of keeping in this rural area and would be visually prominent from the adjacent road resulting in an adverse impact on the character of the area. The colours chosen for the development are also visually intrusive. Neither the design or colours would be readily assimilated into their rural setting.

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 110 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 proposed use, 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 limited 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.

RESIDENTIAL AMENITY

The use is adjacent to car parking, a cafe and 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 30m 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 car wash is intended to open at 8.30am. This will introduce additional activity from a relatively small number of vehicles which will be travelling at very low speeds in the car park and will be against a backdrop of noise from vehicles travelling on the A259. The unauthorised extended hardstanding and fencing at the site has resulted in a much more open site closer to adjoining properties and, as a result, the proposed use is likely to have a greater impact on residential amenity. Given the permitted uses within the site this additional use and structure, which reduce parking spaces and space for vehicle manouvering within the site, would result in activity levels which would result in vehicles using the car wash and force vehicles using other facilities at the site to queue with engines on close to adjoining

properties.

As part of the approval of the drive-thru it is proposed to erect a fence to the west which would act as additional screening in terms of noise reduction to the adjacent dwelling. There are also 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. Environmental health have raised no objection in terms of impact on residential amenity subject to the imposition of appropriate conditions with respect to noise. However, no noise report in respect of potential noise generating jet wash and valet vacuuming equipment has been submitted with the application to demonstrate that any resultant noise would be acceptable in terms of impact on residential amenity. These should be provided as part of the proposal to ensure that the potential impact on residential amenity is acceptable and not reserved for a planning condition. The proposal therefore conflicts with policy QE SP1 of Arun Local Plan which seeks to ensure that all development contributes positively to the quality of the environment and will ensure that development does not have an adverse impact upon residential amenity and policy D DM1(3).

HERITAGE

Para 194 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 195 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, but this would be less than substantial in accordance with paragraph 202 of the NPPF (2021). Such an impact could be reduced through the re-introduction and enhancement of mature planting and trees which would screen the listed building from the site. Given that some harm is identified public benefits that the development may achieve such as the employment offer have been considered, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It is concluded that with adequate screening the proposal would not result in material harm to the setting of the listed building in accordance with para 202 of the NPPF and policy HER DM1 of Arun Local Plan.

LIGHTING

Policy QE DM2 requires proposals which involve outdoor lighting to be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standard publications and to be the minimum necessary for working, to avoid glare and spillage and to have no adverse impact on amenity. If lighting is restricted to the opening times of the business it will involve lighting in the winter when day light hours are shorter. There is no information submitted with the application to demonstrate that lighting would be low level or that it will not result in significant harm upon amenity. Likely levels of illumination would also result in an impact on the semi-rural character of the area. It would therefore conflict with policies QESP1, QE DM2 and D DM1 of Arun Local Plan.

SUMMARY

There would be a significant impact and encroachment on the Settlement Gap and rural location. The proposal is therefore in conflict with relevant development plan policies D SP1, D DM1, C SP1 and SD SP3 of the Arun Local Plan and policies CPN7, CPN10 and CPN11 of the Climbing Neighbourhood Plan and is recommended for refusal for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposal would involve a level of additional built development within the Littlehampton and Middleton Settlement Gap that would affect the appearance of the Gap, in conflict with policy SD SP3 of the Arun Local Plan which requires that development demonstrates that it cannot be located elsewhere and does not result in undermining the physical/visual separation of settlements.
- 2 By virtue of the proposed land use and the location of the site outside the built up area boundary, the proposal is contrary to policy C SP1 of the Arun Local Plan and given the siting, design, scale and height of the proposed structure it would adversely affect the visual amenities of the locality in that it would be obtrusive in the landscape and prominent from surrounding viewpoints and would constitute an alien intrusion in the countryside which would be out of keeping with and detrimental to the rural character of the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policies CPN7 and CPN11 of the Climping Neighbourhood Development Plan.
- 3 Given the close proximity to residential properties, the proposal contains insufficient information to demonstrate that the proposed use and associated vehicular activity, lighting and equipment (including jet washes and vacuums) will not result in levels of noise and disturbance which will have an unacceptable detrimental impact on the residential amenity of 'The Cottage' in conflict with policies D DM1, QE SP1 and QE DM2 of the Arun Local Plan and Policy CPN 14 of the Climping Neighbourhood 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 with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss with the Applicant the best course of action and is also

willing to provide pre-application advice in respect of any future application for a revised development.