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[REDACTED]

From: Colin HUMPHRIS [REDACTED]
Sent: 04 March 2022 17:18

[REDACTED]

Subject: Re: Bald Kitchen Concerns

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Neil/Juan

Further to Cllr Worne's email I have reviewed the file relating to CM/16/21/PL Bald Kitchen and condition 8 specifically. I recognise that Juan was technically correct that condition 8 was discharged by ADC (CM/52/21/DOC). It would have been better if I had stated that it has not been fully implemented at the Planning Committee on Wednesday.

When CM/16/21/PL was considered the PC was concerned about the impact on the listed building and we specifically asked that the Conservation officer consider this. He reported

I am of the opinion that the proposal could cause some harm to the setting of the neighbouring heritage asset. I note that the Design and access Statement identifies that the landscaping scheme is to be confirmed. I would state that it might help to request details of screen planting to the 'drive through', so as to ensure that the development beds into the surrounding vegetation.

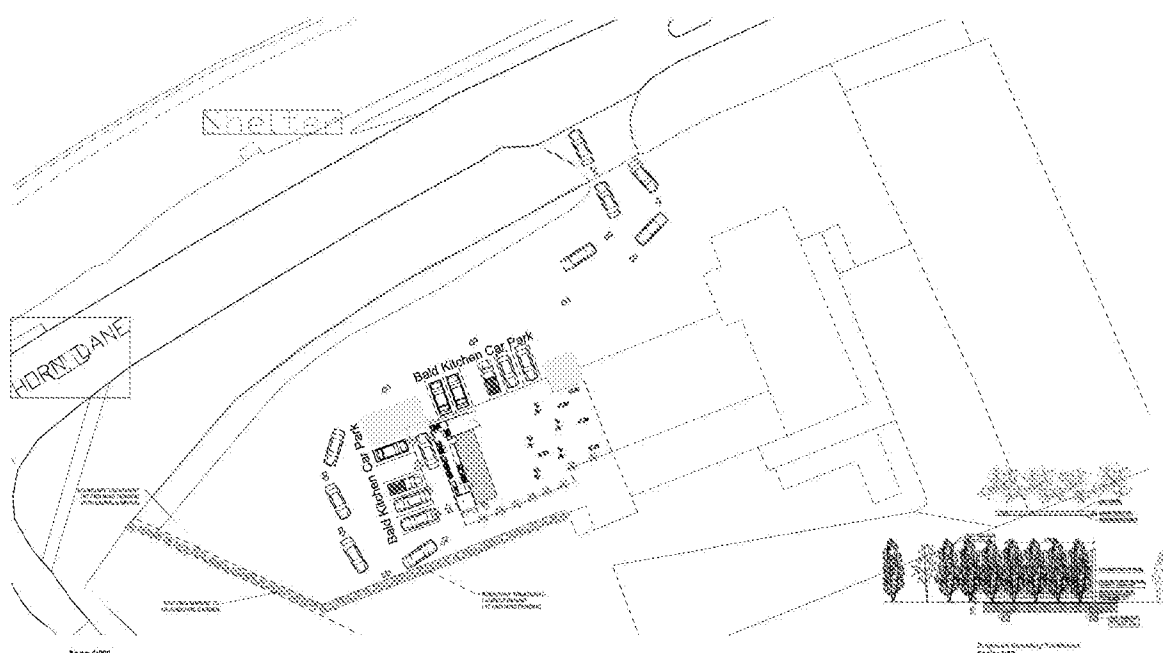
It would also help to have some additional vegetative screening in the part of the car park closest to the listed building, so as to ensure that it would not be seen on the context of the proposed development. If this is provided then the development would not cause harm

Conclusion

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. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

This I assume led to condition 8 and the expectation of screen planting.

The landscaping/screening proposal included in CM/52/21/DOC and discharged by ADC is shown below:



It was on this basis that condition 8 was discharged, however I was aware that there is no planting on the western boundary; just the fence. Along the southern boundary are some very immature plants that will take a number of years to reach the height implied in the schematic plan. There is nothing that I would refer to as landscaping. Hence my view that condition 8 has not been implemented in a meaningful way.

With Mrs Villa's permission I took some photographs to help clarify these points and also the points Cllr Worne made re debris in Mrs Villa's garden. Mrs Villa confirmed to me this morning that original overgrowth trees and shrubbery that traditionally screened her cottage from the Farm shop/car park were removed and the fence erected without her permission when she was not present.

The attached pictures relating to the boundary treatment for CM/16/21/PL show:

1. Looking along the western boundary in a northerly direction you see just a fence, no planting. The orange building over the fence is the office of the proposed car wash
2. Looking along the western boundary in a southerly direction towards the cottage you again see just a fence no planting. You can see the heaped spoil for the fence installation.
3. Much of the original vegetative barrier was left in her garden impacting her greenhouse
4. Soil and car park debris is also piled in the garden behind the fence
5. Along the southerly facing fence there are the small plantings that were shown in the presentation on Wednesday but as I stated above these will take some time to contribute any meaningful screening.

So the landscaping and screening is basically just the fence. And this I believe is the same fence that was refused in CM/43/21/DOC. Debris from the works are in Mrs Vilas garden.

I also raised CM/38/21/PL in my intervention as this relates to the poor screening of the cottage from all the developments within the curtilage of the original farm shop. This application followed an enforcement notice relating to works on the outside of the shop and the covering of grassland with shingle to make an outside display area for the garden centre.

In consideration of this application the Conservation officer concluded:

I am of the opinion that the proposal as existing without an vegetative screening (mature trees and shrubs) could cause some harm to the setting of the neighbouring heritage asset. As you are aware, any harm is harm, which requires a thorough assessment of any public benefits that the scheme would generate

Conclusion

At present I am of the opinion that application could cause harm to the significance of the heritage asset/ its setting. This can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The level of harm is considered to be on the lower end of the scale.

As a result of this the case officer wrote:

From: Simon Davis
Sent: 05 November 2021 16:03
To: 'David Bennett' [REDACTED]
Subject: RE: CM/38/21/PL The Arundel Gardener and Maidenhead Aquatics

Dear David,

I am sorry for the delay in determining the application. I had intended to work on it this week but it was Ctte closing and I had rather a lot to do. It is my intention to work on it on Monday next week.

Please note that I will be recommending refusal but that the refusal will only be in respect of the shingled area in the south west corner. I have not drafted the refusal reason yet but it will be to do with the harm to the Listed Building, harm to residential amenity and encroachment into countryside. This position has been agreed with senior officers.

I have no concerns with the other elements of the application. You may therefore wish to resubmit for the other elements and then you could appeal the refusal of the shingled area.

In the circumstances, I do not expect that you will grant a formal extension of time but if you are able to then an extension until Friday 12th would be helpful.

Kind Regards

Simon J Davis MRTPI
Principal Planning Officer
Directorate of Place



The advice was followed and the application withdrawn. Following this CM/71/21/PL was approved for all items except the shingled area. Given the shingled area was and remains in place and no steps have been taken re vegetative planting (mature trees and shrubs) the PC asked what will happen re these aspects. They were clearly sufficient to lead to the refusal of CM/38/21/PL. To my knowledge we have not had an answer.

So looking at this area and the boundary with the cottage we can see:

6. The western boundary fence alongside the cottage looking south. No planting
7. The western boundary fence by the cottage looking north (notice again the spoil in Mrs Villas garden) no planting
8. The shingle area with no vegetative planting along the western boundary, with Bald kitchen to the right and the car wash canopy to the left of the top of the picture
9. The final picture was taken in May 2021 when I complained about the works being undertaken in the car park that led to the enforcement notices. At this time trees, shrubs and vegetation had been removed exposing the cottage. Now there is just a 1.8m high fence.

I hope this helps your understanding of why the PC feels so strongly about this matter.

Condition 8 reads:

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.

The current position is therefore contrary to condition 8, CM/16/21/PL in that the boundary treatment has not been fully implemented within the first month of operation of Bald Kitchen. The cottage also remains poorly screened from the shingle area and open to harm to its setting and the amenity of Mrs Villa and her family.

My personal view is that those who installed the fencing should be required to remove all the debris and spoil from Mrs Villa's garden and plant suitably mature trees and shrubs to replace the vegetative screening the cottage previously enjoyed.

Regards

Colin

Colin Humphris
Chairman
Clymping Parish Council

From: "Cllr. Amanda Worne" [REDACTED]
Date: Thursday, 3 March 2022 at 13:33
To: Neil Crowther <Neil.Crowther@arun.gov.uk>, Juan Baeza <Juan.Baeza@arun.gov.uk>
[REDACTED]
Subject: Bald Kitchen Concerns

Dear Neil and Juan.

I was left feeling quite shocked and quite upset yesterday after listening to Mrs Villa speaking out about the situation she has found herself in after some quite negligent behaviour from the proprietors of the Bald Kitchen.

Due to their actions Mrs Villa has been left with significant debris in her garden, a damaged greenhouse and the privacy of her garden and home completely destroyed. I firmly believe that we as a planning department have a duty to hold the Bald Kitchen responsible for their actions as we approved the application for their cafe and the conditions set weren't adhered to and if it wasn't for their behaviour Mrs Villa would not be in the position she is today. The owners of Bald Kitchen should by rights, be contacted and asked to make amends to the damage caused.

I suggest they see to the repair of the greenhouse, remove all the debris they created when they removed the vegetation that was providing adequate screening and privacy and replace it with at least several mature whips and other vegetation that will grow quickly to provide the home with the privacy it once had.

I have included Colin Humphries Parish Chair for Clymping and Mrs Villa into this email so they can be informed first hand of updates on this situation and what steps are going to be taken to resolve the situation.

Kind Regards

Amanda

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