

Your Ref: FG/159/18/PL

Mrs. Anita Gardener
Arun District Council
1 Maltravers Road
Littlehampton
West Sussex
BN17 5LF

From

Mr Edwin Prescott
Kingston Gorse House
Brookside Rd
Kingston Gorse
E Preston
W Sussex
BN16 1SE

7th November 2018

Dear Mrs. Gardner,

Two - storey extension to the existing Cafe in order to provide increased internal seating, multi-purpose space, with improved service & food preparation area, disabled access & bike storage at The Bluebird Cafe, South Drive, Ferring, BN12 5QU

Council Ref: FG/159/18/PL

Contents

Introduction	2
Principle of Development	2
Biodiversity	3
Access and Parking.....	3
Flooding and Environment Agency requirements	4
Residential Amenity	4
Previous Pledge.....	6
Conclusion.....	6

Introduction

I writing to raise objections to the above application on behalf myself and my family at Kingston Gorse House, BN16 1SE. My property is situated very close to the Bluebird café which is visible and audible to us. It is one of the closest residential properties to the application site.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is the starting point for the determination of this planning application. This requires planning applications to be determined in accordance with the policies in the Development Plan, unless other material considerations indicate otherwise.

The relevant documents that comprise the Development Plan are:

Arun Local Plan (2011 -2031) (adopted July 2018)

Ferring Parish Neighbourhood Plan (made January 2015)

In addition to these documents, there is also a need to consider relevant planning policy contained within the National Planning Policy Framework (2018) (NPPF) which is itself a material consideration in the determination of the planning application.

In my view, the proposed development does not comply with the relevant policies contained within the Development Plan and no compelling material considerations are presented by the applicant to justify deviation from the policies. The application should therefore be refused. I have set out the reasons for this below.

Principle of Development

The application site lies in a countryside location outside the built up area boundary. The Arun Local Plan confirms the Council will "*protect the natural environment by strictly controlling development in the countryside*" (Paragraph 7.2.1) (my emphasis). Paragraph 7.2.1 goes on to cite the countryside as an 'important designation'.

The applicant's Planning Statement suggests that "countryside policies maybe deem applicable" (Paragraph 6.4). There is no maybe about it. The application is subject to consideration of Policy CSPI. This permits development in the countryside subject to a number of criteria. The applicant seeks to rely solely on criteria F of this policy which confirms development will be permitted in the countryside where it is "in accordance with other policies in the Plan which refer to a specific use or type of development." I infer that the applicant accepts that the proposal does not comply with criteria A to E since they make no case in favour of this. This being the case, if, contrary to the applicant's suggestion, the proposal is not in accordance with criteria F, it should be refused planning permission.

The applicant cites another criteria-based policy as an example of a policy in the plan which refers to a specific use or type of development. Policy EMP DM1 has regard to employment land for

Development Management purposes. Part 6 of this policy concerns economic growth outside the built-up area boundary. In our view, the development as proposed does not comply with the

requirements of this policy, specifically criteria e which requires that access arrangements and parking facilities will be provided in accordance with the Council's adopted standards, and criteria g which requires a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected.

Biodiversity

The likely-hood of increased activity, noise and light pollution, particularly for night time events, is going to adversely impact the local Biodiversity.

I note from the application that they have ticked **NO** to all the Biodiversity questions in section 12.

I don't believe that this is a true representation of the facts on this topic. The site is in an area that is located in a site officially recognised for its Biodiversity indeed there are information boards located in numerous places in this area advertising the local Biodiversity adjacent to the café.

There are bats, owls, green woodpeckers, moorhens, lizards, newts, herons, egrets, to name but a few of the species living and breeding in the neighbourhood. There are mature trees for roosting sites.

Access and Parking

The existing car parking provision for the cafe consists of a nearby public car park which offers 100 unallocated spaces. These spaces are freely available to the public to use and the cafe has no control over the public's use of these spaces. The applicant contends that the use of this car park is sufficient to support the proposed intensification of use at the site, from 135 person capacity to 235. The applicant does not own the car park which is instead owned by eight separate landowners, with the cafe possessing a right for customers to use it. The Transport Report acknowledges that the car park is "well used, particularly in the summer holiday periods". However, it fails to define what "well used" means in reality and no survey of use has been undertaken by the applicant during peak summer periods, or any period for that matter, and instead the applicant has considered the cafe's use of the car park in total isolation which is not realistic.

Parking demand for the proposed increase in capacity at the cafe has been calculated in the Transport Statement in respect of potential daily footfall from visitors of the cafe. Taken at a worst case scenario where all 235 seats are filled simultaneously and measured at a vehicle occupancy rate of 2.5 people per vehicle, it is predicted that this would result in a vehicle accumulation of 94 cars. The Transport Statement estimates that the most likely scenario for the cafe will be 85% capacity with only 50% of arrivals made by cars; therefore producing a "maximum" vehicle accumulation of 40 cars plus an additional 7 for members of staff. It is on this basis that the applicant submits that the scheme accords with criteria e of policy EMP DMI.

There has been no account taken in the statement for the 60 privately owned beach huts that use the same car park. Or for the 7 private houses that are likely to use spaces there. Surely the occupancy of these and other users and their parking needs should be included in the arithmetic.

Whilst it is considerably unlikely that the cafe would be able to rely upon there being 47 spaces daily during the peak summer periods, a critical flaw in this assessment is that it has not taken into account alternative scenarios created by the cumulative impact of visitors to the beach, etc. along with the use of cafe for private function hire and the maximum capacity for car parking that this considerably different use would require following an increase in space at the premises. The applicant's website outlines the nature and extent of the private event use.

It is extremely unlikely that guests attending a private function (e.g. a wedding reception or other formal event) who do not live immediately proximate to the cafe would access the site by walking. Importantly, it is not mentioned within any application documents if the applicants intend to restrict capacity at private events to 235 guests. Subsequently, it is impossible to conclude satisfactorily that the proposal presents any level of adequate parking, and on this basis, it is submitted that the proposal does not comply with criterion e of policy EMP DMI and consequently, policy CSPI.

Flooding and Environment Agency requirements

The Environment agency has made recommendations regarding this application (See the Environment Agency submission in the documents posted on the Council website)

It states (bold)

The development shall only be permitted under the following conditions / mitigation measures

- 1) Finished floor levels are set no lower than 4.61 metres above Ordnance Datum (AOD).**

Ordnance Datum at this site is 0.78 metres. Hence the ground floor and possible the 1st floor does not comply with this requirement.

- 2) It shall only be permitted in accordance with the approved Flood Risk Assessment FRA**
- 3) Mitigation measures shall be fully implemented prior to occupation.**

Mitigation measures include barriers on ground floor doors, windows and access points. Electrical services must be brought in at high level so that plugs are located above possible flood levels.

A flood risk activity permit will be needed for any activity within 16 metres of the base of a sea defence.

I am not aware that any of these requirements have been considered by the applicant.

Residential Amenity

In my view there is a significant effect on the Residential amenity by this plan. It relates to the fact that they are planning to raise the level at which their customers are seated and extend the views to the North with panoramic windows and West on the upper floor.

The West side of the development proposes an open balcony for al fresco dining or events and that balcony extends southwards from the main building. It can be seen from the images on their own development proposal website that there will be a direct line of vision into the neighbouring properties that did not exist before.

This aspect of the plan affects the neighbouring properties in three ways.

Loss of privacy.

The introduction of light pollution over a large area.

The introduction of noise pollution.

There is also the potential for noise from commercial extractor fans operating continuously. They produce a persistent continuous noise which can be one of the most distracting disturbances and cause significant loss of amenity. In a bustling town centre this 'white noise' is generally lost in the background traffic noise etc. However in the countryside which is otherwise extremely silent any sort of noise pollution is far more disturbing.

In their Planning Statement, the applicant states with respect to neighbouring amenity, "potential for noise and disturbance generated by the enhanced facilities provided at the cafe is not anticipated as being significant due to the restricted opening hours that are proposed: (08:00 to 21:00 hours, 7 days a week). There is to be no change to the existing license that benefits the premises". The license currently benefitting the premises allows for private hire outside of opening hours, with alcohol being served until 11pm, and music (including a DJ or band) until 12am. There is no indication that the premises wouldn't be hired out during these hours on weekdays. Given this contradiction between the Planning Statement and the information available on the cafe's website, it is difficult to predict with certainty the actual closing hours of the cafe on a daily basis.

Despite the promulgation in the Planning Statement that the cafe would be used for private events only in "exceptional circumstances"; the cafe has held events recently out of their usual opening hours in accordance with this license, and the occupants of Kingston Gorse House have subsequently endured noise during the night until 12 am. During one summer event this year fireworks were let off late in the evening on the beach by the Bluebird Café guests.

An inevitable and indeed a logical fact is that the cafe will most likely seek to increase the bookings of such events once their venue has been expanded and upgraded; particularly during out of season periods. Despite this, when assessing the proposal against criteria g of policy EMP DMI, the Planning Statement does not include explanation of how the amenities of the residents at Kingston Gorse House and other closely located properties have been considered in relation to this use.

Policy QE SPI of the Local Plan requires all new development to ensure that it does not have a significantly negative impact upon residential amenity. On this basis, it is suggested that the proposed intensification of use at the site along with an unrestricted out of hours use for private hire would result in a deeply unsatisfactory relationship between the cafe and the neighbouring properties and most pertinently Kingston Gorse House, and its neighbours. In addition to light pollution and noise pollution from music, there is the likelihood that alcohol consumption at events could lead to antisocial behaviour that would present a significant nuisance to residents in what is otherwise a tranquil and undisturbed area; particularly if events were to occur during the week. Further to this, I consider that the extent of the use that would be available to the cafe should permission be granted as the application stands, would be wholly inconsistent with the nature of the locality which is designated under the Ferring Neighbourhood Plan as an area of special character that is "worthy of protection through rigorous control of new development "

In addition, there would be a loss of residential amenity through overlooking resulting from the large terraced area. This is shown on drawing no. BCA200301 and indicates a large expanse of terrace at first floor level which would afford users of the cafe a view into neighbouring properties. It features what the plans describe as a "balcony glazing system". The people depicted on the plans tower above the "balcony glazing system" and it will do nothing to ameliorate the significant adverse impact of overlooking. If the Council is minded to approve the terrace area it should feature 2 metre high privacy screen on the west elevations and remove the windows proposed on the north elevations to protect the amenity of 'Kingston Gorse House' and its neighbours, although this approach would do nothing to reduce the adverse impact of noise or light pollution from the terrace as I explain above.

The amenity would be compromised due to odours emanating from the extractor fans associated with the cafe. The smell of chip fat and other cooking odours would not defuse before reaching the amenity area of Kingston Gorse House and would infiltrate the property in the summer (when the cafe is busiest) and the occupants are most likely to want to have their windows open.

Previous Pledge

When the Bluebird café applied for its extend alcohol license in 2006 there was a public meeting held by the council at the café to hear the views of the community. I attended that meeting. The operators made a public pledge that there would be no noise emanating outside the building from any activity within. That was made a condition of the permission. That Pledge has been broken.

Conclusion

For the above reasons I urge you to refuse the application on the grounds suggested.

I would welcome to opportunity to be consulted on any of the above matters and would wish to provide input on any relevant planning conditions, should the Council be minded to approve the application.

Yours Sincerely,

Edwin Prescott

From: Anita Gardner
Sent: 08 November 2018 12:10
To: Planning.Responses
Subject: FW: FG/159/18/PL Bluebird Cafe

Please treat as a rep

Anita Gardner | Principal Planner, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37529 | External: +44 (0) 1903 737529 | E-mail: anita.gardner@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: [REDACTED]
Sent: 08 November 2018 12:06
To: Anita Gardner
Subject: FG/159/18/PL Bluebird Cafe

Dear Anne Gardner,
Please see objection attached.

Regards

Edwin Prescott
Kingston Gorse House
BN16 1SE
[REDACTED]

PS Couldn't find how to paste a PDF into your submit box so sending by email instead. Hope thats OK.