

## REPORT UPDATE

Application No: FG/159/18/PL

### Reason for the Update / Changes

Reason for Update/Changes:

The reasons for refusal have been amended to delete reason for refusal no 3 relating to sound insulation and odour control since these could be controlled by a suitably worded condition.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

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: FG/159/18/PL

LOCATION: The Bluebird Cafe  
South Drive  
Ferring  
BN12 5QU

PROPOSAL: 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.

### SITE AND SURROUNDINGS

#### DESCRIPTION OF APPLICATION

This proposal seeks planning permission for the erection of a new two-storey extension to the west side of the existing building which has a length of approx. 20m and depth of 7.5m. The extension will incorporate the existing single storey building located to the west of the existing patio area and provide a total of 216 covers (80 external + 136 internal). The additional accommodation will also provide enhanced staff facilities including an office, staff room, preparation and service areas, including a fish and chip and ice cream counter.

The footprint of the existing ground floor of the Bluebird has a gross internal area (GIA) of 188m<sup>2</sup> and currently provides seating for 134 people (54 internally seated with approximately 80 externally seated).

This extension will increase the internal GIA by 274m<sup>2</sup> GIA and will provide an additional 40 covers on the ground floor

and 42 on the first floor. The proposed new terrace positioned on top of the single storey fish and chip and ice cream parlour provides seating for 18. The existing residential unit will be extended from 45m2 to 50m2.

The proposed plans include a new access ramp and wheelchair platform lift which will enable equal access to the entrance lobby. 4 secured cycle hoops providing 8 cycle spaces have been included within the cycle store area on the main forecourt. A bicycle repair station including tools, pump and repair products is to be provided.

The application is supported by a Noise Impact Assessment, Flood Risk Assessment and a Transport Statement.

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SITE AREA             | 0.082 hectares                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| TOPOGRAPHY            | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| TREES                 | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| BOUNDARY TREATMENT    | The boundary to the seafront is enclosed by walling to approx. 1.8m high and the western boundary is defined by fencing of a similar height. The other frontages are open.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| SITE CHARACTERISTICS  | The existing building is a detached premises with a restaurant/ coffee shop use at ground floor, and a 2-bed residential flat at first floor set within the roof, and served by dormers to the east and west roofslopes. There are single storey elements to the north side of the building. To the west is a large outside patio/seating area, and a detached storage building, which has an integral 'service hatch' that is also used to serve customers.                                                                                                                                                                                                                                                                                                                                                                                      |
| CHARACTER OF LOCALITY | <p>To the rear (north) and east is a large unpaved, uneven and informal car parking area which is accessed via a private driveway off of South Drive at its junction with West Drive and The Strand. Further to the north is public toilet block, and Ferring Rife.</p> <p>The closest residential properties are located on The Strand to the northeast. These are predominantly large dwellings of varying design, which back onto the public car parking area. There are also large residential properties located to the northwest on Gorse Avenue.</p> <p>To the east of the application are several Beach Huts in a double row , which are located adjacent to the shingle line to the north of the beach. The site is accessible from various informal and formal public footpaths including Greensward, the Rife and Pattersons Walk.</p> |

RELEVANT SITE HISTORY

FG/141/14/PL). Works include a new masonry bin store enclosure, amended weatherboard, fascia, soffit cladding colour & new tiled roof. 24-06-15

|              |                                                                                                                                                                                      |                                  |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| FG/141/14/PL | Demolition of existing garage & external store, new bin & recycling area, new take away hatch with raised gantry access & single storey rear extension, including extraction system. | ApproveConditionally<br>08-12-14 |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

|           |            |                                  |
|-----------|------------|----------------------------------|
| FG/44/03/ | New store. | ApproveConditionally<br>30-05-03 |
|-----------|------------|----------------------------------|

|           |                           |                                  |
|-----------|---------------------------|----------------------------------|
| FG/23/00/ | Ice cream serving parlour | ApproveConditionally<br>26-04-00 |
|-----------|---------------------------|----------------------------------|

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection. The proposed development requires full and proper highway impact assessments. The Local Highway Authority (LHA) have provided a desktop study only.

-The only vehicular access driveway to the ground used as a car park, is a shared space with a public footpath. They have failed to assess the likely impact of the proposed new development in terms of predicted increased traffic volumes in this access driveway. The access driveway/footpath width combined is approx. 3.6m and in the region of 170 feet long. For its entire length it is edged by high walls providing no area of safe refuge.

- The splay of the entrance/exit should be assessed as it does not conform with line of sight conditions imposed on other sites.

- The ground surface conditions of the car park area are in poor condition, deeply rutted and potholed gravel and compacted soil. There are no defined parking bays and parking is haphazard and on a free-for-all basis.

Kingston Parish Council.

Objection:

- The site is Outside the Built-Up Area and in a sensitive location.

- The application is contrary to Policy C SP1 of the Local Plan and is an overdevelopment of a quiet beachside coffee shop into a much larger facility.

- It will be visually out of character with the foreshore, coastal and countryside walk and would also adversely impinge on the view from the beach toward the South Downs National Park.

- It will interfere with the quiet enjoyment of this natural area by visitors and residents.

- After dusk, it will create additional light pollution at ground and first floor level.

- It will create noise nuisance for local residents, particularly in the evenings.

- It will add to the problems of on-street parking both in Kingston and Ferring. During busy times the car

park is already full and this is before the proposed increase in visitors to the coffee shop.

- It will add to the existing hazard for traffic and pedestrians. Vehicular access to the car park is via a narrow entrance way and is shared by a public footpath and its access is onto a sharp corner at the junction of South Drive and West Drive with restricted visibility. The car park (the surface of which is not regularly maintained) is not for the dedicated use of customers only.

197 Objections (including Local Conservation Group and Estate Board):

- It will cause serious parking and traffic congestion problems to local private streets, the upkeep of which are paid for by local residents. Access is through a private estate and private roads. Speed limit of 30mph is already exceeded with route to cafe lacking pavements.
- Entrance is via a single track road that already backs up onto private road with cars trying to leave or enter the car park. There are currently difficult access problems into the cafe. The entrance is already too narrow, causing serious congestion with parking in residential roads and is therefore non viable.
- There are no plans in place to improve surface which is often water logged, or to provide more spaces, with multiple owners of the area.
- The area will not accommodate the increased traffic.
- This application is overdevelopment of a quiet beach and coastal walk spot.
- The suggested provision of cycle racks will not reduce car numbers.
- The applicant's Traffic Study estimates that the addition of 100 seats inside and outside the building, and the staff to serve them, would add only 18 cars to the parking demand. This would seem to be a gross underestimate
- The Transport Statement contains many errors.
- The proposals if approved would double the capacity of the cafe (with presumably a comensurate doubling of the number of cars visiting). The entrance to the car park narrows to a point where there is little space left for pedestrians (let alone pushchairs or wheelchairs) when a car is passing. An increase in customers to the cafe can only make it worse.
- Increase in opening times to 9pm seven days a week will significantly increase the through traffic in Upper West Drive which will not decrease until after closing at 9pm.
- Nearby Goring has a thriving coffee shop culture and the beach environment is for sport & barbecues. Ferring cannot & should not be compared to this and should keep its distinct identity.
- This will not look appropriate on a quiet beach area, having two storeys will look ugly and out of place.
- The expansion will generate significant noise and light pollution. The light pollution from higher up will be unsightly for a large number of houses.
- The bus would struggle to pass increased number of parked cars.
- Concerns for the beach hut owners regarding restricted parking availability.
- Waste, noise and light pollution would increase which could be detrimental for wildlife.
- The building will not benefit the local community.
- There is an adverse effect on the residential amenity of adjacent neighbours by reason of overlooking from the first-floor balconies and windows in the new development to the properties to the west and loss of privacy.
- The proposed building is significantly south of the existing properties and will be of detriment to views afforded to adjacent properties on Kingston Gorse thereby having an adverse effect on their residential amenity.
- 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 proposal is inconsistent with the character and nature of the locality, which Ferring Neighbourhood Plan designates as an area of special character that is "worthy of protection through rigorous control of new development."
- There would be a loss of residential amenity through overlooking from the large first floor terraced area which would afford users a birds eye view into the garden area of 'Neptune'. It features a "balcony glazing system". If approved the terrace area should feature 2 metre high privacy screens on the north

and west elevations to protect the amenity of 'Neptune'.

- Odour from extract fans would be unneighbourly.
- Increase in use of fireworks would result which would be unneighbourly.

41 letters of support:

- Will improve a valued local asset.
- Presently often no spare seating capacity.
- The extension will be a benefit to locals who walk to the beach and like to relax and look out over the sea whilst eating and/or drinking. Currently the Bluebird doesn't offer a sea view because it is set down below the sea defence. In addition the number of places to sit inside and outside is limited.
- This business has run successfully for decades and is one of the most popular eating establishments in Ferring. It is an important place to socialise for the community and provides employment.
- Not everybody drives down to park on the waste land which used as a car park.
- This car park is not used solely by people who only visit the Bluebird. It is used by people who drive down to walk along the sea front or to spend a day at the seaside.
- The coffee shop is a benefit.
- Increasing its size won't cause more dog walkers or day trippers to come to Ferring.
- Parking in the roads around the car park is already an issue for some people on some days of the year.
- A lot of the comments assume that all of the occupants of the traffic use the Bluebird. This is unsubstantiated. A lot of the traffic relates to people who only walk dogs or visit the beach.
- The council should consider adopting some sort of parking permit system that only allows locals to park in the streets.
- Any visitors unable to park will drive away probably never to return.
- The Blue Bird would fill their obligation under the Equality Act 2010 to provide 'reasonable adjustments' to their disabled customers. They currently do not have an accessible toilet.
- A place to meet family and friends, which is busy anyway. Increasing the size won't increase footfall it will just increase the space.
- Ferring would greatly benefit from this facility. Having another leisure type outlet would be an advantage to our village.
- Agree the car park needs an upgrade too.

## COMMENTS ON REPRESENTATIONS RECEIVED:

The comments made in the representations will be discussed in the conclusion section of the report. The Local Planning Authority has sought additional Highway advice following the consultation response from West Sussex County Highways. The roads in question are private roads and as such neither the applicant or the planning authority has the ability to implement parking restrictions.

## CONSULTATIONS

Engineers (Drainage)  
 Engineering Services Manager  
 Southern Water Planning  
 Environment Agency  
 Environmental Health  
 Economic Regeneration  
 WSCC Strategic Planning  
 WSCC Strategic Planning  
 WSCC Strategic Planning

## CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Toilet provision for customers is satisfactory for up to 200 covers based on an equal male to female split. Covers should therefore not exceed 200.

No information has been provided in relation to an extraction ventilation system. Any ventilation extract system or combination of such systems has potential to cause nuisance from noise and odour. Further information is required. Additional information is required regarding the control of people noise and acoustic environment of the flat. No feedback has been provided to clarify hours of operation needed beyond 21:00 hours for exceptional circumstances. In the absence of this information a condition to limit hours of operation to 08:00 to 21:00. is proposed. Deliveries should be conditioned.

Drainage Engineer - No Objection.

The application is within flood zone 3 and the Environment Agency should be consulted. The proposed building will be located between the existing and old Ferring Rife Outfall.

It is proposed that the surface water is discharged to soakaway. This is acceptable in principle. The soakaway should be designed and built to meet building regulation requirements.

Environment Agency - No Objection.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2018) and the mitigation measures detailed within the FRA.

County Highways - No Objection.

It is noted that the car park is used by various users and is not owned by the applicant. Around 100 informal spaces are available, but these are not solely for the use by the premises. The WSCC maximum parking standards require 1 space per 5sqm. With the total area being 345sqm this equates to 69 parking spaces (345/5). The Local Highway Authority (LHA) would raise no concerns on parking grounds. Given that the car park is not for the sole use of the business and is a private car park accessed via private roads the LHA are not able to comment further on parking or the effects of parking 'on street'. Parking would be an amenity issue to be considered by the Local Planning Authority (LPA) and the owner/residents association/management company of the private estate roads.

The premises can be accessed via various routes through the private estate roads. The closest adopted highway is Sea Lane. Private roads do not form part of the adoptive highway network and therefore the LHA have no jurisdiction over them. Given the size of the proposal it is not expected that there would be a significant level of traffic in relation to the proposal that would be considered to give rise to a 'severe' impact the LHA would also not consider the proposal to give rise to an unacceptable impact on highway safety (Sea Lane). Therefore it is not contrary to the National Planning Policy Framework (NPPF) paragraph 109, and that there are no transport grounds to resist the proposal.

Highway Consultant - Objection.

The application proposes to increase the size of the premises from 188m<sup>2</sup> to 462m<sup>2</sup> (based upon the figures in the planning statement). This will result in an increase in floor space to approximately 2.5 times its current size. The Transport Statement concludes that there would be no unacceptable highway or transportation impacts as a result of the proposals. It presents various estimates for parking demand associated with the proposals, however the estimates are not based upon any survey data of the current operation on site, nor is industry standard methodology, such as the TRICS database utilised.

The Statement suggests that the proposals will give rise to total parking demand of 40 parking spaces and that as the car park provides 100 spaces, the demand can be accommodated. The applicant has

however provided no evidence of existing usage of the car park to show how much spare capacity exists. Appropriate survey data should be provided, to illustrate car park occupancy. Given the nature of the car park, data should be provided which covers typical summer peaks. The proposals have not been supported by suitable data or analysis in order to allow impacts to be assessed.

Further data including a review of visibility splays, surveys of existing traffic and pedestrians using the access road, traffic generation and parking demand calculations based upon summertime surveys of the existing site, would be required, to allow development impacts to be fully assessed. Assumptions / statements need to be proven with an evidence base before the planning authority can give them any weight.

Southern Water - No Objection. Informative suggested.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

### POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area

Within Gap between Settlements

Flood Zone 3

Asset of Community Value

### DEVELOPMENT PLAN POLICES

|        |                                                         |
|--------|---------------------------------------------------------|
| CSP1   | C SP1 Countryside                                       |
| SDSP1  | SD SP1 Sustainable Development                          |
| SDSP2  | SD SP2 Built-up Area Boundary                           |
| SDSP3  | SD SP3 Gaps Between Settlements                         |
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| QEDM1  | QE DM1 Noise Pollution                                  |
| QEDM2  | QE DM2 Light pollution                                  |
| QEDM3  | QE DM3 Air Pollution                                    |
| QESP1  | QE SP1 Quality of the Environment                       |
| TOUSP1 | TOU SP1 Sustainable tourism and the visitor economy     |
| TOUDM1 | TOU DM1 Tourism related development                     |
| TSP1   | T SP1 Transport and Development                         |
| EMPDM1 | EMP DM1 Employment Land: Development Management         |
| WDM2   | W DM2 Flood Risk                                        |
| EMPSP1 | EMP SP1 Strategic Economic Growth                       |
| LANDM1 | LAN DM1 Protection of landscape character               |
| WDM3   | W DM3 Sustainable Urban Drainage Systems                |

[Ferring Neighbourhood Plan 2014 Policy 10](#)

Ferring Neighbourhood Plan 2014 Policy 1A

Sustainable water management

A Spatial Plan for the Parish

**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, Made Neighbourhood Development Plans and the South Marine Plan 2016.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Ferring has a made Neighbourhood Development Plan (FGNP) and the relevant policies within it have been taken into account.

**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 it would have have a materially adverse effect on the visual amenities of the locality, an adverse impact upon the established character of the surrounding area and an adverse impact on residential amenity.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

**CONCLUSIONS****PRINCIPLE**

The development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031, the Ferring Neighbourhood Plan (FNP) and the South Marine Plan.

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2, C SP1 and SD SP3 of the Arun Local Plan (ALP) 2011 - 2031.

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Policy C SP1 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB where it does not comply with other policies in the Arun Local Plan. Due to the sites location outside of the BUAB the proposals would be in conflict with principles of policy C SP1 of the Arun Local Plan 2011 - 2031. However, an assessment of harm is required in order to determine whether the proposals affect the purpose of this policy - to protect the character of the countryside.

**Ferring Neighbourhood Plan (FNP):**

The FNP was made in 2014 and as such forms part of the development plan in the determination of this application.

Policy 1A of the FGNP seeks to focus development within the BUAB as defined in the plan and makes it clear that proposals outside of the built up area boundary that do not accord with development plan policies in respect of the control of development in the countryside will be resisted.

**National Planning Policy Framework (NPPF):**

It states in paragraph 12 that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

**Conclusion on Matters of Principle:**

The principle of development on this site is contrary to the development plan as per the principles within Arun Local Plan policy C SP1 and policy 1A of the FNP which seek to protect the countryside and designated Gaps from unwarranted development. The policies which could result in compliance with part (f) of policy CSP1 which would deem that development in this location would be acceptable are considered in more detail and discounted as set out below.

## **DEVELOPMENT WITHIN THE SETTLEMENT GAP**

Policy SD SP3 entitled 'Gaps Between Settlements' confirms that the undeveloped space between East Preston and Ferring, is identified as a gap and will be protected to prevent the Parishes coalescing and retaining their separate identity. Development within the Gap will only be permitted if certain criteria is met including not undermining the existing identity/character of settlements and will not result in their coalescence.

The existing building is located forward of any buildings to the east or west in a prominent position that is readily visible from the greensward to the west and the beach and Patterson's walk to the east. The proposed extension would be significant, 20m in length and would alter the appearance of the building to such an extent that it would become obtrusive in its setting and would adversely affect the visual amenities and character of the area. It would be increased in height and depth and more than doubled in width when viewed from the north (Rife) and South (beach) and from the east it would stand out significantly in front of the greensward beyond.

It would no longer be readily assimilated into the landscape and would transform a building of domestic scale, which is in keeping with its setting, into a large and unsympathetic form of development with excessive fenestration which would adversely affect the character of the area, but would not undermine the physical separation of the settlements or compromise its integrity given the presence of the existing building in this location.

The building currently sits forward of the car park area and Rife which form the Gap. The significant increase in footprint, bulk and height of the building would result in a coalescence of built form when viewed from the north and south and to a certain extent from the west and east from the public footpaths along the Rife and Greensward. The proposal would not maintain the character of the undeveloped coast. The development would not therefore accord with policy DDM1 of the ALP.

## **TOURISM**

The use of the premises as a coffee shop is well established. It is a successful and long standing business that has been used by local residents and visitors since the late 1920's. The application has been submitted to address the applicant's need for larger premises, in recognition of the success and popularity of the existing use and community function it provides. The proposed layout offers greater internal flexibility and an efficient use of the space. Creating a new layout that separates the key elements of the business into smaller dedicated zones and with the addition of further seating; the business can develop and ultimately improve the customer experience.

Policy TOU SP1 'Sustainable tourism and the visitor economy' states that the Council will encourage sustainable tourism development "where it protects as well as promotes the main tourism assets of the waterfronts - the coast, rivers and estuaries" and policy TOU DM1 'Tourism related development' confirms that "proposals for development, including expansion, which are likely to attract visitors (such as leisure or cultural facilities) will be supported provided that they are in accessible locations and achieve good design."

As discussed below the proposal does not achieve good design as required by policy TOU DM1(1). Part 2 of policy TOU DM1 refers to development outside the built up area boundary and states that proposals will generally be expected to be small in scale, but occasionally larger scale facilities may be appropriate where they are associated with enhancing visitor use or appreciation of a specific location; scale and viability will be material considerations. In all cases development in the countryside should demonstrate that it is required and is compatible with its countryside location and is sensitively designed to minimise its impact. It is considered that the principle of an expanded tourism facility should be supported but this needs to be weighed against the scale of the proposals and the impact of these.

## **CHARACTER AND DESIGN**

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm. With reference to character the policy states that proposals should 'Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan policy D SP1 - Design states:

'All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

The proposal would significantly extend the built form of the premises at first floor level which would detract from the rural character of the area.

Policy D DM4 requires extensions or alterations to buildings to sympathetically relate to and be visually integrated with, the existing building in siting, massing, design, form, scale and materials. Furthermore the extension or alteration should be visually subservient to the main building and provide a high standard of amenity.

The proposal would not be subservient or visually integrated. The existing detached building is 6m in depth at first floor when viewed from the north elevation and the proposal would add an additional 20m length to the building at 2 storey level. It would not therefore be subservient in terms of its size and indeed the existing building would be subsumed within the proposed extension.

The extension would also be higher than the existing premises and any first floor would no longer be provided as part of what appears as a chalet style property with ancillary accommodation in the roof area. The appearance of the building would change to a full 2 storey development with significant and obtrusive additions at first floor level which no longer appear secondary. The first floor area will not only dominate and overpower the existing premises but it also appears cluttered and overly busy with the addition of glazing/terraces and balconies.

Large expanses of glazing chosen to create bright and airy internal spaces and maximise the elevated view across the beach and sea beyond create an excessive amount of fenestration to the upper floor and would reflect sunlight in the summer increasing its visual prominence. The design of the elevations results from an ethos to create the appearance of a series of smaller buildings and articulate the elevations to reduce the mass and overall scale. This has resulted in a fragmented and fussy appearance which detracts from the simple and uniform appearance of the existing building.

The proposed materials include cladding, smooth slate blue brickwork, render and weatherboarding which in themselves would not be inappropriate in this seaside location. All fascia and soffits will be fibre cement but will resemble timber in appearance. This is to reduce on-going maintenance issues which is reasonable given the exposed, coastal location of the site.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that good design is a key aspect of sustainable development (paragraph 124) and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 127).

Paragraph 130 goes on to say that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'....

The existing character of this section of the coast line is open with the application building being the only property located adjacent to the beach area. The foreshore area immediately surrounding the site is generally open with beach huts to the east and a greensward to the west which features more sporadic development. The closest residential dwellings are mainly detached and set back from the beach area behind the car park area to the east and greensward to the west. The existing building has an isolated position and is visually detached from the adjacent built form.

The Bluebird is included as an Asset of Community Value under Proposal 4 of the Ferring Neighbourhood Plan as a result of its acknowledged importance to the life and enjoyment of the community. In addition Proposal 5 Patterson's Walk indicates the Parish Council's support for proposals to extend the footpath at Patterson's Walk to reach the Bluebird by a route agreed by adjoining landowners. The importance of the use of the existing premises is recognised by the Local Planning Authority but the retention and continued use of this busy coffee shop are not dependant on the success of this application. The viability of the premises would be enhanced by this development, but it is not argued that it could not continue to be an integral part of village without being extended in the manner proposed.

It is therefore considered that the proposal would adversely impact on the rural character of the area contrary to policy D DM1 (1), D SP1 and LANDM1 of the ALP 2011 - 2031 and paras 127 and 130 of the National Planning Policy Framework.

## **EMPLOYMENT**

According to the application form the business currently employs 40 full time staff and this would rise to 70. The Business Plan confirms that full time employees will be guaranteed all year round continuous work regardless of the elements. The coffee shop use would remain the principle use of the premises. However, in order to supplement and enhance the facilities offered by the site, the proposals include the continuation of pre-booked private functions (including community events). This would include the free use of the additional first floor space for local charitable groups, including Ferring Country Centre, and a discount offered for other local groups wishing to hire the newly created first floor space.

In terms of covers, the existing use provides space for a total of 134 sitting customers (54 inside and approximately 80 outside). The proposed enhanced facilities would provide approximately 206. Approx. 72 additional seats are proposed which is approximately a 50 % increase on the existing provision. The agents have suggested that the viability of the use would increase, with the proposed modernisation and enhanced facilities allowing the business to meet its future needs by facilitating growth and increasing employment.

Policy EMP SP1 entitled 'Strategic Economic Growth' states that "The Council will promote the sustainable growth of the District's economy to meet the varying needs of different economic sectors". The policy seeks to "support job creation and increase the attractiveness of the District as a business location and support the economic development of the coastal market area. This will comprise protecting and enhancing existing and allocated employment sites and premises.

Policy EMP DM1 entitled 'Employment Land: Development Management' sets out its intention to support the enhancement and expansion of existing employment premises and sites "in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy." The policy goes on to confirm that economic growth on sites located outside the Built-up Area Boundary will be granted planning permission subject to a criteria that includes that it be appropriately designed and have an acceptable impact on the local highway.

The principle of the proposals are supported by these policies. However, the proposal do not accord with the criteria within the policy since the extension is not appropriately sized and adversely affect visual amenity given its size, bulk and height.

Also the proposal will be detrimental to highway safety. It would increase vehicle movements along an access which has limited width and visibility and has made no provision for the parking demand associated with the increase in seating capacity. This would consequently result in overspill parking on neighbouring roads causing obstruction and a loss of amenity.

In planning policy terms the countryside policies of the National Planning Policy Framework are applicable. In this respect paragraph 83 of the Framework sets out the Government's support for providing a prosperous rural economy. It states that "planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

## **PARKING AND HIGHWAY SAFETY**

Aside from one disabled parking space, the planning application would not provide any other dedicated car parking on-site. There is an existing uneven, potholed, unsurfaced car parking area providing an estimated 80 and 100 spaces to the east, which is not entirely within the applicant's ownership. It is available to all motorists and not just those using the premises. It is also shared by walkers, beach users, beach hut owners, servicers of the public toilets and Environment Agency employees. The existing parking is informal and is not marked out in bays. No changes to the parking area are included within the application. The demand for parking already exceeds the capacity of the parking area in the summer months. The car park has no length of stay restriction and is not restricted to any user.

The Local Planning Authority consulted County Highways who did not raise any objections given that the site is within an area of private streets and would not affect a public highway. Additional independent highway advice was therefore sought. This acknowledged that the increase in floor space was approximately 2.5 times the current size of the premises, that the access road does not include any dedicated provision for pedestrians and is bound by walls on both sides and visibility splays at the junction with South Drive are limited to the east. It was noted that the Transport Statement does not provide any analysis of the available splays and whether these accord, or otherwise, with current guidance. It concluded that there is potential for collisions due to the limited visibility. The lack of any pedestrian facilities combined with limited visibility is a particular concern as the proposals will intensify the use of the access.

With regard to car parking the consultant advised that the estimates within the Transport Statement for parking demand associated with the proposals, are not based upon any survey data of the current operation on site, nor is industry standard methodology, such as the TRICS database utilised. The applicant has provided no evidence of existing usage of the car park to show how much spare capacity exists. Appropriate survey data should be provided, to illustrate car park occupancy. Given the nature of the car park, data should be provided which covers typical summer peaks.

The application fails to provide suitable analysis of traffic generation, traffic impact, access arrangements, parking demand or capacity/occupancy of the adjacent car park and therefore does not accord with policy TSP1 (d), (e) and (f) of the Local Plan.

Paragraph 108 of the NPPF confirms that the main considerations in transport terms when determining specific planning applications is that proposals should ensure safe and suitable access to the site can be achieved for all users and that significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. The proposal does not provide safe access for all users and the improvement of cycle and walking facilities suggested as proposed mitigation is inadequate to compensate for a lack of car parking provision resulting from the additional demand.

#### **FLOODING & SURFACE WATER DRAINAGE**

Arun Local Plan 2011 - 2031 policy W DM2 seeks to limit development in areas at risk of flooding and W DM 3 discusses the need for sustainable urban drainage systems.

Policy 10 of FNP 'Sustainable Drainage Systems and Water Management' confirms that it expects proposals for development to demonstrate that their sustainable drainage design features are acceptable.

The Council's Drainage Engineer and the Environment Agency do not raise any objection to the scheme subject to appropriate conditions and the proposal would therefore accord with these policies.

#### **RESIDENTIAL AMENITY**

The proposed extension is 2 storeys and includes first floor balconies and seating areas. Overlooking to

neighbours and private gardens is therefore possible and requires consideration. The Bluebird Café is located approximately 40 metres from the nearest residential property in The Strand and 25m from the rear garden boundary. Since the extension is to the west side of the premises the resultant building would be no closer to this dwelling. It also would be no closer to the dwelling in Kingston retaining a gap to the boundary of 30m. It would be closer to the paddock area immediately to the north, but increased overlooking of this area would not adversely affect residential amenity. Due to its forward position it is considered that the provision of roof terraces and balconies would not result in a material loss of privacy to adjacent residential properties. A minimum distance of 25m is retained to adjoining garden boundaries.

In terms of the hours and nature of the use the business is currently open 7 days a week from 08:00 hours until 18:00 hours, although it is open later in summer during the peak use periods. It is proposed that the use will not go on beyond 21:00 hours other than in exceptional circumstances. There is no proposal to change the current drinks license trading restrictions from those existing. The Environmental Health officer has agreed that opening until 21:00 hours would be reasonable and that the number of covers should be restricted to 200 given the toilet provision.

The control of hours by condition would therefore be reasonable, but to limit the number of covers to accord with other legislation would not. The proposal would need to be considered on the basis of the total number of covers proposed and it would be reasonable to assume that an increase of approximately 100 seats is likely to significantly increase the level of activity and noise generated at the site which would occur for a longer period in the summer months.

However, although noise and activity would inevitably rise and would be more perceptible given the external first floor seating areas there would be an opportunity to take control by condition to ensure no opening after 21:00 hours and this is considered reasonable by Environmental Health.

It is accepted that the premises is close to residential dwellings but it is an existing established use and it does not directly abut any residential curtilage. Given the distance to boundaries and that the nearby dwellings have relatively long rear gardens it is considered that there would be no materially adverse impact on adjacent properties by reason noise or disturbance.

#### NOISE AND ODOUR

Following the comments of the Environmental Health Officer it is considered that provided the opening hours of the premises are controlled by an appropriately worded condition noise levels should not materially increase to an extent that would result in material harm. However noise from any extract system cannot be assessed based on the submitted information and could adversely affect residential amenity. Additional information is also required regarding the control of people noise and acoustic environment of the flat.

#### IMPACT ON THE MARINE ENVIRONMENT

The proposal does not include development on the foreshore. The extension would take place on the western side of the premises in an area of hard standing and gravel which is not part of the beach shingle area. It is necessary to consider the impact of the proposal on the marine environment and the relevant policy consideration is the South Inshore and Offshore Marine Plan. Policy S-TR-1 states 'Proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported'.

Policy S-TR-2 'Proposals that enhance or promote tourism and recreation activities will be supported. Proposals for development must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts on tourism and recreation activities'.

Policy S-SIST-1 'Proposals, including in relation to tourism and recreational activities, within and adjacent to the south marine plan areas must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant cumulative adverse physical disturbance or displacement impacts on highly mobile species'.

The proposal would not adversely impact on the marine environment or affect any marine habitat. It would expand an existing facility which benefits tourists in accordance with the policy.

#### **LIGHT POLLUTION**

One aspect of the impact of the development which would affect the appearance of the coastline in the evening is lighting. Policy QE DM2 of the ALP 2011-2031 seeks to ensure that all outdoor lighting schemes have no adverse impact on neighbouring uses or the wider landscape. If conditions are imposed restricting use in the evenings there would be no adverse light spill which would adversely affect the marine environment or the wider landscape.

#### **CONCLUSION**

It is therefore considered that the proposal conflicts with the development plan it does not meet the policy requirements of policies C SP1, SD SP3, EMP SP1, EMP DM1, TOU DM1, D SP1, D DM4 and T SP1 of Arun Local Plan, the relevant sections of the Ferring Neighbourhood Plan and the National Planning Policy Framework.

#### **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 Given the siting, design, scale and height of the proposed extension 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 be out of keeping with and detrimental to the rural character of the locality and the appearance of the coastline in conflict with policies D DM1, DDM 4 and D SP1 of the Arun Local Plan.

- 2 The application fails to provide suitable analysis of traffic generation, traffic impact, access arrangements, parking demand or capacity/occupancy of the adjacent car park and has not satisfactorily demonstrated that there would be no adverse impact on highway safety or amenity and does not accord with policy TSP1 of the Arun Local Plan and the National Planning Policy Framework.
- 3 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.