

Recommendation Report for Planning Permission

REF NO: F/3/19/PL

LOCATION: H M Ford Open Prison
Ford Road
Ford
BN18 0BX

PROPOSAL: Erection of farm shop/cafe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. There is already a farm shop on the site but the applicant would like to integrate this into the newly proposed building with the proposed cafe. The farm shop is being moved to within the cafe due to the monies being handled by the prisoners. The new shop and cafe are being considered A1 as detailed on the submitted application form. Amended plans have been submitted since the application was registered and it is these that have been assessed.
SITE AREA	133 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Set back from the road with a 1m high fence. To the north there are trees 6-8m high. Open to the rear which spread onto the prison grounds with nurseries to the north west.
SITE CHARACTERISTICS	The application site forms part of the existing Ford Prison Site. The site is an Open Prison located in a semi-rural location. The Ford Prison site covers areas of land located to the east and west of Ford Road and features a number of structures. The site relating to this application is a parcel of land to the front of the Ford Prison site, where the prison mess was located.
CHARACTER OF LOCALITY	The semi-rural village of Ford is situated in an area used for agriculture, heavy infrastructure, industry and commerce. The Village does not have an established main centre. There is a large single carriageway road leading north, that divides the Ford Open Prison site. To the north east of the site there is a row of houses along the eastern side of Nelson Row and Arun Ford Close. To the north of the application site there is a field

surrounded by trees on all sites with what appears to be a ploughed agricultural fields further north.

RELEVANT SITE HISTORY

F/27/17/DEM	Demolition of disused wooden building.	Objection 09-10-17
F/19/15/CLP	Lawful development certificate for proposed replacement of roofing, fascias, guttering, downpipes to workshop & dutch barn roofs & replacement cladding to dutch barn	PP Not Required 15-01-16

Relevant site history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Ford Parish Council

Ford Parish Council: No objection

No neighbour comments received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways: Do not Object:

The proposal appears to be part of an existing enterprise and is intended to occupy a vacant site which was previously a mess room. Access from Ford Road is adequate. The proposal will have no noticeable effect on road traffic.

Engineers Comments Regarding Surface Water Drainage: Do not object:

Due to the scale and location of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed in accordance with building regulations.

Environmental Health have not formally been consulted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built -up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution

Ford Neighbourhood Plan 2019 Policy BUA1	Built Up Area (BUA) boundary
Ford Neighbourhood Plan 2019 Policy EH4	Surface water management

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 Waste and Minerals Plans and the Made Neighbourhood Development Plans.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton; Ford.

The relevant Ford Neighbourhood Plan (ANP) policies have been taken account of and are addressed in the Conclusions section of this report.

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 comply with relevant Development Plan Policies.

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 proposed development is situated within the built up area boundary. Where the principle of development is acceptable is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan. The key policies are considered to be D DM1, D SP1, W DM3, T SP1 and TDM1. Ford Neighbourhood Development Plan Policies are relevant.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "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.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Policy DSP1 of the Arun Local Plan sets out that 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.

Policy T SP1 sets out that that the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. It also sets out to achieve appropriate levels of parking in line with West Sussex County Council Highways guidance are provided with each development proposal.

Ford Neighbourhood Development Plan Policies BU1 and E4 are considered to apply.

The application form states that the combined shop and cafe would fall within the A1 use class. A1 covers retail including sandwich shops. Therefore the shop and especially the cafe element will be

assessed accordingly.

Officers note that amended plans have been submitted and that a u-shaped building is now being proposed rather than the earlier proposed L-shaped building.

DESIGN AND VISUAL AMENITY:

The proposed building would have a footprint smaller than that of the mess building that was previously located on the site. Also, the building would be single storey in height and would be set back from the rear of the highway by approximately 9 metres at its maximum and 7.58 metres at its minimum.

The proposed building would have a footprint smaller than that of the mess building that was previously located on the site. Also, the building would be single storey in height and would be set back from the rear of the highway by approximately 9 metres at its maximum and 7.58 metres at its minimum.

The proposed building would have a u-shaped form where the 2 projecting elements would be to the rear and as such would face away from the highway. Therefore, Having regard to the size, scale, massing and design of the proposed building it is considered that it would be appropriate such that it would not have a detrimental impact upon the street scene or wider area.

The applicant has stated that the proposed external materials would be as follows:

Walls: Timber clad and stud work

Roof: Timber trusses and plastic tiling

Windows: Single glazed

Doors: Timber - single skin

Lighting: LED strip lighting (internal)

The applicant has not stated what colour the proposed external materials would be. From the Littlehampton Gazette article, as aforementioned, the photos shows the external material colours to be black for the cladding with red roof tiles. It is considered that the external materials are acceptable as they would not have a detrimental impact on the street scene and the wider area.

Officers note that the proposed cafe/shop has already been built. From an article written by the Littlehampton Gazette and posted online, officers note that a wooden pergola structure has been erected. The amended plans as received do not appear to include this. Therefore no assesment has been made regarding this.

As such, it is considered that the proposed building (cafe/shop) would comply with Policies D DM1 and D SP1 of the Arun Local Plan 2011-2031.

RESIDENTIAL AMENITY:

Officers also note the development that has been built on site.

The nearest residential properties are the dwellings to the north east of the site along Arun Ford Close and the proposed building would be set approximately 80.4 metres away from, the nearest property 3 Arun Ford Close.

Given the aforementioned separation distances between the proposal and the nearest dwellings, that the proposal would be single storey, Officers consider that the proposal would not have a detrimental impact on the occupiers of adjoining and neighbouring properties with regard to, overlooking, overshadowing, overbearing effect and loss of light/sunlight.

No external lighting has been indicated on the submitted plans or the application form. Therefore it is considered that the proposal would not have a detrimental impact on the occupiers of nearby and adjoining properties with regard to light spill.

The applicant has proposed in an e-mail that they would like the cafe and shop to be open during the hours of 07:00 - 17:00, 7 days a week, as visits finish after 16.15 and visitor's cars will be parked in the serving thyme car park, so if they need to use toilet facilities they can use them in the shop. They also state that prisoners and staff would also be able to make use of the cafe. They state that it would better for the prisoners to be able to use the cafe than continue to loiter up and down the main road. The applicant has not stated that the public would not be able to use the cafe. Officers note the nearby Rudeford Industrial estate and that employees may also choose to use the proposed cafe. Therefore, consideration has to be given that members of the public would also utilise the cafe.

Officers note that the cafe is only intended to seat 28 people as confirmed by an email received by the Planning Officer from the agent/applicant on the 04/10/2019. Additionally, given that the nearest properties are 80 metres away officers consider that use of the combined cafe and shop would not have a detrimental impact on the occupiers of nearby properties with regard to noise and disturbance.

The applicant has stated that the cafe would only serve Jacket potatoes, hot drinks, soup, crisps, chocolate and sandwiches. From discussions with the Council's Environmental Health Officer extraction would not be required. No extraction has been proposed. It is not considered that the preparation of the food listed would lead to a nuisance with regard to smells. An informative will be imposed on any grant of planning permission stating that no food that requires extraction, as per the relevant environmental health legislation, is permitted by this application. A separate planning application would be required for the installation of external extraction. Should food be cooked that requires extraction and the necessary extraction not be in place the relevant Environmental Health Enforcement action could be taken.

Officers note from an article in the Littlehampton Gazette (online) dated the 1 November that an area of outside seating can be seen to the rear of the proposed shop/cafe. The application as submitted did not include and reference to outside seating, either in the description, application form or on the submitted plans. As such discussion was had with the applicant/agent that Officers would not be assessing the application as having outside seating. The applicant replied via email on the 06/09/2019 that they would apply for outside seating at a later date. The application has been assessed as not having outside seating.

Additionally the submitted plans do not show a wooden pergola structure as appears to have been built to the rear of the proposed building. No assessment has been made regarding this.

As such it is considered that the proposal would comply with policy D DM1 and QE DM1 of the Arun Local Plan 2011- 2031.

DELIVERY AND OPENING TIMES:

As aforementioned, the applicant has proposed in an e-mail that they would like the cafe and shop to be open during the hours of 07:00 - 17:00 , 7 days a week, as visits finish after 16.15. Officers note that the cafe is only intended to seat people. Additionally, the nearest properties are 80.04 metres away.

It has been confirmed by the applicant, via an email, that food/other deliveries to the cafe and shop would be as part of existing deliveries to the prison. For example, existing food deliveries to the prison would include any food required by the cafe. As these deliveries already take place it is considered that that they are acceptable. Consideration has been given to the potential for trolleys/cages being used early in the morning to bring food and other products for the cafe/shop from where they are stored in the prison, given that it is proposed for the cafe/shop to open at 7:00 am. Having regard to the fact that the nearest properties are sited across a main road approximately 80.4 metres away, it is considered that should metal trolleys/cages be used early in the morning it would not have a detrimental impact on the occupiers of the properties along Ford Close. Should noise become an issue it is considered that this could be dealt with under separate Environmental Health legislation.

Officers consider that use of the combined cafe and shop would not, as a result of either deliveries or opening hours, lead to levels of noise such that would result in a detrimental impact on nearby the occupiers of nearby residential dwellings.

As such, it is considered that the proposal would adhere with Policy QE DM1 of the Arun Local Plan 2011- 2031.

PARKING AND HIGHWAY SAFETY:

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The Highways Officer has commented on this application and does not object. They note that the proposal appears to be part of an existing enterprise and is intended to occupy a vacant site which was previously a mess room. They consider that Access from Ford Road is adequate and that the proposal would have no noticeable effect on road traffic. Therefore, it is considered that the proposal would not have a detrimental impact on highway safety.

The shop that is to be relocated is existing and as such it is considered that the existing parking would be utilised. The applicant has stated on the submitted application form that the cafe is intended to be used by visitors so that they can buy a hot drink and food prior to their visit. However it has also been confirmed that by the applicant that staff and prisoners would also be able to use the cafe. The applicant has not stated that the public wouldn't be able to use the cafe and as such it has been assumed that it

would also be open to them. It is not considered relevant to limit use of the cafe only to visitors, staff and prisoners as the existing 'Serving Thyme' shop is open to all. The existing parking that is available to users of the existing shop 'Serving Thyme' and visitor parking would be available. The applicant/agent has detailed, via an email received by the planning Officer on the 26th September that 15 off-road parking spaces are available. The off road parking spaces would be provided on an area of hard standing, within the prison site, currently used for staff parking prior to work on the shop.

It is noted that a kerb stone, drop curb for wheelchair access and a small fence separating the two would also be provided. No plans showing the kerb stone, drop curb for wheelchair access and small fence have been provided and as such have not been assessed.

Therefore having regard to the West Sussex County Council Parking Guidance it is considered that the proposed 15 spaces, as aforementioned, would be acceptable.

As such, it is considered that the proposal would comply with Policy T SP1 of the Arun Local Plan.

DRAINAGE:

The Council's Drainage Engineer does not object. Due to the scale and location of the proposed development they have no conditions to request. Surface water drainage should be designed and constructed in accordance with building regulations.

As such it is considered that the proposal would adhere with Policy W DM3 of the Arun Local Plan.

MINERALS CONSULTATION AREA:

The application site falls within the 500 meter waste site buffer for both New Life Paint and South Coast Skips. Officers note that the proposed building is to be sited where the larger Officers mess was previously. Therefore, Officers do not consider that the proposal would have an impact on or be impacted by any of the nearby waste sites.

NEIGHBOURHOOD DEVELOPMENT PLAN:

The following Policies of the Ford Neighbourhood Development Plan apply - EH4 - Surface Water Management and BUA1 - Built-up Area Boundary. From the above assessment it is considered that the proposal would comply with the aforementioned Policies of the Ford Neighbourhood Development Plan.

OTHER:

Officers note that the application site is within an Area of Special Control - Adverts. This application is for the cafe/shop only and does not include any advertisements, such as shop front signs or any other free standing signage, that may have been erected.

Offices are aware that products, such as plants, may be for sale outside to the rear of the shop/cafe as constructed. However as no details of outside sales were submitted with this application no assessment has been made regarding the sale of any products outside of the proposed building.

SUMMARY:

It is recommended that, having regard to the above assessment, the planning application is granted subject to appropriate and reasonable conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

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

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan received 22/02/2019

Block Plan 04/03/2019

Proposed Floor Plans received 07/11/2019

Proposed Elevations and Roof Plans 07/11/2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 The use hereby permitted shall not take place at any time otherwise than between the hours 07:00 - 17:00 on Mondays to Sunday.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy D DM1 and Q EDM1 of the Arun District Local Plan.

- 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 4 **INFORMATIVE:** It is noted that the cafe/shop has already been constructed and features outside seating and a wooden pergola. No permission has been granted for any outside seating, wooden pergola or outside sale of goods. Therefore you may need to apply for planning permission with regard to these elements.