

Report following a request for further information, negotiations or consultation

REF NO: CM/46/22/PL

LOCATION: Bairds Farm Shop
Crookthorn Lane
Climping

PROPOSAL: Erection of a substation, eight ultra-rapid electric vehicle chargers and associated electrical equipment within the car parking area of Maidenhead Aquatics Littlehampton. This application is in CIL Zone 5 and is Zero Rated as other development.

Members at the January Planning Committee sought a reduction in the number of Electrical Vehicle (EV) charging points from 8 to 4 and to restrict the hours of operation to coincide with those of the Cafe on site which are 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday.

The applicant has responded with the following comments.

On the matter of reducing the number of EV chargers from 8 to 4 the case is made that:

- Whilst acknowledging the Members' concern, the applicants have pointed out that for the scheme to be commercially viable and more importantly for it to meet the growing demand of electric vehicles in the local area, the number of charge points installed needs to be consistent with the amount of power available and obtained (in this case, 1500kVA).

- They claim that the increase in traffic will be marginal. The volume of cars anticipated to visit the site in addition to that which area already visiting the garden centre will be between 10 and 30 per day; of which they anticipate that up to 60% of these will be 'passing traffic' i.e. those vehicles which would already be travelling along the road regardless of whether or not the charging hub was there.

- West Sussex Highway Authority concluded that the proposal would not have an unacceptable impact on highway safety and that there are no transport grounds to resist the proposal.

- An alternative amendment has been proposed. Instead of limiting the total number of charge points to 4 (which would make the project unviable) it is proposed that 4 charge points are installed under phase 1 and the remaining 4 installed 24 months after completion of phase 1. Drawings 'Site Plan Phase 1 Plan 4 V2' and 'Site Plan Phase 2 Plan 5 V2' have been submitted to support this proposal and demonstrates the phasing of the EV charging points.

OFFICER COMMENTS

Where the applicants say that 60% of those using the facility are passing traffic, officers would disagree. It is unlikely that as much as 40% of drivers would be making a dedicated journey to use the facility. The phasing of development is a proposal that cannot be recommended by officers as it would involve a condition that serves no planning purpose in conflict with Government guidance - paragraph 56 of the National Planning Policy Framework states that 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' However, if Members disagree and wish to pursue this option they may use the following condition

'The electric vehicle chargers hereby approved shall be installed and made operational in two phases, as denoted in 'Site Plan Phase 1 Plan 4 V2' and 'Site Plan Phase 2 Plan 5 V2', with the the second phase of electric vehicle chargers being installed no sooner than 24 months after phase 1 is made operational.

Reason: In the interests of protecting residential amenity and highway safety of the site in accordance

with policies QE SP1 and T SP1 of the Arun Local Plan.'

On the matter of hours of operation the applicants make the following points:

- A reduction in operational hours has a material impact on the commercial viability of the project, as it effectively reduces the amount of kWh (units of electricity) that can be sold through the network.
- 90% of charging activity takes place between 6am and 8pm.
- They propose that 4 of the chargers (the initial 4) will only be operated in the hours that match the operational hours of the garden centre (not the cafe). The applicants would then ask that the other 4 chargers, those installed under tranche 2, be allowed to operate 24/7.
- This can be enforced by building the charge points to the north west of the entrance first. These charge points are to be situated beyond the gate to the car park, meaning that they will not be accessible once the gate is closed. The gate is closed each night once the garden centre is closed.
- The 2nd four charge points are to be situated to the east of the entrance, in an area that is not within the gated area of the car park. This means that it would be practicably impossible to limit the hours of operation of these charge points. However, these would not be installed on day 1.

OFFICER COMMENT

Only the cafe business has restrictions on operating hours - between 08.00 hours and 18.00 hours Monday to Friday, 08.00 - 13.00 hours on Saturday and at no time on Sundays, Bank or other Public Holidays. The garden centre and maidenhead aquatics have no restriction on trading hours so can potentially be open 24/7 all year round. The campsite has no restriction on operating hours outside of 1st November and 31st March in any one year when it is conditioned to be closed. That being the case it would not be reasonable to impose a condition on the EV charging station that would prevent the use of maidenhead aquatics, the garden centre and the camping site.

Officers therefore cannot recommend a condition to restrict operating hours. However, if members disagree they could impose the same operating hours as that for the cafe on this proposal. These operating hours are:

'The use hereby permitted shall not be operated at any time otherwise than between the hours of 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday. The courtyard area shall not be open for use before 08.00 hours Mon - Sun and there shall be no external illumination outside of these times.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies QE SP1.'

REPORT UPDATE

Application No: CM/46/22/PL

Reason for the Update / Changes

A further letter of objection has been received from a neighbour.

Comments include:

- No mention made about the use of the site for 5 businesses including, garden centre and cafe.
- The cafe causes problems for local residents.
- Concerns raised relating to WSCC Highways, no increase in traffic movements, especially with potential roadway improvements being recommended.

Comment:

Additional history included:

CM/30/18/PO - Approved, Application to modify a Planning Obligation dated 16/01/2006 under planning application CM/40/02/ to allow for additional use as a pet shop.

CM/7/18/PL - Approved, Change of use of land from agricultural field to 60 No. tent pitches operating from April to October to include 2 No. plumbed screened portable showers, 2 No. plumbed portable toilets, 2 No. screened changing cubicles, 2 No. 2 screened portable chemical toilets with hand wash facilities & washing up/drying area within existing building.

CM/20/13/CLE - Approved, Application for Certificate of Lawfulness for use of land as a farm shop and for purposes ancillary to the farm shop.

CM/17/03/CLE - Approved, Application for a Certificate of Lawfulness for an existing use - shop (primary use) and garden centre (ancillary use).

The existing site uses were fully considered when producing the report and recommending approval of the application.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO: CM/46/22/PL

LOCATION: Bairds Farm Shop
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Erection of a substation, eight ultra-rapid electric vehicle chargers and associated electrical equipment within the car parking area of Maidenhead Aquatics Littlehampton. This application is in CIL Zone 5 and is Zero Rated as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the installation of 8 EV charging points, (2 sets of 4 spaces) within existing car park of the garden centre, cafe and aquatics shop.
	Each EV charging point measures 2.1m high. The sub station measures 3.1m by 2.2m by 2.2m high.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Post and rail style fencing to site frontage.
SITE CHARACTERISTICS	Established farm shop with car parking adjacent to road frontage. It is single storey with clad elevations. The area immediately to the east of the car park contains a raised bed planted with shrubs and enclosed by sleepers. The car park area is hard surfaced.
CHARACTER OF LOCALITY	The area is rural in character with sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land. To the immediate south of the site, and approx. 81m away from the proposed location of the EV chargers, is The Cottage, a Grade II Listed Building. The Listed Building has good screening to its western, northern and eastern boundaries.

RELEVANT SITE HISTORY

CM/20/20/PL	Use of site approved for tent pitches (CM/7/18/PL) to be used for caravan/motor home camping and tent pitches and associated changes to approved layout.	ApproveConditionally 25-08-20
CM/27/18/PL	Part change of use of farm shop (sui generis) to include sale of pet shop goods (A1 Retail)	ApproveConditionally 25-01-19
CM/16/18/PL	Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.	Refused 15-11-18 Appeal: Allowed+Conditions 21-01-20

The site benefits from a lawful use as a farm shop. The recent change to aquatics sales use was granted by CM/27/18/PL. As part of the farm shop use there was a previous cafe on site and there are no restrictions on opening hours.

To the south and east of the site, permission has been granted for a 64 bed care home in a two storey building. This will be accessed from the existing access onto the A259.

Further to the east, permission has been granted for a 0.95ha site to be used for camping under CM/20/20/PL.

REPRESENTATIONS

Parish Council - Objection:

- No objection in principle to siting Osprey charging network. Have concern with regards to the potential increase in traffic movements onto the A259.
- Concerns are also raised if the facility is to be open 24 hrs and lit causing light pollution in a currently dark skies area.

3 letters of objection from neighbours:

- Request for resolution of existing planning on site.
- Overdevelopment of site.
- Attract more cars to the area.
- Residents of Clymping do not require the chargers.
- Previous applications refused on site.
- Ugly addition.
- Site subject to vandalism.
- Unsure of operating hours.
- Questions raised over flood lighting.
- Effect on nearby Listed Building.
- Will impede entry/exit of site.
- Commercial intensification of site.

1 letter of no objection from neighbour.

- Confirmation of opening hours needed.
- Against the idea if it will require more lighting.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Planning matters will be discussed within the conclusion section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection.

There is no mention of any lighting in the application either planned or existing, any new lighting may require a suitable impact assessment to ensure it is adequate and does not interfere with residential properties nearby.

WSCC Highways - No objection.

The Local Highways Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and therefore is not contrary to the National Planning Policy Framework (paragraph 111). There are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within Settlement Gap

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

CSP1	C SP1 Countryside
INFSP1	INF SP1 Infrastructure provision and implementation
DSP1	D SP1 Design
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
HERDM1	HER DM1 Listed Buildings
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN4 Protection of existing commercial premises or land

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the impact on visual amenity, occupant amenity, highways, parking and improvement in air quality is acceptable.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Policy INF SP1 supports development proposals which provide or contribute towards infrastructure. It goes on to explain that the Authority will support service providers for the delivery of utility infrastructure required locally which are needed to serve existing or new development to ensure the growth of the District. Within the preamble of the policy the types of infrastructure needed are discussed. The list at paragraph 22.1.2 is not exclusive but one of those cited is transport, including Green Infrastructure. Although the requirements largely relate to the provision of enhancements to Rights of Way and the establishment of new 'green Links' between settlements, of note is the requirement of the policy to work in partnership with other service providers to deliver other schemes. In this instance, the provision of an Electrical Vehicle (EV) charging station, to support a sustainable road network and the 2035 Government deadline for the cease the sale of new petrol/diesel cars, will clearly go towards serving the local community. This is more so in this case as the next nearest public charging services are 1.6 miles to the east (max. 22kW) or 4.4 miles to the west (max. 50 kW).

The proposal complies with the requirements as set out in Policy INF SP1 of the Arun Local Plan (ALP).

Policy C SP1 of the ALP states that development outside of the built-up area will only be permitted where they are for agricultural needs, diversification of the rural economy, informal recreation, road or cycle schemes or where they accord with other policies in the Plan. In this instance as the proposal complies with Policy INF SP1 of the ALP, for a specific form of development i.e. the provision of infrastructure to serve the need of the local community, it therefore also complies with Policy C SP1 of the ALP.

Policy SD SP3 aims to protect the open undeveloped nature of gaps between settlements. This is discussed further in the following section of this report.

Policy CPN4 of the (Clymping Neighbourhood Plan) CNP supports the upgrade of existing commercial sites providing that they do not negatively impact surrounding residents, compromise the character of the area, are acceptable in terms of traffic impact and accords with other policies in the neighbourhood plan. This is discussed further in the highways and parking section of this report.

DEVELOPMENT WITHIN THE SETTLEMENT GAP

The site is in the Littlehampton to Middleton settlement gap. Policy SD SP3 states that development will only be permitted in the gaps if it does not undermine the physical or visual separation of settlements, it would not compromise the integrity of the gap, or it cannot be located elsewhere.

The proposed EV charging points will be located within the car park of an existing business. They are small in scale and as such would not undermine the visual separation of the gap when viewed against the much more significant built development on site and beyond to the south. Furthermore, as development is within an already established business it will not compromise the integrity of the gap. The EV chargers could not be easily located on another highly accessible site within the vicinity of the application site. As such it would accord with Policy SD SP3 of the ALP.

Despite this proposal relating to development within a countryside location and a settlement gap, as a result of the small scale of the proposal and its positioning in the car park of an established business it accords with policies C SP1 and SD SP3 of the ALP.

Concerns have been raised relating to disturbance from potential lighting on site. To control the potential negative impact to the settlement gap, a condition will be added to any approval requiring the written approval of any lighting to be provide.

VISUAL IMPACT

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Due to their positioning to the front of site, the charging point will be visible from the street. As development designed for passing traffic this is seen as a positive to the scheme. When compared to the existing built form of site, the proposed EV chargers are of an appropriate design for their intended use and location.

The Electric Vehicle charging units and substation are relatively small in scale, with a maximum height of 2.2m and their design and appearance would not be visually prominent within the context and setting of the car park and business.

Due to the minimal scale of the proposal and its appropriate location within the car park of the business, it would not have an unacceptable impact in terms of the visual amenity and character of the area, and would be in accordance with Arun Local Plan policies D SP1 and D DM1.

RESIDENTIAL AMENITY

The charging points are located adjacent to the entrance into site, as such the nearest neighbour would be 50m away from the chargers if measured in a straight line. Due to the existing buildings on site, views of the EV chargers would be screened which, together with their low height, means that neighbouring amenity would not be adversely impacted.

At present there are no restrictions to the opening hours of the farm shop/ aquatic centre on site. The use of the EV chargers is expected to be infrequent after the shop has closed due to the lack of other facilities near to the site and the running of the EV points itself will not increase noise pollution arising from site.

The works are small scale, and the use of Electric Charging Points (EVCPs) would not result in any adverse impacts to these nearby occupants and accords with the NPPF and Arun Local Plan policies D DM1, QE SP1 and QE DM1.

HERITAGE ASSET

There is a Listed Building on the site known as The Cottage which is already viewed against the commercial site to its east.

Policy HER DM1 relates to listed buildings and states that proposals must preserve and if possible, enhance the historic character, qualities and special interest of the building. Also, proposals should not be detrimental to the historic integrity of the building's exterior or interior and where possible enhance the setting of the building.

The proposed EV charging points would not be visible from the immediate area surrounding the Listed Building and glimpses of the EV chargers would only be possible from the very northern part of its garden. Due to the significant visual and physical separation distance from the EV charging points, other existing buildings within the site would be far more prominent in terms of their effect on the setting of the listed building and the EV chargers will have no harm to the setting of the Listed Building.

HIGHWAYS & PARKING

County Highways raised no objection on highways safety or capacity grounds. The proposal would not result in a loss or increase in parking but rather would utilise 8 existing parking bays for electric vehicle charging.

They have also confirmed that the proposal will not result in adverse effects on the highway network.

The introduction of EVCPs accords with the Arun Parking SPD which seeks the installation of EVCPs for all new development. The proposals in respect of parking and highways would accord with the NPPF and Arun Local Plan policies T SP1 and T DM1.

AIR QUALITY & CLIMATE CHANGE

The introduction of EVCPs meets the objective of improving air quality and providing measures against climate change, in accordance with Arun Local Plan policy QE DM3 which seeks '(c) Encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points', and ALP policies ECC SP2 and ECC SP2 which seek to promote energy efficient and renewable energy.

SUMMARY

The proposal complies with relevant planning policies, having an acceptable impact on visual amenity, highways, parking, and would result in an improvement in air quality and provide measures against climate change, in accordance with the objectives of the Local Plan.

The application is therefore recommended for approval, subject to the following 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 permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans;
 - Location Plan Rev V1
 - 8 Bay 8 Charger 1st Row Rev V1
 - 8 Bay 8 Charger 2nd Row Rev V1
 - Substation Detail Drawing V1
 - Site Plan V1
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.
- 3 No development above concrete bases level shall take place unless and until a schedule of finishes to be used for external faces of the proposed substation has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the substation.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and integrity of the settlement gap with policy D DM1 of the Arun Local Plan.
- 4 No external lighting shall be installed in connection with the proposed EV charging points, without details being submitted and agreed in writing with the Local Planning Authority.

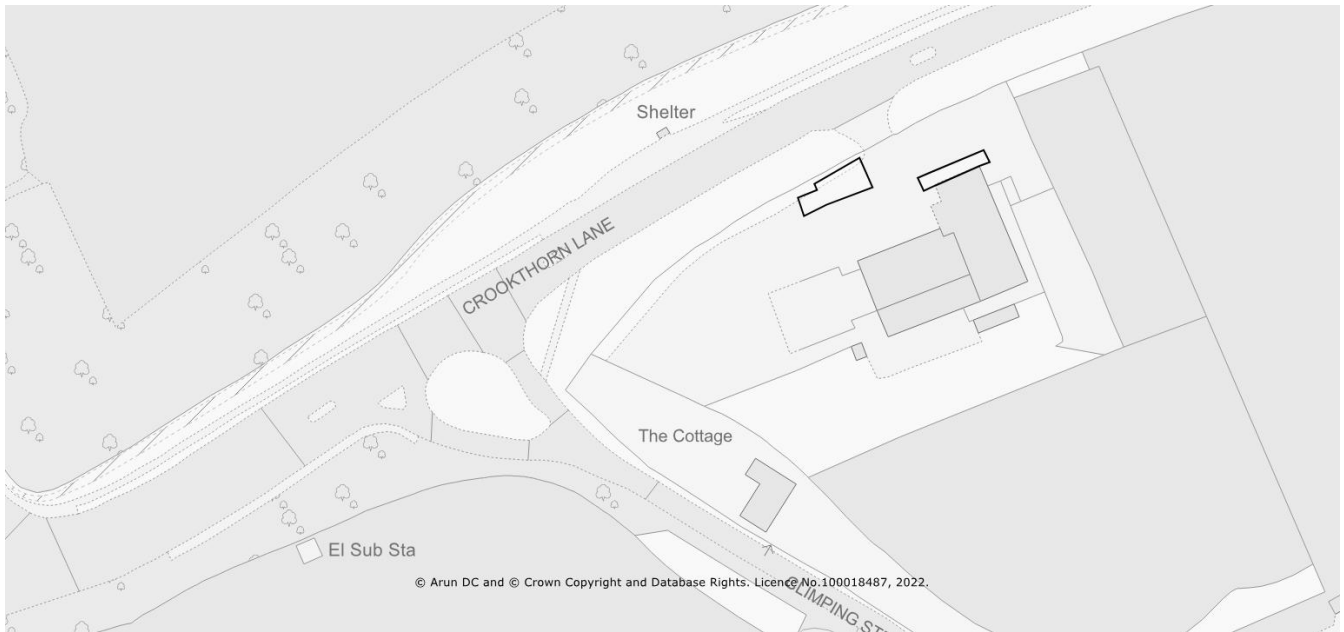
Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the

National Planning Policy Framework.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

CM/46/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015