

Report to	<b>Planning Committee</b>
Date	<b>8 August 2013</b>
By	<b>Director of Planning</b>
Local Authority	<b>SDNPA (Arun District Area)</b>
Application Number	<b>SDNP/13/01654/FUL</b>
Applicant	<b>Mr Neil Austine</b>
Application	<b>Retrospective application for change of use from A1 retail (shop/post office) to A3 café with A1 retail</b>
Address	<b>Clapham Post Office, The Street, Clapham, Worthing, West Sussex, BN13 3UU</b>

---

**Recommendation: That temporary planning permission be granted for the reason and subject to the conditions set out in paragraph 10.1 of this report**

---

### **Executive Summary**

The application seeks consent for the retrospective change of use of the premises from A1 retail to a mixed A3 café with A1 retail. The facility is valued and is considered to contribute to the social well-being of the local community and local economy. The premises helps meet the SDNPA duty without compromising or impacting upon the purposes of designation.

Arun Environmental Health Officers have expressed concerns regarding the substandard drainage, food preparation area and wash facilities at the premises. Clapham Parish Council support the application.

The application is reported to committee due to the number of representations received.

### **I. Site Description**

- I.1 The existing portacabin known as 'The Junction' has permission for a retail (A1) use. It is located within the north-east corner of the recreation ground in the village of Clapham and within the designated Clapham Conservation Area. The recreation ground is roughly L-shaped. There is a playground to the south-west corner of the recreation ground. The site is within the Angmering to Clapham Wooded Estate character area.
- I.2 The portacabin measures 9 metres by 3 metres and is raised 0.6 metres above ground level. Along the western side and southern end is an open veranda with low pitched roof. Pedestrian access is gained from The Street which leads to a 1 metre wide ramp up from the front of the portacabin with steps down at the south western corner. There are 2 windows and a door to the main west elevation and window and door to the southern elevation together with ventilation louvers.
- I.3 The portacabin is laid out as a combined village store and café, having originally been approved as an A1 shop and post office. The shop element is in the central part of the structure and towards the northern end of the building and comprises shelves and displays. A café and seating area have been incorporated towards the southern end of the structure with tables and chairs and armchairs around a stove. There is a small food preparation area and sink at the northern end.
- I.4 There is a small raised garden area between the portacabin and The Street with a picnic

table where customers can sit. Customers can also sit on the veranda. There is a portaloo to the south of the portacabin. The portaloo is partially screened and enclosed.

- 1.5 The residential properties Kestrels and Tye Cottage are located to the east and separated from the site by a mature hedge. Chestnut Tree House is sited to the north west corner of the recreation ground. The southern end of the recreation ground contains a good amount of tree and hedge screening. To the north of the recreation ground there are residential properties along The Street. A gate on the northern boundary of the recreation ground provides pedestrian access to The Street. There is no vehicular access or designated customer parking on the site connected with the premises. The adjacent road, The Street, has no parking restrictions.

## **2. Relevant Planning History**

- 2.1 CL/4/88 – Proposed portacabin for use as a community post office and store. Approved. Temporary consent until 30<sup>th</sup> June 1993.
- 2.2 CL/3/93 – Application for permanent planning permission for community post office and store. Approved
- 2.3 In 1989 permission was granted for the temporary installation of the portacabin to be used as a sub-post office and a small shop, this was granted permanent planning permission in 1993. The veranda was added as was the small garden area. Following the nationwide remodelling of the Post Office just the shop element remained before closing as the business was unviable. The portacabin stood empty for a number of years and remained the property of the Post Office Trust. Around 2008 the Post Office Trustees received an approach to use the portacabin as a café serving food and drink, but not preparing food. The premise operated as ‘The Lighthouse’. No change of use was granted by Arun DC for this use as a café. A portable toilet was added at this time. In 2010 the premises operator attempted to sell the premises without success and it closed. The applicant took over the portacabin in September 2011 and has been operating it as A3/A1 use.

## **3. Proposal**

- 3.1 The application seeks retrospective consent for the change of use from A1 (retail) to a mixed A3/A1 (café/retail) use. No external changes are proposed.
- 3.2 The total floor space within the portacabin is 28sqm. This floor space is split between the A1 use which occupies 9sqm whilst the A3 use occupies 19sqm.
- 3.3 The application form outlines that the premises provides employment for 2 full-time and 3 part-time staff.

## **4. Consultations**

- 4.1 **Clapham Parish Council:** Support proposal
- 4.2 **Arun District Council - Planning:** No comment
- 4.3 **Arun District Council – Environmental Health:** Object to A3 use of the premises
- The Junction is a deteriorating wooden structure – as such the level of facilities required for standard A3 usage has limited lifespan. The provision of foods, including cooked/reheated foods require adequate wash-up and drainage. There is a current shortfall of adequate washing facilities.
  - Inadequate drainage connection. The use of a soakaway for the disposal of waste water is not acceptable
  - Require details of ventilation system (depending on cooking methods),
  - The portaloo was provided on a temporary basis. A permanent structure incorporating adequate provision of sanitary appliance must replace the portaloo and connect to foul waste water drainage or septic tank.
  - The current refrigerated storage capacity is inadequate.

- Additional food preparation area capacity is required.
- 4.4 **Chichester Distirct Council – Estates:** No objection
- Instructed on behalf of Arun District Council for whom this Council acts. Following the correct notice having been served on Arun DC no objection.
- 4.5 **Arun District Council – Pollution Team:** Comment
- No complaints about noise from the current use of the premises,
  - Insufficient information in relation to mechanical extract ventilation. If extract ventilation required to meet food hygiene/odour control details of the noise will also be required.
- 4.6 **County Highways:** No comment received
- 5. Representations**
- 5.1 90 third-party representations have been received supporting the proposal. The representations raised the following issues:
- objectors have commented that the village hall could provide a meeting place. The village hall is outside the settlement and already fully used for community and school activities thought-out the week. The kitchen is also very small,
  - highly valued community asset, it is a focal point for the community providing a much need facility,
  - important and fantastic meeting place
  - business would not be viable without café element,
  - only shop in the village,
  - the small enterprise has virtually no adverse impact on the locality,
  - run by a fantastic team,
  - provides a social outlet for those in the community unable to travel,
  - fantastic addition to the village and is no way disruptive. No other facilities like this,
  - facility used by all age groups, many senior citizens would be lost without it,
  - the village shop is crucial for less mobile members of the community,
  - access road is narrow, although never over-populated, nearly all of the community access on foot,
  - enhances visitors experience to the village and the Downs,
  - support local businesses – these should be encouraged not hindered - rural areas need stores and these facilities,
  - no longer a bus service, so rely on this shop for essential supplies,
  - the Junction is a credit to the community,
  - if parking is a problem is it from the school – not the café,
  - I live next door and find no problem at all,
  - fulfils the SDNPA duty – fostering economic and social well-being,
  - no traffic issues during school holidays – a retrospective application would not increase traffic anyway,
  - the toilet placed before present occupiers took over the business,
  - the toilet facility can be resolved a broken community cannot if facility is lost.
- 5.2 3 third-party representations have been received raising neutral comments on the proposal. The representations raised the following issues:
- as Trustees of the Recreation Ground where The Junction is located we remain neutral,
  - understand that smell can be a nuisance to neighbours,
  - can see the appropriate benefits of this facility but parking and traffic issues,
  - attraction of the village is its quiet tranquillity – appeal lost if parking not addressed.
- 5.3 13 third-party representations have been received objecting to the proposal. The representations raised the following issues:
- business provides no parking for customers,
  - customers obstruct the drives of Clapham residents,

- the change of use will worsen the parking nuisance,
- most support is from outside the village,
- noise nuisance,
- adversely affects households adjacent to the site,
- adversely affects primary use of the recreation ground,
- submitted documents contain factual errors and unsubstantiated claims,
- the business model is not viable,
- concern about what the business will turn into – gateway to takeaway and liquor,
- the business is in a conservation area,
- no foul drainage from the site,
- the stench from the portaloo is unbearable,
- we have supermarket deliveries and a daily bus service,
- the facility would be better sited in the village hall,
- the site is a health risk,
- table and chairs now restrict the use of the recreation ground,
- chemical toilet is unsightly,
- no details of extraction equipment or collection of waste,
- no hand wash facilities,
- sink in the food preparation area drains straight into the ground,
- no restriction on hours,
- food leftovers attract vermin,
- having read the Arun Environmental Health comments the building is not suitable for the intended purpose,

## **6. Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Arun Local Plan 2003.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

### National Planning Policy Framework and Circular 2010

6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. The NPPF supports economic growth in rural area and promotes the retention of local services and community facilities in villages

6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

## **7. Planning Policy**

7.1 The following saved policies of the Arun District Local Plan 2003 are relevant to this application:

- GEN3 – Protection of the Countryside
- GEN7 – The From of New Development
- GEN9 – Foul and Surface Water Drainage
- AREA 2 – Conservation Areas
- DEV30 – Local and Village Centre

## **8. Planning Assessment**

- 8.1 The NPPF supports and encourages the retention of local facilities and services in rural areas. As set out by the volume of support the mixed A3/A1 use of 'The Junction' provides a much valued facility and local service and helps support the social well-being of the local community by providing a hub and meeting place for everyone. The premises also makes a contribution to the local economy and provides some local employment. The Junction therefore meets the duty of the National Park in terms of fostering the economic and social well-being of the local community. There are no other shops or food or drink premises in the village so there is no adverse impact on vitality of existing premises. The café use makes the shop viable as previously without the additional element the shop closed down.
- 8.2 The existing portacabin has been operating for a number of years as a café and shop (a mixed A1/A3 use) and as such any harm caused by the A3 use on the area and National Park can be assessed. The only external change to the premise resulting from the A3 use is the external seating and the majority of this is on the veranda. Comments have been received that the seating has encroached onto the recreation ground. Provided the seating is kept within the confines of the portacabin, on the veranda and garden area it would have no greater impact than the portacabin itself or the provision of benches within the recreation area on either the conservation area or the natural beauty, wildlife and cultural heritage of the South Downs National Park.
- 8.3 The existing internal layout associated with the A3 use does not comply with current Environmental Health regulations. It is understood that when the premises was trading as 'The Lighthouse' Arun District Council required major changes including the installation of mains sewerage together with proper lavatory facilities, mains drainage for waste water, proper separation of food preparation and food consumption areas and provision of appropriate ventilation. It is understood that the portaloo was installed at this time at the insistence of Arun District Council. The required mains drainage and sewage have not been installed nor have the other internal changes been carried out. These requirements can be controlled and enforced through Environmental Health legislation.
- 8.4 The portacabin is in excess of 20 years old and is showing signs of its age. There is a concern over the long term viability of the business, particularly given the history of the site and need for investment both in the structure itself and in complying with Environmental Health regulations. Regard does however have to be given to the importance of the facility in the local community. It is considered appropriate to grant a temporary consent for a period of 3 years, this would enable the applicant time to either secure alternative premises or secure sponsorship/funding to make the required upgrade to comply with the Environmental Health legislation, who otherwise have the ability to close the premises down.
- 8.5 The structure is long established and has been trading as a mixed A3/A1 use, albeit unlawful, since 2011. During this time there have been no noise complaints received from Arun District Council. The proposed A3 use does not harm the privacy or significantly harm the amenity afforded to neighbouring properties. The letters of representation express concerns relating to odour from the portaloo. The portaloo is a temporary structure and as outlined above is required by Arun DC. A longer term solution is required; again this is why a temporary consent is considered appropriate. Representations have also raised concerns about the use evolving to an A4 (Drinking Establishments) or A5 (Hot Food Takeaway). This would require a change of use application.
- 8.6 The premises does not have any allocated parking, instead any customers visiting by motor vehicle park on The Street which is unrestricted. As set out in the letters of representation

parking, particularly during term time at the local school is a issue. It is unclear the extent of the parking problems created by the premises, particular as commented with the letters of support that a lot of those customers using the premises visit by foot. This is a retrospective application and is unlikely to attract additional visitors. The County Highway Authority have been consulted but have provided no comment.

## **9. Conclusion**

- 9.1 The Junction provides a much used and valued community facility to Clapham and surrounding rural area and contributes towards the social well-being of the local community and towards the local economy. No external changes are proposed to the structure which would harm the natural beauty or cultural heritage of the SDNP. Indeed the premises helps to meets the duty of the South Downs National Park. The temporary consent to allow the continued A3 use would allow the premises to continue to trade and provide this local facility, whilst either seeking alternative premises or make the required changes to comply with Environmental Health regulations.

## **10. Reason for Recommendation and Conditions**

- 10.1 The reason it is recommended that the application be approved is:

The Junction provides a much used and valued community facility to Clapham and surrounding rural area and contributes towards the social well-being of the local community and towards the local economy. No external changes are proposed to the structure which would harm the natural beauty or cultural heritage of the SDNP. Indeed the premises helps to meets the duty of the south Downs National Park. The temporary consent to allow the continued A3 use would allow the premises to continue to trade and provide this local facility, whilst either seeking alternative premises or make the required changes to comply with Environmental Health regulations. The proposal complies with policies DEV30, GEN3, GEN7 and AREA2 and the NPPF.

Subject to the following conditions:

### Temporary Time Limit

1. The A3 use hereby permitted shall be discontinued permanently and building restored to its former condition (to a solely A1 retail use) or to a condition to be agreed in writing by the SDNPA, on or before the expiration of the period ending on 8 August 2016

Reason: To enable the applicant to seek alternative premises or make the required changes to comply with Environmental Health Regulations and for the SDNPA to review the circumstances under which this permission is granted including the long term viability of the use and impact on the residential amenity.

### Opening hours

2. No customer shall be permitted to be on the premises outside the following times: 8.00-18.00 (Monday – Sunday) unless first agreed in writing by the SDNPA

Reason: To protect the amenities of the occupiers of nearby properties to comply with policy GEN7 of the Arun Local Plan 2003 and NPPF.

### External seating

3. External customer seating associated with the premises shall be confined to the veranda and small raised garden area (between the north end of the portacabin and the highway) as shown on the plans hereby approved. No external seating shall be sited elsewhere within the recreation ground unless first agreed in writing by the SDNPA

Reason: In the interest of the recreational use of the land and appearance of the conservation area to comply with GEN7 and AREA2 of the Arun Local Plan 2003 and the NPPF.

## **INFORMATIVE**

- I. For the avoidance of doubt the applicant is advised that planning permission would be required to use the premises as a drinking establishment (A4) or as a hot-food takeaway (A5).

## **11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13 Equalities Act 2010**

- 13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

## **14 Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included communication with the applicants agent to provide additional information and to ensure the correct ownership certificates have been served and by providing updates on when the application would be heard by the SDNPA planning committee.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer:	Tim Bettany-Simmons
Tel:	01730 234110
email:	tim.bettany-simmons@southdowns.gov.uk
Appendices	I. Site Location Map
SDNPA Consultees	Director of Planning & Legal Services.

Agenda Item 10 Report PC69/13- Appendix I Site Location Map



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright (Not to Scal