

Recommendation Report for Planning Permission

REF NO: LU/20/17/PL

LOCATION: Land adjacent to Shell Garage
Worthing Road
Littlehampton

PROPOSAL: Construction of new drive-thru unit (A5 Hot food takeaways) with associated external works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the construction of a new drive-thru selling take-away coffee - the proposal will fall within use class A5.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The land on which the drive-thru will be located is currently open with no boundary treatments.

SITE CHARACTERISTICS

The site is vacant land within the built area boundary and situated to the south of the existing petrol station and hotel.

CHARACTER OF LOCALITY

The character of the locality is a mixture of commercial uses with residential development situated to the east.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 6th February 2017 and had no objection to the application.

2 no. letters of objection:

- 1] Proposed development is out of keeping with the residential area.
- 2] Proposal will have a detrimental impact upon highway safety for both vehicular traffic and pedestrians.
- 3] Proposal constitutes overdevelopment of the site.
- 4] Grass bank currently acts as a barrier between the commercial development on site and the highway.

Comments on Representations received:

Comments from Town Council's noted.

In response to the 2 no. letters of objection:

- 1] This will be considered in the conclusion to this report.
- 2] WSCC have been consulted and their advice will be followed.
- 3-4] This will be considered in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Environmental Health
Archaeology Advisor
Economic Regeneration

Consultations responses received:

Archaeological Advisor:

Although this site is in an area that has been demonstrated to contain archaeological deposits of

interest, I think it is unlikely that anything significant will have survived previous development of the

site and its vicinity. In the circumstances proactive archaeological intervention would not be justified, but the slight possibility that something of interest might be unearthed would justify the imposition of standard condition ARC2.

Engineers (Drainage):

Infiltration to be investigated.

Please apply standard conditions ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

Environmental Health Comment - Contamination:

Please apply ENV 3, 5 and 6 to any approval. There are underground fuel tanks located in close proximity to the proposed building.

Environmental Health Comment - Food:

Inform 7 The premises may require registration under the Food Safety Act 1990 and will need to

comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact the Food Safety Team on tel 01903 737755 for further information.

WSCC Strategic Planning:

Background

The site is accessed from the A259 to the north and the B2187 Worthing Road to the south.

The site is

located to the north east of Littlehampton and positioned centrally on the main local distributor road

(A259) which runs east to west. At present the site has a petrol filling station, fast food outlet and hotel

with associated parking. The application will form a drive-thru coffee outlet of 45 sqm to the south of the

site. Improvements are proposed to the internal arrangements as at present there are no road markings

provided. The proposals are supported by way of a Transport Statement (TS) which includes TRICS trip

rate data.

Access and Internal Arrangements

There will be no changes to the existing point of access onto Worthing Road or the A259. Both accesses to the site are existing operations and have been in operation for some time. Internal alterations are to take place within the site. This includes a circulatory drive-through access road located on the access road between the roundabout with Worthing Road and the filling station. The applicant proposes a centre line in this location to provide separation between drivers travelling in either direction. It is likely this would assist in lowering vehicle speeds throughout the site as a result of drivers being deterred from travelling in a straight line. The works proposed are internal of the highway. The changes proposed would provide a more formalised approach to traffic entering the site and an improvement over what currently exists.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at either the junction with the A259, nor in the vicinity of the site access onto Worthing Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed would exacerbate an existing safety concern.

Parking

A provision of 5 spaces has been made available within the site; whilst this is likely to be sufficient if equal spacing could be guaranteed between customer visits, the length of the stay is likely to lead to temporary parking demand spilling over from the site at times. The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.

Trip Generation and Capacity

In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate

Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the DfT 'Guidance on Transport Assessment'.

A trip analysis has been undertaken on the use type 'Hotel, Food and Drink' in the use class 'Fast Food Drive Through'; the assessment has been undertaken in accordance with TRICS 'Best Practice Guidance'. A copy of this report is found within the TS. This establishes that there would be two defined peak hours, one at 0800-0900 and another at 1700-1800. It is anticipated that there would also be in excess of 3-4 movements between the hours of 0900-1000 and 1600-1700. An overall vehicular trip rate of 111 daily movements would be expected. It is likely that some of these trips will already be on the wider network, i.e. as part of a diverted commuting trip where a fuel or food is provided for an onward journey is made to a place of employment. Given the sites location in close proximity to higher order roads the chances of this occurring are greater. In summary from a capacity perspective the LHA are satisfied that this proposal will not result in a 'severe' residual impact when compared against Paragraph 32 of the NPPF.

Summary

The proposed development is forecasted to generate a small increase in the number of vehicular movements than has been generated historically by the site. These movements will be spread across the day. During these periods it is anticipated that there will be a small demand for temporary parking within the site, however the parking proposed is considered sufficient for the needs arising from the proposal.

A review of the Worthing Road junction indicates that there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the existing uses has been detrimental to highway safety. It is not considered there would not be a material change when accommodating a comparable level of daily traffic as would be generated by the small 45 sqm facility from this application.

The LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Comments on Consultation responses:

Comments noted and relevant conditions included.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

GEN2
GEN7
GEN34
DEV26
DEV27

Built-up Area Boundary
The Form of New Development
Air Pollution
Criteria for Retail Development
Retail Development Outside the Principal

Publication Version of the Local
Plan (October 2014):

Shopping Areas
D DM1 Aspects of Form and Design
Quality
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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; Walbarton; Yapton.

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the

closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Littlehampton Neighbourhood Plan has been made but there are considered to be no relevant policies to the determination of this application.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies.

The key policy considerations in the determination of this application are considered to be GEN7 of the Arun District Local Plan; and the NPPF.

DESIGN AND VISUAL AMENITY

The proposed drive-thru will be situated on land to the south-east of the existing petrol station and will be accessed via the existing service road. The proposed building will measure approximately 4.4m in width, 8.5m in length and will feature a mono-pitched roof to a maximum height of 4.15m. The existing site features grass and is devoid of landscaping making a limited contribution to the character of the locality.

The proposed development will be clearly visible within the street scene when viewed from the east of the application site but is considered to appear in scale with the existing commercial development on the site. Whilst, it is considered that when viewed from the west the proposed building be relatively well screened given the presence of the Shell totem advertisement and car wash. As such it will only be once traveling along Worthing Road that the proposal will be clearly visible.

The proposed building will feature timber cladding on the elevations and a profiled metal roof, with powder coated aluminium windows. It is considered that the proposal will appear in keeping with

the scale of development already present to the north of the site.

The proposed development by virtue of its design and location is not considered to any unacceptably adverse impacts upon the visual amenities of the locality. Therefore, the proposed development is considered to accord with GEN7(ii) of the Arun District Local Plan.

HIGHWAY SAFETY

The proposal has been the subject of consultation with WSCC who have raised no objections in relation to the proposed development. It was identified in their consultation response that they were satisfied that the proposal would not result in a 'severe' residual impact when compared against Paragraph 32 of the NPPF.

RESIDENTIAL AMENITY

The proposed development by virtue of its design and location is not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon the amenity of neighbours.

It is considered that the proposed development would give rise to additional vehicular movements and WSCC in their consultation response identify that the proposal would generate an overall trip rate of 111 daily movements. WSCC do acknowledge that some of these trips would already be undertaken as diverted commuting trips where fuel or food is required for an onward journey. Therefore, it is considered that the additional vehicular movements generated by the proposed use would not have an unacceptably adverse impact upon the residential amenity of nearby residential properties. Especially when it is considered that the nearest dwelling is located approximately 64m from the site.

The existing Travelodge is situated in close proximity (approximately 23m) but it is considered that given the location of the building and its proximity to the A259 that the vehicular movements associated with the proposed drive-thru will not give rise to unacceptably adverse impacts upon guests.

The application proposes opening hours of 06.00 - 23.00, it is considered that the premises being open until 23.00 is excessive given the proximity of the application site to residential properties and the hotel to the north. Therefore, it is recommended that the opening hours should be limited to 06.00 - 22.00 in order to prevent any adverse impacts upon residential amenity.

The proposed use is classified as falling within use class A5 (hot food & takeaway) it is considered that the use of the premises for the preparation of food falling within use class A5 would require additional extraction/ventilation. Therefore, a condition has been included restricting the use to the sale of hot beverages. This would allow the Local Planning Authority to control any future uses falling within use class A5 to ensure no unacceptably adverse impacts upon residential amenity.

Therefore, it is considered that the proposed development will accord with policy GEN7(iv) of the Arun District Local Plan.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below 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: Block/Location Plans - 101 A; Proposed Floor Plans, Site Plan and Elevations - 103 A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 6 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 7 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 8 The use hereby approved shall only operate between the hours of:-

06.00 and 22.00 Monday to Sunday (including Bank Holidays)

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The building shall be used for the sale of coffee, tea and other non-alcoholic hot and cold beverages, and associated food such as cakes, biscuits, pastries, sandwiches, toasted sandwiches, paninis, confectionery, ice-cream, or similar foods. and for no other purpose (including any other purpose in Class A5 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies GEN7 and GEN34.

- 10 INFORMATIVE: The premises may require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact the Food Safety Team on tel 01903 737755 for further information.

- 11 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.