

Recommendation Report for Planning Permission

REF NO: LY/11/21/PL

LOCATION: McDonalds Restaurant
Lyminster Road
Lyminster
BN17 7QQ

PROPOSAL: Installation of 2 No. rapid electric vehicle charging stations within the car park with 2 No. existing parking spaces becoming EV charging bays, along with associated equipment. This site is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The 2 EV charging bays would be located within the existing car park, to the front (north-east) of the McDonalds restaurant building. It is proposed to locate 2 BYD charging units/with bollards and a Feeder Pillar in front of the two EV parking bays.
TOPOGRAPHY	Predominantly flat.
TREES	There are hedges and trees around the east and north perimeter of the site and one tree within the grassed area in the north eastern corner of the site.
BOUNDARY TREATMENT	Mixture of close board timber fence panels and hedging.
SITE CHARACTERISTICS	Existing McDonalds restaurant within service station. Red brick elevations. Dark grey concrete tile roof. Existing signage on roof of building. Outside seating area to west has picnic benches with metal fencing to approx 1 metre high on boundary with roadway and lights on posts along the boundary. Drive-through area. Car park including disabled parking bays.
CHARACTER OF LOCALITY	Service station is located in a predominantly rural area on the outskirts of Arundel. Adjacent to hotel and lorry parking area.

As per Report.

REPRESENTATIONS

Lyminster and Crossbush Parish Council -
No comments received.

No other representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS:

The car park is a public provision, not maintained at the public expense. Raise no highways safety or capacity concerns with regard the proposed installation of EV parking provision in 2 existing parking bays.

ENVIRONMENTAL HEALTH:

No adverse comments. Recommend standard construction hours condition to protect local amenity during construction phase.

WSCC FIRE & RESCUE:

Recommend condition requiring additional fire hydrant. Nearest hydrant is 360m away when for commercial premises should be within 90 metres.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion section of Report.

POLICY CONTEXT

Designation applicable to site:

Countryside/Outside Built up Area

2km of SSSI (Arundel Park)

Proposed A27 Arundel Bypass 200m Buffer

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
INFSP1	INF SP1 Infrastructure provision and implementation
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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.

Lyminster and Crossbush have no Made Neighbourhood Plan and have not reached Reg.14 Stage of pre-submission consultation and publicity where NPs hold some weight.

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 acceptable impacts on the visual amenity of the locality, the residential amenity of adjoining properties and trees and would support air quality and climate change objectives.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**VISUAL IMPACT**

The Electric Vehicle charging units and feeder pillar are relatively small in scale and their design and appearance would not be visually prominent within the context and setting of the car park, drive-through restaurant and service station. The proposals would have an acceptable impact in terms of the visual amenity and character of the area, in accordance with Arun Local Plan policies D SP1 and D DM1.

OCCUPANT AMENITY

There are no residential properties nearby and the site is located within a highway service station, however there is a Hotel nearby so hotel occupants would be a consideration. The works are small scale and the use of Electric Charging Points (EVCs) would not result in any adverse impacts to these nearby occupants. Environmental Health have requested a standard construction hours condition. This is not necessary due to the minor nature of the works. The proposals maintains amenity for nearby occupants, in accordance with the NPPF and Arun Local Plan policies D DM1, QE SP1 and QE DM1.

HIGHWAYS & PARKING

County Highways raised no objection on highways safety or capacity terms. The proposal would not result in a loss or increase in parking but rather would utilise 2 existing parking bays for electric vehicle charging. 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.

TREES

There are hedges and trees around the east and north perimeter of the site and one tree within the grassed area in the north eastern corner of the site. It is understood that the proposed charging units and feeder pillar equipment would be sited on some form of new hardstanding in an area which is currently grassed. It is concluded that this hardstanding would be at a sufficient distance so as not to significantly impact the tree in the north eastern corner of the site. As such the proposals would protect trees and hedgerows, in accordance with Arun Local Plan policy ENV DM4.

SUMMARY

The proposals complies with relevant planning policies, having an acceptable impact on visual amenity, occupant amenity, highways and parking and trees, 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:

- Planning Site Layout (Drawing no. 10376-0234_01-PL)
- BYD 120kW CHARGER (Drawing no. 001_19)
- RMC 1600 - WITH ROOTS (Drawing no. 001_08-02)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1 and ENV DM4 of the Arun 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 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.