

Recommendation Report for Planning Permission

REF NO: LY/15/21/PL

LOCATION: Crossbush Service Station
Lyminster Road
Lyminster
BN17 7QQ

PROPOSAL: Erection of a drive-thru coffee shop (Use Class E) with associated infrastructure. This application is in CIL Zone 3 (zero rated) as other development. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The coffee kiosk would be 9.3m in length, 4.5m in depth and would have a mix of flat roof (height 3.8m) and partly curved roof and canopy. It would be constructed of aluminium panel cladding (black and red), red frame, grey framed doors and windows and glazing. A separate timber bin storage enclosure is proposed with flat roof at 2.6m height. The proposals include the installation of hard landscaping to create a loop access road from the service station egress road past the drive-thru, and a customer waiting bay to the east and delivery bay to the west. The proposals also include a soft landscaping scheme. The scheme also includes external lighting on bollards and mounted poles.
TOPOGRAPHY	Land slopes down to west.
TREES	Site is occupied by group of established, semi-mature, native species trees.
BOUNDARY TREATMENT	Open/trees/vegetation.
SITE CHARACTERISTICS	Site consists of area of sloped land to the east of Crossbush Service Station (and adjacent to highway land and A284 road to the west). The site is currently occupied by grass and a group of trees.
CHARACTER OF LOCALITY	Semi-rural. To the west of the site is Crossbush Service Station (which includes BP petrol garage, McDonalds Restaurant and Days Inn Hotel). To the east is the strategic road network including A284 Lyminster Road and Crossbush Roundabout to the north. On all other sides of service station is open countryside. South Downs National Park and AONB just to the north of Crossbush Roundabout.

RELEVANT SITE HISTORY

LY/4/12/ Proposed extension of existing petrol filling station sales ApproveConditionally

building

23-04-12

LY/8/98	Extension to the front of the restaurant to create additional seating (Duplicate application with LY/9/98)	ApproveConditionally 04-11-98
LY/33/93	New hotel	ApproveConditionally 09-02-94
LY/19/93	Approval of reserved matters following Outline Planning permission LY/13/90 for proposed landscaping in connection with service area development.	ApproveConditionally 16-06-93

Various commercial development (petrol filling station, restaurant and hotel) permitted on the wider site since the 1990s.

REPRESENTATIONS

Littlehampton Town Council -
No comments received.

Lyminster and Crossbush Parish Council -
No comments received.

No representations from members of the public received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LANDSCAPE OFFICER:

No objection.

Landscape Plan shows landscaping which would appear to be suitable for its location, the proposals would blend into the surrounding environment and existing commercial development, subject to early implementation of the landscape mitigation scheme. Recommend a planning condition to ensure the Landscape Scheme is implemented before occupation and opening of the premises, maintenance operations to be in place, and replacement within 12 months of completion of any planting which is failing to thrive.

WSCC HIGHWAYS:

No objection.

Recommend conditions to secure Construction Management Plan and staff vehicle parking.

NATIONAL HIGHWAYS:

No objection.

Recommend planning condition (and associated informative) to secure a Construction Management Plan. Also recommend a general informative be added in respect of the proposed development being located on land which as per the Preferred Route Announcement (October 2020) currently forms part of the proposed Arundel Bypass Major Project and so could conflict with Major Project.

TREE OFFICER:

The proposal would have a negative impact on the local landscape and environmental conditions (loss of visual screening and air/noise pollution) at this location. It will be important to weigh this against any economic advantages the scheme might offer locally, from what is already an established commercial site. If the application is to be recommended for approval, a condition should be attached to the decision that can ensure timely implementation of an approved soft landscape scheme. Also recommend conditions to secure protective fencing is inspected once installed and deemed 'fit for purpose', and that the works are to be undertaken in strict accordance with the Arboricultural Report submitted.

ECOLOGY OFFICER:

No objection.

Satisfied with the biodiversity enhancements recommended within the Extended Phase 1 Habitat Survey (dated July 2021) and shown in the Landscape Management Plan (2021). Condition should be used to secure these enhancements.

WSCC FIRE & RESCUE:

Currently nearest fire hydrant to proposed Drive-thru is 230 metres away. The supply of water for firefighting for a commercial premises should be within 90 metres. Recommend a planning condition to secure an additional fire hydrant on site.

DRAINAGE ENGINEER:

No objection.

Due to the location, scale and type of application, the Council's Drainage Engineers have confirmed they have no drainage conditions to request. Advise any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:
 Outside Built-Up Area Boundary
 Countryside
 Settlement Gap
 Arundel Park SSSI 2km
 Area of Special Control - adverts
 A27 Bypass 200m Buffer
 CIL Zone 3

DEVELOPMENT PLAN POLICIES

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

CSP1

C SP1 Countryside

SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
EMPDM1	EMP DM1 Employment Land: Development Management
RETDM1	RET DM1 Retail development
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM4	QE DM4 Contaminated Land
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

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 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.

The draft Crossbush and Lyminster Neighbourhood Plan has reached Reg. stage 14 so the emerging policies contained within it hold very limited weight and have been considered in the determination of this current 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."

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.

The proposal is considered to comply with relevant Development Plan policies in so far as it would be acceptable in principle in this location, and would, subject to conditions, have an acceptable impact on visual amenity and landscape, highways, ecology, drainage, residential amenity, and would appropriately manage waste disposal, fire and rescue and any land contamination. The loss of the trees to accommodate the new drive-thru would be regrettable and conflict with ALP policy ENV DM4 . However, the planning balance is that this would be acceptable since there are other material considerations (including the economic/social benefits of the scheme, age of the existing trees and mitigation planting) which would outweigh this conflict with the Development Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan, as follows;

- The economic and social benefits of the scheme
- Age of the existing trees to be lost and not protected by TPO or in Conservation Area
- Mitigation/replacement planting can be secured

CONCLUSIONS

KEY ISSUES:

The key issues in the determination of this planning application are as follows:

- Principle of development.
- Visual/landscape impacts.
- Highways impacts.
- Tree impacts.
- Ecology impacts.

Other matters include; waste disposal, fire and rescue, drainage, land contamination, and residential amenity.

PRINCIPLE OF DEVELOPMENT:

The site is located outside of the Built-up Area Boundary (BUAB) within the designated Countryside and in a designated Settlement Gap.

Arun Local Plan (ALP) policy SD SP2 seeks to focus new development within settlement boundaries (BUABs) and policy C SP1 only permits development outside of BUABs in the designated Countryside where it meets certain criteria which justify a countryside location. This includes C SP1 (f) in accordance with other policies in the Plan which refer to a specific use or type of development.

Policy EMP DM1 is one such policy in the Plan which refers to a specific use or type of development; Employment Land. Under EMP DM1 Section 6 'Economic growth outside the Built-Up Area Boundary' it states that planning permission will be granted for sites outside the built-up area, provided that the proposal demonstrates (in summary); (a) That it is an appropriate sized extension of an existing

employment site, or no acceptable alternative can be identified within existing permitted or allocated sites, or within or through redevelopment of existing commercial premises, and (b) that it has acceptable impacts on public access routes and highways, (c) high standard of design, layout and landscaping, (d) accessible by means other than private car if employment intensive uses are proposed, (e) access and parking would accord with Council's standards, (f) a sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat, built and historic environment contexts, the opportunities to deliver on-site habitats and protect key species, (g) acceptable impact on neighbouring amenity, and (h) crime prevention is incorporated.

Policy RET DM1 is another such policy in the Plan which refers to a specific use or type of development; Retail Development. It states that town centre uses should be accommodated in town centres and that proposals for these type of uses outside the centres will only be permitted if (in summary); the scheme (a) meets the impact tests of the NPPF (b) is easily accessible by the highway network and public transport (c) includes provision by cycle and foot (d) enables access for disabled people. The supporting text states that impact assessments for growth of retail development will be required from 1000sqm in town centres/large service centres and six villages, 200sqm for village and suburban centres and that at any scale impact may be a material consideration to be addressed.

The National Planning Policy Framework (NPPF, 2021) para 90 states that "When assessing applications for retail... development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold...which should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."

Para 91 states that "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused."

Emerging policy EH1 of the draft Crossbush and Lyminster Neighbourhood Plan (C&LNP) states Proposals for development outside of the recognised village envelopes, that do not accord with development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure, where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available. At this stage of preparation this policy can only be afforded limited weight and given accordance with other Development Plan policies it is accorded with.

ALP policy SD SP3 states that the generally open undeveloped nature of the Settlement Gaps will be protected and development will only be permitted where it (a) would not undermine the physical and/or visual separation of settlements, (b) would not compromise the integrity of the gap, (c) cannot be located elsewhere, (d) maintains the character of the undeveloped coast and (e) has not been allocated.

The proposal is for a drive-through coffee shop (Use Class E which is a retail town centre type use), within a site outside a town centre and outside a Built-Up Area, in the designated Countryside and within a designated Settlement Gap. It would also provide employment (equivalent to 8 full-time jobs) and so would constitute a proposed employment premises/site.

It would be sited within an existing service station area ('Crossbush Service Station') which consists a petrol station, McDonalds restaurant and a hotel. The proposals for a single storey kiosk building and drive-through access road are relatively small scale and are modest within its context. As such, the proposed development can be considered as an appropriate sized extension to an existing employment site, in accordance with ALP policy EMP DM1 (a). In addition, it would meet the other tests of EMP DM1

(as detailed in this report).

In terms of its retail impact, the kiosk building itself would only be around 31sqm, which would fall well under the 1000/200sqm locally set floorspace threshold for retail impact assessments confirmed within the supporting text to ALP policy RET DM1. However, as that policy text states, at any scale retail impact may be a material consideration. In terms of addressing the sequential test within the NPPF, a drive-through coffee shop is not generally suitable for a town centre location and by its very nature requires a strategic roadside setting to serve its customer base of travelling motorists. Given its nature, which would provide complementary facilities to the existing service station and its customers, and its primary role serving passing motorists rather than being a destination in and of itself, it is considered that it would be unlikely to significantly compete with or have a significant adverse impact on neighbouring town centre vitality and viability. As such, it would accord with the impact tests of the NPPF and the objectives of ALP policy RET DM1 (a). In addition, it would meet the other tests of RET DM1 (as detailed in this report).

Since its operation would be linked and integral to the operation of the service station providing travelling motorists with refreshment facilities it is accepted that it could not be located elsewhere, in accordance with ALP policy SD SP3 (c). The proposed development would be physically contained within an existing commercial site, with screening from the wider rural area, and would be a small-scale addition. As such, it would not undermine the physical/visual separation of settlements, compromise the integrity of the gap and, given its location away from the coastline would maintain the character of the undeveloped coast, as required by policy SD SP3 (a) (b) and (d).

In conclusion, the proposed development would be an appropriate use within this existing commercial site, its Countryside and Settlement Gap location is justified in accordance with ALP policies C SP1, EMP DM1, RET DM1, SD SP3 and C&LNP policy EH1 and the proposed development is therefore acceptable in principle.

VISUAL AND LANDSCAPE IMPACT:

Para 174 of the NPPF (2021) states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Para 130 requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 134 states "Development that is not well designed should be refused".

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees and crime prevention. ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas. Policy QE DM2 requires that proposals which include outdoor lighting must be accompanied by a lighting scheme and that there should be no adverse impacts on the wider landscape, particularly with regard the SDNP International Dark Sky Reserve designation. Policy EMP DM1 for employment development outside the BUAB requires that it has a (c) high standard of design, layout and landscaping, and (f) a sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat, built and historic environment contexts. The ADC Design Guide SPD also provides detailed advice on design of development.

The site is located within the designated Countryside and in a designated Settlement Gap, with the South Downs National Park (SDNP) and Area of Outstanding Natural Beauty (AONB) lying nearby to the north. The site is located within the Crossbush Service Station. The immediate area is built up with the surrounding area rural in nature. The eastern aspect is bound by the A284 Lyminster Road whilst the

other boundaries are adjacent to open countryside. This development proposal is to the eastern part of the of the existing service station

The proposed development itself would be a small-scale (single storey) addition and would be physically contained within an existing commercial site, and as such itself would not result in visual incursion into the open countryside nor harm to the landscape setting and views across the countryside. The proposed kiosk building's form, design and materials would be appropriate for its function and it and the associated facilities and infrastructure i.e. timber bin storage and access drive-thru road would be suitable within the context of the service station site.

The existing service station site benefits from a shelter belt of semi-mature trees along the eastern and northern boundaries which appear to have been planted around 20 years ago presumably as visual screening when the service station was first built. This provides visual screening from views from the east along Lyminster road. Also, to some degree, from views from the north and SDNP, although the site is located lower down within a dip in the land so it is likely still visible in elevated positions from the SDNP. However, from those viewpoints it would be viewed in the overall context of other surrounding development such as strategic road infrastructure etc. which lessens its impact.

In order to accommodate the new drive-thru facility on this land where this screening currently exists, there would be the removal of approximately 60% of this existing tree group (G1) which would result in a gap in the existing screening. The lower ground levels of the site would protect it from views from the east along Lyminster Road, to some degree. In addition, a Landscaping Plan has been proposed which would retain around 40% of the existing trees, and include some replacement tree planting, wildflowers, native shrub mix, and proposed shrub beds. The Council's Landscape Officer has commented that the Landscape Plan shows landscaping which would appear to be suitable for its location, and concludes that the proposals would blend into the surrounding environment and existing commercial development, subject to early implementation of the landscape mitigation scheme. They recommend a planning condition to ensure the Landscape Scheme is implemented before occupation and opening of the premises, maintenance operations to be in place, and replacement within 12 months of completion of any planting which is failing to thrive.

However, Officers have some concerns that this removal of c.60% of the established semi-mature trees and replacement with less trees and lower level planting could expose the site more to views to the east and north. As such, a more ambitious Landscape Plan (with a higher degree of tree planting at higher density and bigger planting size along the eastern and northern boundary of the site) will need to be submitted to ensure adequate and timely screening of the wider site following the removal of this existing screening. A View Impact Assessment showing the site from various surrounding viewpoints with existing screening and proposed screening in situ should be submitted so a full assessment of the Landscape Plan can be made.

In conclusion, the matter of visual screening, views and landscape impact is not considered insurmountable or justify a reason for refusal of this application, since it is concluded that suitable screening is achievable, subject to appropriate and ambitious Landscaping Scheme, and given the lower ground levels of the site and the c.40% existing tree screening to be retained. As such, this matter can be dealt with by a pre-commencement planning condition and a condition has been applied accordingly.

In terms of lighting, a Lighting Assessment Site Plan has been submitted showing the existing and proposed lighting; the proposed lighting consisting of 6 illuminated bollards along the driv-thru access road and 6 new area lighting mounted at height of 6m. Given the existing lighting in this context of the service station and adjacent strategic road network, the proposed lighting would seem to be acceptable in terms of its impact on the landscape setting and SDNP Dark Skies designation.

Subject to planning conditions, to secure a Landscape Plan and View Impact Assessment and the lighting details as per the submitted Lighting Plan, the proposals would have an acceptable impact on the visual amenity of the area, character of the countryside, views including from the SDNP and the landscape setting, in accordance with the NPPF, ALP policies D SP1, D DM1, LAN DM1, QE SP2 and EMP DM1 and the ADC Design Guide SPD.

HIGHWAYS IMPACT:

Para 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 111 of the NPPF states 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.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies "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". ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. Policy EMP DM1 for employment development outside the BUAB requires (b) That it would not intensify uses at the site to the detriment of existing public access routes and highways and (d) That it is capable of being well served by public transport or otherwise is readily accessible by means other than by private car to a significant residential workforce if employment intensive uses are proposed and (e) Access arrangements and parking facilities will be provided in accordance with the Council's adopted standards. Policy RET DM1 for town centre uses outside the centres requires that the scheme (b) is easily accessible by the highway network and public transport; (c) includes provision for access by cycle and on foot; (d) includes appropriate provision to enable access for people with disabilities.

The ADC Design Guide SPD (Sections I.01, I.02 and I.03) includes guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking. The ADC Parking SPD sets out car and cycle parking standards. The ADC Parking SPD (2020) sets out the District's vehicle/cycle parking standards.

Emerging policy GA3 of the draft C&LNP states that 'Proposals must provide adequate parking in accordance with the standards adopted at the time'. Emerging policy EE5 states 'All new commercial and employment development, where it would be appropriate, shall be designed to provide secure parking and storage of bicycles for customers and employees consistent with the relevant standards produced by WSCC.'

The proposals would utilise the existing site access for the service station, off the Lymminster Road (A284). A Transport Assessment (TA) has been submitted with the application including assessing trip generation from the proposed use. The proposals include a new drive-through loop road (limited to 10mph speed limit) with waiting bay for customers and a new delivery bay to serve the drive-through kiosk which is expected to be used 4 times per day by small box vans and refuse vehicle. It would have no customer or non-staff pedestrian access given its nature as a drive-through facility. Staff and customer car parking would be provided within part of the wider service station site. No cycle storage provision has been proposed as part of the application.

The Local Highways Authority (LHA), WSCC, have raised no objection to the application. They have provided comments as follows, in summary;

No alterations to the existing access arrangements with the public highway are proposed. The service station site is accessed from the A284 Lyminster Road, via a priority one-way access and egress arrangement. A new drive-thru loop will be created from the existing Crossbush Services Access Loop for customers accessing the new kiosk. There will be no provision for seating and no customer access to the new kiosk except by vehicle. A customer waiting bay will be provided on the eastern side of the kiosk and a new delivery bay on the western side, accessible from the existing access loop, which will be reserved for delivery vehicles needing to access the new kiosk and suitable for standard delivery vehicles. Swept path analysis carried out for the new drive-thru loop, waiting bay, and proposed delivery bay using a large car and a rigid truck demonstrates that the proposals are fit for purpose. Visibility splays are acceptable for vehicle speeds being low and generally not in excess of 10mph. WSCC's online record for road traffic collisions have been interrogated. This reveals there has been a single incident of 'slight' injury category at the Crossbush roundabout due to driver's mistake but none at the site access frontage onto Lyminster Road (A284), which indicates the site access has been operating in a safe manner in its present form.

The proposed coffee shop would be ancillary to already existing services at the Crossbush Service Station and is not expected to generate trips on its own right. The operation of the coffee shop likely requires five full-time employees or equivalent, with hours of operation likely between 05:30 - 22:00 daily. Delivery movements are expected to occur well in advance of the AM peak at around 05:30 - 06:30 or during the inter-peak period, with a maximum of four deliveries per day with average loading time no more than 20 minutes. Refuse collection in the worst case might be undertaken every day. Robust trip assessment carried out within the Transport Assessment has been reviewed and from a capacity perspective the LHA are satisfied that these trips would not be detrimental to the operation of the local highway.

There is no information provided with regards to provision of vehicle / cycle parking for employees. The Local Planning Authority (LPA) should clarify this with the applicant. (This has been clarified by the applicant since as staff vehicle parking as being provided within the wider service station site).

Although the continuous footway along the western border of A284 / A27 provides access to bus stops near the Beefeater restaurant/public house, the LHA acknowledges the need for limited pedestrian access to the site due to the nature of the drive-thru facilities outside of any settlement and adjacent to the strategic highway.

In conclusion, the LHA does not consider that this proposal would have any capacity issues and therefore there would be no impacts on the operation/safety of the highway network, therefore it is not contrary to the National Planning Policy Framework (paragraph 109). Hence, there are no transport grounds to resist this proposal. The LHA recommend planning conditions to secure a Construction Management Plan, and vehicle parking for employees.

National Highways (formerly Highways England) were also consulted on the proposals in respect of the impact on the strategic road network (SRN) and A27 Bypass project. They have commented that they are concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the A27. Whilst they have concluded that the quantum of additional vehicles impacting the SRN will be low, there are potential adverse construction impacts which may be mitigated by means of a Construction Management Plan (CMP). As such, they recommend a planning condition (and associated informative) to secure a CMP. They also recommend a general informative be added in respect of the proposed development being located on land which as per the Preferred Route Announcement (October 2020) currently forms part of the proposed Arundel Bypass Major Project.

In conclusion, subject to planning conditions to secure a CMP and staff vehicle and cycle parking, the proposals would provide safe and suitable site access, appropriate parking provision and some accessibility by sustainable modes of transport including foot, bus and cycle (although due to nature of proposals drive-through less relevant, but useful to staff). It would also have an acceptable impact on the operation and safety of the highways network. The proposals would therefore accord with the NPPF, policies T SP1, T DM1, EMP DM1 and RET DM1 of the ALP, policies GA3 and EE5 of the draft C&LNP, and the ADC Parking Standards SPD (2020). An informative is to be added in respect of the potential conflict of the development with the proposed Arundel Bypass Major Project.

TREES:

ALP policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or that contribute to local amenity. Policy EMP DM1 for employment development outside the BUAB requires (f) A sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat etc.

Emerging policy EH4 of the draft C&LNP seeks to resist development that damages or results in the loss of or adverse impacts on trees or hedgerows of arboricultural, amenity or historic value or loss of hedgerows unless the need for, and benefits of, development in that location clearly outweigh the loss. It also states development proposals where appropriate should seek to retain wherever possible ancient trees, trees of good arboricultural and amenity value and hedgerows. It also states that Proposals which affect sites with existing trees or hedgerows should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

The application was accompanied by a full Arboricultural Report; including Tree Survey, Tree Protection Plan and Method Statement. The Council's Tree Officer has been consulted and provided comment on the application, in summary, as follows.

There is one established group of trees (G1) that will be affected by these proposals. This is a relatively young and dense linear group of native species, which provides visual screening and pollution mitigation (against air and noise pollution). Approximately 60% of this existing tree group G1 would be removed to accommodate the proposals on this land. Replacement planting proposals will go some way to compensate but there will be a net loss of vegetation (of high growth potential) and biodiversity at what is a very busy, strategic road intersection. Traffic can be static at this location for extended periods of time, especially during peak travelling times and throughout the summer. The proposal would have a negative impact on the local landscape and environmental conditions (loss of visual screening and air/noise pollution) at this location. It will be important to weigh this against any economic advantages the scheme might offer locally, from what is already an established commercial site. If the application is to be recommended for approval, a condition should be attached to the decision that can ensure timely implementation of an approved soft landscape scheme. Also recommend conditions to secure protective fencing is inspected once installed and deemed 'fit for purpose', and that the works are to be undertaken in strict accordance with the Arboricultural Report submitted.

In conclusion, although the proposals would result in the loss of semi-mature native trees of some amenity value, the trees are neither protected by Tree Preservation Orders or by being within a Conservation Area, 40% of the tree group would be retained, replacement tree planting and appropriate landscaping can be conditioned, and the scheme offers economic and social benefits in terms of opportunities for local employment, spending in the local economy and enhanced facilities for travellers/tourists etc. When weighed in the planning balance, the loss of these trees, while regrettable, and in conflict with ALP policy ENV DM4 and C&LNP emerging policy EH4, is outweighed by the other material considerations set out including the economic/social benefits of the scheme, and is acceptable

overall.

ECOLOGY:

In terms of legislation, development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required. Paras 174 and 180 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Act and the NPPF.

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Policy EMP DM1 for employment development outside the BUAB requires (f) A sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat...the opportunities to deliver on-site habitats and protect key species.

Emerging policy EH4 of the C&LNP states "Development proposals, where appropriate, must be designed to incorporate biodiversity within and around developments and enhance ecological networks... to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature."

An Extended Phase 1 Habitat Survey has been submitted with the application. The Council's Ecology Advisor has been consulted on the application. They have confirmed that they are satisfied with the biodiversity enhancements recommended within the Extended Phase 1 Habitat Survey (dated July 2021) and shown in the Landscape Management Plan (2021) and that a condition should be used to secure these enhancements.

Subject to a planning condition to secure the proposed biodiversity enhancement measures, the proposals would have an acceptable impact on ecology and would result in a Biodiversity Net Gain, in accordance with the Environment Act, NPPF and policy ENV DM5 of the ALP and emerging policy EH4 of the draft C&LNP.

WASTE DISPOSAL:

The proposals include a timber waste storage structure, with flat roof 2.6m in height, located to the south of the new coffee kiosk. It is anticipated that waste collection would be undertaken by a private commercial waste company, daily, with a refuse vehicle waiting in the new delivery bay to the west of the kiosk. A planning condition will be applied to ensure the waste storage structure includes appropriate capacity for refuse and recycling to serve the new drive-through facility and is used solely for this basis, to ensure appropriate commercial waste disposal and avoid littering of the local area.

FIRE & RESCUE:

The County Council Fire & Rescue services have stated that currently the nearest fire hydrant to the proposed Drive-thru is 230 metres away. The supply of water for firefighting for a commercial premises should be within 90 metres. As such, they recommend a planning condition to secure an additional fire hydrant on site.

DRAINAGE:

Due to the location (not in Lidsey Waste Water Treatment Works Catchment Area, and in Flood Zone 1), and given scale and type of application, the Council's Drainage Engineers have confirmed they have no drainage conditions to request. Advise any alterations to surface water drainage must be designed and

constructed in accordance with Building Regulations.

ALP policy W DM3 seeks to provide all new development with sustainable urban drainage (SUDs) measures. The proposals would result in an increase in impermeable surfaces resulting from the installation of the new kiosk/bin storage structure and new hard landscaping in an area currently occupied by trees. As such, a planning condition will be applied requiring details of a SUDs plan, accord with ALP policy W DM3.

LAND CONTAMINATION:

ALP policy QE DM4 seeks to protect new development from land contamination. The area of land to be developed currently consists of a shelter-belt of trees and does not form part of the service station facilities. The proposed use of a drive-through coffee shop (food and beverages) is a sensitive use vulnerable to any land contamination. As such, given the current use of the land the standard full 4 stage land contamination condition is not considered necessary, but the unexpected land contamination condition will be applied to the decision in the event of any contamination being discovered on site during the construction phase to ensure compliance with ALP policy QE DM4.

RESIDENTIAL AMENITY:

Para 130 (f) of the NPPF states development should have a high standard of amenity for existing and future users. Policy D DM1 of the ALP states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policy EMP DM1 which relates to employment uses outside the BUAB, requires that (g) A satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected.

The proposal is located within an existing commercial site (service station) and some distance from the nearest neighbouring residential properties. It is noted that the BP garage and McDonalds restaurant on the site is open 24 hours a day and there is a Days Inn Hotel on the site too. The application form for the new drive-through requests 24 hours a day hours of operation. In the circumstances, this is considered acceptable. A planning condition will be applied requiring commercial deliveries associated with its use to be restricted to the hours of 8am-8pm every day to avoid any potential unacceptable noise and disturbance as a result of this potentially more disruptive activity. Subject to this, the proposals would have an acceptable impact on residential amenity, in accordance with the NPPF and policies D DM1, QE SP1 and EMP DM1 of the ALP.

SUMMARY:

In conclusion, although the site is outside the BUAB and within the designated Countryside and Settlement Gap, the proposed development of a new drive-thru coffee shop would be an appropriate use within this existing commercial site (Crossbush Service Station) and its location is justified in accordance with ALP policies C SP1, EMP DM1, RET DM1, SD SP3 and emerging C&LNP policy EH1. The proposed development is therefore acceptable in principle. The proposals would, subject to planning conditions, overall have an acceptable impact on visual amenity and landscape, highways, ecology, drainage, and residential amenity, and would appropriately manage waste disposal, fire and rescue and any land contamination. The proposals would therefore comply with the relevant policies of the Development Plan in these respects.

While the loss of the trees to accommodate the new drive-thru would be regrettable and conflict with ALP

policy ENV DM4 and C&LNP emerging policy EH4, in the planning balance, this would be acceptable since there are other material considerations (including the economic/social benefits of the scheme and mitigation planting) which would outweigh this conflict. The importance of a high quality landscaping scheme (and early implementation of this), to provide visual screening to the wider service station site and to comply with policies D SP1, D DM1 and LAN DM1, will be key to the success of this scheme, and this has been conditioned as a pre-commencement requirement.

As such, the application is recommended for approval, subject to the following conditions and informatives;

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.

CIL DETAILS

This application is not CIL liable since it is for commercial development.

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:

- Proposed Building Elevations (201115 - PLNG7 (B))
- Proposed Site Elevations (201115 - PLNG5(A) - Sheet 1)
- Proposed Site Elevations (201115 - PLNG5(A) - Sheet 2)
- Proposed Site Layout - 200 scale (201115 - PLNG4 - C)
- Proposed Site Layout - 100 scale (201115 - PLNG3 - B)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, LAN DM1 and QE SP1 of the Arun Local Plan.

- 3 Development shall not commence until there has been submitted to, and approved by, the Local Planning Authority, a Landscaping Scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development, and to include replacement/new tree planting. This shall include a Planting Scheme including details of siting, type, density, and size at time of planting. The Landscaping Scheme should include landscape visuals of the proposals showing the site in short/medium and long distance views (including from the South Downs National Park) with the existing vegetative screening and also with the proposed vegetative screening shown in situ.

Reason: In the interests of visual amenity, impact on the landscape setting and the environment of the development in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan. This is necessary to be a pre-commencement planning condition since the impact on the visual amenity of the area and countryside and the landscape setting goes to the heart of the acceptability of the scheme and must be fully assessed and confirmed as being acceptable prior to any development commencing on site.

- 4 On removal of the existing tree screening and prior to occupation and the opening of the premises hereby approved, the approved details of the Landscaping Scheme shall be fully implemented within the next planting season following removal.

Reason: In the interests of visual amenity, impact on the landscape setting and the environment of the development in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

- 5 Any trees or plants which, on completion of planting, die, become seriously damaged or diseased, are removed, or fail to thrive, shall be replaced within 12 months with replacement trees/planting of the equivalent species and size as per the approved Landscaping Scheme, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, impact on the landscape setting and the environment of the development in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

- 6 External lighting in association with this development shall comply with the Proposed Lighting Plan and Lighting Assessment (prepared by The Graham White Lighting Consultancy, dated 16/08/2021).

Reason: To control the impact of external lighting on the visual amenity and landscape setting, wildlife, local residential amenity, and the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2, D DM1, LAN DM1 and ENV DM5.

- 7 No development shall commence, including any site clearance, works of demolition or preparation, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). The approved Plan shall be implemented and adhered to throughout the construction period,

unless otherwise agreed in writing with the Local Planning Authority (who shall consult with National Highways). The Plan shall provide the following details as a minimum:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area, in accordance with the National Planning Policy Framework and policies T SP1, T DM1 and QE SP1 of the Arun Local Plan. In addition, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This is necessary to be a pre-commencement planning condition to secure acceptable construction and construction traffic impacts through appropriate management measures prior to development works commencing on site.

- 8 No part of the development shall be first occupied until the staff vehicle parking and staff cycle parking spaces (cycle spaces undercover and secure) associated with the premises hereby approved have been provided/constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide adequate on-site vehicle and cycle parking for the employees, and to promote the use of sustainable modes of transport by employees, in accordance with policies T SP1 and T DM1 of the Arun Local Plan, and the Arun District Council Parking SPD (2020).

- 9 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, written confirmation is required to be submitted to and approved in writing by the Local Planning Authority from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan, DEP Landscape Architecture Ltd., dwg. no. 03, Revision x, 18.08.21.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 and ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 10 All activity at the site is to be carried out in strict accordance with:

Arboricultural Survey (BS5837:2012), DEP Landscape Architecture Ltd., August 2021.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 11 Prior to occupation and opening of the premises hereby permitted, the biodiversity

enhancements recommended within the Extended Phase One Habitat Survey (July 2021) and reflected in the Landscape Management Plan (July 2021) shall be implemented in full and thereafter retained at all times.

Reason: To ensure the development would result in a Biodiversity Net Gain, in accordance with the Environment Act, the National Planning Policy Framework and policy ENV DM5 of the Arun Local Plan.

- 12 Prior to occupation and opening of the premises hereby permitted, the timber bin storage structure shall be constructed and must include facilities for the storage of refuse, recycling and food waste. It shall be used for no other purpose than the disposal of waste associated with the premises hereby approved.

Reason: To ensure the appropriate provision of waste disposal facilities on site to serve the development.

- 13 (1) Prior to first occupation of the development hereby approved details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

(2) Prior to the first occupation of any part of the development hereby approved, the developer will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 14 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of staff and customers of the premises, in accordance with Policy QE DM4 of the Arun Local Plan.

- 15 No development shall take place until a Sustainable Urban Drainage (SUDs) Plan has been

submitted to and approved in writing by the Local Planning Authority. The approved SUDs scheme shall be implemented in full prior to first occupation of the development hereby permitted.

Reason: To ensure the proposals would incorporate sustainable drainage measures, in accordance with policy W DM3 of the Arun Local Plan. This is necessary to be a pre-commencement planning condition to secure these SUDs drainage measures prior to development works commencing on site.

- 16 Deliveries by commercial vehicles shall only be made to or from the site between 08:00 hours and 20:00 hours Monday-Sundays without the prior written consent of the Local Planning Authority.

Reason: In the interests of local amenity in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 17 INFORMATIVE: National Highways (formerly Highways England) have advised that the Construction Management Plan must include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It must include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

- 18 INFORMATIVE: It should be noted that the proposed development is on land which the Preferred Route Announcement (October 2020) indicates would form part of the proposed Arundel Bypass Major Project under the Government's Roads Investment Programme. Details may be found in the Engineering Layout Drawings contained within Appendix D Scheme Option Drawings of the A27 Arundel Bypass Scheme Assessment Report (October 2020). On the basis of the available information the proposed development would directly conflict with the proposed Arundel Bypass Major Project. It is acknowledged that the detailed design and precise location of the Arundel Bypass and associated works are evolving. It is also acknowledged that the project's Development Consent Order has yet to be submitted or consented and the final investment decision made. Therefore, we accept that at this time National Highways cannot state with absolute certainty that application LY/15/21/PL would prejudice the construction or improvement of a trunk road. Consequently, while the site is within the Notification of Development Boundary for the Arundel Bypass (and would appear as a land charge on the local authority register), National Highways do not wish to formally object, in town planning terms, to the application. However, the applicant and any subsequent investor or owner of the development should note that any investment or costs may not be recouped or be compensated for, in the event that the Arundel Bypass goes ahead and requires the land subject to application LY/15/21/PL.

- 19 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.