

## DECISION NOTICE

Application Ref: LY/15/21/PL

**1 To Addressee**

Rapleys LLP  
York House  
20 York Street  
Manchester  
M2 3BB

**2 Site Address**

Crossbush Service Station  
Lyminster Road  
Lyminster  
BN17 7QQ

**3 Description of Development**

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.

**4** In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 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.

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).

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.

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.



Neil Crowther  
Group Head of Planning

Case Officer: Ms Myer

Decision Issued: **24th November 2021**

Arun District Council  
The Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex BN17 5LF

**IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT**

## APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details can be found at [www.GOV.uk](http://www.GOV.uk)

## PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).