

Our Ref.: 21-01147

20 April 2022

York House
York Street
Manchester
M2 3BB

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

LONDON
BIRMINGHAM
BRISTOL
CAMBRIDGE
EDINBURGH
HUNTINGDON
MANCHESTER

Dear Sir / Madam,

Re: Application for Variation of Conditions Under Section 73 of the 1990 Town and Country Planning Act (as amended) pursuant to Planning Application Ref. LY/15/21/PL for a coffee shop drive-thru at Crossbush Service Station, Lyminster Road, Littlehampton, BN17 7QQ

Rapleys LLP has been instructed to submit a variation of condition planning application on behalf of Rontec Service Stations 1A Limited (Rontec) at the above site. The planning application is for the variation of Planning Conditions 2 and 6 attached to planning permission Ref. LY/15/21/PL for the erection of a drive-thru coffee shop (Use Class E) with associated infrastructure, granted on 24th November 2021.

This planning application was submitted via the Planning Portal (Ref. PP-11189038) dated 20th April 2022. This letter, in conjunction with the enclosed application form, CIL Forms, drawing plans, technical reports and the requisite planning fee of £234.00 comprise the applicant's full planning application package.

The drawing plans and technical reports include the following:

- Existing Site Layout (Ref. PLNG1 Rev. A);
- Existing Site Elevations – Sheet 1 (Ref. PLNG2 Rev. A);
- Existing Site Elevations – Sheet 2 (Ref. PLNG2 Rev. A);
- Proposed Site Layout – 100 Scale (Ref. PLNG3 Rev. C);
- Proposed Site Layout – 200 Scale (Ref. PLNG4 Rev. D);
- Proposed Site Elevations – Sheet 1 (Ref. PLNG5 Rev. B);
- Proposed Site Elevations – Sheet 2 (Ref. PLNG5 Rev. B);
- Proposed Tracking Layout (Ref. PLNG6 Rev. C);
- Proposed Building Elevations (Ref. PLNG7 Rev. B);
- Proposed Lighting Plan (Ref. DM134 Rev. B);
- Proposed Lighting Product Datasheets;
- Landscape Layout (Ref. 4804-01 Rev. A);
- Drainage Strategy and Calculations, prepared by Dudleys Structural & Civil Consultants; and
- Arboricultural Survey, prepared by DEP Landscape Architecture.

In addition to the above enclosures, we would be grateful if you would take the contents of this letter into consideration.

RAPPLEYS LLP IS REGISTERED AS A LIMITED LIABILITY PARTNERSHIP IN ENGLAND AND WALES

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REGULATED BY RICS

Site and Surroundings

The application site is located within Crossbush Service Station, which includes a petrol station, a hotel and McDonald's drive-thru. Within Crossbush Service Station, the application site is confined to the eastern area of the site with the petrol station locating in the eastern most part of the site, while the hotel and McDonald's drive-thru and located to the western area. Access into the services is taken from the A284 Lyminster Road.

The eastern part of the service station is bound by the A284, while all other boundaries are adjacent to open countryside. Whilst the immediate area is built up, the surrounding area is rural in nature.

This application for variation of condition follows the recent approval of Planning Application Ref. LY/15/21/PL, which sought consent for a new drive-thru coffee shop.

Planning History

A review of the Council's online planning register was undertaken which revealed a long planning history, with the key applications summarised in the table below.

Reference	Description	Decision	Decision Date
LY/13/91	Outline Application for service area including petrol filling station, HGV parking, restaurant, motel, car parking and landscaping.	Approved	12 Aug 1992
LY/10/17/PL	Extension of existing hotel to form 8 No. new rooms on two floors. Erection of three new blocks of accommodation to form 34 No. self-contained rooms on two & 3 floors respectively	Approved	25 Sep 2017
LY/15/21/PL	Erection of a drive-thru coffee shop (Use Class E) with associated infrastructure.	Approved	24 Nov 2021

The Proposal

Condition 2 attached Planning Application Ref. LY/15/21/PL states that the development must be carried out in accordance with the approved plans listed, and Condition 6 requires the external lighting design to comply with the approved Proposed Lighting Plan and Lighting Assessment.

However, following the approval of the recent full planning application, it became apparent that there is an overlap between the approved scheme and the A27 Arundel Bypass Development Consent Order proposals, which have just completed statutory consultation and are due for examination later this year. Consequently, the approved scheme had to be revised to accommodate the highway improvements.

Therefore, the below proposed variation to Condition 2 is sought:

The development hereby approved shall be carried out in accordance with the following approved plans:

- *Proposed Site Layout – 100 Scale (Ref. PLNG3 Rev. C)*
- *Proposed Site Layout – 200 Scale (Ref. PLNG4 Rev. D)*
- *Proposed Site Elevations – Sheet 1 (Ref. PLNG5 Rev. B)*
- *Proposed Site Elevations – Sheet 2 (Ref. PLNG5 Rev. B)*
- *Proposed Building Elevations (Ref. PLNG7 Rev. B)*

In regard to Planning Condition 6, the following variation is sought:

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 19th April 2022).

Full details of the proposed development are shown on the accompanying set of proposed plans submitted as part of the application.

Planning Policy Position

National Planning Policy

The Government published the latest iteration of the National Planning Policy Framework (NPPF) in July 2021. The document confirms that the purpose of the planning system is to contribute to the achievement of sustainable development via three overarching objectives: an economic objective, a social objective and an environmental objective.

Paragraph 11 of the NPPF requires Local Planning Authorities to apply a presumption in favour of sustainable development during decision-making. This means that authorities should approve development proposals that comply with relevant policies without delay. Where there is an absence of relevant development plan policies or if the policies are out-of-date, planning permission should be granted unless:

- i. "The application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

In building a strong and competitive economy, **Paragraph 81** requires Local Planning Authorities to place significant weight on the need to support economic growth and productivity by taking into account local business needs.

In respect of achieving well-designed places, **Paragraph 126** states that the creation of high-quality, beautiful and sustainable buildings and places through good design is a key aspect of sustainable development.

Explaining further, Paragraph 130 ensures that local planning policies and decisions should aim to ensure that developments:

- a) "Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- f) *Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

Local Planning Policy

The Development Plan for Arun District Council consists of the Arun Local Plan 2011-2031 adopted in July 2018 within which the site lies outside of the settlement boundary, within an area defined as 'gaps between settlements'. As such, the key policies that are relevant to this proposal are set out below:

- **Policy SD SP1 Sustainable Development** sets out that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- **Policy C SP1 Countryside** states that Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is:
 - a) For the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or
 - b) For quiet, informal recreation; or
 - c) For green infrastructure; or
 - d) For the diversification of the rural economy; or
 - e) For road and/or cycle schemes; or
 - f) In accordance with other policies in the Plan which refer to a specific use or type of development.
- **Policy SD SP3 Gaps Between Settlements** indicates that Development will only be permitted within the gaps if:
 - a) It would not undermine the physical and/or visual separation of settlements;
 - b) It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
 - c) It cannot be located elsewhere; and
 - d) It maintains the character of the undeveloped coast; or
 - e) If a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.
- **Policy RET SP1 Hierarchy of Town Centres** sets out that the hierarchy of centres in Arun will be maintained by supporting and promoting measures which reinforce their role in meeting community needs and providing a focus for a range of activities including: retail, leisure, commercial, office, tourism, cultural, community and residential development.
- **Policy RET DM1 Retail Development** sets out that Town Centre uses should be accommodated in town centres. Proposals for Town Centre uses outside the centres defined on the Policies Maps will only be permitted if:
 - a) The scheme meets the impact tests of the NPPF;
 - b) The scheme is easily accessible by the highway network and public transport;

- c) The scheme includes provision for access by cycle and on foot; and
 - d) The scheme includes appropriate provision to enable access for people with disabilities.
- **Policy TOU SP1 Sustainable Tourism and the Visitor Economy** indicates that proposals for visitor related development will be determined by Arun's capacity to absorb such growth; for Arun this means tourism growth which:
 - a) Encourages long-term visitor interest / activity;
 - b) Ensures a viable visitor economy;
 - c) Provides benefit to local people;
 - d) Extends the visitor season; and
 - e) Protects and enhances the natural and built environment of Arun.
- **Policy TOU DM1 Tourism Related Development** states that when assessing proposals for visitor facilities outside of the Built Up Area Boundary, these will generally be expected to be small-scale and relate to quiet, informal recreation and enjoyment of Arun's countryside.
- **Policy D SP1 Design** states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.
- **Policy D DM1 Aspects of Form and Design Quality** indicates that when considering any application for development that Council will have regard to a number of key indicators in relation to design.
- **Policy T SP1 Transport and Development** highlights that the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport.
- **Policy T DM1 Sustainable Travel and Public Rights of Way** indicates that proposals for new development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified.
- **Policy ENV DM1 Natural Environment** sets out that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites.
- **Policy ENV DM4 Protection of Trees** indicates that development will only be permitted for the loss of trees which contribute to local amenity, if the benefits of the proposed development in a particular location outweigh the loss of the trees.
- **Policy W SP1 Water** sets out that the Council will support development that is appropriately located, taking account of flood risk and promotes the incorporation of appropriate mitigation measures into new development.
- **Policy QE SP1 Quality of the Environment** states that the Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District.

- **Policy QE DM2 Light Pollution** states that planning permission for proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications.

Other Material Considerations

The Arun District Design Guide Supplementary Planning Document (SPD) adopted in January 2021 provides detailed guidance that will raise design standards across the District, ensuring that only the highest quality development is delivered.

The document sets out that any new development in the countryside should respect and enhance this distinctive rural character. Specifically, development within these areas must be sensitively and appropriately integrated into its landscape setting. Furthermore, the document indicates that important landscape features such as mature trees and planting should be retained and incorporated into the scheme wherever possible. In terms of scale, form and massing, the document sets out that development should also respond to the existing height and footprint of buildings in the area.

Assessment

The planning considerations relevant to the proposed development are as follows:

- General Principle of Development;
- Ensuring the Vitality of Town Centres; and
- Development Control Considerations.

General Principle of Development

The application is for a variation of conditions pursuant to planning permission Ref. LY/15/21/PL which was granted on 24th November 2021. The approved development had to be amended in order to accommodate the A27 Arundel Bypass Development Consent Order proposals.

The proposed development, almost identical to the approved scheme, is for the erection of a drive-thru coffee shop measuring 31 sq.m gross internal area (GIA). The amendments proposed are minor in nature and includes widening the landscaping area to the north-east to accommodate the proposed highway improvements and repositioning both the drive-thru coffee shop building and the compound area.

It is recognised that the site is located within an area defined as a gap between settlements as set out in Policy SD SP3 of the Local Plan. In these areas, development should not undermine the physical and/or visual separation of settlements or compromise the integrity of the gap, either individually or cumulatively or be capable of being located elsewhere.

However, it should be highlighted that the proposed drive-thru unit would be located in the vicinity of an existing service area and will function as an integral part of the service station operation. Crossbush Service Station area is well contained within the wider rural area and is bounded by significant tree cover. Furthermore, the proposed development is limited in scale and size, especially when compared with the existing built development in the area. Given that the unit would be located within the existing service area, it is not considered that the proposal would compromise the integrity of the gap between settlements.

The proposed development is almost identical to the previous Planning Application Ref. LY/15/21/PL was approved in November 2021. The principle of development has therefore been accepted by the Council.

The proposal, triggered by the A27 Arundel Bypass Development Consent Order proposals, will protect local jobs at the existing service area as well as providing additional direct employment at the coffee shop. Further jobs will also be created and supported through the construction and maintenance of the proposed development.

On this basis, it is considered that the principle of a drive-thru coffee shop unit in this location is accepted, and the proposal would therefore not undermine the gaps between settlements, in accordance with Policy SD SP3. Furthermore, the proposal would support the longevity of the service area in accordance with Policies TOU SP1.

Ensuring the Vitality of Town Centres

The proposed development is for a drive-thru coffee shop unit measuring 31 sq.m GIA, which is identical to the approved Planning Application Ref. LY/15/21/PL. The approval of the previous planning application confirms that the proposed development will not compete with nor have a significant adverse impact on the vitality and viability of any neighbouring town centres.

Development Control Considerations

Design

The design and appearance proposed will remain unchanged, providing a modern and distinctive design delivered through the use of quality materials, suitable for any appropriate occupier whilst meeting customer expectations.

The proposed layout is very similar to the approved scheme with the landscaping area to the north-east widened and the compound being repositioned as well as other minor alterations. The development proposed is functional in character in order to meet the operational requirements of any future occupier.

On this basis, the proposal is therefore considered to be in accordance with Policy SD SP1 of the Development Plan as well as the overarching principles of the NPPF.

Transport

The development proposed within this application is required in order to accommodate the planned highway improvements associated to the A27 Arundel Bypass. Apart from the required minor amendments to accommodate the highway improvements, the proposal development will not have an impact on highway matters such as trip generation and highway safety. Consequently, the findings of the Transport Statement, prepared by Markides Associates, previously submitted are still applicable.

No objections or in-principal concerns were raised by either the Local Highways Authority or National Highways as part of the previous application. As the proposed development is similar to the approved scheme with the proposed amendments being minor in nature, it is considered that the current proposed development would also not have an unacceptable impact on highway safety.

On this basis, the proposal is therefore considered to be in accordance with Policy T SP1 of the Development Plan as well as the policies set out in the NPPF (2021).

Trees and Landscaping

The application site features a number of existing trees and therefore, the application is supported by an updated Arboricultural Report which details the proposed trees to be removed/retained.

The report confirms that a total of one tree group was surveyed as part of the assessment. In general, the trees were found to be within reasonable condition for their age and species. The report also confirms that 70% of the group would need to be removed to facilitate the development. The Arboricultural Report recommends a methodology to ensure the protection of these retained trees.

An updated Landscaping Plan has also been submitted alongside this proposal. This includes significant landscaping to the front of the site, adjacent to Lyminster Road, which would consist of 12no. additional trees, shrub beds, native shrub mix, wildflower meadow mix and grass.

The application is also supported by a landscape management plan to ensure the proposed and existing landscape around the development site is established and maintained as the design intends.

Given the above, it is considered that the proposed landscaping will integrate well into the surrounding area and mitigate any potential visual impacts of the proposed development. As such, it is considered that the proposed development will comply with Policies D SP1 and ENV DM4 of the Development Plan.

Ecology

As the proposed development is very similar to the approved scheme, it is considered that the findings of the Extended Phase 1 Habitat Survey submitted as part of the previous application are still applicable.

The survey confirms that the habitats present on the site are common through the UK and no nationally or locally rare plant species were located. Whilst the survey does acknowledge that the development proposals would involve the loss of the tree belt and amenity grassland, no specific habitat mitigation is considered necessary due to the low ecological value of the site.

With the exception of nesting birds, no other protect species present on site. To compensate for the loss of bird nesting habitat, bird boxes are recommended for the proposed development. It is also recommended that a nesting bird survey may be required if any work to the plantation woodland needs to be carried out within the bird nesting season.

No concerns in relation to ecology were raised by the Council's Ecology Advisor in the previous application and confirmed that they were satisfied with the biodiversity enhancements recommended within both the Extended Phase 1 Habitat Survey and Landscape Management Plan.

On this basis, it is considered that the proposal complies with Policy ENV SP1 of the Development Plan as well as the overarching principles of the NPPF (2021).

Lighting

An updated Proposed Lighting Plan has been submitted as part of the application. The document confirms that with the benefit of new LED technology and good lighting design the proposal will provide a high degree of lighting control to restrict any boundary spillage of light and eliminate nuisance to nearby uses and any wildlife habitats.

It is worth noting that the application site is located within an existing service station area, where external lighting is a common feature. Furthermore, no concerns in relation to lighting were raised in the previous Planning Application Ref. LY/15/21/PL with the officer's report stating the following:

"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."

On this basis, it is therefore considered that the proposal is entirely consistent with the Policy QE DM2 of the Development Plan.

Drainage

An updated Drainage Strategy and Calculations, prepared by Dudleys Structural and Civil Consultants, accompanies the planning application.

The report confirms that the site is located within Flood Zone 1 and the total proposed impermeable area being 0.06ha. The existing site discharges its surface water into soakaways and therefore, infiltration is considered to be the best option. To this end, the drainage strategy is proposing the discharge of surface water into an underground attenuation soakaway tank. Appropriate infiltration test results are required to confirm the infiltration rate so that the soakaway design can be amended accordingly.

In terms of foul drainage, a new foul water run will be constructed within the access road to the south-west of the coffee shop to connect into an existing adopted manhole along a rising main which runs at the southern boundary of the site.

The proposed drainage strategy is very similar to the approved scheme which was found to be acceptable by the Council's Drainage Engineers. On this basis, it is therefore considered that the proposed development accords with Policy W SP1 of the Development Plan.

Conclusion

After consideration of relevant planning policy at a national and local level, it is deemed that this application for the variation of Planning Conditions 2 and 6 attached to planning permission Ref. LY/15/21/PL is wholly acceptable in planning terms. The proposed development, previously approved, is required to accommodate planned highway improvements associated to the A27 Arundel Bypass. The development will result in minor amendments which will not have any adverse impact on either the local amenity or highway network.

We therefore respectfully request that planning permission is granted for the proposed development.

We trust that the enclosed information is sufficient to enable you to validate the application and look forward to receiving confirmation in due course. We will also be pleased to address any matters raised through the consultation process.

Please contact me in the first instance should you require any further information.

Yours faithfully,

A black rectangular box redacting the signature of Samantha Lee.

Samantha Lee
MTCP MRTPI
Senior Planner

A large black rectangular box redacting contact information, likely a phone number and email address.