

Recommendation Report for Planning Permission

REF NO: LY/5/22/PL

LOCATION: Crossbush Service Station
Lyminster Road
Lyminster
BN17 7QQ

PROPOSAL: Installation of 8 No. electric vehicle charging bays and associated infrastructure.
This application is in CIL Zone 3 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 8 Electric Vehicle (EV) charging bays would be located within the existing car park, adjacent to the lorry parking spaces. It is proposed that 2 of the spaces are disability compliant. The EV charger will be situated within a centralised raised kerb area with a butterfly canopy above.
TOPOGRAPHY	Predominantly flat.
TREES	There are hedges and trees around the east and north perimeter of the site and one tree within the grassed area in the north eastern corner of the site.
BOUNDARY TREATMENT	Mixture of close board timber fence panels and hedging.
SITE CHARACTERISTICS	Existing service station.
CHARACTER OF LOCALITY	The service station is located in a predominantly rural area on the outskirts of Arundel. The area consists of a fast food restaurant, hotel, petrol station and lorry parking facilities.

RELEVANT SITE HISTORY

LY/11/21/PL	Installation of 2 No. rapid electric vehicle charging stations within the car park with 2 No. existing parking spaces becoming EV charging bays, along with associated equipment. This site is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 10-08-21
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Noted.

REPRESENTATIONS

Lyminster and Crossbush Parish Council -
No comments received.

No other representations received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS
CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS: No Objection.

It is noted though that several HGV parking bays will be lost to accommodate the proposed EV spaces. These bays are used primarily to provide a rest facility for drivers. In making any decision on the proposed bays, the Planning Authority should ensure there are no planning policy reasons that would protect or require a number of the HGV bays being retained.

NATIONAL HIGHWAYS: No Objection

Informative relating to proposed A27 route to be added to permission.

ENVIRONMENTAL HEALTH:

Potentially contaminated lane and no technical specification of EV charging point provided by Applicant. Conditions suggested to suitably control development.

WSCC FIRE & RESCUE:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion section of Report. The provision of fire fighting facilities is covered by Building Control regulations.

POLICY CONTEXT

Designation applicable to site:

Countryside/Outside Built up Area

2km of SSSI (Arundel Park)

Proposed A27 Arundel Bypass 200m Buffer

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation

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.

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have acceptable impacts on the visual amenity of the locality, the residential amenity of adjoining properties and trees and would support air quality and climate change objectives.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS**PRINCIPLE**

The key policies considered are D SP1, D DM1, QE DM3 and ECC SP2 of the Arun Local Plan.

Policy ECC SP2 refers to energy and climate change mitigation and states that all new development will be expected to be energy efficient, employ energy efficiency measures and how they incorporate low carbon energy systems.

QE DM3 requires development to assess the impact on air quality and mitigate any negative impact and specifically requires the installation of EVCPs within development.

VISUAL IMPACT

The Electric Vehicle charging units and ground works to enable fixation are relatively small in scale and their design and appearance would not be visually prominent within the context and setting of the car park and service station. The greatest visual impact comes from the infrastructure to support the EV charging points, namely the LV cabinet, LV power units and EV points canopy. The canopy has a modern cantilever design and will be built from grey steel, its overall height will be 3.5m. The LV cabinet and LV points will be surrounded by metallic mesh fencing to a height of 2m. The electric boxes will be in dark grey metal. Although not visually attractive, they will be subservient forms of development within this location. Given the character and use of the site the proposals would have an acceptable impact in terms of the visual amenity and character of the area, in accordance with Arun Local Plan policies D SP1 and D DM1.

RESIDENTIAL AMENITY

There are no residential properties nearby and the site is located within a highway service station, however there is a hotel nearby so hotel occupants would be a consideration. The works are small scale, and the use of Electric Charging Points (EVCs) would not result in any adverse impacts to these nearby occupants. Environmental Health (EH) have noted potential contaminated land and have requested a condition to ensure the safety of the site for current and future occupiers. However given the small scale of development and the lack of neighbouring residents this condition is not necessary. EH have requested a specification of the proposed EVCs and LV compound which will be added to ensure the development is appropriate. The proposal maintains amenity for nearby occupants, in accordance with the NPPF and Arun Local Plan policies D DM1, QE SP1 and QE DM1.

HIGHWAYS & PARKING

County Highways raised no objection on highway safety or capacity terms. National Highways have stated that the proposal at this moment will not impact of the implementation of the Strategic Road Network (SNR) but do require an informative to be added to the approval. The proposal would result in a loss of 8 lorry parking spaces but an increase of 8 EV charging points. There are no policy requirements to facilitate the retention of the lorry spaces however, the introduction of EVCs accords with the Arun Parking SPD which seeks the installation of EVCs for all new development. The proposals in respect of parking and highways would accord with the NPPF and Arun Local Plan policies T SP1 and T DM1.

AIR QUALITY & CLIMATE CHANGE

The introduction of EVCs meets the objective of improving air quality and providing measures against climate change, in accordance with Arun Local Plan policy QE DM3 which seeks '(c) Encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points', and Policy ECC SP2 which seek to promote energy efficient and renewable/low carbon energy solutions within development.

LIGHT POLLUTION

1 new low energy flood light is proposed to light LV compound and it is proposed to light the underside of the EVCs with 80 watt fittings. No lighting scheme or specification for the floodlights has been provided. Although the site is not particularly sensitive it is located in a rural area and the spill from lighting should be controlled. Given the nature of the site a condition will be added to control the lighting, so that potential light spill is minimised in accordance with Policy QE DM2 of the Arun Local Plan.

SUMMARY

The proposals comply with relevant planning policies, having an acceptable impact on visual amenity, occupant amenity, highways and parking and trees, and would result in an improvement in air quality and provide measures against climate change, in accordance with the objectives of the Local Plan.

The application is therefore recommended for approval, subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

 - Block Plan 220416_PLNG 04 B
 - Proposed Elevations 220416_PLNG 03
 - Proposed Layout 220416_PLNG 02
 - Location Plan 220416_PLNG 05 B
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E 3

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 4 A detailed specification of the proposed electric vehicle charging points and the ancillary LV compound will be provided in writing and approved by the Local Planning Authority. The development shall be carried out with the approved equipment.

Reason: In the interests of the provision of suitable electric vehicle charging points for the location in accordance with Policy QE DM3.

- 5 INFORMATIVE: The proposed development's red line boundary is in very close proximity to 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).

The detailed design and precise location of the Arundel Bypass and associated works are evolving. The project's Development Consent Order has yet to be submitted or consented and the final investment decision made. Therefore, at this time National Highways cannot state with absolute certainty that application LY/5/22/PL would prejudice the construction or improvement of a trunk road and so we 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/5/22/PL.

- 6 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.