

Recommendation Report for Planning Permission

**REF NO:** LY/9/25/PL

**LOCATION:** Crossbush Services, Mcdonalds Restaurant  
Lyminster Road  
Lyminster  
BN17 7QQ

**PROPOSAL:** Refurbishment of restaurant to include a 5.6 sqm extension, replacement entrance door and the formation of an additional entrance with new glazing, refreshment of patio areas with new furniture and associated works. This application is in CIL Zone 3 (Zero Rated) as other development.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The application seeks to refurbish the existing building that currently serves a McDonalds restaurant. This will include a small extension, additional entrance, glazing and upgrade of the patio furniture.
TREES	None affected by the proposal.
BOUNDARY TREATMENT	The site has low level wooden fence to the front entrance with hedging and 1.8m fence to the side and rear boundaries.
SITE CHARACTERISTICS	The site is occupied by a detached single storey building which serves as a fast food restaurant with a drive through.
CHARACTER OF LOCALITY	Semi-rural. To the west of the site is Crossbush Service Station (which includes BP petrol garage, Costa Coffee 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.

<b>RELEVANT SITE HISTORY</b>
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LY/9/24/PL	Construction of rear and front extensions, an additional drive-thru booth, relocation of entrance with new doors, installation of 2 No. new access doors, reconfiguration of parking bays with additional spaces, relocation of external store enclosure and the installation of a new electric kiosk. This application is in CIL zone 3 (zero rated) as other development.	ApproveConditionally 30-05-24
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## REPRESENTATIONS

Lyminster and Crossbush Parish Council - No response.

No representations received from nearby occupiers.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

National Highways - No objection.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Outside built up area boundary  
2km SSSI Buffer  
A27 Improvements Buffer Zone  
Arundel to Littlehampton Gap between Settlements.

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
DSP1	D SP1 Design
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[Lyminster and Crossbush Neighbourhood Plan 2020-2031 EH1](#) Village Envelope

Lyminster and Crossbush Neighbourhood Plan 2020-2031 GA3 Parking and new development

### 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, The South Inshore & South Offshore Marine Plan 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.

## 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 does not result in adverse harm upon the character of the area, residential amenity, parking or flood risk.

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.

## OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

## BIODIVERSITY NET GAIN

The application is below the de minimis threshold and exempt from mandatory BNG.

## CONCLUSIONS

### BACKGROUND

An application was approved under LY/9/24/PL for extensions to the front and rear of the building. The extension proposed as part of this application has already been approved under the previous scheme.

### PRINCIPLE

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

Arun Local Plan (ALP) Policy SD SP2 seeks to focus new development in settlement boundaries (BUABs) and policies C SP1 of the ALP and EH1 of the Lyminster and Crossbush Neighbourhood Development Plan (LCNDP), 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.

The development is an extension to an existing unit and will be considered under ALP Policy D DM4, it is therefore in compliance with C SP1(f).

Subject to compliance with other policies in the plan, the principle of development on this site is acceptable.

#### GAP BETWEEN SETTLEMENTS

The site falls within the Arundel to Littlehampton gap between settlements.

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 small extension to the existing building and will not significantly undermine the physical or visual qualities of the gap. Since its operation would continue to be valuable to the operation of the service station providing travelling motorists with refreshment facilities it is accepted that it could not be located elsewhere. The development would be physically contained within an existing commercial site, with screening from the wider rural area. 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).

The development would not result in harm upon the gap in accordance with ALP Policy SD SP3 and LCNDP policy EH1 and the proposed development is therefore acceptable in principle.

#### DESIGN AND VISUAL AMENITY

ALP Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include Character, Appearance, Impact, Public realm, Trees, Layout and Scale.

ALP Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours, and the locality.

The extension will be a small infill to the northern elevation and will have a minor footprint at 5.6sqm. This will extend the kitchen. The extension will be of a brick construction and does not feature windows. The appearance will match the existing building and appears well integrated.

There will be some internal partitions to amend the kitchen layout and service counter however these changes are all internal.

To the south, an existing full height window will be removed and replaced with 2 automatic glass sliding doors. This will form a new customer entrance with the existing entrance to the east being retained as a courier entrance. With the southern elevation already glazed, there will be limited visual impact as a result of the alteration.

Externally the window frames, encasements and booths will be resprayed in dark grey. They currently appear to be dark green and the change in colour would be acceptable.

There will be new patio furniture to the rear southwestern corner. This is already laid out for outdoor eating although will be upgraded.

Due to the minor changes proposed, the proposal will not result in adverse harm on the appearance or

character of the area in compliance with ALP D DM1 and D SP1.

#### RESIDENTIAL AMENITY

There is sufficient separation between the site and the neighbouring building which serves a hotel with approximately 27m retained between the side elevations. The site is not situated near residential properties.

The extension is to the north, with no properties to this elevation.

Due to the minor scale of the development proposed and the location, it would not result in harm upon amenity in compliance with ALP policy D DM4.

#### PARKING/HIGHWAYS

Policy T SP1 seeks to reduce the need for car travel, promote green infrastructure, protects the major road network, maintains appropriate levels of parking standards and requires applications to consider and design for development in relation to transport infrastructure.

Policy GA3 of the LCNP states that 'Proposals must provide adequate parking in accordance with the standards adopted at the time'.

The Arun Parking Standards SPD requires restaurants to have 1 parking space per 5sqm of floor area. The extension proposed is 5.6sqm and would be to the kitchen and would not enable additional tables inside the restaurant and thus would not likely increase the number of customers going to the site as a result.

No changes are proposed to the parking layout or number of spaces which due to the minor extension proposed is acceptable. EV charging points are already available on site, these were approved under LY/11/21/PL. There is sufficient capacity across the site and no further points would be required.

Despite the nature of the service area being primarily as a rest stop for vehicular traffic, rather than a destination venue, it is serviced by public transport with a bus stop located slightly south along Lyminster Road.

With no alterations proposed to the existing parking arrangements and the minor development unlikely to result in any significant change to customer numbers, the existing provision and layout is acceptable and it would not result in harm upon the highway or parking on site in compliance with policy.

#### 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 any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

The proposal accords with ALP policy W DM2.

#### WASTE

Policy WM DM1 does not strictly relate to waste generated by commercial/retail sites. The policy does state that there is a general presumption against development which may harm the operation of existing/allocated waste facilities. The preamble to the policy requires that new development sustainable manages waste including the provision of appropriate storage and segregation facilities.

The restaurant already has a waste storage facility, this will be retained in its existing format/location. External waste bins are provided to limit littering of the site and surrounding area and these will be

replaced as part of the proposal.

The proposal accords with Policy WM DM1 of the ALP.

#### SUMMARY

Although the site is outside the BUAB and within the designated countryside and settlement gap, the development, an extension to the existing fast-food restaurant 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, D DM4 and LCNP policy EH1. The development is therefore acceptable in principle.

The proposals would have an acceptable impact on visual amenity and character of the area, highways, drainage, and residential amenity. The proposals would comply with the relevant policies of the Development Plan in these respects.

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.

#### 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:

- Location Plan - 01
- Block Plan -02
- Proposed Site Plan - 300 K
- Existing and Proposed Layout Plan - 06 D
- Existing and Proposed Elevations - 05 D
- Manufacturer details of new furniture

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

3 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

4 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:.

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.