

REPORT UPDATE

Application No: WA/88/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

- 1 additional representations from a previous objector.
- Objections still stand.
- Rubbish, nearby properties, smell, and rats.
- Opening times should be restricted 7 till 10.

Officers Comment:

No additional comment as no additional points raised.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: WA/88/17/PL

LOCATION: Little Chef Restaurant
Arundel Road
Walberton
BN18 0SB

PROPOSAL: External alterations including replacement windows & doors to create new entrance, cladding of external walls & creation of seating area to facilitate new operator (KFC) together with provision of drive-thru lane (use class A3/A5) with opening hours 7am to 10pm and single storey extension to Burger King to South

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to refurbishment of the existing Little Chef building including alterations to windows and doors, cladding, creation of an outdoor seating area, parking layout and drive thru and the addition of a single storey extension to the east 6.2m in length. The works are required to allow for use by KFC. 36 car parking spaces are included.
TOPOGRAPHY	Predominantly flat.
TREES	None.
BOUNDARY TREATMENT	Some hedging/fencing
SITE CHARACTERISTICS	Single storey restaurant with brick elevations and slate roof. Car parking to south
CHARACTER OF LOCALITY	On edge of residential area adjacent to A27. Surrounding area

is predominantly rural.

RELEVANT SITE HISTORY

WA/41/11/	Replacement & extension to forecourt canopy, replacement dispensing pumps & islands and replacement paving	ApproveConditionally 03-06-11
WA/43/99/	Change of use from C1 (Hotel) to A2 (Tourist Information Centre).	Approve 02-09-99
WA/9/98	Single storey extension	ApproveConditionally 01-04-98

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Objection - the likely increased use of 'drive-thru' traffic will have an adverse impact on:

- Access to the adjoining petrol station and Travel Lodge.
- Will conflict with traffic from the proposed GTR factory on the Dandara site.
- Impact on the use of the current layby on the south side of Arundel Road, west of the bus stop.
- Increased risk of public health and environmental problems associated with litter.

7 Objections

- The application states that this is not situated within proximity to housing yet there are 3 properties within 100 metres. There will be additional noise due to the 24 hour operation including the use of the speaker system.
- This site will attract late night antisocial behaviour (revving engines, loud music and shouting) as is the case at Arundel Crossbush.
- There are 24 hour food outlets at Crossbush, Bognor and Chichester (McDonalds). There is a KFC drive through at Bognor and Chichester on the main arterial routes. Is this not sufficient? Why not extend the opening hours of the KFC in Bognor or Chichester both of which are sited in non-residential areas?
- This will increase the rubbish in the local area. What provisions have been made to increase rubbish collection in that area?
- Why is the council encouraging unhealthy fast food outlets to open close to housing aimed at family living?
- Close to the South Downs National Park. Stop ruining rural communities with tacky town centre fast food joints.
- The current operating hours for Little Chef and Burger King do not extend past 22.00 hours. Any increase in operating hours past 22.00 hours will increase disruption to residential properties.
- There are houses near by and they would be affected by cooking smells 24 hours a day and noise pollution.

- There is also suitable habitat for reptiles and breeding birds, due to the scrub on the boundary of the site.
- The application is contrary to the principles of sustainable development as outlined in the NPPF and the emerging Local Plan. A drive through restaurant in a low density residential area will attract vehicles from higher density residential areas a considerable distance away which will increase congestion and emissions.
- Changing the status to a drive through operating overnight seeks to attract people to make specific journeys to buy this brand. Delivery services is a far more sustainable way of catering for demand.
- The opening hours 7 till 10 should be adhered to and not changed as there are properties nearby.

COMMENTS ON REPRESENTATIONS RECEIVED:

County Highways have no objection to the proposal in terms of access, conflict with road users or use of the lay-by.

The application is not for a change of use. A restaurant use already exists at the premises, but a drive through will be provided as part of the restaurant facilities. The use would benefit from this location since it requires a location close to a busy road. It is not anticipated that customers would arrive by public transport or on foot or cycle.

The Council as the Local Planning Authority has no control over commercial decisions to provide fast food outlets.

The Environmental Health officer is satisfied that with appropriate conditions imposed the proposal would not unacceptably affect residential amenities, public health or rubbish related issues.

The hedging/planting on the site boundaries which provides a habitat for wildlife is not proposed to be altered.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Environmental Health

Southern Water Planning

WSCC Strategic Planning

Environment Agency

Highways England

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection subject to conditions.

Southern Water - No Objection. Informative requested.

Environment Agency - Awaited

Highways Agency - Awaited

County Highways - No Objection. Condition requested regarding adherence to submitted layout plan.

Drainage Engineer - No Objection standard condition requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions requested by consultees are recommended. The number of hand basins and covers as requested by Arun's Environmental Health team is not a planning consideration for this application. Provision is made for both of these within the planning application.

The Environmental Health officer is requesting that details of the boundary screening are submitted which should include rat baiting. Whilst this may be desirable, it would not be directly relevant to the development proposed and it would not therefore be reasonable for it to be imposed as a condition. Instead reference is made to provision of baiting as an Informative.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Class A road
Trunk Road
Tree Preservation Order

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

[Walberton Neighbourhood Plan Policy 2017 CL1](#)

Businesses

Walberton Neighbourhood Plan Policy 2017 VE8

'Unlit village' status

Walberton Neighbourhood Plan Policy 2017 GA3

Car Parking

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies VE 8, GA 3 and CL1 of Walberton Neighbourhood Plan are considered relevant to determination of this 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."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located outside the built up area boundary, but the proposal relates to alterations to an existing building at an established petrol filling station service area. The proposal will therefore be assessed against policy GEN7 of Arun District Local Plan and the relevant policies in the Walberton Parish Neighbourhood Plan.

IMPACT ON VISUAL AMENITY

The site was permitted by WA/83/89 at the time of the re-routing of the A27 and A29 junction at Fontwell.

The garage was created along with other road site facilities such as a hotel and restaurant.

The proposal relates to alterations to an established roadside services building. It would update and improve the appearance of the building. The extension is modest in scale and would match the appearance and design of the existing building. The extension would also be formed of materials to match the rest of the building. The Travel Lodge building would also help to visually screen the extension from view from outside the site and hedging is being retained along the northern boundary.

There is considerable hardstanding around the building to accommodate the parking that serves the complex. The laying of a circular road around the building to enable the creation of a drive thru will be in keeping with the widespread hardstanding on the site and the abutting A27. This will mean that the development will be integrated into and in keeping with the character of the immediate locality.

It is therefore considered that the visual amenities and character of the area would not be adversely affected by the proposed alterations and extension.

The lighting which will result from the development would not significantly increase and would be compliant with policy VE8 of Walberton Neighbourhood Plan

RESIDENTIAL AMENITY

Since the application was originally submitted the agent has agreed to reduce the 24 hour operating hours submitted as part of the original proposal to 7am to 10pm. The application has been re-advertised to include these proposed amended hours of operation in the description. This will reduce the impact on neighbouring residential properties and is in agreement with the Council's Environmental Health Division.

The objections received by third parties relate to the potential increase in noise, and rubbish resulting from the provision of the drive thru. The dwellings are located on the south and east sides of the site and the drive through would be located on the northern side adjacent to the A27. It is not therefore considered that the additional noise and activity which would result from the additional use would adversely impact on residential amenity. The service station is an existing source of noise generated from the service station facilities including the petrol station, eateries and the Travel Lodge. There is also considerable existing background traffic noise generated from the A27. The additional noise and disturbance from the development will not give rise to any material and unacceptable rise to what is already present.

Any odour nuisance issues would be controlled by Environmental Health. The proposal does not relate to a new restaurant use. It represents an expansion of the existing use where heating of food already takes place. The environmental health officer has not raised any concerns regarding odour.

HIGHWAYS

County Highways have no objection to the proposal in terms of highway safety. The revised parking layout and drive thru provision are considered acceptable and would accord with policy GEN12 of Arun District Local Plan and policy GA 3 of Walberton Neighbourhood Plan.

EMPLOYMENT

The proposal would generate additional jobs in the locality in accordance with policy CL1 of Walberton Neighbourhood Plan.

The application is 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 Location 217052 - SU0000, Existing Site Plan SU-0001, Proposed Site Plan A0000, Existing Floor Plan SU-2001, Existing Dimension Plan SU-1001, Existing RCP Plan SU-3001, Proposed General Arrangement Plan A200, Ramp Detail A101A, Existing Exterior Elevations SU-6001, Existing Exterior Elevations SU-6002, Exterior Elevations A102 revA, Exterior Elevations A103 revA, Existing Interior Sections SU-5001, Existing 3D Views SU-4002, Proposed Site Signage Plan A101 revA.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The premises shall not be open for trade or business except between the hours of 0700 hours and 1000 hours.

Reason: To safeguard the amenities of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed alterations and extension have been submitted to and approved by the Local Planning

Authority and the materials so approved shall be used in the construction of the extension and alterations.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No part of the development shall be first used until the lanes and parking areas serving the proposed have been constructed, surfaced and drained in accordance with plan 217052 - A000.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy GEN7 of Arun District Local Plan.

- 6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 8 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website <https://www.southernwater.co.uk/new-connections-charging-consultation> for further details.

- 9 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 10 **INFORMATIVE:** The earth bank should be removed, replaced by a solid wall, and permanent baiting should take place as this is an area of severe rat infestation:
Permanent rat bait stations should to be placed adjacent to the wall, on the soil (Travelodge) side. It is suggested that the environmental health officer is consulted regarding any wall design and for further information.