

## REPORT UPDATE

Application No: FG/105/18/PL

### Reason for the Update / Changes

Reason for Update/Changes:

The National Planning Policy Framework has been revised since the officer report was written. The reference to paragraph 32 of the NPPF in the transport section now refers to para 109 of the 2018 NPPF.

The policy context section on page 37 should refer to the site being within the Built Up Area Boundary and the reference to siting within the Strategic Gap should be deleted.

It should also be noted that officers incorrectly reported in the previous planning application (FG/206/17/PL) that the application site was outside of the defined Built Up Area Boundary. This was factually incorrect as it applied to the Ferring Neighbourhood Plan which includes the site within its defined Built Up Area.

The Engineers have recommended that a drainage condition be imposed.

Additional comments from West Sussex Highways raising no objection to the additional details they requested (a Stager One following their original comments

A further letter of objection has been submitted expressing the view that even without the jet wash facility the 24hr petrol filling station (PFS) will cause unacceptable detriment to adjoining residents by way of noise and light pollution. Objection is also raised regarding the forward location of the PFS and how this will have a negative impact on the semi rural nature of this area. It is also claimed that there will be highway safety implications from tailbacks likely to be generated by the PFs at a dangerous junction with the A259.

Officers Response:

New paragraph 109 of the NPPF reiterates what was included in previous version in paragraph 32. New paragraph 109 does add that planning applications can be refused where 'there would be an unacceptable impact on highway safety.' In this case given the advice by County Highways there is not considered to be an unacceptable impact on highway safety.

The report has been written within the policy context that the site is within the built up area boundary and not part of the Strategic Gap.

The attached updated recommendation sheet shows the drainage condition suggested (condition number 13).

There are no new issues raised by the additional objection that have not already been addressed in the Conclusions section of the report.

**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: FG/105/18/PL

LOCATION: Land at Asda Superstore  
Littlehampton Road  
Ferring  
BN12 6PN

PROPOSAL: Installation of a six-pump (12 filling position) automated petrol filling station ('PFS') & associated works. Resubmission of FG/206/17/PL

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | <p>The proposal relates to the provision of a petrol filling station to the north of the existing ASDA store utilising the existing gravel surfaced front parking area. The proposal includes air/water and a Control Room. The facility is fully automated and does not include a staff kiosk as previously proposed under FG/206/17/PL.</p> <p>The canopy structure would be 5m high, 24m long and 16m wide and the control building is 2.3m high and has a floor area of 1.9m by 2.1m.</p> <p>The application is supported by a Noise Impact Assessment, Transport Statement, Lighting Strategy, Landscaping Plan, Phase 1 Risk Assessment &amp; Geotechnical Appraisal and a Drainage Strategy.</p> |
| SITE AREA                  | 2,932 sq m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| TREES                      | A few of the recently planted trees on the site of no particular significance will be removed as part of the proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| BOUNDARY TREATMENT         | 4m high leylandi trees on boundary with access road to nursery to east. To the rear 2m high close boarded fencing with shrub planting in front.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| SITE CHARACTERISTICS       | The site is landscaped on the boundaries and surfaced and used for overspill car parking for the superstore.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| CHARACTER OF LOCALITY      | The site forms part of the site of the ASDA food store and is located adjacent to a nursery and residential dwellings. The dwelling to the rear is a bungalow and to the east are recently completed 2 storey properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|              |                                                         |         |
|--------------|---------------------------------------------------------|---------|
| FG/206/17/PL | Installation of a Six Pump (12 Filling Position) Petrol | Refused |
|--------------|---------------------------------------------------------|---------|

REPORT(ODB)

Filling station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/ Water Services & Vacuum Equipment 09-05-18

FG/16/12/ Application for a Minor Material Amendment following a grant of planning permission FG/33/10/ for minor alterations to elevations of building, including lobby, energy centre & plant. Minor alterations to car park layout, landscaping & surface materials (this application also falls within the parish of Angmering) ApproveConditionally 24-08-12

FG/33/10/ Amend car park layout with ancillary changes to support an unrestricted A1 retail use. Amendment to previous approval FG/174/08/. This application also falls within the parish of Angmering. This application is a Departure from the Development Plan. ApproveConditionally 19-08-10

The proposal follows the refusal of FG/206/17/PL earlier this year which was refused for the following reason:

"Due to their close proximity to residential properties, the proposed use of the two jet washes will result in levels of noise and disturbance which will have an unacceptable detrimental impact on the enjoyment of the rear gardens of properties in Bennett Gardens contrary to policies GEN7, GEN32, GEN33 of the Arun District Local Plan, D DM1, QE DM1, QE DM2 of the emerging Arun Local Plan and the National Planning Policy Framework."

This application has deleted the jet wash and kiosk building from the proposal.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - This is an inappropriate location within the Asda site and will have a consequential adverse impact on the environment and neighbouring residential properties.

The original development of the Asda store was approved on the basis that it was set well back from the highway. This was to reduce the visual impact on the semi-rural environment adjacent to the Gap between settlements which are significant features in Arun's Local Plan which is also in close proximity and visible from the South Downs National Park. This proposal is clearly contrary to that concept.

It is noted that the proposed operating hours have been extended from the previous application to 24 hour operation 7 days a week. The impact of this on neighbours and the environment is unacceptable in terms of light pollution in this location and potential noise and disturbance to domestic neighbours.

Alternative options for the positioning of a petrol filling station could be possible within the overall Asda

site.

#### Ferring Conservation Group - Objection

It puts at the roadside an urban feature in a semi-rural Gap between settlements, within sight of the South Downs National Park. It is visually intrusive and creates more traffic on an already very congested road.

#### 21 Objections (including a petition with 87 signatures):

- Cannot understand why this is still being considered when the Asda store itself was never allowed to have a roadside position due to the visual impact.
- This will be a noisy and light emitting area.
- Will ruin any outside space and also privacy during both day and night, to the immediate neighbouring properties.
- Will affect insurance of adjacent houses and devalue properties.
- Given the size of the ASDA plot why would the Council even consider this when it backs directly on new detached and semi detached properties who will no longer have any peace in their back gardens.
- Concerned that the proposed petrol station is going to cause considerable noise disturbance.
- ASDA have requested a 24 hour a day 7 days a week opening times. We already endure the noise of car alarms, screeching of tyres, and the constant ASDA store alarm going off but come closing time, it generally ends. The location of the proposed petrol station to our home would mean the noise would be much nearer to us and would be throughout the night as well as the daytime. As well as the noise of constant traffic to and from the petrol station there would be car alarms that go off, car stereos booming.
- Existing light pollution from Asda who have so far failed to honour their existing planning conditions to reduce the lighting in the evening by 50%. With the added light from the petrol station canopies this would be unbearable. Would adversely impact on the National Park and residents.
- Concerned that petrol fumes would be an issue. For health reasons petrol filling stations should not be located within 100m of residential properties.
- Currently there is little to no traffic noise from the carpark as the store is not very active between 10pm and when it closes at midnight. The addition of 24 hour facilities on this side will drastically change this, in particular during the summer months when bedroom windows are open during the night.
- A petrol station will definitely cause more traffic on the A259 and travelling to and from our home can at certain times of the day be very time consuming.
- ASDA has large grounds. Can the petrol station be relocated to the west side whereby there are no direct neighbours to be upset.
- The A259 Ferring is thoroughly congested now without more traffic being added.
- This petrol station is not needed or wanted by the community of Ferring.
- There will be increased traffic into the store site for the purposes of fuel filling during night time hours with associated noise levels of typical vehicle users, which otherwise would not be generated as the store does not operate on a 24 hour basis.
- The area is already adequately served by various fuel filling stations.
- The store itself had to be moved away from the road as part of the original store development proposals in order to protect the openness of the area.
- Concerns for health and safety having fuel stored in close proximity to my new home.
- There is no requirement/demand for a 24-hour petrol station in this area. Other supermarkets in the Worthing/Littlehampton area, i.e. Sainsburys, Tesco and Morrisons, have petrol stations, however all of them do not operate on a 24-hour basis. Their opening times are in line with their store opening times.
- The site is allocated in the adopted Arun District Local Plan 2003 under Policy Area 10 as a Strategic Gap. The policy states that proposals for development within a Strategic Gap area will be subject to the most rigorous examination. However, Policies Map 4 in the forthcoming Arun District Local Plan 2011-2031 shows that the site of the Asda Superstore has been removed from this Strategic Policy Area. The site is therefore anticipated to be un-allocated in the forthcoming Local Plan." The proposed Petrol Station is taking advantage of the above "Anticipation".

- Petrol/Diesel Tanker deliveries.
- High chance of people hanging around in the petrol station area and causing noise and disruption at night.
- Degrading our quality of life and making our garden unuseable, causing us all stress which could lead to further health complications.
- National Trust/Southdowns dark skies agreement will be broken.
- The fir trees which screen the houses from the development will be taken down to 4 metres and the canopy will be 5 metres high making this visible from our gardens and our home. As it is the proposed height of the canopy over the pumps is 5m so if the trees are cut down to 4m the canopy alone will be 1 metre above the trees.
- There is no mention of proposed signage but we are all familiar with the 10 metre+ illuminated signs showing petrol prices that they can be seen far in advance of the station. Is this a planned feature that will cast more light and disturbance in to the rear of the property after dark?

#### 3 letters of support

- Will provide a much needed facility for motorists. There are few opportunities to re fuel locally.
- Will complement the store's facilities and increase choice.
- Given the planned new housing for Angmering it will be a useful local addition.
- The agreed future upgrade of the A259 will alleviate "traffic bottlenecks" which build up where there is no dual carriageway and cause annoying back ups. This in turn will help.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed hours of operation have not increased beyond those included by the agent in their previous application.

With the adoption of the Local Plan the site is no longer within a designated Gap or outside the built up area boundary.

The submitted landscaping plan indicates the adjacent conifer trees are to be retained and additional planting and screening will be provided adjacent to the south east corner of the site. 2 additional trees are provided to the north east corner with another planted border in the southern part of the site and extra planting elsewhere and at the entrance to the site. Existing landscaping is being retained on the southern and eastern boundary. This screening is considered to acceptably assimilate the buildings into the landscape.

The control room building is limited in size and the canopy is open sided and would not perceptibly expand the built form unacceptably in the landscape. The structures would be visually assimilated into the development to the east and would not appear as an isolated feature.

It is proposed to limit the lighting and opening of the petrol filling station to accord with store opening hours. With these restrictions in place and additional landscaping provided it is not considered that the proposal will have an unacceptable materially adverse impact on residential amenity from noise or lighting.

Additional information has been submitted by the applicant to demonstrate that the additional traffic will not result in congestion on the A259.

Devaluation of property and insurance are not a material planning considerations.

All comments made will be further addressed in the conclusions section.

## CONSULTATIONS

WSCC Strategic Planning  
 Environment Agency  
 Environmental Health  
 Engineers (Drainage)  
 Engineering Services Manager  
 Parks and Landscapes

### CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. In highways terms the principle matters (access and trip generation) of this application were considered acceptable to the Local Highways Authority under FG/206/17/PL. After review of the latest Transport Statement matters pertaining to access and trip generation would remain acceptable to the Local Highways Authority.

A Stage One RSA has been submitted in support of the application and the only issue raised pertaining to pedestrian movements across the internal access point for the Petrol Filling Station has been resolved.

Environment Agency - No Objection subject to imposition of requested conditions relating to surface water disposal and contamination.

Environmental Health - No Objection subject to imposition of conditions.

Drainage Engineer - No Objection. Final comments relating to conditions are awaited.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. All requested conditions have been imposed.

## POLICY CONTEXT

Designation applicable to site:  
 Outside the Built-up Area Boundary  
 Within the East Preston and Ferring Strategic Gap  
 A259 Road

### DEVELOPMENT PLAN POLICES

|       |                                          |
|-------|------------------------------------------|
| DSP1  | D SP1 Design                             |
| DDM1  | D DM1 Aspects of form and design quality |
| SDSP1 | SD SP1 Sustainable Development           |
| SDSP2 | SD SP2 Built-up Area Boundary            |
| TSP1  | T SP1 Transport and Development          |
| WDM3  | W DM3 Sustainable Urban Drainage Systems |
| QEDM1 | QE DM1 Noise Pollution                   |
| QEDM2 | QE DM2 Light pollution                   |
| QEDM3 | QE DM3 Air Pollution                     |

QEDM4 QE DM4 Contaminated Land  
QESP1 QE SP1 Quality of the Environment

[Ferring Neighbourhood Plan 2014 Policy 10](#) Sustainable water management  
Ferring Neighbourhood Plan 2014 Policy 1A A Spatial Plan for the Parish

#### 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 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 1A 'Spatial Plan for the Parish' and Policy 10 'Sustainable Drainage Systems and Water Management' of Ferring 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 accords with policies SD SP2, DDM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun District Local Plan, Policy 1A of the Neighbourhood Plan and the National Planning Policy Framework (NPPF) in that it is located within the built up area boundary and 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

In this case the key policy considerations are deemed to be SD SP2 (built up area boundary), DDM1 (Aspects of Form and Design Quality), QE SP1 (Quality of the Environment), QE DM1, (Noise Pollution) QE DM2 (Light Pollution) and QE DM3 (Air Pollution) and T SP1 Transport and Development of the Arun District Local Plan, Policy 1A of the Neighbourhood Plan and the National Planning Policy Framework (NPPF) which supports the effective and efficient use of land. The Local Plan policies require development to be in keeping with the character of an area and not to have an unacceptable impact on residential amenity.

The Ferring Neighbourhood Plan was made in January 2015 and therefore forms part of the development plan. Policy 1A states 'Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.'

The proposal is located within the built up area boundary of Ferring as defined in Arun District Local Plan and the Neighbourhood Plan and is therefore acceptable in principle and for the reasons set out below is considered to comply with the provisions of the Neighbourhood Plan and with other relevant development plan policies contained in the Arun District Local Plan. It is located in a parking area, close to neighbouring development and is suited to an urban setting.

## DESIGN AND VISUAL AMENITY

The building and forecourt canopy are limited in size and scale and will not have a significant impact on the visual amenities of the locality. The canopy would be open sided. Landscaping would be retained on the site frontage with some being removed within the site, but this is proposed to be replaced with additional planting which would soften and screen the development to the front and sides. The proposal is therefore considered to be acceptable in terms of the visual amenities of the locality. Although the development would be visible from Highdown Hill it would be visually assimilated into the wider ASDA superstore and would not appear as an isolated structure within the settlement gap. It would be further assimilated as it would occupy a position which is adjacent to residential development to the east and south. The proposal is therefore considered to accord with policies DSP1 and DDM1 of Arun District Local Plan.

## RESIDENTIAL AMENITY

The Noise Assessment Reports submitted with the application demonstrates that given the existing background noise levels and the distances to residential boundaries, the development would not result in materially adverse effects on residential amenity provided hours of use of the equipment is restricted and acoustic fencing is erected to the satisfaction of Environmental Health officers. It is noted that there are restrictions on the hours of operation on the superstore (Condition 11 of planning permission FG/16/12/ states : "On any day, the retail use shall be operated between the hours of 0600 and 0000 only and not at any other time" and condition 10 states :

"The illuminance of all external lighting shall be operated and maintained at all times in accordance with the details set out in plan : Time Switching and Dimming Zones for External Lighting 2451/E/102/A. All lighting identified as dimmable in the above approved plan will be dimmed between the following time period: 1 hour after store closure and 1 hour before store opening.'

It would therefore be reasonable to restrict the hours under which the petrol station facility can operate to accord with the superstore in order to protect the residential amenities of adjoining properties and occupiers.

The filling station is located in the south east corner of the site frontage. 2 storey residential dwellings are located to the east and are separated from the site boundary by the access road to Ferring Nurseries

and the footpath to the food store. The distance from the water and air pumps to the neighbouring residential boundary is 94m and there is mature tree screening on the boundary which is to be retained. The bungalow to the south which is the closest property to the site is located 14m from the parking area and 60m from the air facility. These distances combined with the existing, high levels of ambient noise and proposed planting are considered adequate to prevent a materially unacceptable adverse effect resulting on the residential amenities of the adjacent occupiers by reason of noise or disturbance during daytime hours.

The proposal is therefore considered to accord with policies DDM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun District Local Plan.

## TRANSPORT

National Transport Policy is contained in the National Planning Policy Framework (NPPF). Paragraph 32 requires all development that generates a significant amount of traffic movement to be supported by a Transport Statement. A Transport study is included in the application.

The supporting Transport Statement (TS) identifies that the development will not significantly increase the number of dedicated trips to and from the site. It is anticipated that the filling station would largely serve existing customers to the food store. The layout design is such that vehicle stacking capacity can be contained within the forecourt area without impacting negatively on the operation of the site access junction or Littlehampton Road.

County Highways have been consulted and they have raised no objection in principle to the scheme. The Highways Officer previously stated that the petrol filling station (PFS) will be constructed on an area of overflow car parking. Currently, ASDA provides no markings or signage to encourage customers to park there and this area of parking is the furthest away from the ASDA food store entrance (approximately 200m). This is therefore, the least attractive area for customers to park in within the sites overall footprint, and certainly likely to be less desirable than spaces closer to the store building.

While the overflow car park does not have a defined capacity, it appears not to accommodate a substantial number of cars. It is reasonable to assume that these cars, if displaced, could be accommodated in the formal car park.

The existing super store has a 11,520m<sup>2</sup> Ground Floor Area (GFA) and a defined capacity of 534 car parking spaces. This does not account for the overflow car parking spaces and hasn't changed since the store opened.

The Highways Officer requests that the existing car parking provision accords with WSCC standards (2003). This states a maximum standard of 1 space per 14m<sup>2</sup>. The maximum permitted capacity based on 11,520m<sup>2</sup> GFA is 823 spaces. The present day allocation is within the maximum value. It is expected that 70% of the vehicles would be associated with existing shopping trips to the store. The number of "new" trips to the PFS is only expected to account for 30% of the total trips to the facility.

This reflects the convenience factor associated with purchasing fuel as part of an existing shopping trip. The adoption of the 70/30 split assumption is underpinned by analysis of data provided by ASDA. The data demonstrates the principle that while customers use card and or cash in store, most PFS fuel payments are card based. Data provided by ASDA suggests that an overwhelming majority of transactions at store PFS facilities are associated with an existing shopping trip, with the remaining PFS transactions made by customers who use the PFS, but who do not use the store.

The proposal is therefore considered to accord with policy T SP1 Transport and Development.

**CONCLUSION**

The site lies within the built up area boundary and the proposal is considered to constitute sustainable development as set out in the NPPF and to accord with relevant development policies SD SP2, DDM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun District Local Plan and Policy 1A of the Neighbourhood Plan . The use applied for is for 24 hour operation. However, subject to a restriction on opening hours to accord with the food store it is considered that the proposal would be acceptable in terms of visual and residential amenity.

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:

Site Location A-17-31-fw 100 01 revE  
Landscape Plan 200 06 revE,  
Proposed Drainage Plan 100 REV 4  
Proposed Site Plan 200 02 rev E

Site Sensitivity Information 200 08 rev C  
 Geo Environmental Appraisal 400-02 revC (received 17-07-2018)  
 Tank Farm General Arrangement 05.16049-ACE-00-XX-DR-S-20-0201-P02  
 Proposed PFS Plan 200 04 rev E  
 Proposed Forecourt Sections 400 01 revD  
 Proposed Site Elevations A 17 31 FW 300 01 revC  
 PFS Standard Details plan A-17-31 FW 500 01 rev C  
 Control Room Details 500-02 C  
 Fuel Tanker Tracking 200-07 E  
 External Lighting 17/2827/ex/0001 revD

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy QESP1 of the Arun District Local Plan.

- 3 The Petrol Filling Station shall only operate within the times 07:00 to 22:30 hours Monday to Saturday and 10:00 to 17:00 on any Sunday, Public or Bank Holiday as stated in the CA Design Environmental Risk Assessment revB. No part of the approved scheme, including the air/water unit shall operate outside of these hours.

Reason: In the interests of amenity in accordance with Arun District Local Plan policies QE SP1, QE DM1 and QEDM2 .

- 4 Development shall not commence, other than works of site survey and investigation, 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, and 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 / No part of the extended 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 satisfactory drained in accordance with policies QE SP1 and WDM3 of the Arun District Council Local Plan and policy 10 of Ferring Neighbourhood Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 5 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 E3, Suburban. Such external lighting to operate not earlier than 15 minutes before opening and 15 minutes after closing of the petrol filling facility. Special consideration to be given in respect of housing to the immediate east of this proposed development

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

- 6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - All previous uses.
  - Potential contaminants associated with those uses.
  - A conceptual model of the site indicating sources, pathways and receptors.
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 7 Should contaminative substances be revealed as in 1) above then prior to occupation of any part of the permitted development, a verification report demonstrating completion of necessary works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect and prevent the pollution of the water environment from potential pollutants associated with the proposed land uses policies QE SP1 and QE DM2.

- 8 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7 and to ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policies QE SP1 and QE DM4.

- 9 Landscaping (hard and soft) shall be carried out in accordance with the submitted details shown on plan (200 06 revD). All planting, seeding or turfing comprised in the approved

details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy QE SP1 of the Arun District Local Plan.

- 10 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, the Local Planning Authority. The Approved Plan shall demonstrate precautions to be taken to minimise the potential disturbance to neighbouring residents during the construction phase of the development, particularly in respect to noise, vibration and dust and be adhered to throughout the construction period. The Plan shall provide for :

- a. An indicative programme for carrying out the works.
- b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method since foundation piling is likely to occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- c. The parking of site operatives and visitors.
- d. Loading and unloading of plant and materials.
- e. Storage of plant and materials used in construction and development.
- f. Wheel washing facilities.
- g. Measures to control the emission of dust and dirt during construction.

Reason: In order to safeguard amenity in accordance with Arun District Local Plan policies QE SP1, QE DM1 and QE DM2.

- 11 Operation of any tannoy, or alarm system shall be inaudible at the site of the nearest residential boundary.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with policies QE SP1 and QE DM1.

- 12 Fuel Tanker Delivery times shall be restricted to 06:00 to 23:00 hours Monday to Saturday and 07:00 to 23:00 hours on any Sunday, Public or Bank Holiday as detailed in the ACP Acoustic Consultancy Report, Ref 11036, Revision C, 5th March 2018 with the exception that the delivery vehicle shall vacate the site by no later than 23:00 hours.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies QE SP1 and QE DM1.

- 13 Development shall not commence, other than works of site survey and investigation, 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, and 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 development works hereby approved shall commence 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 W DM1 and W DM3 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 14      INFORMATIVE: This permission does not purport or be deemed to grant consent for any advertisements for which a separate application for advertisement consent is required.
- 15      INFORMATIVE: The proposed development is on a site whose activity will require a Permit under the Environmental Permitting (England and Wales) Regulations 2010. Full details must be provided in writing to the Environmental Health Department (including plans and diagrams where appropriate) through a separate application. A petroleum license will be required from WSCC. Please liaise with WSCC re the layout etc before work commences.
- 16      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.