

REPORT UPDATE

Application No: FG/206/17/PL

Reason for the Update / Changes

Reason for Update/Changes:

2 additional representations in support received stating:

- There is a distinct lack of petrol stations on the westbound carriageway of the A259 in the Worthing/Ferring area. There isn't one until you reach Littlehampton.

1 comment from Ward Member:

- Being so close to the eastern boundary of the new "Greenside" estate there are pollution issues concerning noise, light, and air quality.

- It would have been better placed to the western side of the ASDA property than to the current application on the eastern side.

- Although there have been compromises concerning opening hours of the unit, and ongoing deliveries, there will still be 'unsocial pollution'.

- Environmental Health issues seem to have been overlooked, as some of the new residents have health issues which may be exacerbated by the above-mentioned pollution concerns; Crones Disease being one of them.

- The air-pollution which would be carried by the prevailing south-west wind might well have ongoing, long-term health issues, which residents of the "Greenside" estate may subsequently suffer. Any proven pollution that would affect their health could result in law-suits which would negate the convenience of a petrol station in that immediate area.

A substantial reassessment should be considered, for the proposed petrol station to be placed at the western boundary of the ASDA property

Additional comments on representations:

The environmental health officer has been re-consulted and her comments are being considered and conditions amended accordingly.

If the petrol filling station was re-located to the west side of the site frontage it would be more prominent visually since the backdrop would be flat and open.

Consultation Responses:

Drainage Engineer:

Condition ENGD2A still applies.

The application proposes to attenuate surface water before discharging using an existing hydrobrake to control the volume discharged from the site. It is stated that infiltration is not suitable because of ground conditions, but no evidence of winter infiltration testing has been provided. This will need to be provided.

Calculations will need to be updated to include for +40% climate change.

It is good to see that the drainage from the hazardous zone is to go to foul sewer and not to surface water disposal. In principle the plans are agreed, if it can be proven that infiltration is not feasible. Further details will be required to discharge the condition.

Environmental Health Officer:

Please condition

Hours of Operation.

*Petrol Filling Station: Hours of operation to be as stated in the supporting statement ie 07:00 to 22:30 hours Monday to Saturday and 10:00 to 17:00 on any Sunday, Public or Bank Holiday.

*Fuel Tanker Delivery: To be as stated in the supporting statement ie 06:00 to 23:00 hours Monday to Saturday and 07:00 to 23:00 hours on any Sunday, Public or Bank Holiday except that the delivery vehicle shall vacate the site by no later than 23:00 hours.

Jet Washes, Vacuum unit and air/water supply.

Jet washers and vacuum units: Monday to Saturday, 8.30 to 20:00 hours.

Air/Water unit(s): Monday to Saturday 8:00 to 20:00 hours.

Operation on any Sunday or Bank Holiday

Operating hours of the 2 x Jet Washes and Vacuum unit to reflect the retail use ie 10:00 hours to 16:00 hours.

Operating Hours of the air/water unit to reflect the use of the petrol filling station ie 10:00 to 17:00 hours.

*Tannoy/Alarm. Operation of any tannoy, or alarm system to be inaudible at the site of the nearest residential boundary.

Officers Comment:

The conditions requested by Environmental Health have been added to the recommendation. Conditions 4 and 9 have been amended and conditions 14 and 15 have been added.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

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/206/17/PL

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

PROPOSAL: Installation of a Six Pump (12 Filling Position) Petrol Filling station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/ Water Services & Vacuum Equipment

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to the provision of a petrol filling station to the north of the existing ASDA store utilising the existing. The proposal includes 2 jet washes air/water and a vacuum.

The canopy structure would be 5m high, 24m long and 16m

wide and the kiosk building is 3m high and has a floor area of 5m by 3m. The kiosk would be constructed of powder coated aluminium flashing coloured grey and green. The jet wash would be enclosed by glazed screens.

The application is supported by a Noise Impact Assessment, Transport Statement, Lighting Strategy, Landscaping Plan, Phase 1 Risk Assessment & Geotechnical Appraisal and a Drainage Strategy.

The proposal is for a 7 day 24 hour use.

SITE AREA	0.29 hectares
TOPOGRAPHY	Predominantly flat.
TREES	A few of the recently planted trees on the site 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.

RELEVANT SITE HISTORY

FG/134/12/	Widen service vehicle access road to provide a bus stop and associated ancillary accommodation (Trolley shelter and Bus stop shelter). This application also falls within the parish of Angmering.	ApproveConditionally 08-01-13
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

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Kingston Parish Council

Objection - Concern regarding the lack of screening and landscaping at such a visual location.

The proposed filling station will change the visual appearance in a rural location and is contrary to the original plans of this site with the superstore being set back from the highway.

Concerns are raised with regards to the 24 hour operation and the associated light and noise pollution.

The proposed site is in close proximity to a new housing development and in full view from the South Downs National Park which contravenes policy G1 SP1 of Arun's emerging local plan to protect the green infrastructure network.

Concerns are also raised regarding the operation hours of the jet wash and the fuel delivery and that the inconvenient noise this will invariably cause to the adjacent housing development during unsociable hours, early in the morning and in the evening.

The proximity of the proposed filling station access to the traffic light junction will cause traffic to back up at peak times causing a traffic hazard on the already congested A259.

East Preston Parish Council - Objection - support the comments of Ferring and Kingston Parish Council.

Ferring Conservation Group - objection to further intensification of the commercial use of this site which has changed from a plant nursery to a garden centre, to a medium-sized all-purpose store, to a larger local store, to a gigantic 'superstore', all within clear sight of Highdown and the National Park.

The visual intrusion would be unacceptable from Highdown Hill and on Littlehampton Road. The ASDA store itself is set well back from the road and partly below road level. Highdown is within the National Park, where a 'dark skies' policy applies. Views to the south are particularly valuable. Littlehampton Road just clings to its semi-rural appearance, with farmland immediately to the west of ASDA: the petrol station would be another blow to that appearance. The proposal will generate an appreciable and unacceptable increase in traffic-

18 Objections

- 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 where up to 24 vehicles can be stacked whilst waiting for fuel with a further noisy jet wash and vacuum area.
- Will ruin any outside space and also privacy during both day and night, to the immediate neighbouring properties.
- Will devalue property prices.
- 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, drivers that believe they need to wheel spin at every given opportunity and the noise from the car wash/jet wash.

- This would cause endless sleepless nights without a doubt.
- The proposed plans remove the existing hedge and replace it with a path, extending the car park where the existing path is.
- One of our bedrooms is on the corner of the property closest to the fence. The noise of people using the pathway and possibility of banging the fence will be very disturbing.
- There is potential for people to look through the gaps in the fence into our garden and seeing into that bedroom is a grave concern. At the moment there is a grassed area and a hedged area between the path and the fence therefore deterring anyone from having direct contact with the fence. The fence has sustained some damage already from the winter winds which we have reported to Asda on three separate occasions and still nothing has been done.
- Existing light pollution when Asda was first built 5 years ago where we were promised cowlings would be installed on each light to restrict the light entering our home but this was never done. With the added light from the petrol station canopies this would be unbearable.
- Concerned that petrol fumes would be an issue.
- 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.
- The intensification of development of this area on the fringes on the South Downs National Park will be detrimental to the preservation of countryside space and views especially those enjoyed from Highdown Hill and will be bathed in light during night hours.
- Inevitably unmanned filling stations which operate during all hours, sociable or otherwise, have a tendency to create an area for gatherers to undertake unsociable behaviour.
- There will be increased traffic into the store site for the purposes of fuel filling during nighttime 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.
- Any proposal of this kind could set a controversial precedent for further intensification of development along the A259 by all manner of activities and not a welcome route.
- 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 line with their store opening times.
- Having such a facility so close to the A259 will invariably cause traffic problems which will back up onto the road, leading to a further hazard for both road users and pedestrians to negotiate. The A259 is at its maximum capacity leading to congestion on numerous occasions throughout the day, not just at peak times. The proposal will further increase road traffic, with many users driving to the petrol station solely to use the facility and not due to the 'dual' visit to the store.
- The Transport statement only provides statistics for the store between 0600 and 2200 hours for both weekdays and weekends. The evidence presented by ASDA does not show the impact between 2200 and 0600 hours. So how can they say that the impact is minimal.
- The area where the store is situated is not a town development. It sits on the edge of the South Downs National park and in full sight of Highdown Hill which is within the National Park.

4 letters of support

- Will provide a much needed facility for motorists. There are few opportunities to re fuel locally.
- Asda currently operates without any un-neighbourly issues arising from noise and the filling station would not significantly add to noise or light levels.
- Would be unlikely to have a major impact on the A259.
- 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.
- Should not be 24 hours due to the location to new housing development also jet wash should have restricted hours too.
- Traffic would be improved if the existing junction exit from Asda is altered to both directions alleviating the overuse of the roundabout.

COMMENTS ON REPRESENTATIONS RECEIVED:

The submitted landscaping plan originally submitted has been improved with additional planting and screening 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 in the area of the kiosk building 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 footpath around the site has been relocated further from the boundary with the bungalow to the south.

Policy G1 SP1 'Green Infrastructure and development' of the emerging local plan refers to major development proposals and this proposal is not considered to fall within this category.

The buildings are located in the south east corner of the site adjacent to the recently completed housing and are therefore not considered to expand the built form unacceptably in the landscape. They 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 and the jet wash to 10pm. 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 is not a material planning consideration.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Parks and Landscapes

Environment Agency
Environmental Health

CONSULTATION RESPONSES RECEIVED:

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

Landscape Officer - No Objection. The landscaping scheme is significantly improved.

Environmental Health - Comment. Further information requested concerning predicted noise levels and number of vehicles involved.

Final comments are awaited

Environment Agency - No Objection subject to imposition of conditions. Final comments relating to conditions are awaited

County Highways - Additional information required following submitted Transport Statement.

Final comments are awaited

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Revised landscape plans have been received and the landscape officer now has no objection. The revised scheme has now allowed for the retention of the establishing juvenile planting and has proposed a scheme that now adds to the existing. The planting and hedging to the south eastern boundary is now to be retained. Additional trees and shrubs which are structural rather than just groundcover have also now been incorporated into the scheme.

Revised comments of other consultees will be reported to Members.

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

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

GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution
AREA10	Strategic Gaps

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

D DM1 Aspects of Form and Design Quality
 D SP1 Design
 SD SP1 Sustainable Development
 SD SP2 Built -Up Area Boundary
 T SP1 Transport and Development
 C SP1 Countryside
 SD SP3 Gaps Between Settlements
 QE DM1 Noise Pollution
 QE DM2 Light Pollution
 QE DM3 Air Pollution
 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 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 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.

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).

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 conflict with relevant Development Plan policies in that the site is outside the defined built-up area boundary and the proposal does not meet the operational need of agriculture, forestry or informal recreation in conflict with policy GEN3 of the Arun District Council.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background namely that the site is laid out for overspill car parking which is an existing use associated with the ASDA foodstore and the development would not compromise the objectives of the Gap.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary where development unrelated to the needs of agriculture, forestry etc would not normally be permitted. However the area is currently used for overspill car parking in association with the existing retail use on the site.

In this case the key policy considerations are deemed to be GEN2, GEN7 and AREA10 of the Arun District Local Plan and Policy 1A of the Neighbourhood Plan and the National Planning Policy Framework (NPPF). The NPPF supports the effective and efficient use of land .

The Ferring Neighbourhood Plan was made in January 2015 and therefore forms part of the development plan. Policy 1A states 'proposals for development located outside of the built up area that do not accord with development plan policies in respect of the control of development in the countryside will be resisted..' The explanatory text, at 4.4, acknowledges the constraints on development in the strategic gap of Ferring and East Preston. For the reasons set out below the proposal is not considered to unacceptably adversely affect the integrity of the gap.

Paragraphs 14 and 49 of the NPPF set out a presumption in favour of sustainable development.

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Environmental

The application site lies within an existing car parking area and is located within the site of an established retail store. The proposal would involve the further landscaping of the site which would safeguard the environmental integrity of the site. The lawful use of the area for car parking would be in keeping with the proposed use and the building proposed would not introduce an unacceptable level of built development given that the neighbouring site has recently undergone extensive residential development. These environmental factors weigh in the scheme's favour.

Economic

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works and within the kiosk of the petrol filling station. In addition, the facility could bring additional customers into the area who could then spend money on local goods & services. It has also been demonstrated by the applicant that the effect of an ASDA petrol filling station is to drive down prices in the local area to the benefit of the residents. These economic factors weigh in the scheme's favour.

Social

It is also considered that the proposal will have social benefits by providing an additional facility to meet local needs.

The proposal is therefore considered to comprise sustainable development.

Paragraph 111 of the NPPF states that planning decisions should encourage the effective use of land by re-using land that has not previously been developed provided that it is not of high environmental value. This proposal utilises an existing overspill parking area which is not of high environmental value.

The proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development.

DESIGN AND VISUAL AMENITY

The buildings and forecourt canopy will not have a significant impact on the visual amenities of the locality, they are limited size and scale. The canopy would be open sided and the kiosk and jet wash buildings would have limited height and footprint. 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 development behind and would not appear as an isolated structure within the settlement gap. It would occupy a position which is adjacent to residential development to the east and south.

STRATEGIC GAP

It is acknowledged that the site is within a Strategic Gap however the site is part of the overspill car park area and is already established as part of the ASDA food store site. It is considered that whilst the site is within the Strategic Gap the additional structures would be located close to adjacent residential dwellings and would not compromise the integrity of the open gap or increase development outside of the defined ASDA boundary. The additional structures are not considered to demonstrably affect the character or integrity of the Strategic Gap and would not be detrimental to the open character of the wider area. They have low profile and do not extend the westerly extent of built form across the site. The food store is located south of the structures, but extends closer to the western boundary and the area in front is used as car parking. Views across the site from the east are restricted by the residential development to the east and an existing row of evergreen trees.

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 to the satisfaction of Environmental Health officers is provided. However the application as submitted is for 24 hour use. It is noted that there are no restrictions on the hours of operation on the superstore. In other words it is free to operate on a 24 hour 7 days a week basis. It would therefore be unreasonable to restrict the hours under which the petrol station facility can operate.

However, activities that generate higher levels of noise such as jet washing in relatively close proximity to residential properties should be restricted to end at 22.00 hours in order to respect the residential amenity of adjoining residents.

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 jet washes to the neighbouring residential boundary is 20m and to the vacuums and air pumps it is 19m 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 9m from the parking area and 25m from the vacuum and air facility and 34m from the jet wash. 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 the hours when residents would not be sleeping.

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, they have raised no objection in principle to the scheme whilst additional comments in relation to the submitted TS are awaited. The Highways Officer states 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, 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 food store has a 11,520m² 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 14m². The maximum permitted capacity based on 11,520m² 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.

CONCLUSION

The proposal is considered to constitute sustainable development as set out in the NPPF. The use applied for is for 24 hour operation, 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 revC
Landscape Plan 200 06 revB,
Proposed Drainage Layout 05.16049-ACE-00-XX-DR-D-50-0101-P05
Proposed Site Plan 200 02 revB
Site Sensitivity Information 200 08 rev A
Geo Environmental Appraisal 400-07 revA
Tank Farm General Arrangement 05.16049-ACE-00-XX-DR-S-20-0201-P02
Proposed PFS Plan 200 04 revB
Proposed Forecourt Sections 400 01 revB
Proposed Kiosk Plans & Section Plan A 17 31 FW 200 05 revA
Proposed Site Elevations A 17 31 FW 300 01 rev A
Proposed Kiosk Elevations A 17 31 FW 300 02 revA
PFS Standard Details plan A-17-31 FW 500 01 rev A
Asda PFS Stacking Diagram ATR02

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 All external lighting shall be switched off 1 hour after closure of the filling station and shall be switched on no more than 1 hour before opening of the filling station.

Reason: To control the visual amenity of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33

- 4 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 Des Environmental Risk Assessment (Planning Portal Entry, 24th April 2018).

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 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.

- 6 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. 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 GEN7, GEN33.

- 7 The development hereby permitted shall not be commenced until such time as a scheme to install, monitor and maintain the underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, tertiary containment, associated pipework, monitoring system and maintenance, monitoring & sampling schedule.

The scheme shall be fully implemented and the tanks and associated infrastructure subsequently maintained and monitored, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason :To protect and prevent the pollution of the water environment from potential pollutants associated with proposed land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120 and 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) D2 and D3 and in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 8 The development hereby permitted shall not be occupied until such time as a validation report has been completed, which includes evidence that the tanks and associated infrastructure have been completed in accordance with the scheme approved under condition 7. The validation report should be submitted to, and approved in writing by, the local planning authority.

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

- 9 The Jet washers and vacuum unit shall only operate on Monday to Saturday, 8.30 to 20:00 and the Air/Water unit(s): only on Monday to Saturday 8:00 to 20:00 hours
Operation on any Sunday or Bank Holiday for the 2 x Jet Washes and Vacuum unit(s) shall be between 10:00 hours to 16:00 hours and for the air/water unit shall be 10:00 to 17:00 hours.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 10 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 policy GEN7.

- 11 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 12 The development hereby permitted shall not be occupied until such time as a Environmental Management System (EMS) has been developed and shall be approved by the local planning authority.

Reason: To protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive.

- 13 Landscaping (hard and soft) shall be carried out in accordance with the submitted details shown on plan (200 06 revB). 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 GEN7 of the Arun District Local Plan.

- 14 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 Arun District Local Plan policies GEN7 and GEN32

- 15 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 GEN7 and GEN32

- 16 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between

the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 17 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.
- 18 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.
- 19 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.