PLANNING APPLICATION REPORT

REF NO: R/215/08/

LOCATION: 102 Worthing Road
Rustington

PROPOSAL: Demolition of existing structures & redevelopment to provide new forecourt (incl canopy, underground tanks & pumps), sales building (Class A1), car care facilities, car parking & associated access

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposed redevelopment of site for demolition of the existing structures to provide new upgraded forecourt (including canopy, underground tanks and pump islands), sales building (Class A1), car care facilities, car parking and associated access. The proposal differs from the earlier approval R/28/06 by: - The removal of the air/water bay and vac unit bay to the east of the new car wash and replaced by three car parking spaces. - Changes to the internal site access to the car wash and repositioning of the five parking bays. - Refuse enclosure enlarged. - Repositioned A/C units and plant to allow their enclosure. - Pedestrian access steps to northern boundary redesigned to include an extended walkway. Access and egress the same as previously approved. The sales building has an area of 216sqm and incorporates storage and back room space. Car care facilities are proposed including vacuum, air and water bays which are now located on the western side boundary Each island will dispense four fuel grades, with every pump offering unleaded and diesel fuels.
SITE AREA	.285 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat

TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to 1.8m to rear end sides.
SITE CHARACTERISTICS	Existing canopy over pumps and single storey shop unit, flat roofed. Car wash single storey to rear. Vacuum and tyre pressure units to side of substation.
CHARACTER OF LOCALITY	Predominantly residential. Access to industrial estate to rear.

RELEVANT SITE HISTORY

R/252/06/	Replacement of existing underground tanks and 4 no. existing pumps and islands.	Approve Cond 31-10-2006
R/28/04/	Redevelopment of existing petrol filling station comprising removal of underground tanks & other structures to provide new forecourt canopy and pumps, shop (Class A1), car wash, car care facilities, landscaping, parking spaces and new pedestrian access.	Approve Cond 02-06-2004
R/290/04/A	1No internally illuminated Slimline Box Sign	Apprvd/Cond ADV 28-01-2005
R/120/62	Petrol filling and service station	Refused 20-11-1962
R/14/78	Provision of vehicle & pedestrian access to rear service road	Approve Cond 08-02-1978
R/141/84	Redevelopment of petrolfilling station with new sales buildin g forcourt canopy underground storage tanks & car wash	Approve Cond 25-07-1984
R/161/64	500 gallon storage tank and dispenser	Approve Cond 08-09-1964
R/221/84	Redevelopment of petrol filling Station with sales bui lding forecourt canopy under ground tanks & car wash	Approve Cond 03-10-1984
R/244/63	Petrol filling and service station	Approve 16-01-1964
R/285/77	Addition of office extension to existing shop	Approve Cond 11-01-1978

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

Comments on Representations received:
None

CONSULTATIONS

Head of Highways and Transport

Environmental Health - John Green

Consultations responses received:
County Highways
No objection: Condition suggested

Environmental Health Officer
Concern re noise levels from A/C and refrigeration plant. Condition suggested.

Comments on Consultation responses:
Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	DEV1	High Quality Development
	NE10	Retail development
	LOC1	Locational Strategy
Arun District Local Plan:	GEN7	The Form of New Development
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	DEV27	Retail Development Outside the Principal Shopping Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

This application is a resubmission of an earlier approval for redevelopment of the site. A gap of 1.3m to the boundary is retained, reducing the existing by 1m. The design and position of the shop building are little changed from this approval. Most of the amendments relate to alteration to the car wash, A/C units, car wash and vac units. Access and egress to the site are as existing and remain unaltered.

Taking into account the previous approval it is considered the size and position of the site, its established use, and the height, design and siting of the proposal, would not detrimentally harm the amenities of any neighbouring property by way of overshadowing, overbearing effect loss of privacy or overlooking. Issues of noise and light pollution can be controlled by planning conditions.

Additionally, given the character of the surrounding area, and the nature and position of the proposed petrol filling station shop and associated facilities, the proposal is not considered to visually conflict with the surrounding area. Furthermore, it is not considered that this proposal would be obtrusive in the street scene

Two trees are proposed to be removed to facilitate the development, however these trees are not covered by a Tree Preservation Order and are not considered worthy of protection and their removal was agreed in the previous approval. Additionally a planting/landscaping scheme is proposed by the applicants and this can be controlled by condition in the event of approval.

It is therefore recommended that planning permission should be granted, subject to the conditions set out overleaf.

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 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls of the proposed car wash and shop/cafe buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the car wash and shop/cafe buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

3 The petrol filling station shall not be used until the forecourt has been laid out and surfaced in accordance with details approved by the Local Planning Authority and the forecourt shall thereafter be kept free from displays of vehicles or goods, obstructions, erections and structures other than the pump installations.

Reason: In the interests of amenity in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

4 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme both hard and soft. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the use of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of 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 policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

5 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the the new shop/cafe and car wash shall not be used until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

6 Notwithstanding the information shown on the submitted plans the development hereby approved shall not include consent for any external lighting/floodlighting columns which shall be the subject of a separate application. This shall be submitted to, and approved in writing, by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the amenities of nearby residents in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7, GEN33 of the Arun District Local Plan.

7 The shop/cafe building shall be closed to members of the public except between the hours of 0700 hours to 2300 hours Monday to Saturday, and 0900 hours to 1800 hours on Sundays and Bank Holidays. Outside of these hours the only transactions that will be permitted will be for the sale of petrol/diesel goods, with transactions to be made only through an external security hatch, and customers shall not be admitted into the shop building.

Reason: In view of the intesified use, to safeguard the amenities of neighbouring properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

8 The car wash facilities shall be within a fully enclosed structure and car washing shall only take place with the doors closed. Details of the accoustic specification of the equipment to be installed in the car wash shall first be submitted to, and approved in writing by the Local Planning Authority, and the details shall be implemented and permanently maintained in the use of the car washing facility.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

9 The car wash shall only be operated between 0900 hours and 2200 hours in any one day.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

10 No development approved by this planning permission shall be commenced until:

(a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and recptors has been produced.

(b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assesment to be undertaken relating to the potential impact of land contamination, and;
- refinement of the Conceptual Model, and;
- the development of a Method Statement detailing the remediation requirements.

(c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To protect the environment and prevent harm to human health.

11 Development of the site will be carried out in accordance with the approved Method Statement.

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.

12 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. If appropriate, future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

13 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of controlled waters by ensuring the provision of satisfactory means of surface water disposal.

14 Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

Reason: To prevent pollution of controlled waters.

15 Before Air Conditioning and refrigeration plant is used on the premises it shall be suitably enclosed or screened in accordance with a scheme to be agreed with the Local Planning Authority.(It should be demonstrated that the enclosure/screening will ensure that the maximum permitted noise level arising from the plant will not exceed 25dB(A) at the boundary with any noise sensitive premises.)

Reason: In the interests of the residential amenities of the occupier of the neighbouring property in accordance with Policies GEN7 and GEN32 of the Arun District Local Plan.

16 Before the use is first commenced, provision shall be made at the premises for the collection of customer waste in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

Reason: In the interests of the amenities of the locality in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

17 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

18 The ancillary cafe shall not exceed 22 square metres of the total floorspace within the

sales building hereby approved.

Reason: In order to restrict the use of the site to an acceptable level and in order to protect the residential amenities of surrounding properties in accordance with policies G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

19 INFORMATIVE:
The applicant is advised that this permission shall not purport or be deemed to authorise the display of advertisements shown on the submitted plans, for which separate consent may be required under the provisions of the Town and Country Planning (Control of Advertisments) Regulations 1992 (as amended).

20 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1,LOC1,NE10

LOCAL PLAN: GEN7,GEN32,GEN33,GEN34,DEV27

NATIONAL POLICIES: PPS1,PPG4,PPS6,PPS23,PPG24

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.