

R/252/06**PLANNING APPLICATIONS REPORT**

DESCRIPTION/ ADDRESS	- Replacement of existing underground tanks and 4 no. existing pumps and islands Rustington Service Station 102 Worthing Road Rustington
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Installation of 4 No new islands and 8 hose, suction "Global star" pumps. Each individual pump to measure (at maximum); approximately; 3.4m in height, 1.4m in width, and 3.2m in length Installation of new underground 150,000 litre tank farm comprising 3 No. 50,000 litre double skinned steel tanks, 2 no split (15,000/35,000 litres), 1 No. single (50,000 litres) Install all new pipe work. Install Stage 1 and Stage 2 Vapour Recovery System. New concrete forecourt over new tank farm Replacement of existing flood lights with new Installation of 5 No removable bollards
SITE AREA	0.174 hectares approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominately flat
TREES	None affected
BOUNDARY TREATMENT	Boundaries kept by pavement
SITE CHARACTERISTICS	Service Station and facilities including petrol pumps, shop, car wash, and car parking within large forecourt
CHARACTER OF LOCALITY	Residential properties surround with Rustington Trading Estate to rear of site

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
R/330/88	Installation of additional diesel pumping unit and associated works	Approved Conditionally 30-01-1989
R/221/84	Redevelopment of petrol filling station with sales building, forecourt canopy, underground tanks and car wash	Approved Conditionally 03-10-84
R/28/04	Redevelopment of existing petrol filling station comprising removal of	Approved Conditionally 02-06-2004

R/252/06

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	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	

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Rustington Parish Council	No objection
LOCAL GROUPS	None
OTHER	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Trading Standards Officer (Petroleum Officer)	Require new Petrol Filling Stations to be constructed and operated to the requirements of Dangerous Substances and Explosive Atmospheres Regulations 2002, and in accordance with the EI(IP)/APEA's Guide the "Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations" (the "Blue Book") and best practice and with HSE advice and guidance.
Southern Water	Awaited
Environment Agency	No objection subject to imposing of suggested conditions
District Environmental Health	Do not consider that the change in operation of the installation will have significant consequences for the environment

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Class A Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC1, DEV1, NE9, NE10 Arun District Local Plan: GEN7, GEN32, GEN33, GEN34, DEV27

PLANNING POLICY GUIDANCE

PPS1: Delivering Sustainable Development PPG4: Industrial and Commercial Development PPG23: Planning and Pollution Control PPG24: Planning and Noise

R/252/06**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.

COMMENT ON CONSULTATION RESPONSES

Noted. The County Trading Standards Officer (Petroleum Officer) comments are noted. However, the issues raised are dealt with under different legislative powers.

Environment Agency noted. In the event of the application being recommended for approval, the suggested conditions will be attached to the decision notice.

COMMENT ON REPRESENTATIONS RECEIVED

Noted

ASSESSMENT OF PROPOSAL**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 either the visual amenities of the locality or residential amenities of neighbouring properties.

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

The applicant has stated the proposed replacement of the underground tanks is needed as the existing tanks are aged and suffer from decay. The proposed pumps and islands would be centrally positioned on the forecourt in similar positions to those existing, and are considered of a standard in keeping with the design and appearance of modern service station forecourt.

Therefore having taken the above factors into consideration, it is not considered that this proposal would detrimentally harm the residential amenities of any neighbouring property, nor would the proposal be obtrusive in the street scene, or conflict with the established character of the surrounding area.

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

R/252/06



R/252/06/

Replacement of existing underground tanks and 4 no. existing pumps and islands.

Rustington Service Station
102 Worthing Road
Rustington

RECOMMENDATION

Approve Conditions

- 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).

RUSTINGTON

R/252/06/

- 2 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), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
- a) A desk study identifying:
 - 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
 - b) A site investigation scheme, based on (a) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and risk assessment (b) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification report on completion of the works set out in (c) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters in accordance with policies ERA5 of the West Sussex Structure Plan and GEN31 of the Arun District Local Plan.

- 3 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 and prevent risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with policies ERA5 of the West Sussex Structure Plan and GEN31 of the Arun District Local Plan.


RUSTINGTON

R/252/06/

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- 4 If during development, any visibly contaminated or odorous material not previously identified is found to be present at the site, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters in accordance with policies ERA5 of the West Sussex Structure Plan and GEN31 of the Arun District Local Plan.

- 5 This permission relates to the plans as submitted and amended by substitute plans dated 29-09-2006.

Reason: For the avoidance of doubt.

- 6 **INFORMATIVE:** The applicant should be advised of the requirements within the attached letter from West Sussex County Council Trading Standards

