

Recommendation Report for Planning Permission

REF NO: WA/12/18/PL

LOCATION: Shell Filling Station
Arundel Road
Fontwell
BN18 0SB

PROPOSAL: Replacement sales building, canopy link removed, new bin store, delivery bay, front of store customer parking, replacement of condensers & 2 No new electric charging points.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to an increase in size of the kiosk building and its repositioning further to the east. It currently has a floor area of 7m x 13m. This would increase to 21m x 10m and would include a toilet extension to the south and a bin store and storage area to the rear measuring 3m by 13m. The extended building would have a flat roof. The configuration of the service access road would be altered with traffic restricted to the front of the kiosk building only.
SITE AREA	2,300 sq m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is open and is adjacent to a main road.
SITE CHARACTERISTICS	The filling station is existing and is part of a service area
CHARACTER OF LOCALITY	The area is predominantly residential

RELEVANT SITE HISTORY

WA/13/18/A	1 No. internally illuminated fascia sign on front elevation.	ApproveConditionally 11-04-18
WA/92/11/	Removal of existing underground fuel tanks, and installation of new underground fuel tanks, repositioning of vent stack and rerouting of associated underground pipework. New forecourt pavings where disturbed.	ApproveConditionally 19-01-12
WA/41/11/	Replacement & extension to forecourt canopy, replacement dispensing pumps & islands and	ApproveConditionally 03-06-11

replacement paving

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environmental Health

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

Highways England

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Request an Informative regarding connection to foul sewer.

County Highways - No Objection. There are no changes proposed to the existing access at the site. It is proposed to remove the HGV exit route to the rear of the building. HGV access will be restricted by a height reduction barrier with a lift up rail to allow access for fuel delivery. In terms of vehicle movements the proposal given its location already has a number of consistent visits through the existing network and the proposals are not likely to result in any significant increase in vehicular activity.

Environmental Health - No Objection. Noise from condensers and electric charging point units has potential to cause nuisance to neighbouring properties and patrons at the travel lodge. Suggest conditions are imposed.

Drainage Engineer - No Objection Please apply standard condition ENGD2A.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Southern Water and comments on connection to a foul sewer and engineer's comments do not take account of the fact that this is an extension to an existing sales building only and not for a full redevelopment.

The existing site benefits from a connection to the public foul sewer therefore there should be no need for a new connection as the discharge rates remain unaltered. Clean rainwater will continue to discharge to soakaways as currently is the case.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICES

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

GEN7	The Form of New Development
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN9	Foul and Surface Water Drainage

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

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
QE DM1	Noise Pollution
QE SP1	Quality of the Environment
D SP1	Design
C SP1	Countryside
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

Walberton Neighbourhood Plan Policy 2017 VE7 Surface Water Management

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. The

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 VE7 'Surface Water Management' and HP13 'Design Guidance' are considered relevant to determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies outside the Built-Up Area where any development must be sensitive to the countryside. However the site is an existing petrol garage and there is an existing kiosk building which is being replaced.

PROPOSAL

The site was permitted by WA/83/89 at the time of the re-routing of the A27 and A29 junction at Fontwell. At that time the garage was created along with other road side facilities such as a hotel and restaurant. The forecourt was upgraded by the approval of WA/41/11. The proposal will not alter the current access or exit arrangements, but will alter the internal layout to provide parking and turning in front of the kiosk building and not around it.

VISUAL AMENITY

The existing site is set back from the road and accessed from an existing access way that also serves the hotel and restaurant. The site is screened by hedging. The proposed upgrading and expansion of the kiosk will have a limited impact on the visual amenity of the area. The kiosk building is not readily visible and is screened in part by the petrol filling station canopy and hedging. Although the length of the building has increased given that the building has a flat roof with limited profile, it is not considered that the proposal is unduly prominent. The bulk of the building would not be significantly increased. The canopy of the filling station is longer and higher than the extended kiosk building. The design is in keeping with the appearance of the petrol filling station buildings and would accord with policy HP13 Design Guidance of Walberton Parish Neighbourhood Plan and policy GEN7 of Arun District Local Plan.

NEIGHBOUR AMENITY

It is considered that the proposal will not have a materially adverse effect on the residential amenities of neighbouring properties. The extensions are single storey and located within the forecourt area. The kiosk building would retain a gap of 12m to the nearest residential dwelling to the north and 25m to the curtilage to the east which is on the opposite side of the road and would not result in an adverse impact to residential amenity. Indeed, the amended layout has removed vehicle movements from the rear of the site so that they are now further from the boundary with Park Cottage to the north.

It is not anticipated that the proposal will materially increase the use of the kiosk so that it causes an unacceptable impact on neighbouring residential amenity by way of noise and disturbance.

TRANSPORT CONSIDERATIONS

The proposal incorporates facilities for charging electric and plug-in hybrid vehicles. This would contribute to highway improvements and promote sustainable transport and the use of low emission fuels in accordance with policy T SP1 (f) of the emerging Local Plan and government policy.

SUMMARY

It is recommended that the application is approved 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 Plan

Proposed Block Plan 10018981 PLG-07, Site Layout Plan as existing 10018981 PLG-01, Site Layout as Proposed PLG-03, Elevations as existing PLG-02, Elevations as proposed PLG-04, Electric Charging Point PLG-08.

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 plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that the rating level of noise emitted does not exceed the background sound level, when measured according to British Standard BS4142: 2014 at any adjoining or nearby noise sensitive premises.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 4 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.