

**Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004**

**Proposed Development at Shell Fontwell
Arundel Road, Fontwell, West Sussex BN18 0SB**

PLANNING, DESIGN AND ACCESS STATEMENT

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1.0 Introduction and Legislative Background

- 1.1 This Statement provides additional information relating to planning design and access matters in support of a planning application submitted for the redevelopment at Shell Fontwell.
- 1.2 Historically, Shell Fontwell was developed following the granting of permission for a service station. Since that time the service station has formed part of the nature and character of the area. Accordingly there is no inherent objection to the use and appearance of the site as a fuel forecourt and sales building with a canopy over the forecourt. As part of a review of the Applicants' ongoing operations and investment considerations, it had been recognised that the forecourt layout needed improving. Accordingly in 2011, planning permission was sought for improvements and alterations to the fuel forecourt. Permission was granted by notice dated 3rd June 2011 and the permission was implemented. During implementation of the permission, it became evident that there was a need to replace the existing and permitted underground tanks.
- 1.3 This Statement addresses planning, design and access matters relevant to the redevelopment of the application site. This section sets out the introduction and legislative background, Section two describes the site and its planning context, Section three describes the design principles and concepts, Section four the access requirements of all users and Section five a summary and conclusion.
- 1.4 As part of this introduction, reference can be made to trends in the petroleum retail industry and in particular to market surveys conducted by the Energy Institute which are published each year.
- 1.5 The latest UK retail marketing survey conducted by the Energy Institute confirms that at December 2010 there were 8892 operational filling stations in the United Kingdom which is 121 fewer than in 2009.
- 1.6 The survey confirms that the reduction in petrol filling stations serving the UK market since 2004 represents a decline of about 11%. Overall the number of service stations serving the country's road network has declined by about 35% over the past 12 years whilst at the same time, the number of licensed vehicles on the road network has increased by more than 20%. As a result average site throughputs have been rising.
- 1.7 The effect of the above is that fewer service stations are serving the network. As a result, individual service stations are becoming increasingly busier experiencing a greater volume of visitation rates. It is important therefore that those service stations that remain should be able to deal with their customers clear of the highway, provide the

range of fuels needed by motorists and provide a modern top-up sales shop.

- 1.8 Indeed, the application site itself has historically dispensed more fuel than the national average for service stations. This demonstrates a further clear need for the service station at this particular location.
- 1.9 The Shell Fontwell site is part of a service area facility to the east of the roundabout junction of the A27 trunk road at Fontwell. Accordingly, the site is able to serve both carriageways of the trunk route. The site dispenses a significant volume of fuel and accordingly there is a clear need for a service station at this site. Furthermore, the layout of the site is also well established and permitted and is so designed for all users of the site and the trunk route.
- 1.10 This Statement has been prepared in accordance with Section 42 of the Planning and Compulsory Purchase Act 2004 and guidance set out within Circular 01/2006, Guidance on Changes to the Development Control System prepared by the Department for Communities and Local Government.
- 1.11 Paragraph 62 of the Circular confirms that the level of detail required in a Design and Access Statement will depend on the scale and complexity of the individual application and hence the length of the Statement will vary accordingly. It further confirms that statements must be proportionate to the complexities of the application, but need not be long.
- 1.12 Looked at in its correct context due regard should be given to the existing services and Service Station use which is well established and permitted and is the starting point in considering the following matters.

2.0 Site Description and Context

- 2.1 Shell Fontwell is a permitted and established service station which forms part of a service area serving the A27 trunk route. The service area is located to the east of the roundabout junction of the A27 and Fontwell Avenue.
- 2.2 Access to the site is taken from the north side of the old Arundel Road which is the eastern arm off the roundabout junction.
- 2.3 As it exists the application site comprises five pump islands in a starting gate configuration. A canopy covers the dispensing area of the forecourt and is linked to the sales shop which is to the east of the site. An egress slip road from the forecourt proceeds around the sales shop providing the approved escape route for the delivery tanker and for the larger and other vehicles from the forecourt. An LPG storage facility is provided in the north-east corner of the site.

- 2.4 The overall design and layout of the existing facility is permitted, modern and up-to-date and meets the requirements of the licensing regulations. The existing layout is well established in the context of traffic flow and public safety. However the infrastructure, comprising storage tanks, needs to be replaced.

3.0 **Proposal and Policy Context**

Proposal

- 3.1 The application proposes the replacement of the existing permitted underground storage tanks with the new double skin replacement tanks which have been designed to modern standards. The new tanks will be sited in the same location on site as the existing permitted tanks. The tank capacity will also be the same as the permitted tanks.
- 3.2 The need to provide new underground storage at this particular site is unavoidable. The access to the service area is not controlled by the Applicants and is shared with other facilities and this pre-determines the access into the site. The layout of the fuel forecourt is well established and permitted and provides for flows through the site to acceptable standards. The egress from the forecourt to the rear of the sales building is specifically designed for larger vehicles. An area to the rear of the site is used for the storage of LPG to approved standards.
- 3.3 Accordingly, this particular site does not have sufficient land to provide above ground storage to APEA standards and to maintain safe and efficient flows through the site.
- 3.4 With regard to the provision of underground double skin storage tanks, it should be noted that since the introduction of these tanks in the 1990's, no site in the UK has recorded any leak. A leakage detection system is provided within the tank should there be any failure and the provision of 24 hour monitoring ensures no fuel escapes.
- 3.5 A separate Environmental Report is attached in support of this application. The Applicants will work with the Authorities to mitigate any risks associated with the proposals and a condition to this effect would be acceptable.
- 3.6 The proposed replacement tanks will significantly reduce an existing risk to groundwater and the proposed measures benefit the environment and will contribute to the sustainability of the facility in years to come.

Policy

- 3.7 Relevant planning policies are principally contained in National Planning Guidance Notes and Statements, the saved policies of the Arun Local Plan 2003.
- 3.8 PPS1 Delivery Sustainable Development and PPG13 Transport emphasise that the Government supports sustainable development. The Local Planning Authority acknowledged the need for the roadside services at Shell Fontwell when first granting permission and for the subsequent improvements.
- 3.9 Looked at in this context the proposals mirror the advice contained in National and Local Policies and represent a form of development that can meet current standards. Indeed, it is at sites such as the application site where the latest environmental technology in the storage and dispensing of fuel can be utilised.
- 3.10 In this particular case, the need for the services at the application site is well established and acknowledged by the existing development which had the benefit of permission and the significant volume of fuel dispensed at the site.
- 3.11 Reference can also be made to Planning Policy Statement 4 which was published in December 2009 and replaced PPS6. In policy terms the statement is an important consideration. The application site has a sui generis use which is permitted and which comprises a fuel forecourt and sales building which are inter-related uses. In context therefore the proposals on the site continue the sui generis use, are an employment generator and are not contrary to policy.
- 3.12 Policy EC10 relates to the determination of planning applications for economic development and states in paragraph EC10.1 that applications that secure sustainable economic growth should be treated favourably. Since the design of the facility includes sustainable measures to store and dispense new grades of fuel to comply with EU regulations and all measures are designed to limit carbon dioxide emissions. The above matters clearly show the proposal can be satisfactorily assessed against the impact considerations of the policy.
- 3.13 Reference can also be made to Policy EC11 which relates to determining applications for economic developments (other than main town centre uses) not in accordance with an up-to-date development plan. A sui generis service station use is not defined as a main town centre use. However, the proposals sustain a local service facility and

employment and would introduce storing and dispensing measures which clearly benefit the environment. Accordingly, the proposals can be supported by Policy EC11 if it needed to be considered.

- 3.14 The Arun Local Plan was adopted in 2003. Whilst not a saved policy, reference can be made to policy DEV16 of the Local Plan which historically recognised the need for services on the primary route system such as the application site.
- 3.15 Furthermore, more recent permissions have been granted in the context of saved policies of the Local Plan.
- 3.16 Reference can also be made to Policy GEN26 which states that development will only be permitted where the Local Planning Authority is satisfied that it would not lead to a deterioration in the quality or potential yield of surface and groundwater resources. In this particular case the development is specifically designed not to lead to a deterioration thereby complying with the locally adopted policy.
- 3.17 Reference should also be made to PPS23 Planning and Pollution Control together with Annex 1 to the Statement. In its conclusion paragraph 26 states that LPA's should integrate their land use planning processes with plans and strategies for the control, mitigation and removal of pollution, as far as it is possible and practical to do so.
- 3.18 Having regard to the permitted use of the site, it is the Applicants' case that its proposals accord with the provisions of locally adopted policies and PPS23.
- 3.19 References can also be made to the Environmental Agency and its published Groundwater Protection: Policy and Practice (GP3). More recently in October 2011 the Agency revised their Groundwater Protection Principles under part 4 of GP3 which has been published as a consultation.
- 3.20 Having regard to the fact that in this particular case the replacement of underground tanks is unavoidable, then due consideration can and should be given to the proposals which are designed to mitigate the risk. In context the Agency's Principles of Storage (Policy P2-9) recognises that this may arise in areas such as SPZ1.
- 3.21 This is particularly the case when dealing with existing petrol filling stations in SPZ1 areas which the Agency itself distinguishes from new facilities. In the context of Policy 2-10 it states that where the redevelopment or refurbishment of underground storage at sites is unavoidable, we will review the risks and any contamination history and take account of the proposed improvements. We will not object to below ground storage in such situations provided there is evidence that 1, there are no suitable alternatives. The layout of the site is permitted and as part of a service facility access and egress cannot be altered.

Accordingly no space is available for a suitable alternative. 2, the site's low risk will be maintained or significantly reduced. In this case the risk is significantly reduced as acknowledged in the EA position Statement with regard to the design and monitoring of underground tanks at petrol filling stations. 3, the proposals will comply with appropriate engineering standards (APEA 2011). The Applicants' proposals will fully comply with appropriate standards (APEA 2011). 4, effective management systems will be in place. It can be confirmed that effective management systems will be in place to monitor and manage the risks and 5, redevelopment does not bring the below ground storage nearer to any abstraction source risk. The replacement tanks are located in the same position as the permitted tanks.

- 3.22 The proposals accord with the provisions of the EA position statement to which there would be no objection.
- 3.23 All of the above matters have been considered in arriving at the design and layout of the improved infrastructure to include new underground storage tanks, which is a sustainable approach to the future of the site and its permitted use.
- 3.24 The proposals thereby comply with the provisions of the locally adopted Local Plan, the provisions of PPS1, PPS4 and PPS23. Furthermore the proposals are such that the provision of double skin replacement underground tanks meets the criteria of the Environment Agency Position Statement. Accordingly, it is submitted that permission could be granted subject to appropriate conditions.

4.0 The Planning Application and Access

- 4.1 The application sustains the future use of the roadside facility. A more open site with good circulation and buildings that have been designed specifically to relate to this location. The proposals result in an enhancement of the site's infrastructure.
- 4.2 There will be no alteration to the permitted access which is shared with other uses that make up this comprehensive roadside facility. The access arrangements determine the layout of the site which ensures that all motorists including commercial traffic can use the filling station site.
- 4.3 The provision of replacement underground tanks will ensure that the permitted access arrangements will remain which ensures a safe and efficient flow through the site.

5.0 Conclusion

- 5.1 As required by Section 42 of the Planning and Compensation Act 2004, a design and access statement (DAS) is submitted in support of the planning application for development at Shell Fontwell.
- 5.2 Full consideration of the relevant design and access policies of the adopted Local Plan has been undertaken. The site has been developed in consideration of relevant town planning guidance and the petroleum regulations. The principle of the site for use as a petrol filling station is well established and the current proposals take this as a starting point. As such, in terms of the appearance of the site, following the development, its appearance will remain that of a petrol filling station.
- 5.3 There is a clear need for the service station facility on the application site and there exists very special circumstances which justify the granting of permission.
- 5.4 The scale of the scheme is considered appropriate and the rationale for the scheme and why the provision of underground tanks is unavoidable is clearly set out. .
- 5.5 Overall it is considered that the proposal represents a sustainable and appropriate design which relates directly to the site's permitted use and to its physical, social and environmental context reflecting the requirements of national and Local Planning Policy.

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