

PLANNING APPLICATION REPORT**REF NO:** **WA/92/11/****LOCATION:** Shell Fontwell
 Arundel Road
 Fontwell**PROPOSAL:** 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.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to relay fuel tanks and associated pipework for a Petrol Garage.
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedgerow along front and side
SITE CHARACTERISTICS	Existing petrol garage with shop, ten pumps and air/water area. There is a separate HGV lane adjacent to the tank vents.
CHARACTER OF LOCALITY	To the north of the site is a hotel and to the west is a Little Chef Restaurant.

RELEVANT SITE HISTORY

WA/83/89	Erection of new sales building to serve petrol forecourt, overhead canopy, 6No.26000l storage tanks, 4 pump islands, diesel island and associated facilities,also alterations to access.	Approve Cond 02-04-1990
WA/19/93	Jet wash installation at existing petrol filling station	Approve Cond 28-05-1993
WA/72/01/	Proposed ATM (Automated Teller Machine) installation	Approve Cond 03-12-2001
WA/67/01/	Installation of LPG storage vessel and dispenser	Approve Cond 20-02-2003

WA/41/11/

Replacement & extension to forecourt canopy, replacement dispensing pumps & islands and replacement paving

Approve Cond
03-06-2011

REPRESENTATIONS

Representations received:

Walberton Parish Council

No objection

None

Comments on Representations received:

Noted

CONSULTATIONS

WSSC Local Development Divis.

Environmental Health

Engineers (Fluvial Flooding)

Southern Water Planning

Environment Agency

West Sussex - Waste Disposal

Consultations responses received:

SOUTHERN WATER

The application proposes a development that may produce a trade effluent. No trade effluent can be discharged either directly or indirectly to any public sewer without the formal consent of Southern Water. A formal application to Southern Water must be made to connect to the public sewer.

ENVIRONMENT AGENCY

No objections provided that Contamination Conditions are imposed.

WEST SUSSEX HIGHWAYS

No objections.

DISTRICT ENVIRONMENTAL HEALTH

The Comprehensive Ground Monitoring Event Report indicates the site is suitable for continued oil use therefore, no objections subject to Contamination Condition.

DISTRICT ENGINEERS

No comment.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the Built-Up Area Boundary
Class A Road
Trunk Road
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPNRM2	Water Quality
Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas
PPS23	Planning and Pollution Control

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, and the environmental quality of ground/water levels.

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, or the ground water quality.

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. The site is an existing petrol garage.

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 site facilities such as a hotel and restaurant.

The site has very limited capacity for storage, other than underground. Therefore, the proposal is to upgrade the existing storage by new double skin replacement tanks sited in the same location as the existing. It is stated that these replacement tanks significantly reduce the risk to leakage and ground contamination.

It is noted that the forecourt has recently been upgraded by the approval of WA/41/11/. The proposal will not alter the current access arrangements.

ENVIRONMENTAL EFFECTS

As the tanks are underground tanks, there is the potential risk of ground contamination; a Comprehensive Environmental Site Assessment Report has been submitted with the application.

The general geology of the site is that of The Lambeth Group is a minor aquifer with immediate leaching soils. The site is close to Protection Zone 1 associated with Eastergate Pumping Station 650m South-West. A secondary Protection Zone of Westergate Pumping Station is 1.3m West. Bolehole test indicated no significant Hydrocarbon impact, and no risks to human health and controlled waters.

Both the Environment Agency and the Council's Environmental Health Officers have assessed the report and have raised no objections, subject to standard Contamination Conditions.

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 of the underground tanks and relocation of the vents to the front of the site will therefore have a limited impact on the visual amenity of the area.

NEIGHBOUR AMENITY

The tanks hold the same capacity as those it replaces and as before are accessed at the front of the forecourt by the access, therefore it is considered that the proposal will have a neutral impact on the current neighbour amenity. The reconfiguration of the vents is minimal and will not result in an adverse impact to residential amenity.

SUMMARY

The proposed replacement tanks are not considered to harm the ground and water quality of the area and will not adversely effect residential or visual amenity. Therefore, it is recommended that the application is approved subject to the following Conditions.

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 location plan, drawing PLG01, PLG02 REVB, PLG03, PLG04, PLG06 REVA, 5.01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development approved by this planning permission shall begin (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A site investigation scheme, based on the previous site desk study, site investigations and groundwater assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment referred to (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site lies in Source Protection Zone 1 for Eastergate Public Water Supply Abstraction. The groundwater beneath the site is therefore extremely sensitive to proposed development at this site. The site investigation request is to assess whether any contamination is apparent within the tank farm area only. Ideally this would be assessed when the tanks have been uplifted. This is supported by PPS23.

- 4 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason:

The site lies in Source Protection Zone1 for Eastergate Public Water Supply Abstraction.

The groundwater beneath the site is therefore extremely sensitive to any proposed development at this site. This condition is therefore supported by PPS23. In line with the Environment Agency Groundwater Protection Position Statements, Defra Code of Practice, Petroleum Industry "Blue Book" Document, Groundwater Monitoring is required.

It is noted that Groundwater Monitoring borehole MW1 is inaccessible, this should be reinstated prior to any tank removal.

- 5 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 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 policies GEN7 and GEN31.

- 6 INFORMATIVE:

The Environment Agency normally object to the retention of underground storage of hazardous substances in SPZ1 unless there are substantial mitigating factors. Therefore for all storage of pollutants underground operators should adopt appropriate engineering standards and requirements of Pollution Prevention Guidance PPG27 (Environmental Alliance 2007).

- 7 INFORMATIVE:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

- 8 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

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

SOUTH EAST PLAN: NRM2

LOCAL PLAN: GEN3, GEN7, GEN12

NATIONAL POLICIES: PPS1, PPS7, PPG23

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.