

Parish: Birdham	Ward: The Witterings
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BI/20/00185/FUL

Proposal	Demolish existing shop, bin store, car wash, vac machine and A/W unit. Erect new shop with shopfront bollards and bin store. Additional car parking with 1 no. EVC bay and new A/W unit.		
Site	Birdham Service Station Main Road Birdham PO20 7HU		
Map Ref	(E) 481929 (N) 99539		
Applicant	Shell UK Oil Products LTD	Agent	MBH Design Studio Ltd

RECOMMENDATION TO PERMIT

	NOT TO SCALE	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement boundary of Birdham on the north west side of Main Road. The site is currently operating as a petrol filling station and has been for many years. The site is located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the southern edge of the application site.
- 2.2 The petrol filling station is formed of the main filling canopy to the south east of the site, with a single storey shop building to the north east of the site and a car wash building to the north west. There is parking to the north west of the site, with an area to the south west for tanker parking. The vast majority of the site is hardstanding with a small area of grass to the front and behind the current shop building.

3.0 The Proposal

- 3.1 This application seeks planning permission to demolish the existing shop, bin store, car wash and vac-machine and to erect a relocated shop building, bollards and bin store, with additional car parking inclusive of Electric Vehicle charging point bay.
- 3.2 The proposed shop building would be located to the north west of the existing canopy and would essentially replace the existing car wash building. The proposed shop building would be single storey with very shallow mono-pitched roof measuring a maximum of 3.9 metres in height. It would also measure 13 metres in depth by 18.7 metres in width and would be finished with a grey composite panelled roof and brickwork elevations with grey metal framed window and door units. To the east of the existing canopy where the shop building is current located, 7 no. parking spaces are proposed, which include one disabled and two EV spaces. Behind the proposed shop building there would be an area for storage of bins and an area for power cabinets.
- 3.3 A new bin storage area is proposed at the rear of the site enclosed with a new 2-metre-high close boarded timber fence, adjacent to this would be a new EVC power cabinet. The application also includes the relocation and installation of a new air/water machine with protective bollards. In addition, a dedicated air/water bay is proposed to the north east of the forecourt.

4.0 Planning History

92/02034/FUL	PER	Proposed redevelopment of existing service station & workshops to form new petrol filling service station with car wash.
93/01203/ADV	PER	3 no canopy signs, 1 no pole sign, 1 no shop building arch, 1 no car wash arch, 4 no pump island service units, 1 no activity sign, 1 no shop facilities sign.
BI/00052/84	PER	Replacement of glazed canopy above petrol forecourt to garage.

BI/00052/90	PER	Redevelopment of existing garage to modern self-service filling station with car wash.
BI/00058/84A	PER	2 no advertisements each end of the canopy.
12/01902/ADV	REF	Various advertisements in accordance with new Shell corporate branding RVI-e scheme.
12/02921/ADV	PER	Various advertisements in accordance with new Shell corporate branding. Revised scheme from BI/12/01902/ADV.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

20.01.2022

Birdham Parish Council maintains its original objection:

The council objects in principle to the design and materials used for the shop as not being in keeping with an area of outstanding natural beauty and a rural setting. No provision has been made for sound or light pollution - there should be an acoustic barrier of at least 2.5 metres around the site.

All design principles of the Harbour conservancy should be adhered to and there should be more than one electric vehicle charging point. There is only one female toilet provided for and several male toilets; there should be more female toilets.

In addition, the increased size of the shop will have two detrimental effects: a) on the revenue of Birdham stores, just next door; and b) that the increased shop size would mean more cars exiting and accessing the site from a 40mph highway making it extremely dangerous

17.03.2020

The council objects in principle to the design and materials used for the shop as not being in keeping with an area of outstanding natural beauty and a rural setting. No provision has been made for sound or light pollution - there should be an acoustic barrier of at least 2.5 metres around the site.

All design principles of the Harbour conservancy should be adhered to and there should be more than one electric vehicle charging point. There is only one female toilet provided for and several male toilets; there should be more female toilets.

6.2 Chichester Harbour Conservancy

No objection:

Suggested controls relating to the AONB -

1. Construction and surface materials to be submitted and agreed by the LPA
2. Landscape details for natural growth and hard surfaces to be submitted to and agreed by the LPA
3. Limitations and control of external lighting to be used to restrict illumination of the site within 15 minutes of close of business activity (Dark Skies protocol)

6.3 CDC Environmental Protection - Noise, Air quality

Air quality

The site is not located within an air quality management area (AQMA) and the type of development is unlikely to result in significantly different traffic volumes to those generated by the existing premises. The change to air quality emissions is considered unlikely to be significant. It is noted that it is intended to provide cycle parking and an electric vehicle charging point at the site which is welcomed. These should be secured by condition.

No air quality assessment is required however during construction works, measures to control dust and other emissions should be put in place.

Noise

The applicant submitted an acoustics report prepared by Venta Acoustics (Report VA3335.200716.NIA) in October 2021. This report included an assessment using a method from *British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound*, and gave consideration to other relevant standards. Broadly we are content with this assessment and satisfied with the conclusion that “*noise from the proposed plant on site have been shown to have a low to marginal impact, **with a plant screen and inverter shelter installed on site***” and “*Considering the very low predicted noise levels due to the plant at the neighbouring properties, the overall level of impact is considered very low.*”

However, one residual concern remained that the Air Water Unit – a potential noise source – did not appear to have been included in the noise assessment and was close to dwellings to the east of site. The supplementary report from Venta Acoustics effectively

adds the Air Water Unit to the assessment and provides some conclusions that should be incorporated into conditions if permission is granted. The findings are, “*The air/water machine is understood to only operate during daytime hours. To reduce line of sight to the neighbouring property’s windows, a screen will need to be installed in the approximate location shown below. The screen will need to be at least 0.6m taller than the top of the unit, and be solid with no holes, such as a high-quality close board timber fence, or similar. The above shows a low adverse impact at the house **with the recommended mitigation measures in place.***”

The October noise assessment was made on the following basis:

“It is understood that all units will operate during the daytime, with only the fridge condensers operating at night-time.

All cooling plant should be installed within a screened plant enclosure, with a plant screen at least 1.3m taller than the top of the tallest unit. The screen should be continuous and imperforate, with a minimum mass per unit area of 12kg/m² in the approximate location shown in VA3335/SP1.

The inverter will need to be located within a ‘shelter’ style enclosure with a solid roof and solid sides to the south and west, facing the houses to the west side and rear of the side, whilst being open with a hit and miss style fence on the other two sides.”

From my examination of the latest submitted site layout and elevation drawings I cannot see the recommended screening incorporated into the drawings.

Conditions will be required to ensure that the noise mitigation measures recommended by the consultant are incorporated before the plant becomes operational. Conditions that have the effect of the following are suggested:

- The Air Water Machine and Tritium car charger inverter plant shall not operate outside of the hours 06:00 to 23:00:
- All fixed plant, machinery or equipment shall be installed with suitable screening or enclosure that meets the recommendations in submitted noise assessments VA3335.200716.NIA and VA3335.220214.L1
- The positioning of screening in respect of Chiller units shall be in accordance with the submitted drawing VA3335/SP1 .
- Screening in respect of the air water machine shall be in accordance with VA3335.220214.L1

Lighting

The submitted lighting assessment appears acceptable. It is suggested that a condition is applied to require the submitted lighting specification to be installed and thereafter kept appropriately maintained. The condition should also specify the time the lights will be on and the times they are dimmed overnight.

Construction

To control impacts during the construction works, condition PC06 should be applied. Measures to control of noise, dust and waste should form part of the construction management plan.

6.4 CDC Environmental Protection - Land contamination

Given the land use at the site there is considered to be potential for land contamination. A phase 1 site assessment report has been submitted produced by RSK dated October 2019. The report comprises a desk-based review of information about the site and a site walkover. The report concludes that there are potential pollutant linkages at the site. We agree with the conclusions of the report and a site investigation should be undertaken to determine if there is land contamination present that could affect the proposed development. Conditions PC21, PC22 and PO14 should be applied.

6.5 CDC Archaeology Officer

It is unlikely that structures or deposits of interest, associated with the possible line of the Roman road, will have survived the impact of the existing use of the site. In the circumstances no archaeological intervention would be warranted.

6.6 WSCC Local Highway Authority

26.01.2020

Summary:

This proposal is for demolition of the existing shop, bin store, car wash, vac machine and A/W unit which currently serve the existing service station, and construction of new shop with shopfront bollards and bin store and additional car parking with 1 no. EVC bay and new A/W unit. The site will continue to operate as a service station following the proposed alterations. The site is located on the corner plot between Crooked Lane which is unclassified road subject to 30mph speed restrictions and Main Road (A286) an A-classified road subject to 40mph speed restrictions.

The proposed shop will be situated to the rear of the site; therefore, the proposed bollards would not intersect with highways land.

Access:

The vehicular access operates with in/out system (entrance is via Main Road and exit is via Crooked Lane) and there are no proposed alterations to these arrangements. Visibility appears sufficient at the access onto Crooked Lane and at the junction of Crooked Lane with Main Road. Data supplied to WSCC by Sussex Police reveals no recorded injury accidents at both access points, therefore there is no evidence to suggest that the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

This proposal would result in an increase in A1 floorspace of 71 sqm, from 55sqm to 126sqm. The LHA anticipate that whilst the A1 use of the site will offer increased floorspace and may result in a small increase in trips associated with the proposed larger convenience store; the primary function of the site is as a service station, of which there is no proposed increase in petrol pumps. As such, the LHA does not anticipate that the proposal would result in a material intensification of use of the existing accesses.

Parking and Turning:

The site currently does not have any formal on-site parking provision beyond the petrol pumps. There are 8 proposed parking spaces including one disabled space and one space with EV charging facilities, for customer use. The proposed shop will increase its internal floor space when compared to the existing shop, resulting in total of 126sqm internal floor space area. The WSCC Car Parking Guidance would expect 9 parking spaces to be provided for this development (1 space per 14sqm - A1 use class). The shortfall of one space is not considered detrimental to highway safety, given that the site has been operating for some time without any formal parking spaces which have not resulted in any highway safety issues. Comprehensive parking restrictions are in place that prohibit vehicles to park at places that are detriment to highway safety. The LPA however, may wish to consider any potential implications on on-street parking from an amenity perspective.

Car parking spaces meet the minimum requirement of 2.4m by 4.8m per single parking bay as outlined Manual for Streets (MfS) guidance. The disabled space includes an extra 1.2m wide hatching at the access aisles. There is space of at least 6m beyond each parking bay to allow vehicles to turn and exit in forward gear onto the public highway.

WSCC would ordinarily advise that EV charging points should be provided for a minimum of 20% of all proposed off-street parking spaces with ducting provided to the remaining 80% of spaces to provide 'passive' provision for these spaces to be upgraded in future. However, given the parking behaviour of the site (short stay) the LHA would allow for some flexibility in the total number of active/passive EV spaces. The applicant should consider whether it is appropriate to provide additional passive EV spaces at this stage.

In order to promote the use of the sustainable transport methods, the LHA advises that cycle storage is provided within the site for staff and customers visiting for the A1 use. The current WSCC guidance for A1 use class advises 1 space per 100sqm for staff and 1 space per 100sqm for customers.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve this application, the following conditions are advised:

- Car parking space (details approved),
Cycle parking: 18.08.2021

From inspection of the plans, the new plans included a revised layout to the proposed shop, bin store and rear compound. In addition, the parking layout has been revised to provide an additional EV parking space. The proposed revisions do not significantly affect the LHAs previous comments, dated 26/03/2020, of which the LHA raises no highway safety concerns for this application.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

6.6 Third party objection comments

Two third party representations of objection have been received concerning the following matters:

- a) The proposal would have a harmful impact on neighbouring amenity due to noise.
- b) The increased number of cars would result in an increased amount of air pollution.
- c) The new advertisements would also illuminate the site leading to harm to the residential amenities of the occupiers of neighbouring properties.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Birdham Neighbourhood Plan was made in July 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 49: Biodiversity

Birdham Neighbourhood Plan

Policy 4: Landscape Character and Important Views
Policy 5 : Light Pollution
Policy 6 : Biodiversity
Policy 9 : Traffic Impact
Policy 13 : Settlement Boundary

Policy 19 : SUDS Design and Management
Policy 20 : Surface Water Run-off
Policy 21 : Wastewater Disposal
Policy 22 : Development for Business Use

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021). Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.4 Consideration should also be given to the following paragraph and sections: Sections 1, 2, 6, 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.5 The following documents are material to the determination of this planning application:
- Surface Water and Foul Drainage SPD
 - Joint Chichester Harbour AONB SPD
 - CHC Chichester Harbour AONB Management Plan (2014-2029)
 - CDC Waste Storage and Collection Guidance
- 7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Maintain low levels of unemployment in the district
 - Support local businesses to grow and become engaged with local communities
 - Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:
- i. Principle of development
 - ii. Design and impact upon character of the surrounding area and the AONB
 - iii. Impact upon amenity of neighbouring properties

- iv. Impact upon highway safety and parking
- v. Land contamination
- vi. Drainage

Assessment

i. Principle of development

8.2 The application site is located within the settlement of Birdham, a designated Settlement which as defined by Policy 2 of the Chichester Local Plan is a suitable location for new development. A petrol filling station has been operating from the site for a number of years. The application site accommodates an existing sales building, which has a net retail area of 88 sqm. The proposed shop would provide 160sqm of retail space, an increase of 72sqm. It is not considered that such an increase in this location would be harmful to the character of the settlement. The site is also located within the Chichester Harbour Area of Outstanding Natural Beauty and as such Policy 43 must also be applied to the application. This Policy states that development proposals within the AONB will be permitted provided that they would not detract from the distinctive character and special qualities of the designation. Due to the nature of the proposals and the fact that the host dwelling is situated within the built-up area, it is not considered that the application is contrary to the aims of Policy 43.

8.3 For the reasons set out above the proposal is deemed to be acceptable in principle, subject to compliance with all other material planning considerations, which are considered below.

ii. Design and impact upon character of the surrounding area and the AONB

8.4 Policy 47 of the Chichester Local Plan refers to Heritage and Design and sets out that development proposals must respect the distinctive local character of the area and sensitively contribute to creating places of a high architectural and built quality.

8.5 Policy 43 of the CLP also establishes that the impact of individual proposals and their cumulative effect on Chichester Harbour AONB and its setting will be carefully assessed, and that planning permission will only be granted where it can be demonstrated that the natural beauty and locally distinctive features of the AONB are conserved and enhanced. Furthermore, proposals must reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB.

8.6 The application site is located within the Chichester Harbour Area of Outstanding Natural Beauty but is set within the urban context of Birdham rather than the rural context of the wider AONB. It is already in operation as a filling station and has been for many years. As such, it offers little in terms of positively contributing to the general character of Birdham, but its utilitarian appearance and presence has been established within the village for a long time.

8.7 The proposed development would represent a significant re-organisation of the petrol station, with the existing shop situated alongside the eastern boundary of the site being removed and a larger shop building being constructed at the centre of the site. In addition to this, a new car parking area would be provided at the eastern side of the site and the forecourt would be made more open to the highway.

- 8.8 The new retail building would appear substantially larger than the current shop due to its increased size and orientation, but its development envelope as viewed from Main Road would not substantially increase due to the fact there is currently a car wash building in situ in the location of the proposed shop. It is also of note that the current shop and car wash buildings are orientated with their principal elevations facing away from the public highway, meaning that their blank and largely featureless side elevations are the primary aspects that are viewed from the surrounding public realm.
- 8.9 By orienting the new shop building so that its principal elevation and features of interest such as its entrance and shop front windows face the highway, it is considered that the proposal would improve the site's relationship with the surrounding public realm as it would be more interactive with the local street-scene. Notwithstanding this, the restriction in height of the building to 3.9m would ensure that it would not be viewed as a significantly more prominent feature within the street-scene, particularly as it would be set deep into the site and the existing forecourt canopy which would remain unaffected.
- 8.10 Concerns were raised during the course of the application over the materials that were originally proposed for the building, which included grey coloured composite roof panelling and white kingspan composite panels for the elevations. Following discussions with the applicant, amended plans were submitted which show the elevations as being finished with red-brickwork elevations. This change in materials would ensure that the building would be more in keeping with prevailing aesthetic of the surrounding street-scene which is mostly made of buildings that are constructed with traditional materials such as brick.
- 8.11 With regards to the proposed landscaping and surfacing works, it is considered that the site of the existing shop is an appropriate location for a newly proposed parking area as it enables ancillary structures such as EV charging points, the proposed substation and air/water and gas containers to be concentrated along the eastern boundary of the site, thereby ensuring that they do not lead to the site frontage appearing cluttered. It is also felt that the retention of a green buffer along the eastern boundary would also help to soften the general appearance of the site.
- 8.12 Overall, it is therefore considered that the proposed development is of a considered scale and design and would result in an improvement in the general appearance of the site. As such, it would not result in harm to the character and appearance of the surrounding street-scene, or that of the wider AONB, and is compliant with Policies 43 and 47 of the Chichester Local Plan in respect of design.

iii. Impact upon amenity of neighbouring properties

- 8.13 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.
- 8.14 The nearest properties to the application site are situated either side of the site (to the north-east and west). The dwelling to the north-east of the site is set back from the boundary by 1.3 metres, while the dwelling to the south is 3.5 metres from the shared boundary. The site has operated for a number of years as a filing station and following

planning permission being granted in 1992 an enclosed car wash has also operated from the site.

- 8.15 The proposal would result in the removal of the existing sales building that is located alongside the front driveway of Sixpenny Cottage and the construction a new larger sales building towards the rear of the site. The northern side elevation of the building would sit 1.66m from the northern boundary of the site at its northern corner and 6.6m at its southern corner and would run parallel to the rear garden of Sixpenny Cottage, whilst the south-western side elevation would sit 1.8m from the western boundary at its northern corner and 6.5m at its southern corner and would face the east facing side elevation of 8 Chaffinch Close and a small car park.
- 8.16 When visiting the site it was apparent that due to the fact that the opposing elevation of 8 Chaffinch Close does not contain any primary windows, the development would not have a significant impact upon the amenities of the occupiers of this dwelling in terms of loss of outlook and light or through the creation of a sense of enclosure; however, the proximity of the proposal to the neighbouring garden to the north-east was noted and careful consideration has been given to the potential impact that the building could have on the amenity of its occupiers.
- 8.17 Following discussions with the applicant, Officers have been able to secure amendments to the proposal which would help to ensure that its amenity impacts upon neighbouring properties would be minimal. These include removing parapet elements to the side elevations, which has resulted in the height of the building being reduced by 0.2m and moving the footprint of the building in a south-westerly direction to increase the gap between the development and the north-eastern boundary of the site to 1.66m at its northern corner and 6.6m at its southern corner. The internal layout has also been altered in order to enable the service entrance to be located in the south-western side elevation, thereby ensuring that associated servicing and delivery activity does not take place next to the garden of Sixpenny Cottage. It is considered that these amendments would help to protect the amenities of the neighbouring property to the north of the site as the reduced height, positioning and layout of the building would ensure that it would not lead to a loss of light or outlook, a sense of enclosure or an increase in noise generation when compared to the current situation.
- 8.18 In terms of the operational impacts of the development upon neighbouring amenity, the proposal would result in the removal of the existing car wash, which presents a significant source of noise to neighbouring properties, but ventilation plant equipment is proposed to the north-western rear elevation of the new sales building, with a new electric vehicle power cabinet also located to its rear and a water and air unit situated close to the north-eastern boundary mid-way into the site. Upon request, the applicant has provided a noise assessment report, which states that the proposed installations would not generate noise above existing levels or above background level providing the plant equipment is housed in suitable casing and acoustic screening is provided around them. The Council's Environmental Health Officer has reviewed the report and has confirmed that the subsequent noise levels that would be emitted from the development would be acceptable and would not result in harm to neighbouring amenity, provided that the recommendations set out within the noise assessments are complied with. Accordingly, it is recommended that conditions are attached to this recommendation that would require the development to be constructed in accordance with the recommendation set out within the noise assessment reports and require the applicant to submit details of the acoustic screens and

provide the agreed screens prior to the development being brought into operation. It has also been advised that a construction management plan should be secured prior to the commencement of development in order to control noise and nuisance created during construction. A condition is attached to this recommendation to secure such details.

8.19 The applicant has submitted a light assessment, which has been reviewed by the Environmental Health Officer. It has been confirmed that the proposed flood lights and baulk head lights would be of an acceptable level of lumens providing that they are only used when the petrol station is in operation. The applicant has confirmed that the lights would be switched off outside of the station's openings house and accordingly a condition is attached to this recommendation that would prevent the use of lights after 22:00 hours and before 06:00 hours.

8.20 Overall, it is therefore considered that subject to compliance with conditions, the proposed development would not create a situation that would result in significant harm to the privacy or residential amenity of the occupiers of a nearby property, and as such is in accordance with Policy 33 of the CLP in respect of amenity impacts.

8.21 The building, at its closest would be 2.1 metres from the boundary with the property to the south and 7.3 metres at its furthest. Given the height of the proposed building and that the majority of the building is more than 2 metres from the boundary with this property; it is considered the proposal would not have an overbearing impact.

iv. Impact upon highway safety and parking

8.22 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts that are severe and ensure a safe and adequate means of access for all modes of transport.

8.23 The existing vehicular access operates with in/out system and there are no proposed alterations to these arrangements. WSCC Highways have advised that the visibility appears sufficient at the access onto Crooked Lane and at the junction of Crooked Lane with Main Road. Data supplied to WSCC by Sussex Police reveals no recorded injury accidents at both access points, therefore there is no evidence to suggest that the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

8.24 The application would result in an increase in retail floor space, which the LHA anticipate may result in a small increase in trips associated with a larger convenience store; the primary function of the site is as a service station, of which there is no proposed increase in petrol pumps. As such, the LHA do not anticipate that the proposal would result in a material intensification of use of the existing accesses.

8.25 The site currently does not have any formal on-site parking although there is parking to the rear of the site. There are 8 proposed parking spaces including one disabled space and two spaces with EV charging facilities, for customer use. The proposed shop would increase its internal floor space when compared to the existing shop, resulting in total of 126sqm of internal floor space area. The WSCC Car Parking Guidance would expect 9 parking spaces to be provided for this level of provision (1 space per 14sqm - A1 use class), but the WSCC Highways Officer has confirmed that the shortfall of one space is unlikely to be detrimental to highway safety, given that the site has been operating for

some time without any formal parking spaces which have not resulted in any highway safety issues. Furthermore, comprehensive parking restrictions are in place that prohibit vehicles to park at places that are a detriment to highway safety.

- 8.26 The Highways Officer initially advised that EV charging points should be provided for a minimum of 20% of all proposed off-street parking spaces with ducting provided to the remaining 80% of spaces to provide 'passive' provision for these spaces to be upgraded in future. However, given the parking behaviour of the site (short stay) the LHA would allow for some flexibility in the total number of active/passive EV spaces. Subsequent to receiving these comments, the applicant has increased the EV charging points from 1 to 2, meaning 20% of the spaces on site would provide EV charging.
- 8.27 In order to promote the use of the sustainable transport methods, the LHA advised that cycle storage is provided within the site for staff and customers visiting for the A1 use. The current WSCC guidance for A1 use class advises 1 space per 100sqm for staff and 1 space per 100sqm for customers. It is recommended a condition is imposed securing cycle parking.
- 8.28 Taking into consideration the above, the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, the application is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

vii. Other matters

- 8.29 Given the land use at the site there is considered to be potential for land contamination and as such a phase 1 site assessment report has been submitted. The report comprises a desk-based review of information about the site and a site walkover. The report concludes that there are potential pollutant linkages at the site. The councils Environmental Health department have considered the report and agrees with the conclusions and that a site investigation should be undertaken to determine if there is land contamination present that could affect the proposed development. The officer has suggested a number of conditions related to land contamination, which form part of this recommendation.
- 8.30 The application site is largely covered by hardstanding and structures, which would remain the case. The Council's drainage engineer has advised that opportunities available to provide permeable hard surfacing should be taken, and therefore a condition is recommended to ensure that new areas of hardstanding are constructed to be permeable and retained as such in perpetuity.

Conclusion

- 8.31 Based on the above it is considered the proposal would not result in a harmful impact to the character and appearance of the area or that of the wider AONB and would not result in harm to neighbouring amenity or to the functionality of the local highway network. The proposal therefore complies with the relevant development plan policies and as such, the application is recommended for approval subject to the recommended conditions.

Human Rights

8.32 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) No development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

- 4) If the Phase 2 report submitted pursuant to condition 3 identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

- 5) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved

CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority.

The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter management, prohibiting burning of materials/waste and measures to encourage recycling of waste.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

- 6) Notwithstanding any details submitted no works shall be carried out above slab level of the building until a full schedule of all materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Samples of the proposed materials shall be made available to inspect on site when the schedule is submitted for approval. The development shall be carried out in accordance with the approved materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

- 7) Full details, including the material makeup, height, size, appearance and locations of the screening in respect of the Chiller units, air and water unit, and Inverter unit shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development above slab level and shall thereafter be provided in accordance with the agreed details prior to the development being brought into operation.

All of the fixed plant, machinery or equipment hereby approved shall thereafter be installed with the agreed suitable screening and / or enclosures that meet the recommendation set out in the submitted noise assessments VA3335.200716.NIA and VA3335.220214.L1

Reason: To ensure the proposed plant equipment does not result in harm to the residential amenity of the occupiers of neighbouring properties.

- 8) No part of the development shall be first occupied or operated until the car parking spaces and Electric Vehicle Charging Points have been constructed and laid out in accordance with the approved 'Proposed Site Layout drawing no: 12042051-PSL-19-D. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate car-parking provisions for the petrol station and to prevent the need for vehicles parking on and thereby obstructing the highway, leading to highway safety issues.

- 9) If pursuant to condition 4 contaminated land remediation is required, the development hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

- 10) No part of the development shall be first occupied or operated until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 11) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with the agreed site layout plan, ref: 12042051-PSL-19-D. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

12)The forecourt flood lighting and baulkhead lighting hereby approved shall be installed in accordance with the specifications detailed within the agreed Lighting Specification and Assessment report and Proposed Lighting Plan (both referenced: SH63) prepared by GW Lighting Consultancy and dated 12.10.2021. and shall thereafter be kept appropriately maintained to. The lighting shall not be operated between outside of the petrol station opening hours or between 22:00 hours and 06:00 hours.

Reason: To ensure the external lighting does not result in significant harm to the residential amenity of the occupiers of neighbouring properties.

13)All hardstanding hereby permitted shall be constructed with permeable sub-base and surfacing material and maintained as approved in perpetuity.

Reason: To manage surface water within the application site and to reduce the risk of surface water running off the site.

14)The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

15)The premises hereby approved (i.e the shop and petrol filling pumps shall not be used except between the hours of 06:00 hours and 22:00 hours Monday to Sunday, inclusive of bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Block Plan (A3)	1242051 BP 19		24.01.2020	Approved
PLAN - Proposed Site Layout (A1)	1242051 PSL 19	D	09.12.2021	Approved
PLAN - Proposed Site Elevations (A1)	1242051 PSE 19	D	10.12.2021	Approved
PLAN - Location Plan (A4)	1242051 LP 19		24.01.2020	Approved
PLAN - Internal Sales Building Layout (A1)	1242051 ISBL 19	D	10.12.2021	Approved
PLAN - Proposed Sales Building Elevations (A1)	1242051 PSBE 19	D	10.12.2021	Approved

INFORMATIVES

1) 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.

For further information on this application please contact Luke Simpson on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q4LVUKERMPU00>