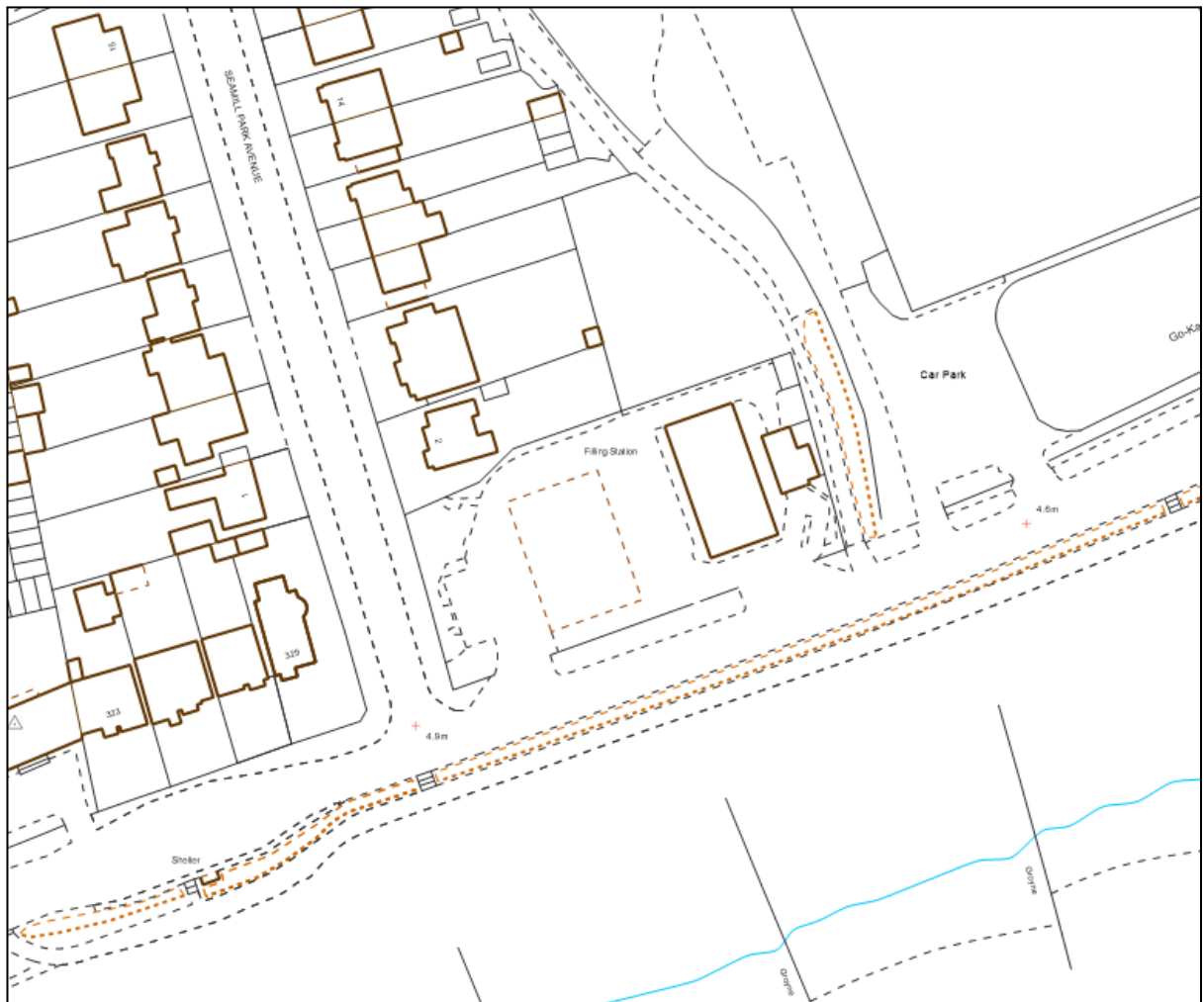


Application Number:	AWDM/1586/23	Recommendation - APPROVE
Site:	331 Brighton Road, Worthing	
Proposal:	Extension of existing sales building to accommodate a new 'food-to-go' including drive-thru, removal of car wash, provision of two jet washes and relocated car care bay, reconfiguration of car parking, new bin store and associated works.	
Applicant:	Motor Fuel Limited	Ward:Selden
Agent:	JMS Planning & Development Ltd	
Case Officer:	Jacqueline Fox	



Not to Scale

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Introduction

Cllr Carl Walker has requested that the application go before committee

Site and Surroundings

The application relates to a petrol filling station and associated shop on the north side of Brighton Road (the seafront), with Brooklands Pleasure Grounds to the east and residential development to the north and west.

The sales building is situated at the eastern end of the site, with a car wash building beyond this. The petrol pumps and canopy are located towards the western part of the site, with customer car parking on either side of this, including 5 spaces on the western side of the site close to the main vehicular entrance.

The site is a 6 pump / 12 bay petrol filling station at 331 Brighton Road. In addition to fuelling facilities the site includes a 300.7m² shop facility which includes a sales area, coffee shop and customer toilet. There is currently an automatic "drive through" car wash located to the east of the sales building as well as an air/water facility in a dedicated bay in the west part of the site. The underground fuel tank fill point and associated vents are located towards the north west corner of the site and would not be affected by the proposals.

To the north of these customer car parking spaces is the air and water machine. The west boundary with Seamill Park Avenue is marked with a brick wall, with shrubs planted on the inside of the wall.

Large acoustic timber fences bound the north and east boundaries of the petrol station, with the northern fence separating the existing site from the residential properties to the north, and a grassed area to the east of their rear gardens, which belongs to the applicant, but does not currently form part of the petrol station site.

This grassed area of land is accessed via a separate grassed vehicular access from Brighton Road directly to the east of the site, which leads northwards towards garages at the bottom of the rear gardens of the houses further north in Seamill Park Avenue, and provides access to these garages and to the garden gates of these properties. This access track passes the open grassed area of land before reaching the garages. The land includes various shrubs and trees as well as a grassed area, and is understood to be maintained by the residents of Seamill Park Avenue for the purposes of nature conservation and for occasional recreational use by the local community.

There is a Tree Preservation Order which applies to the group of trees in the northern part of the grassed area, and also alongside the vehicle access which runs past the eastern edge of the site.

Proposal

The proposals involve the following:

- Removal of the existing automatic car wash (and associated plant room), and replacement with two jet wash bays.

- 115.4m² extension to existing retail building to provide customer seating and servery area (27.8m²), plus kitchen and back of house area (79.2m²) and drive through window and servery (8.4m²).
- Repurposing and redevelopment of car wash access and route to form a drive through lane for customer use.

The sales building's footprint will remain as existing with an extension of 115 sqm to the rear utilising the space currently occupied by the car wash and plant, to accommodate a 'food-to-go' unit and drive-thru. In addition, the car wash will be removed and two new jet washes and a car care bay are proposed to the west of the site in the location of existing parking . Parking across the site is to be reconfigured, providing six spaces to the front of the sales building, with two additional spaces to the northern boundary.

The coffee shop operator within the existing retail unit is to change under the development proposals, however, the part of the building they occupy is not materially altering.

The operating hours are 6:00hrs to 23:00hrs

The trip rates have been calculated per filling bay, as opposed to total site area; the resulting TRICS data shows the trip rates for one filling bay, as well as the calculation for twelve bays.

Existing

AM peak: 108-116 arrivals, and 105-112 departures

PM peak: 125-134 arrivals, and 126-133 departures

Proposed

As shown, the proposed drive through element at the site could be expected to generate 6- 12 new arrivals during the peak hours.

The proposals form an additional facility at an existing petrol filling station. The applicant's agent has indicated that while they could attract new customers by car into the site, it is expected that during the peak hours especially, around 50% of users of the proposals could be linked with an existing fuel or convenience shopping trip associated with the existing operation of the site.

In addition to this, some existing coffee shop customers could also opt to use the new facility at the site.

Relevant Planning History

The petrol station appears to date back to the early 1990s or possibly earlier.

The provision of an 'additional floodlit jet wash bay' was approved in 1994 (94/05069/FULL).

Redevelopment of the site was permitted in 2003 (reference 03/00817/FULL - *Demolition of existing structures / buildings and removal of existing underground tanks. Redevelopment to provide new forecourt, (canopy, pumps, underground tanks), Class A1 sales building, ATM, car-wash, car care facilities, car parking, landscaping and revised access. (Re-submission of previously refused application WB/02/01304/Full).*

The *'installation of various internally illuminated signs'* was permitted in 2003 (03/01297/ADV refers).

Permission was granted in January 2019 for *'Relocation of ATM to west elevation of building for Brooklands Service Station and installation of full-height glazing to south and west elevations to facilitate new internal cafe area with seating'* (AWDM/1758/18).

Permission was granted in May 2019 for *'Installation of replacement of 4 no. internally illuminated fascia signs, 1 no. updated internally illuminated Totem sign'* (AWDM/0515/19).

An application was submitted in November 2020 for *'Installation of 8no. new electric vehicle chargers with canopy and associated infrastructure. New 2.4m high timber compound to be installed'*. This application was withdrawn in March 2021 (AWDM/1825/20) due to concerns regarding the proposed location of the development on undeveloped land to the north of the petrol station compound and its impact on the residential amenity of nearby houses.

AWDM/1342/20- Installation of 2No. Jet Wash Machines and associated works- Approved

AWDM/0678/21-Installation of 8no. new electric vehicle chargers with canopy and associated infrastructure. New 2.4m high timber compound to be installed-Refused:

The proposed development on land to the rear of properties in Seamill Park Avenue would constitute an unneighbourly form of development and result in a loss of residential amenity. In particular, the commercial use of this undeveloped land by virtue of vehicle movements, lighting and general activity would be detrimental to the amenities of residents of Nos. 2-6 Seamill Park Avenue. As such, the proposal is contrary to Saved Local Plan Policies H18 and RES7, National Planning Policy Framework paragraph 127, and Submission Draft Worthing Local Plan Policy DM5.

Consultations

West Sussex County Council Highways:

Background

WSCC in its role as Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and accessibility considerations. The proposals are as described above. Brooklands Service Station is an existing Petrol Filling Station (PFS) in a mixed area, including residential, fronting the sea. The

proposal seeks the removal of the car wash and proposes a sales building extension to facilitate a food to go/hot food takeaway offer with drive-thru facility.

The LHA provided an initial consultation response on the 19th December 2023 and requested further information from the applicant on the likely number of trips the proposed development would generate. It was advised that this should use the TRICS (Trip Rate Information Computer System) TRICS database. We are in receipt of a Transport Note (TN) which provides additional information as requested.

Comments

The site will utilise an existing vehicular access arrangement onto the A259. Whilst no visibility splays from the existing points of access have been provided, an inspection of the plans does suggest that adequate visibility is present in both directions from the existing point of access.

As requested the traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. TRICS is an accepted means of determining traffic generation. The TN has assessed similar PFS facilities in comparable locations to give an estimate of the likely changes in traffic generation. Using this data the analysis has shown that the proposed extension could result in a small increase in traffic generation, in the order of 6 and 12 vehicles in the AM and PM peak hours respectively. As the TN suggests the figure could reduce if any of these customers were existing PFS customers (whether fuel, retail or switching from the other food offering at the site).

Accounting for the above, it's apparent that trips generated by the site quickly disperse across the nearby road network. The assessments clearly demonstrate that the site access would work well within theoretical capacity.

Conclusion

Having regard for the current usage at the site and the additional information submitted the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and that there are no transport grounds to resist the proposal.

Adur & Worthing Councils:

The ***Environmental Health*** officer

The noise report is fine and I have no issues here. It's just any potential odour from kitchen extracts and what plant and abatement is necessary. If it is not known yet this could be conditioned.

I have had a look at the site and walked along the boundary with 2 Seamill Park Avenue, there is a large and robust fence between the garage and residential property and I noted wafts of petroleum from the forecourt as I walked the perimeter.

Noise from the nearby A259 was the dominant noise source in the area. The same perimeter route is used for the existing car wash and I don't think an argument regarding fumes from queueing traffic will stand, given the existing petroleum forecourt.

The current opening hours of the garage are 6am until 11pm You could alter the food to go operating hours until 7am to keep the use within daytime hours.

I note that the acoustic report estimates that the food to go could process up to 48 cars an hour, I don't know how this compares with the Highways data. I note that vehicles manoeuvring into and out of the jet wash booths will cross the food to go route, and the filling point for the tanker is again on this food to go route so there will be obstructions at times to food to go customers that could cause backups on the main highway. I must point out though that this is not my area of expertise and these questions should be put to WSCC Highways.

As previously stated we will need a condition for the kitchen extraction for the food to go premises which should cover noise and odour abatement. This should be provided and agreed with the LPA before installation.

As previously stated there will be no EH objections to the application.

Drainage Consultants

Following a review of the submitted information, we would recommend the approval of the application with the following condition attached:

Condition 1: Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the NonStatutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The drainage scheme will demonstrate the site's discharge rates to be as close as reasonably practicable to that of greenfield. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur & Worthing Council.

Environment Agency:

Environment Agency position

We have no objection to the proposal provided that the following conditions be attached to any planning permission granted, and that the details in relation to these

conditions be submitted and approved by the Local Planning Authority.

Condition 1 – Remediation strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed
1. assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
4. 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 (3) 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 written consent of the local planning authority.

The scheme shall be implemented as approved.

Reasons for condition 1

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

The use of the proposed development site as a fuel station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal aquifer.

The submitted 'Planning Statement, Brooklands Service Station 311 Brighton Road (A259), Worthing, West Sussex, BN11 2HP, JMS Planning and Development,

November 2023' demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 2 - Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons for condition 2

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3 - Previously unidentified contamination

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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reasons for condition 3

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4 - SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

Reasons for condition 4

The use of the proposed development site as fuel station presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the above planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

Advice to the Applicant

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- Treated materials can be transferred between sites as part of a hub and cluster project.
- Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice.
- The waste management page on GOV.UK.

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Southern Water:

In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 450 metres from the East Worthing Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

Due to the potential odour nuisance from a WasteWater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. The service we provide to review the assessment and/or complete a site survey is chargeable, more information regarding our fees can be found on our website; Connection charging arrangements (southernwater.co.uk).

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul rising main within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 100 mm diameter rising main requires a minimum clearance of 3 metres on either side of the rising main to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public rising main without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public rising mains or water mains.
- All existing infrastructure should be protected during the course of construction works.

please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

Areas used for vehicle washing should only be connected to the public foul sewer upon receipt of a trade effluent discharge licence.

The Trade Effluent application process for non-household (NHH) customers has changed since April 2017. This was a government decision to open the Market to competition. In order to apply for a consent, you will need to engage a Retailer and submit the application through them.

Southern Water (SWS) is still the owner of assets (Wholesaler), but all administrative or billing matters are conducted by the Retailer of your choice.

Attached is a link to the Open Water website that lists Retailers available. Please note that not all Retailers will provide a Trade Effluent service. open-water.org.uk/for-customers/find-a-retailer/suppliers/english-water-and-wastewater-retailers

Once we have received an application via your appointed water retailer, we have 2 months to issue a consent or refuse the application. Any requirement to discharge directly to the environment will require a permit/consent from the Environment Agency.

Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent:

The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:
developerservices.southernwater.co.uk

and please read our New Connections Charging Arrangements documents which are available to read on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

National Highways

No objection

Representations

Petition from residents of Seamill Park Estate with 77 signatures

Object strongly to the proposal to develop a fast food facility, together with the installation of two jet wash booths. We consider this is to overcrowded development of the petrol station not in any way to the benefit of the Seamill Park Estate:

Other concerns are:

Highway safety, both inside and outside the site, petrol fumes and idling vehicles, noise disturbance, generation of litter.

2 Seamill Park Avenue

- The application will do nothing to benefit the surrounding community
- The lane to the east of the site not a public footpath but a private right of way serving properties along the east side of Seamill Park Avenue
- The area to the north of the site until it was enclosed was recently maintained by local residents. Rights of access to local residents have now been blocked.
- Added conjunction on the A259
- Overdevelopment of the site with inadequate parking
- The development will create additional rubbish which will end up in surrounding development and Brooklands park
- Increased noise and fumes as cars queue with their engines running
- Increased hours for the food to go is unacceptable.
- impact on health from fast food restaurants

12 Seamill Park Avenue

- Inadequate notification in the area of the proposal
- The new refuse enclosure is outside the current boundary, there are covenants on the land that restrict development.
- The development does not contribute to the health, social and cultural wellbeing of the population.
- The proposal does not comply with para 8 or 115 of the NPPF
- The proposal does not comply with policy DM5 of the WLP increasing noise, air pollution and increased vehicle movements including idling cars waiting for food service
- Increased traffic and conjunction on the A259 and local roads
- Inadequate parking on site
- The proposal does not promote any of the objectives of policy DM8 and litter is a real problem
- The development would be contrary to DM16 increasing carbon emissions and produce more waste
- There is no need for fast food in this location
- The proposal will increase noise from the jet wash and idling cars
- Refuse from the site has been a constant problem, with inadequate bins and storage. Litter is often cleared by local residents and a fast food outlet will add to this litter issue.

14 Seamill Park Avenue

- Increased traffic
- Congestion causes a rat run through Seamill Way, Seamill Park Crescent and Seamill Park Avenue, the development will make conjunction worse for local residents
- Impact on on road parking in Seamill Park Crescent and Seamill Park Ave impacting residents and visitors
- Noise pollution
- Harmful emission from idling engines
- Increased litter
- Increased vermin and health and safety concerns
- Impact on the Brooklands Open space

16 Seamill Park Avenue

- Concerns about litter collecting on private property and surrounding land
- Increased traffic and congestion
- Increased noise and disturbance from the 'food to go'
- smells from the 'food to go'

327 Brighton Road

- Increased litter
- Increased air pollution from exhausts and odours
- Increased traffic and noise
- Inadequate on site parking
- The plan will have a detrimental effect to the well being of the users of Brookland Park which is contrary to the Council Master Plan for this site

85 Wembley Avenue Lancing

- Impact on the busy road network
- Increase rubbish
- There are too many fast food outlets
- The scheme does not promote healthy lifestyles

Tim Loughton MP

- Increased congestion on the busy A259
- Constrained site inadequate space for further development
- The opening hours are far in excess of the the current opening to the detriment of local residents
- Increased air pollution from congestion
- Local residents are concerned about litter which is already a problem
- The development will change the character of the area

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations 18 Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:

DM5 Quality of the Built Environment;

DM6 Public Realm

DM7 Open Space, Recreation and Leisure;

DM8 Delivering Infrastructure

DM13 Retail & Town Centre Uses;

DM15 Sustainable Transport & Active Travel

DM16 Sustainable Design:

DM17 Energy:

DM18 Biodiversity:

DM19 Green Infrastructure

DM20 Flood Risk and Sustainable Drainage:

DM21 Sustainable Water Use & Quality:

DM22 Pollution

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Planning Assessment

Principle

The site is an existing petrol filling station with a car wash, a retail element and a cafe.

The application proposes a sui generis use for 'food to go' extending the building by approx 115 sqm. The retail and cafe will remain at a similar size. The jet wash and proposed bin stores would extend the commercial site area marginally into a green space to the north.

In terms of the additional retail development, the National Planning Policy Framework (NPPF) indicates that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

The NPPF also requires an impact assessment for developments involving an additional 2,500 sqm gross or more floorspace. The Worthing Local Plan (WLP) sets a threshold of 500 sqm. The proposal in this case therefore falls below these thresholds as it provides a net increase of approx 115 sqm over the existing sales building floorspace. As such an impact assessment is not required.

The proposed use is part of an established petrol filling station which the applicant indicates will support the wider use of the site, meeting the needs of motorists and also people visiting and living in the local area.

A review of the sequential sites has been undertaken taking into account the site, the role it services and the fact that this proposal is focused on improving services for motorists the focus of sequentially preferable sites has been focused on the location around A259.

Their assessment of potentially sequentially preferable sites seeks a site of circa 0.25 ha, which could accommodate the whole development in its entirety, i.e. the petrol station and its extension. Given the size of the site and the requirement to be situated on or immediately adjacent to the A259, this therefore significantly restricts the number of development sites that can be considered.

Accordingly, in undertaking this assessment of sequentially preferable sites, they have been unable to find any obvious suitable sites which would be sequentially preferable and meet the 'Dundee' principle.

Given the existing uses on the site, the scale of development and its location it is not considered that there will be any significant diversion of trade from any centre. On this basis it is considered that the proposal accords with the relevant national policy in this regard and Policy DM13.

The NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is followed through into local policy within policy DM10 the development has potential for the creation of additional employment.

Impact on the character and appearance of the area

The site is an existing service station with an automated car wash facility. The application proposes an extension of approx 115 sqm to the east of the existing sales building. The proposed extension is a similar site and height to the existing car wash and as such it is not considered that it would have a detrimental impact on the visual amenity of the area.

The proposed jet wash facility would be on the western part of the site on primarily the site of existing parking spaces. The landscaping to the north and west will be retained and although relatively low it does provide some softening to the site. Although more prominent in the area, in view of existing development it is not

considered that would have a detrimental impact on the character of the site or surrounding area. Furthermore Planning permission has already been granted for jet wash facilities in a similar position in 2020.

The scheme will involve a more intensive form of development for the site, with the 'food to go' element increasing the number of traffic movements to the site and an enhanced overall service station facility. However in view of its siting on the A259 on the edge of residential development and Brooklands Park it is not considered that the intensity of the use would be such as to refuse the application.

Residential amenity

The application proposes an extension to the east side of the existing sales building. The building itself is largely screened from the nearest residential properties in Seamill Park Avenue. However the drive thru element does route to the north of the site adjacent to particularly No 2 Seamill Park Avenue.

The Environmental Health Officer has visited the site and analysed the noise report. It is noted that there is a robust fence to the south side of No 2 Seamill Park Avenue and the property is set off the boundary. Although the route for the 'food to go' element will pass close to this boundary fence in view of other uses on the site and the fact that the route is currently for the existing car wash it is not considered that the proposed use and potential for idling of cars waiting in line for 'fast food' will cause an increase in noise or air quality on this boundary so as to refuse the application.

The application also proposes two jet wash areas to the west of the site. These are however set well off the north boundary with No 2 and a similar facility was approved in 2020.

The Environmental Health Officer is satisfied with the noise report but has suggested that the 'food to go' may be more appropriate to start at 7am to keep it within the daytime.

Accessibility and parking

The site will utilise an existing vehicular access arrangement onto the A259. The vehicles to the new drive thru facility will use a similar route to the existing car wash facility. The scheme would involve the removal of 5 parking spaces primarily to make way for the jet wash facility (previously approved in a similar format)

The traffic flow generation is based upon the use of TRICS, an accepted means of determining traffic generation. The data has assessed similar facilities in comparable locations to give an estimate of the likely changes in traffic generation. Using this data the analysis has shown that the proposed extension could result in a small increase in traffic generation, in the order of 6 and 12 vehicles in the AM and PM peak hours respectively, some movement may also be joint movements. On this basis the LHA considers that trips generated by the site will quickly disperse across the nearby road network. The LHA considers that the assessments clearly demonstrate that the site access would work well within theoretical capacity.

Local Residents have raised concerns that the proposal will cause congestion on the A259, it will create a further rat run through Seamill Way, Seamill Park Crescent and Seamill Park Avenue, and will impact on road parking along Seamill Park Crescent and Seamill Park Avenue impacting residents and visitors. As indicated above, although there are concerns regarding congestion on the A259, the Highway Authority has not raised concerns and as such unless further advice comes forward there would not be a basis to refuse the application on highway impact grounds. The surrounding roads are heavily parked partly due to the location close to the seafront front. The 'food to go' element will be a drive through facility and although there may be circumstances of additional parking on the surrounding network it is not considered to be so detrimental that a refusal of planning permission could be justified. Members are aware of the advice in the NPPF that any refusal on highway grounds would need to demonstrate that there would be a 'severe' impact on the local highway network.

Sustainability

Policy DM16 (sustainable design) seeks to ensure all development meets the relevant minimum standards as set out in the policy.

The applicant's agent has indicated that MFG are committed to meeting the latest Building Regulations requirements and will exceed these where possible. As the proposal includes an extension to an existing building this makes best use of what is currently on site adapting and expanding to meet operational needs in a sustainable manner. The building extension will be designed with energy efficient appliances and LED lighting. Recycling storage is designed into the refuse area and the contractor will also recycle/reuse as much as possible during the construction phase.

Landscaping, Ecology and biodiversity

The site is primarily hard surfaced with a strip of landscaping to the western side which is grassed with low but maturing hedging and trees.

The applicant's agent has indicated that the site is an existing operational petrol station with its associated paraphernalia and activity and is therefore unlikely to support much biodiversity. The area to the rear of the site closest Brooklands Pleasure Park is mainly existing hard standing or built form, including an operational car wash, with minimal landscaping so there is no meaningful biodiversity in this area, according the changes to this area will have no impact on biodiversity. The new jet washes are proposed primarily on an existing car parking area but extend, very marginally, into an ornamentally planted area which is heavily managed. They indicate that there remains scope for enhanced planting of the existing landscaped area if deemed appropriate and happy for this to be dealt with by condition.

Policy DM18 part h) indicates:

New developments (excluding change of use and householder) should provide a minimum of 10% net gain for biodiversity - where possible this should be onsite.

Where it is required/necessary to deliver biodiversity net gain offsite this should be part of a strategic ecological network having regard to Green Infrastructure and Local Nature Recovery strategies. Where it is achievable, a 20%+ onsite net gain is encouraged and is required for development on previously developed sites. Major developments will be expected to demonstrate this at the planning application stage using biodiversity metrics. This should be accompanied by a long term management plan.

As indicated by the agent the bulk of the proposal is being carried out on an already developed area with only a very small amount of landscaping being removed by the new Jet wash bays. Given the site is an operational petrol station this is not the most inviting environment for biodiversity and the agent has indicated that their client would not want to commit to long term landscaping of thirty years plus (due to the evolving nature of petrol filling stations as new fuel and technology advances). They are happy to look at potential off-setting scheme to ensure more meaningful biodiversity enhancement is provided in a more suitable location.

Other issues

Local residents have raised concerns about litter from the current operations of the site and consider that this will potentially get worse from a further 'food to go' operation.

The site includes a new area at the north east corner of the site within a currently grassed area for waste storage. The current enclosure is not roofed but the applicant's agent has advised that they will consider a roofed enclosure if required. They indicate that there are multiple bins around the site for customers to use which are routinely emptied and this would be part of the ongoing management of the site. They have indicated that they would agree to a litter management plan which could be conditioned.

Conclusion

The application proposes a 'food to go' element on an existing service station site which currently includes an element of retail and a cafe use. The application and supporting information indicates that the proposal would not have an impact on the highway or cause a noise nuisance. The site is on the edge of a residential area and there is not considered to be a direct impact on the amenity of local residents or the character of the area.

It is acknowledged that there has been considerable concern from local residents over the impacts of the development, however, in view of the comments of the LHA and the Environmental Health Officer together with supporting comments from the applicant's agent to deal with concerns on litter there is no objection to the proposal.

Recommendation

APPROVE - to delegate to the Head of Planning and Development to grant planning permission subject to the receipt of satisfactory amended plans to provide a roof to the waste storage area and to the following conditions:-

1. Approved Plans
2. Hours of construction
3. Waste management plan
4. Details of materials
5. Submission of a Landscaping plan
6. Off-site Biodiversity measures to be agreed
7. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.
8. Remediation strategy to be submitted
9. Verification Report
10. Previously unidentified contamination
11. No infiltration of surface water into ground
12. Surface water drainage scheme
13. Details of kitchen extraction for the food to go premises which should cover noise and odour abatement
14. Hours of 'food to go' 7:00am to 23.00pm
15. Details of lighting and signage
16. Details of marking of the forecourt for 'food to go' operation