



TO: Planning Committee North

BY: Head of Development

DATE: 02 July 2019

DEVELOPMENT: Erection of a petrol filling station comprising 4no. pump islands, ancillary forecourt building, 36no. car parking spaces (incl. 2no. disabled spaces and 9no. staff parking, 7no. electrical vehicle charging points), an associated access, landscaping and planting

SITE: Little Clovers Farm Crawley Road Faygate Horsham West Sussex RH12 4SA

WARD: Colgate and Rusper

APPLICATION: DC/19/0095

APPLICANT: **Name:** BP Oil (UK) Ltd **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: To approve application subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks full planning permission for the erection of a Petrol Filling Station and convenience store, including the provision of 4no. petrol pumps, and associated car parking, landscaping, and planting. New access points to the north-east and south of the site are also proposed to provide entrance and exit points respectively.

1.3 The proposed Petrol Filling Station and associated forecourt would be positioned to the east of the application site, with the south-west of the site landscaped to provide a seating area and electrical substation. The remainder of the site would be laid to hardstanding, and would incorporate a total of 23no. vehicle parking spaces and 2no. disabled bays. The proposal also includes 7 electric vehicle charging bays.

1.4 The building comprising the sales building/convenience store would be located centrally within the site, and would be built into the site to accommodate the existing land levels. The frontage of the building would be oriented to face north-east, with the goods/service area positioned to the south-west. The building would measure to a length of 27.3m and a width

of 12m, and would measure to an overall height of 4.3m. The building would be finished in composite steel clad panels, and composite metal sheeting to the roof. The forecourt comprising 4no. petrol pumps would be positioned to the north-east of the sales building, and would be enclosed by a canopy measuring to a height of 5.9m.

- 1.5 The remainder of the site would be laid to hardstanding and used for parking and manoeuvring, with a service area providing a picnic area and small amenity space positioned to the north-west of the site. An entrance and an exit access point is proposed to the north-east corner and southern boundary respectively, with the latter exiting directly on to the A264.
- 1.6 Additional planting and screening is proposed along the southern perimeter of the site, with planting also proposed along the western perimeter separating the service area, amenity space, and electric substation.
- 1.7 The application is a revised scheme following the refusal of a similar development on the site under planning reference DC/14/2071.

DESCRIPTION OF THE SITE

- 1.8 The application site comprises part of a roughly triangular shaped pasture field and a large part of existing highway embankment adjacent to the A264 which extends as far west as Little Clovers Farm, a rural farmstead. The field boundaries are lined by trees and hedgerows, and part of the A264 highway embankment, which is included within the site, is heavily vegetated with native species trees and shrubs of semi-mature size. A small scale sewage farm facility lies adjacent to a short section of the northern boundary. Nevertheless the site and its surrounds have a predominantly rural character. The field is gently undulating falling to a stream course on the northern boundary.
- 1.9 The A264, Crawley Road is a rural dual carriageway with two lanes in each direction. The section fronting the site benefits from a system of street lighting and is derestricted clearway subject to a 70mph speed restriction. There is a bus stop with lay-by at the eastern most end of the site frontage with a footway connection to Faygate Lane.
- 1.10 The site lies close to the boundary with and within the wider landscape setting of the High Weald Area of Outstanding Natural Beauty (AONB). Public views of the site can be obtained from the A264, the Crawley-Horsham railway and a nearby public right of way to the north. The site also falls within the Low Weald National Character Area as defined by Natural England. At a district level the Horsham District Landscape Assessment 2003 shows the site lying within Warnham and Faygate Vale.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

- 2.3 **National Planning Policy Framework**

- 2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

2.5 Colgate Parish is not yet designated as a Neighbourhood Plan Area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/14/2071	This is an outline application for a Petrol Filling station and convenience store. The proposals seeks permission for access only, with all other matters reserved.	Application Refused on 17.06.2015. A subsequent appeal was dismissed on 11.07.2016.
------------	---	---

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

3.2 **HDC Landscape Architect:** No Objection

The site lies within the Local Landscape Character Area 11: Faygate and Surrounds of the Horsham District Landscape Capacity Assessment (LCA). The LCA has assessed that this area has no/low capacity for larger scale development due to the combined moderate landscape character and high visual sensitivity.

The buildings and ancillary equipment have been contained to a corner plot adjacent to Faygate village, and to the east of the existing sewage works. By constraining the extents of the development to this plot, the open countryside separation and landscape character between Faygate village and Little Clovers Farm has been retained along the A264. This corner location is situated at a 'gateway' to Faygate Village, and has a small degree of

vegetation creating separation between the site and the existing housing along Faygate Lane.

The layout itself is comprised of a fairly typical petrol station/convenience store configuration, with generic buildings and forecourt. The sections provided show that the development will be 'cut-in' to the landscape, lowering it on the boundary with the A264. The proposal follows the line of housing into Faygate village along Faygate Lane, and as such could read as an extension to this linear development. The opening to the existing hedgerow to provide the exit road will afford views into the petrol station from the NE bound lanes of the A264.

The fact that this development becomes a 'gateway' feature in and out of the village means that any boundary treatments and internal features visible from outside the development (probably more visible when exiting the village onto the A264), would need to preserve and enhance the rural feel of the area.

The landscape character of the area will be affected negatively by the increase in activity by customers of the petrol station, and the resultant noise and light will also fail to 'preserve and enhance' the rural character. This will have the greatest effect on the dwellings on the southernmost portion of Faygate Lane, but with such close proximity to the A264 which itself is a busy road and illuminated, the increase in activity or lighting may or may not appear within this background.

Amendments to the proposed landscaping scheme, which have softened the boundary treatments, will improve the integration of the development into this corner plot relate better to the surrounding vegetation and landscape. This will also help screen the buildings at both openings into the site and thus minimise the urbanising effect it would have on the entrance to the village. The revised scheme can therefore be supported on landscape grounds.

3.3 **HDC Environmental Health: No Objection**

The conclusions and recommendations contained within the revised Environmental Noise Report and Lighting Assessment support the view that the proposed development should not adversely affect neighbouring dwellings.

The conclusions of the Environmental Site Assessment Report are accepted, subject to a condition relating to the remediation of any other contamination found during construction.

3.4 **HDC Drainage Engineer: No Objection**

OUTSIDE AGENCIES

3.5 **WSCC Highways: No Objection**

The Transport Statement confirms that the North Horsham development has been considered in the 2031 models presented within the TA as the traffic flows have been taken directly from the TA for that proposal. Further information on the effect of redistributing traffic to enter and exit the Petrol Filling Station has been provided and this identifies that the increase in flow on the A264 approach to the roundabout equates to less than 4% of the baseline traffic flows. Finally the Transport Statement confirms that no material impact on the performance of the junction is therefore expected.

Following the addition of further information the Local Highway Authority does not consider that the proposed would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal subject to conditions.

3.6 **High Weald Advisory Board: Objection**

It is considered that the impacts on the local landscape and the AONB of the current proposal are similar to those of the appeal proposal. The High Weald AONB Unit objects to this proposal on the grounds that it would be harmful to the character and appearance of the area including on the setting of the AONB, contrary to objective OQ4 of the High Weald AONB

Management Plan, which seeks to protect and promote the perceptual qualities that people value, and paragraph 172 of the NPPF.

3.7 Ecology Consultant: No Objection

Following review of the revised "Outline Ecological Impact Assessment" document prepared by Eco Tech and dated April 2019. The report is now considered to provide the necessary site information and impact assessment. The mitigation and precautionary measures detailed in section 5 are proportionate to the impacts and should be secured by an appropriately worded condition

3.8 Southern Water: No Objection

3.9 WSCC Flood Risk Management: No Objection

PUBLIC CONSULTATIONS

3.10 Colgate Parish Council: Concerns raised in respect of the following:

- Overdevelopment of the site
- Potential pollution
- Safety of access arrangements

3.11 13 letters of objection were received, and these can be summarised as follows:

- Does not accord with development strategy
- Noise and light pollution will adversely impact neighbours
- Increased safety risk at access point
- No need for convenience store and Petrol Filling Station
- Impact on adjoining High Weald Area of Outstanding Natural Beauty
- Impact of construction on traffic and neighbouring amenities
- Loss of trees and landscaping

3.12 6 letters of support were received, and this can be summarised as follows:

- Need for Petrol Filling Station
- Benefit of electric charging points

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The application seeks full planning permission for the erection of a Petrol Filling Station, including 4no. petrol pumps, and associated access, hardstanding, and landscaping.

Principle of Development

- 6.2 A previous Outline application under planning reference DC/14/2071 was refused and subsequently dismissed at appeal for the erection of a Petrol Filling Station and convenience store. The application sought permission for a forecourt comprising 10no. car pumps and 4no. pumps for heavy goods vehicles, along with 12no. car parking spaces, a 3000sqft convenience store, and associated landscaping.
- 6.3 The proposed Petrol Filling Station and associated retail facilities were not considered essential to the countryside location as they could be located in an urban location. While it was acknowledged that the proposal could provide facilities for those travelling on the road network, there was no justification provided that there is a deficiency in provision of fuelling facilities in the area against recognised standards.
- 6.4 In addition, the proposal was considered likely to result in a significant adverse urbanising impact on the predominantly rural landscape character of the site and the surrounds to the north and west; both of which were considered to contribute to the landscape setting of the High Weald Area of Outstanding Natural Beauty (AONB). It was considered that the scale of the proposed development would result in the introduction of built form, the removal of extensive existing vegetation, and large scale intrusive earthworks to construct new entrance/exit points, together with associated advertising signage and lighting, that would cumulatively erode and have an adverse impact on the landscape quality, character, and natural beauty of the AONB itself.
- 6.5 Due to the elongated configuration of the site, it was concluded that the effect of the development would create a visually intrusive ribbon of development that reduces the openness and break between the existing settlements of Faygate and Horsham, with an increase in urbanising activity, and no positive contribution made to conserving and enhancing the landscape.
- 6.6 The current application has sought to address these concerns by reducing the area of the site from 0.8ha as previously proposed to an area of 0.52ha, and consolidating the level of development proposed. The proposal seeks a reduced built form of approximately 330sqm, with a reduction to 4no. car pumps, with the relocation and reduction in the extent of the access points. These alterations have sought to create a greater sense of separation between Faygate and Horsham, with the built form located in a reduced area that would sit at a lower level immediately adjacent to the roundabout junction.
- 6.7 The Applicant has provided a Supporting Statement addressing the need for a Petrol Filling Station within the locality. This outlines that the Department for Transport has consistently promoted the concept of a network of service areas to meet the needs of the travelling public and commercial vehicles. A network of appropriately spaced service areas should provide opportunities for rest away from the road itself, free toilets, refuelling facilities for a range of vehicle types, and the purchase of hot and cold food. The overall aim is to reduce the risk of tiredness and fatigue, and the dangers of running out of fuel on high speed roads. It is a well-established principle that access to these service areas should be established, and to be effective, this detour should be as small as possible.
- 6.8 The Applicant has remarked that there is a deficit within the locality, with the nearby Petrol Filling Stations being inconveniently placed and at an unreasonable distance to service the strategic road network. It is contended that the proposed development would be well placed to serve the gap in the market and locality, with the location satisfying service area policy and ensuring that the needs of drivers are conveniently and efficiently met close to the strategic road.
- 6.9 Policy 7 of the Horsham District Planning Framework (HDPF) states that sustainable development in the District will be achieved by: redevelopment, regeneration, intensification and smart growth of existing employment sites; the formation and development of small, start-up and move-on business, as well as home working and home based businesses, by

encouraging provision of small units through development proposals; and identifying additional employments areas to meet the need for appropriate new business activity.

- 6.10 Policy 10 of the HDPF states that sustainable rural economic development and enterprise within the District will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must: contribute to the diverse and sustainable farming enterprises within the District or, the case of other countryside-based enterprises and activities, contribute to the wider rural economy, and/or promote recreation in, and the enjoyment of, the countryside; and either be contained wherever possible within suitably located buildings which are appropriate for conversion, or in the case of an established rural industrial estate, within the existing boundaries of the estate; or result in substantial environmental improvement and reduce the impact on the countryside.
- 6.11 The Local Plan is currently being reviewed, where a review of built-up areas has been undertaken. The Review has revisited 'unclassified settlements' defined in Policy 3 of the HDPF, and sought to identify areas where some limited development may be appropriate. The unclassified settlement of Faygate has been considered as part of this Review, where it has been determined that the settlement should be designated as a 'secondary settlement'. While the site and the settlement of Faygate remains within a countryside location, the findings of the Local Plan Review indicate the intention to designate Faygate as a 'secondary settlement'. Although not yet formally adopted by policy, the review indicates that the settlement currently benefits from access to some services and facilities, with good connections to nearby towns and villages.
- 6.12 Whilst the Council are not required to undertake needs assessments for specific uses such as Petrol Filling Stations, the Department for Transport have produced guidance (Circular 02/2013) on appropriate spacing between service areas and roadside facilities on motorways and trunk roads. This guidance recommends that maximum distances between service areas on trunk roads should be the equivalent of 30 minute driving time. The A264 is not classified as a trunk road, so the DfT recommendation does not apply; however, the Circular is useful to note in terms of a general approach to need.
- 6.13 There are currently no Petrol Filling Stations in Faygate, with the nearest to the application site being located in Pease Pottage approximately 5km to the east and Redkiln Way, Horsham approximately 4.5km to the south.
- 6.14 Given there is no formal guidance on the needs for a new PFS on roads other than trunk roads or motorways, it is considered reasonable to determine the acceptability of the proposed PFS on a review of other needs arguments, including commercial and local desire; as well as consideration of the appropriateness of the proposed Petrol Filling Station in its location.
- 6.15 The application site lies directly to the south-west of the ribbon development comprising Faygate, and directly adjoins the A264. The proposal would generate some local employment opportunities, and would provide economic and social benefits for the local community.
- 6.16 While the proposal would result in development within the countryside, it is recognised that the site lies directly adjacent to the settlement of Faygate, and would generate local employment opportunities and provide social and economic benefits for the local community. The site is well-connected to the strategic road network, and is considered to provide a service that would contribute to the sustainable development of the District and contribute to the rural economy.

- 6.17 While it is recognised that a Petrol Filling Station in this location is likely to result in some landscape and amenity harm due to an increase in activity and external lighting, which would be contrary to Policy 26 of the HDPF, it is accepted that the nature of a Petrol Filling Station is often more appropriate in peripheral locations where access to strategic road networks is available. It is also noted that the scheme has been amended to address the initial concerns of the Landscape Officer to help mitigate the urbanising effect of the proposal.
- 6.18 For these reasons, it is therefore considered that there are special circumstances in respect of the public benefit arising from the proposed development that would justify a departure in this circumstance.

Design and Appearance

- 6.19 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.20 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible.
- 6.21 The previous application under planning reference DC/14/2071 was refused on the grounds of the scale of the development and the adverse urbanising impact the proposal would have on the predominantly rural landscape character of the site and that of its surrounds. It was considered that the cumulative impacts of the proposal would erode and have an adverse impact on the landscape quality, character and natural beauty of the rural setting and that of the High Weald Area of Outstanding Natural Beauty. It was therefore concluded that due to the elongated configuration of the site, the effect of the development would be to create a visually intrusive ribbon of development that reduced the openness and break between the existing settlements of Horsham and Faygate, with an increase in urbanising activity with no positive contribution made to conserving and enhancing the landscape.
- 6.22 The Applicant has sought to address the reasons for refusal by reducing the site area and consolidating the amount of built form. The sales building has been reduced in size, with a reduction in the number of car pumps, and the access points have been reduced in extent and re-sited to rationalise the development within the north-eastern corner of the site, adjoining the edge of the ribbon development comprising Faygate.
- 6.23 The sales building/convenience store would be located centrally within the site, and would be built into the site to accommodate the existing land levels. The frontage of the building would be oriented to face north-east, with the goods/service area positioned to the south-west. The building would measure to a length of 27.3m and a width of 12m, and would measure to an overall height of 4.3m. The building would be finished in composite steel clad panels, and composite metal sheeting to the roof. The forecourt comprising 4no. petrol pumps would be positioned to the north-east of the sales building, and would be enclosed by a canopy measuring to a height of 5.9m. The remainder of the site would be laid to hardstanding and used for parking and manoeuvring, with a service area providing a picnic area and small amenity space positioned to the north-west of the site.

- 6.24 An entrance and an exit access point is proposed to the north-east corner and southern boundary respectively, with the latter exiting directly on to the A264. Additional planting and screening is proposed along the southern perimeter of the site, with planting also proposed along the western perimeter separating the service area, amenity space, and electric substation.
- 6.25 The proposal has reduced the scale of the built form, with a reduction in the breadth of the site, and this has resulted in a cumulative reduction in the extent of development. The site has been rationalised, with the development in closer relation and proximity to the ribbon of development comprising Faygate. The consolidated site is focused within the eastern section of the field, which is set down from the A264, with the land levels continuing to slope down gently from south to north. Given this context, the proposed development has been cut-into the site to follow the existing ground levels, with the proposed ground level approximately 2m lower than the A264. This has sought to reduce the prominence of the built form when viewed from the public highway, with the addition of planting along the perimeter of the site seeking to reduce the intervisibility and perception of the development from the A264. In addition, the access points have been reduced in size and re-sited to further consolidate the development.
- 6.26 The built form has been sited to follow the build line of the linear development comprising Faygate, which allows the proposal to read as an extension to this build pattern. While introducing additional built form within an undeveloped area, it is considered that the proposal has sought to address potential landscape impact through the siting of the proposal, as well as the set down from the A264 and the additional planting along the southern perimeter. Such measures are considered to have reduced the visual prominence of the development, while conserving the rural landscape character of the setting. This is considered to integrate the proposed development within the surroundings, and minimise the urbanising impact of the proposal.
- 6.27 Following consultation with the Landscape Architect, it is acknowledged that the proposal would have an impact upon the landscape character of the area; however, following amendments to the proposed landscaping, it is considered that the proposal would sit more comfortably within the landscape setting.
- 6.28 It is considered that the proposed development, following its reduced extent, rationalised built form, and additional planting, would sit appropriately within the character of the site and surroundings, appearing as an extension to the built form of the linear development comprising Faygate. The proposal would sit as a gateway into the village, with the proposed planting and landscaping considered to conserve the rural character and landscape setting. It is therefore considered that the proposal would accord with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.29 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.30 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by *“...preventing new and existing development from contributing to, being out at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability...”*
- 6.31 The Applicant has submitted an Environmental Noise Report reference 1918732 dated 24 April 2019 which outlines recommended mitigation measures to ensure that noise is kept to a minimum. Following consultation with the Environmental Health Officer, the conclusions found in the Report are considered acceptable. No objection has therefore been raised in respect of noise and disturbance.

- 6.32 The proposed Petrol Filling Station would operate on a 24-hour basis. Following consultation with the Environmental Health Officer, no objections were raised to the principle of 24-hour operation on the site. However, concerns were raised in respect of the potential impact deliveries, particularly to the convenience store, would have on the amenity of the nearby residential properties. It is acknowledged that the delivery area is to the rear of the building, away from the residential properties, however it is considered reasonable to restrict the hours of delivery for the convenience store to mitigate any potential conflict. It is also proposed to limit the hours of delivery for petrol and diesel. While acknowledged that this is usually a gravity-led system which limits noise during the delivery process, a restriction in hours is considered reasonable.
- 6.33 The nearest residential dwelling from the proposed retail store would be over 100m, and would be separated by a mature tree line and landscaping. It is considered that due to the nature of the development and the separation distance to the nearest residential dwelling, that there would be no harm to residential amenity.
- 6.34 The proposed development is not therefore considered to result in harm to the amenities or sensitivities of neighbouring users or occupiers, and it is therefore considered that the proposal accords with Policy 33 of the Horsham District Planning Framework (2015).

Impact on the High Weald Area of Outstanding Natural Beauty

- 6.35 The application site lies directly to the north of the High Weald AONB, with the A264 acting as a physical barrier between the site and the AONB. Section 84(4) of the Countryside and Rights of Way Act 2000 states that *"A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area"*. Section 85(1) continues that *"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."*
- 6.36 The primary purpose of AONB designation is to conserve and enhance natural beauty, and account should be taken of the needs of agriculture, forestry, and other rural industries, and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- 6.37 Policy 30 of the HDPF states that the natural beauty and public enjoyment of the High Weald AONB will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. Proposals should have regard to any management plans for these areas and must demonstrate: how the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures; how the public enjoyment of these landscapes will be retained; and how the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.
- 6.38 The High Weald AONB Management Plan is focused on delivering the statutory purpose of conserving and enhancing the natural beauty, with considerations relating to wider environmental issues, the rural economy, and communities, dealt with in the context of

delivering this purpose. The Plan takes a character-led approach with the main body of the plan setting out the long term policy objectives and short term targets for conserving and enhancing natural beauty. The Objectives, together with Indicators of Success and Five-Year Targets are effectively the plan's policies, and provide the strategic direction for AONB management. As a statutory document, Local Planning Authorities must take the AONB Management Plan into account when formulating their development plans, and in the assessment of planning applications.

- 6.39 Within the Inspector's Decision for the previous application reference DC/14/2071, it was acknowledged that the A264 marks a significant physical change at the edge of the AONB, particularly as there is woodland close to the road on the south side and more open landscape to the north. With the addition of planting along the southern boundary of the site, it was considered that the site would be further separated from the AONB, with the A264 creating a visual change, with only limited detrimental effect on the setting of the AONB.
- 6.40 The current application has reduced the extent of the site and rationalised the built form within the north-eastern corner of the site. The proposal seeks additional planting along the southern perimeter and within the site, which seeks to mitigate the visual prominence of the built form.
- 6.41 It is acknowledged that the High Weald AONB Advisory Board have objected to the proposed development, with the view that the impacts on the local landscape and the AONB of the current proposal are similar to those of the previous proposal.
- 6.42 As outlined above, the Inspector when considering the previous application considered that there was a marked differentiation between the application site and the High Weald AONB to the south. It was considered that the addition of planting along the southern boundary of the application site would further emphasise this separation and would reduce the impact on the setting of the High Weald AONB.
- 6.43 The application has rationalised and consolidated the extent of the site and that of the built form, with the addition of planting along the southern perimeter and within the site. It is considered that the cumulative effect of the reduction in built form and the additional planting is considered to mitigate the visual prominence of the proposal, with the rural character of the locality maintained. Given the physical separation provided by the A264, and the measures undertaken to provide further landscaping, it is not considered that the proposal would result in significant harm to the High Weald AONB to justify a reason for refusal.

Ecology

- 6.44 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.45 The Applicant has submitted an Outline Ecological Impact Assessment by Eco Tech dated April 2019 which identifies the habitats and potential species using the site and outlines the potential impacts on these. The Report concludes that no habitats or species are considered to be subject of significant adverse impacts, with recommendations made to provide a net gain for biodiversity.
- 6.46 Following consultation with the Ecologist, no objection is raised to the proposed development subject to the recommendations as outlined in the report being carried out. It is therefore recommended that should the application be approved, conditions relating to the carrying out of works be attached.

Highways Impacts

- 6.47 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.
- 6.48 The application site is bounded by the A264, Crawley Road to the south and Faygate Lane to the east. The A264, Crawley Road is a rural dual carriageway with two lanes in each direction. The section fronting the site benefits from a system of street lighting and is derestricted clearway subject to a 70mph speed restriction. There is a bus stop with lay-by at the eastern most end of the site frontage with a footway connection to Faygate Lane.
- 6.49 Faygate Lane is a rural single carriageway with footways on either side at the eastern site boundary. It is subject to a 30mph speed restriction and includes a system of traffic calming to help control traffic speeds.
- 6.50 An entrance and an exit access point is proposed to the north-east corner and southern boundary respectively, with the latter exiting directly on to the A264. A total of 23no. vehicle parking spaces would be provided on the site.
- 6.51 A number of objections, including an objection from the Parish Council, have been received in respect of the safety of the proposed access points, and the impact the proposal would have on traffic.
- 6.52 Following consultation with WSCC Highways, it is not considered that the proposal would result in a material increase in the level of traffic, with the proposed access arrangements considered acceptable. No material impact on the performance of the junction is expected, and it is not considered that the proposal would have severe impact on the operation of the highway network.
- 6.53 It is therefore considered that the proposal would accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Conclusion

- 6.54 The proposed development would generate some local employment opportunities, and would provide economic and social benefits for the local community. While located outside of a defined settlement, it is acknowledged that the site adjoins the settlement of Faygate, which has been identified as a potential 'secondary settlement' as part of the Local Plan Review. It is considered that there is sufficient evidence to justify a Petrol Filling Station in this location. It is therefore considered that the proposal would result in rural economic development, with the public benefit arising from the proposal considered to outweigh the conflict with the development strategy.
- 6.55 The reduction in the extent of the proposal and the rationalisation and consolidation of the built form, alongside the stepped down nature and additional planting and landscaping along the perimeter, is considered to reduce the visual impact and prominence. The proposal is considered to be reasonably integrated with the built pattern of Faygate Lane, with the proposal considered to conserve the landscape character and setting of the rural locality.
- 6.56 The proposed access arrangements, following consultation with the Local Highways Authority, is not considered to result in material intensification of the road junction, with the proposal not considered to result in severe impact upon the function of the highways network.
- 6.57 On this basis, the proposal is recommended for approval as a departure from the development plan as it is considered that the proposal results in economic and public benefits and is considered to be acceptable in all other matters as discussed within this report.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

6.58 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

6.59 **It is considered that this development constitutes CIL liable development.** At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
All Other Development	313.48	0	313.48
	Total Gain		
	Total Demolition		0

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following conditions.

Conditions:

- 1 **Approved Plans**
- 2 **Standard Time Condition:** The development hereby permitted shall begin 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.
- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.
 - i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
 - ii. the provision of wheel washing facilities and dust suppression facilitiesThe approved details shall be adhered to throughout the construction period.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 4 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, the parking turning and access facilities shall be implemented in accordance with the approved details as shown on plan reference 18187-01-001 received 26.03.2019 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** No building hereby permitted shall be first occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse and recycling has been made for that building (or use) in accordance with drawing number 15313-22 rev C received 14.05.2019. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No building hereby permitted shall be occupied or use hereby permitted commenced until the cycle parking facilities serving it have been constructed and made available for use in accordance with approved drawing number 15313-22 rev C received 14.05.2019. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** No delivery vehicles shall arrive or deliver to the hereby approved retail store except between the hours of 06:00 and 22:00 Monday to Saturday and 07:00 and 20:00 Sundays and Bank Holidays.

Reason: In the interests of amenity and road safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No petrol or diesel tankers shall arrive or deliver at the site hereby approved except between the hours of 06:00 and 00:00 daily.

Reason: In the interests of amenity and road safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** Any forecourt public address system shall only be operated between the hours of 07:00 and 22:00 hours.

Reason: In the interests of amenity and road safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** No motor vehicles or other articles shall be kept parked, stored, or displayed for sale outside the building and on the site at any time.

Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plan reference 184. The lighting shall be installed in accordance with the Lighting Specification received 05.03.2019. All such lighting shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** The landscaping scheme as shown on approved plan reference 315 and detailed within the Planting Specification with Planting Schedules reference 1805/03 dated May 2019 shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No externally located plant or equipment except those shown on the approved plans shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of the neighbouring properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Method Statement reference 18050-02 dated May 2019.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 17 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Phase 1 Environmental Site Assessment Report reference 60600551-001 rev 1 dated April 2019.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 18 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Environmental Noise Report reference 1918732 dated 24 April 2019.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

- 19 **Regulatory Condition:** All works shall be executed in full accordance with the submitted FRA and SUDS Strategy Report reference H13417/15313 rev C dated April 2019.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

- 20 **Regulatory Condition:** All works shall be executed in full accordance with the recommendations and mitigation within the Outline Ecological Impact Assessment by Eco Tech dated April 2019.

Reason: To safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 21 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 22 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).