Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0029
Tesco Express, Redkiln Way, Horsham, West Sussex, RH13 5QH

DESCRIPTION:

Replacement of existing fuel tanks, fills, pipework and forecourt with alterations to existing parking arrangements.

RELEVANT PLANNING HISTORY:

DC/19/1709	Advertisement consent for the erection of an internally illuminated pylon sign to entrance	Application Permitted on 11.10.2019
DC/20/1387	Removal of Condition 3 of previously approved application DC/13/2084 (Removal of Condition 13 of NH/100/95 (Erection of a petrol service station and car wash) in order to permit 24 hour opening) to allow for unrestricted, 24-hour delivery times of petrol and/or diesel tankers.	Application Permitted on 23.10.2020
DC/25/0030	Retention of existing freestanding sign, and proposed petrol pump signage (with retention of existing), and new canopy fascia signage with 'Eyebrow' LED down light lighting strips.	Concurrently under consideration.

DESCRIPTION OF THE APPLICATION

The application seeks for the replacement of existing fuel tanks, fills, pipework and forecourt with alterations to existing parking arrangements.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
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 39 - Strategic Policy: Infrastructure Provision
Policy 41 - Parking

North Horsham neighbourhood plan:
North Horsham Neighbourhood Plan area was designated, then the area voluntarily withdrew the designation.

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 22: Shop Fronts and Advertisements
Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 30: Enhancing Existing Employment

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

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

Consultations:

INTERNAL CONSULTATIONS

HDC Environmental Health: No Objection

Should the proposed development be approved, a Part B application for a Variation of the Permit should be sent to the Regulator and must contain a description of the proposed change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment.

OUTSIDE AGENCIES

WSCC Highways: No Objection

No changes are proposed to; the 2 access points onto/from the public highway, vehicle manoeuvring in and out of the site or the number of parking spaces. The alterations include; new fuel tanks (underground), new and taller canopy and larger parking spaces. The proposals do not appear to impact the public highway, nor are any works proposed on the public highway.

Environment Agency: No Objection

No objection to the proposal provided that conditions are attached to any planning permission granted, and that the details in relation to these conditions be submitted to and approved by the Local Planning Authority.

WSCC Fire: No Objection

Satisfied the Fire Service access and supply of water for firefighting has been met and comply with the requirements.

PUBLIC CONSULTATIONS:

Representations:

None received.

Parish Comments:

North Horsham Parish Council: No Objection

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

The application site comprises an establish Petrol Filling Station located within the built-up area of Horsham. The application seeks to replace the existing aged fuel installation with equipment that complies with the latest recommendations with the APEA Blue Book.

Given the established nature of the Petrol Filling Station, where the proposal will upgrade the existing infrastructure, the proposal is considered acceptable in principle, subject to all other material considerations.

Design and Appearance:

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

The application site consists of the Tesco Express retail unit and Esso Petrol Station located on the eastern side of Redkiln Way within the built up area of Horsham. The main entrance to the site for vehicles is located to the west from Redkiln Way and there is also a pedestrian access on the northern side at the rear of the retail unit from Crawley Road. The surrounding area is made up of additional commercial units to the south and west with residential units located to the north, with the closest along Crawley Road.

The proposal seeks to replace the existing fuel installation, where the replacement tanks would be underground. Associated infrastructure, including the existing canopy and filling pipework within the forecourt would be replaced, where this would include a canopy of greater height than the existing would be erected, albeit to a lesser footprint than the existing. Alterations to the hard landscaping and parking layout is also proposed, alongside the enlargement of the Service Yard/Bin Store.

The proposed development would maintain the general arrangement of the site, with the update to infrastructure and structures considered to be appropriately reflective of the existing character and appearance of the site. For this reason, it is not considered that the proposal would result in any further adverse visual impact on the character and amenity of the street scene. The development is therefore considered to accord with the above policies.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

The proposed development is not considered to increase the offer above the existing situation, where it would not be anticipated that the development would result in any greater level or intensity of activity at the site. It is not considered that the development would materially affect the relationship with the nearby residential and commercial properties, not result in unacceptable harm to the amenities of neighbouring properties or users of land. The development is therefore considered to accord with the above policies.

Highways Impacts:

Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users.

The development would alter the parking arrangement on the site but there would be no loss to the number of spaces available. No alterations are proposed to the existing access arrangement.

Following consultation with WSCC Highways, it is not considered that the proposal would impact the public highway, and no objection has been raised.

For the above reasons, it is considered that the proposal would accord with the above policies.

Water Neutrality:

There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 193 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Other Matters:

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The development qualifies as 'de minimis' under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024

Conclusions:

it is considered that the application is acceptable based on the above information as is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

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 commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the Local Planning Authority:

(a) An intrusive site investigation scheme, based on the findings and recommendations contained within the Preliminary Risk Assessment by WSP reference UK0028658.8970 - UK-PRA dated October 2024 to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and an options appraisal.

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

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

Reason: As this matter is fundamental 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).

4 **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. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

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-Use Condition**: 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.

Reason: As this matter is fundamental 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).

5 **Regulatory Condition**: The materials and finishes of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

6 **Regulatory Condition**: No external lighting or floodlighting shall be installed other than that shown on the approved plans. 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).

NOTE TO APPLICANT
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.

NOTE TO APPLICANT
Good practice should be followed in the location, design, construction and maintenance of petrol stations and other fuel dispensing facilities. Due regard should be given to 'The Environment Agency's approach to groundwater protection' document, in particular the position statements and guidance in the section on the storage of pollutants (chapter D). You should also refer to the following pollution prevention and mitigation guidance including:

- Guidance on Environmental Management at Petrol Filling Stations – Energy Institute
- Design, construction, maintenance and decommissioning of filling stations (also known as the Blue Book (APEA/EI) – Energy Institute – 2011

- Groundwater Protection Code – Petrol stations and other fuel dispensing facilities involving underground storage tanks – Defra Code of Practice
- CIRIA C736:Design of Containment Systems for the Prevention of Water Pollution

The Blue Book provides detailed information on the decommissioning (and investigation) of redundant tanks, risk assessment, the design and construction criteria and maintenance procedures expected to be implemented.

NOTE TO APPLICANT
Upon approval of the planning permission, a Part B application for a Variation of the Permit PSS01 issued under Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016 to operate an installation carrying out Section 1.2 B (c) and Section 1.2 B (d) activities listed in Part 2 to Schedule 1 of those Regulations should be sent to the Regulator. This must contain a description of the proposed change in the nature or functioning, or an extension, of the installation, which may have consequences for the environment. There is no applicable fee for this variation application.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0029
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Proposed Lighting Plan Assessment	081P	17.01.2025
Block plan	Proposed Block Plan	019P	27.01.2025
Location plan	Location Plan	NONE	14.01.2025
Site plan	Existing SIte Plan	010P	14.01.2025
Site plan	Existing Site Features Removed	015P	14.01.2025
Layout plan	Proposed General Arrangement	020P	14.01.2025
Plans	Proposed Tank Details	025P	14.01.2025
Elevation plan	Existing Elevations	030P	14.01.2025
Elevation plan	Proposed Elevations	031P	14.01.2025
Plans	Proposed Surfacing Plan	070P	14.01.2025
Plans	Blade With Esso Logo	EXX-PMR14-BL001-01	15.01.2025
Supporting Statement	Preliminary Risk Assessment by WSP dated October 2024	UK0028658.8970 - UK-PRA	14.01.2025
Plans	Kaola 250 Column	EXX-PMR14-K-C250-001	14.01.2025
Plans	Wave Spreader	EXX-PMR14-WV-001	14.01.2025

DELEGATED

Case Officer sign/initial Meg Bayliss Date: 19/03/2025

Authorising Officer sign/initial Date: