Appeal Decision

Site visit made on 24 October 2000

The Planning Inspectorate
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by Eric T Searle DipTP FRTPI FBEng MIMgt

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

Date
03 NOV 2000

Appeal Ref: APP/Y3805/A/00/1047748
Lancing Manor Filling Station, Old Shoreham Road, Lancing

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by PDH Garages Ltd against the decision of Adur District Council.
- The application ref: L/22/00/TP, dated 15/2/00, was refused by notice dated 27/3/00.
- The proposal is for the redevelopment of the site of a former petrol filling station by the erection of a car showroom building (with ancillary MOT/preparation bay & offices) and open car display.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Main Issues

1. From my visit to the site and surrounding area and the written representations received I consider the main issue in this case to be the impact of the proposal on the character of the area.

Planning Policy

2. The development plan for the area is the West Sussex Structure Plan 1993, which was subject to review in 1998, and the Adur District Local Plan 1996. Under Policy G1 of the Structure Plan regard will be had to the improvement of the urban environment. Policy G5 lays down criteria to be met in respect of the design and impact of development. Under Policy G7 conservation and improvement of the built environment will be encouraged. Policy C2 lays down criteria for the development of sensitive areas including Areas of Outstanding Natural Beauty. Under Policy AG1 of the Local Plan built up areas are defined, and within such boundaries development will normally be permitted subject to other planning considerations. Policies AB23, AB24 and AB25 relate to the impact of development on preserved trees. Policy AT12 requires compliance with highway safety criteria. Policy AE15 makes a presumption in favour of small businesses being permitted within Built Up areas but with restrictions.

Reasons

3. The site is located on the north side of Old Shoreham Road, which forms part of the A27, a dual carriageway road with a continuous central reservation. There was a petrol filling station on site which I understand closed about 8 years ago.

4. The Council is firstly concerned that the proposal is unrelated to roadside facilities for motorists. It is opposite a filling station which serves traffic travelling west. Although I agree with the Council that the site is well located to serve passing motorists, it is not

allocated for any particular use in the local plan and I could find no policy which restricts such sites to those uses which directly serve the travelling public. The site is shown to be within the Built Up Area for Lancing and as such is suitable for appropriate development.

5. The Council argues that the proposal would be out of keeping with this predominantly residential area of low density character, located adjacent to open countryside. Although I accept that the area as a whole is predominantly residential there are only 6 houses between the appeal site and the leisure centre to the west. The ribbon of dwellings on the other side of the road is separated by a wide and busy dual carriageway. The appeal site is on the edge of the built up area. Because of this the proposal would have no significant impact on the low density character of the area to the west.

6. Although the site is close to open countryside it does not read with it. The site is well screened by important trees from the east and the north. These would not be affected by the development and I do not consider there would be any impact on the Area of Outstanding Natural Beauty, the boundary of which lies some 70m to the east. The proposal would not, therefore, conflict with Policy C2 of the Structure Plan nor would preserved trees be affected under Policies AB23, AB24, and AB25 of the Local Plan.

7. As far as the visual impact of the proposed building is concerned I understand it is now to a reduced scale, following negotiations with the local planning authority and a previous refusal of planning permission. From the plans and elevations before me I consider the design is imaginative and the building of a reasonable scale for this location. Although the colour is mentioned it is not clear to me what type of material is intended and how it would weather. I am concerned about the extent of what could be a bright silver roof. However, I consider this matter could be resolved by planning condition.

8. The Council is also concerned about the extent of the hardened area. However, the display area is set back into the site and would be well screened by planting from the west and partially by the building from the east. I do not believe the display of cars would dominate the site. They would be ancillary to the new building. The development would involve the loss of a maple tree because of the display area and the changes in levels, but as the site is within the Built Up area boundary of Lancing I would expect it to be substantially developed to make best use of scarce urban land. There are opportunities for new planting at the western end of the site.

9. Under Policy AG1 there is a presumption in favour of development within the existing Built Up areas if it does not detract from the local urban environment. From my visit and the views above I do not consider the proposal would have an unacceptable impact on the area. The scheme would also reasonably comply with Policy G5 of the Structure Plan. Although Policy AE15 of the Local Plan makes a presumption in favour of small businesses being permitted within Built Up Areas this policy restricts such uses to B1 and limits the floor space. The present proposal is not a B1 use but as advised in Planning Policy Guidance Note No 4 – Industrial and Commercial Development and Small Firms – the fact that an activity differs from the predominant land use in any locality is not, in itself, sufficient reason for refusing planning permission. I consider the use and the building would not be inappropriate in this main road location and mixed use area.

10. I conclude that the proposal would do no demonstrable harm to the intent of adopted Structure Plan and Local Plan Policies.

11. I have also had regard to the fallback position. This site was occupied by a petrol filling station for many years. The use then ceased. However, planning permission has been granted for a replacement petrol filling station and on a subsequent appeal a 24 hour operation was allowed (for a period of 3 years.) In my view a car sales showroom, with ancillary display and MOT facilities would not be likely to cause as much disturbance to the few nearby residents as a "round the clock" petrol filling station, or even one operating until 23.00 hours daily. The new building would be more compatible with its surroundings than a petrol filling station which of, necessity, would need to have a dominant canopy. On this busy dual carriageway the movement of vehicles into and out of the site would be significantly less for a car showroom with MOT facilities than for a petrol filling station. I note there are no objections to the proposal from the highway authority and I find no conflict with Policy AT12.

12. I have taken into account all other matters raised including objections from some local residents on highway safety and disturbance grounds. This is an unused site in a built up area facing the busy and noisy A27 with the benefit of a previous planning permission to redevelop. I have commented on both the highway aspects and the likelihood of disturbance at paragraph 11 above. Neither these nor other matters raised outweigh the factors which have led me to my conclusions.

Conditions

13. The Council has suggested a number of conditions which the appellants have agreed. From my comments above I believe samples of materials need to be submitted because I am unsure about the suitability of the silver roof material. Because of the workshop element of the proposal the hours of operation should be restricted in this case and all work should be carried out inside the building. Although well screened on the boundaries additional planting is necessary. Any new walls or fences should be agreed. To avoid clutter the number of cars displayed should be restricted to the area defined on the plan. In the interests of amenity external or floodlighting should be the subject of future agreement. Because of its previous use an investigation to assess any contamination will be necessary and drainage conditions will be required to deal with possible water pollution. An adequately protected area for storage would be required.

Conclusions

14. For the reasons given above I conclude that the appeal should be allowed.

Formal Decision

15. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the redevelopment of the site with a car showroom building (with ancillary MOT preparation bay and office) with open car display area at Lancing Manor Filling Station, Old Shoreham Road, Worthing, in accordance with the terms of the application No: L/22/00TP dated 15/2/2000, and the plans submitted therewith, subject to the following conditions:

    1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

2) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels; hard surfacing materials; boundary treatment and measures to be taken to protect existing trees during development.

3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

4) No external lighting or floodlighting shall be installed except in accordance with details which shall have been submitted to and approved by the local planning authority

5) The number of cars displayed for sale outside the showroom shall be limited to no more than 28 in accordance with the layout shown on the approved plan.

6) No development shall take place until an investigation and assessment has been carried out to identify the extent of contamination and its water pollution potential, in accordance with details to be agreed by the local planning authority, The measures to be taken to avoid risk to the ground water and surface water when the site is developed shall be agreed with the local planning authority prior to the commencement of the development.

7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

8) No working shall take place anywhere on the premises to which this permission relates except within the building.

9) No working whatsover (including the loading and unloading of cars, deliveries, car maintenance, valeting or car repairs) shall be carried out except between 07.00 and 20.00 hours.

10) No effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

11) All surface water from parking areas and hardstandings shall pass through an oil intercepter prior to be discharged to any watercourse, surface water or soakaway system. Roof run-off shall not pass through the intercepter.

12) No development shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved by the local planning authority. The scheme shall be implemented as part of the development.

13) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded

compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be discharged downwards into the bund.

Information

16. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

17. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.

18. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.

[redacted]

INSPECTOR