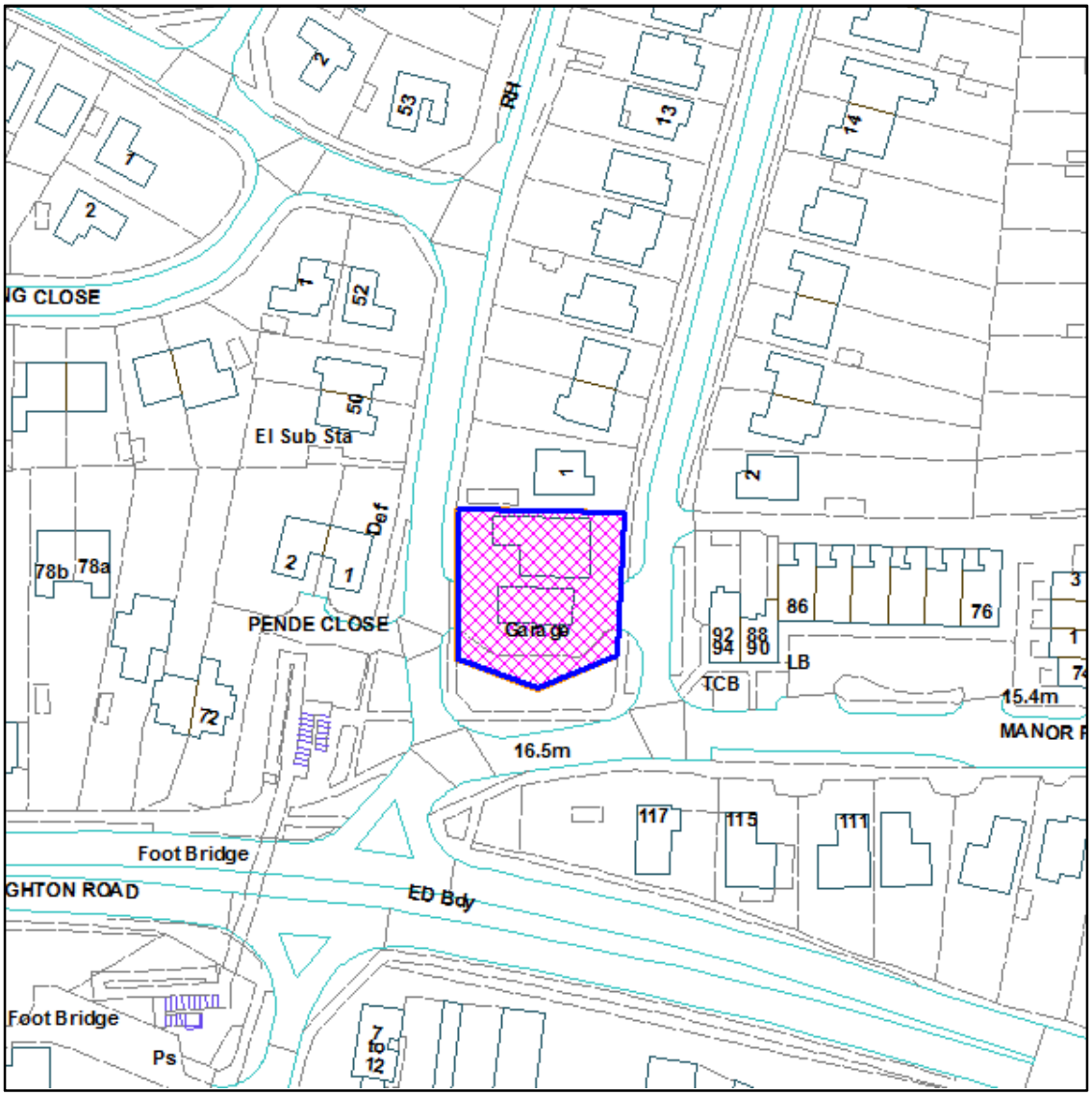
**Application Number: AWDM/1674** **Recommendation – APPROVE**

**Site:** **Manor Road Service Station, 96 Manor Road, Lancing,**

**Proposal:** **Variation of condition 11 of AWDM/1528/18 to increase opening hours to be 0600 – 0000 (midnight), 7 days a week.**

Applicant: Mr Subramaniam Nanthakumar Ward: Manor
Case Officer: Eve Hearsey




**Not to Scale**

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**Site, Surroundings and Proposal:**

The site is positioned at a corner junction with Manor Road to the south; Upper Boundstone Lane to the west; and Lynchmere Avenue to the east. The A27 main trunk road (Upper Brighton Road) is accessed to the south west of the site positioned approx. 25m distant.

The Service Station is within a residential area, with the side wall of no. 1 Lynchmere Avenue (a bungalow) being approx. 4m from the back wall of the Service Station building. Other residential properties which are in close proximity to the Service Station are some 22 – 27m distant with the dwelling opposite the site in Manor Road, being some 43m from the Service Station building. The parade of shops to the east of the site starting at no.'s 92 and 94 Manor Road, are approx. 18m distant. Other than the aforementioned parade of shops which are two storey in height, the near surrounding residential area, generally comprises bungalows and 1 ½ storey dwellings.

The existing Service Station garage and shop has recently been enlarged under planning permission (AWDM/1528/18) with a greater site apron area; additional pumps; and extended shop. The site also includes a jet wash together with parking at the front of the site. The ingress and egress of the petrol station has also been formalized with vehicles entering at the east off of Lynchmere Avenue and exiting at the west side of the site onto Upper Boundstone Lane, this to encourage drivers to join the A27, and not to 'rat run' along Manor Road.

Further, advertisement consent has been gained for various illuminated and non-illuminated signs. The most notable of which is an illuminated double sided flag totem to the front of the site, and a green lit canopy sign wrapping around 3 sides of the new canopy over the new pump layout.

The application seeks permission to vary condition no. 11 of planning permission AWDM/1528/18 in order to extend the opening hours from a 14 hour day on Monday to Saturday (6 days) and a 12 hour day on Sunday to enable it to remain open 18 hours a day, 7 days a week. The condition of that approval stated:-

*"No working, trade or business whatsoever (including arrival, reception or despatch of deliveries) shall take place on the premises except between the hours of:-*

*0700 – 2100 on Mondays to Saturdays inclusive;*
*0800 – 2000 on Sundays*

*Reason: In the interests of amenity having regard to policies 15 and 34 of the Adur Local Plan."*

The current application seeks to increase opening hours to be 0600 – 0000 (midnight), 7 days a week.

**Relevant Planning History:**

**AWDM/0663/19** Application for advertisement consent for Installation of 1no. Double Sided Internally Illuminated Flag Sign; 2no. Non-illuminated Fascia Shop Signs; 3 no. LED lit Canopy Fascia Signs; together with various other non-illuminated signs within the site. **Granted Consent 23.07.2019**

**AWDM/0300/19** Application to vary condition 11 of approved AWDM/1528/18 to vary opening hours to 0600 to 2300 for every day of the week **Withdrawn 05.06.2019**

**AWDM/1528/18** Conversion of the first floor flat to office and store for shop below, ground floor front/side (south/west) extension to existing shop with ramp and disabled access toilet. Front south, east and west side elevations to be clad in oak boarding, new multi hose fuel dispensers with new concrete paving. New canopy on 4no. new columns. Existing storage tanks decommissioned and new double skin tanks installed. Relocation of existing jet wash with air/water and vacuum unit to south east corner. Increased parking area to front of site and bin store to north *west* corner. **Approved 25.01.2019**

**ADC/0102/08** Relocation of jet wash system to south of forecourt and erection of screen wall **Approved 14.04.2008**

**L/85/95** Variation of condition 4 of permission L/63/92 to enable continuation of existing opening hours of 7 a.m. to 10 p.m. Mondays to Saturdays and 8 a.m. to 10 p.m. Sundays. **Approved 18.08.1992**

**Representations:**

**Cllr Carson Albury:**

As Councillor for the area concerned, I have been contacted by a number of residents on this matter. It is felt that opening hours between 0600 and 2300 would be sufficient for this business.

This is a quiet residential area and the residents feel that longer hours would disrupt the character of the area.

**Lancing Parish Council**: Objects to the planning application

- That the application to increase opening hours to 0600 – 0000 (midnight) 7 days a week is excessive and therefore be recommended for refusal
- It was agreed that the preferred opening times be, as follows:
    - Monday to Saturday – existing opening times with a latest closing time of 2300; and
    - Sunday – existing opening time with a latest closing time of 2100

**12 Objection Letters** received from: 92 Manor Road; 8 Griffiths Avenue; 1, 3, 6 Lynchmere Avenue; 27, 34 Firle Road; 115, 117 Manor Road; 18 The Street, 14 Steyning Close, 29 St James Avenue

- There is no need to be open till midnight
- This would interfere with the peace and quiet of local residents
- Object on the grounds of noise and light pollution
- The current hours of use are sufficient
- Will greatly impact my family and me as we live directly opposite the petrol station
- Constant noise from the delivery trucks loading and unloading deliveries
- This is a residential area and no need or place for a 24 hour use for the petrol filing station
- Not fair to the residents to have increased noise, light and traffic in the area at night time
- There is a 24 hour garage 4 miles away at Tesco, Holmbush, so no need to have one in North Lancing
- Would set a precedent
- Cars and deliveries arriving at all hours
- Devalue our property
- No consideration for the pavements and grass verges
- Disturbance into the area
- Sounds carry a long way in the quiet hours of the night
- Not in agreement with the 24 hour use in a residential area
- The business is already breaking its planning conditions – several times it has been open before 0700 – their delivery lorries have been arriving on a Sunday at 0600 – reversing onto the forecourt with bleepers going – unloading of the cages making a huge amount of noise at that time on a Sunday morning disturbing the residents – they have churned up the grass verge in Lynchmere Avenue
- At present they have an alcohol license – surely this would be affected if the 24 hours was approved as this could entice groups of undesirable people to hang around in the area
- A lot of shoplifting has taken place and could increase if open through the night
- It will impact my business
- Residential area is no place for a 24 hour petrol station
- Sound travels at night and will cause disruption to sleep
- All other businesses are closed by 0900 in the evening and the garage should comply with this as originally agreed
- As the garage is not located on the A27 it would not get the passing trade
- Live on the east side of the garage and only have the noise of one of those air con fans, I feel sorry for those on the west side where there is about 8 of them
- The staff park on the street not in the garage
- Will attract anti- social behaviour

- 24 hour shop is not needed and will cause noise problems to local residents
- Many near misses between cars exiting the A27 under the footbridge & vehicles entering or exiting the garage forecourt
- Concerned that heavy goods vehicles as well as cars using this station to refuel at all hours would add to the amount of noise let alone the impact of this on our surrounding roads with the constant through traffic
- The Council should block the submission of constant applications being submitted on this site.
- Already an issue with lights shining into all our rooms from the floodlights; canopy lights; totem sign lights & car headlights
- All street lighting is extinguished around midnight every night so I will have the lights from the petrol station forecourt glaring every night into our properties
- Lights blaring all night for the few potential users is a total waste of energy and will cause light pollution and annoyance to the residents
- Light pollution and annoyance to the residents
- The green canopy lights are so bright they are an intrusion
- I work shifts for an ambulance company and live opposite the garage. The vehicles going in and out overnight plus the light pollution from the canopy would be detrimental to my sleep
- Light in the evening and early morning are extremely bright, there are flood lights from the jet wash that shine into my home, along with the store lights and the lights from the pump stands which are bright green

**Consultation Responses**

**Highways England:**
Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27.

Further to our response to application AWDM/1528/18, we have reviewed the above proposal and are satisfied that it will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT Circular 2/2013 para 10 and DCLG NPPF para 32). Therefore we do not offer any objections or requirements relating to the above proposal.

**WSCC Highways:**

No highways objection. The site has existing highways access points and no changes are proposed which would require any works to the highway. Trips to the site will already be on the network and as such would not create any capacity issues.

Footways link the site to the surrounding residential area for use of the shop.

**Environmental Health:**

1st consultation 18.11.2019

Environmental Health would want to ensure that noise created by late night sales do not impact on nearby residential property and the supporting acoustic assessment does not consider this. For example what are the maximum noise levels created as car doors are closed etc. and could this affect sleep?

At present there is insufficient information to make an informed decision on this application and I would have to object to the application as it stands.

2nd Consultation 29.11.2019
Have looked at the updated acoustic report and would have to agree with the consultants conclusions and therefore there would be no EH objections to the proposal on noise grounds.

If residents have windows open at night then some noise may be audible, however, these events would pale into insignificance when compared against the maximum noise events they would already hear from the nearby A27 in the same circumstances. If residents keep windows closed, as is expected, then noise from the extended opening would be within the recommended guidelines.

The predicted sales throughout the night are low, with the bulk of these additional sales anticipated between 6am to 7pm at which time the existing ambient noise level in the locality is already on the rise to daytime levels.

3rd consultation 13.01.2020
There are no adverse EH comments for this amended application.

***ADCAG***: Recommend refusal.

- The site is close to the 'North Lancing Conservation Area'

- A conservation area is established not only to protect the heritage assets located therein but to objectively work towards creating and maintaining the peace and tranquillity of such an area for its residents and users.

- This is extremely difficult to achieve due to the Manor Road being used as a traffic rat run.

- While the site is not within the Conservation Area, there is concern that the extended hours will create additional eastbound traffic during the additional opening hours.

- In an effort to try to preserve as much as possible the aims of the designated Conservation Area, members recommend Refusal of this application which is located in a predominantly residential area.

**Relevant Planning Policies**
Adur Local Plan 2017: Policies 15, 25, 28, 34
National Planning Policy Framework (CLG 2018)
National Planning Practice Guidance 2018

**Planning Assessment**

**Residential amenity**

The applicants have submitted an Acoustic report which concludes that planning permission for overnight opening at the fuel site should not be withheld on noise grounds.

The Acoustic Report advises that *"Background and ambient sound levels have been measured on site between 20th September 2019 and 27th September 2019 using a Castle Svantek Mirus class one sound level meter at a location as close as possible to the nearest residential properties at the first floor on Lynchmere Avenue, Lancing.*

*Predictions provided by the client (*applicant*), for the vehicle movements, hour per hour over the night time period for both fuel sales and kiosk visits. The Sound Exposure Level (SEL) measurements were made of the vehicles arriving and departing the site to ensure that accurate data was held and using a period with lower background sound levels. The SEL data was applied to the client's predictions for overnight operations and compared against the measured ambient sound levels.*

The report goes on to say that - "*the predicted arrival and departure of vehicles are not likely to cause any rise in the measured ambient sound levels at the residential receptor locations. The short-term elevated sound levels from activities such as vehicle door slams have also been considered as part of the assessment and will not adversely impact the nearest noise sensitive premises.*

The report concludes that *"Considering the measured sound levels on the site, the proximity to the fast flowing A27, Manor Road, Upper Boundstone Lane and Lynchmere Avenue, it is shown that overnight operation of the fuel site will not cause a rise in ambient sound levels. Accordingly, planning permission for overnight opening at the fuel site should not be withheld on noise grounds."*

The predicted uses per hour for the overnight period for petrol and non-food sales has been estimated based on data for the client's similar sized store/site in Surrey (Eashing).

The Council's Environmental Health Officer has been consulted on this application and has considered the Acoustic Report. Based on its findings, he has not objected. He considers that:

*"If residents have windows open at night then some noise may be audible, however, these events would pale into insignificance when compared against the maximum noise events they would already hear from the nearby A27 in the same circumstances. If residents keep windows closed, as is expected, then noise from the extended opening would be within the recommended guidelines.*

*The predicted sales throughout the night are low, with the bulk of these additional sales anticipated between 6am to 7pm at which time the existing ambient noise level in the locality is already on the rise to daytime levels."*

While there is some sympathy with the concerns of local residents, the lack of a technical objection from Environmental Health means that there are no sustainable noise grounds on which to refuse this application.

The current application is not applying to vary/remove the advertisement conditions, therefore the advertisement consent will also need to be amended should the application to vary the planning permission be approved.

As Environmental Health have not raised any objections to the proposed increase in the hours of use of the petrol station, (the illuminated advertisements are covered by separate legislation), it is considered reasonable to approve the application applied for subject to conditions.

***Exclusions of use***

Notwithstanding the above it is judicious to exclude certain aspects of the approved use from any forthcoming permission to extend the hours of the use to midnight, namely:-

- Collection and deliveries relating to the shop or the petrol filling station;
- The Jet wash;
- The use of the Air, Water and Vacuum;

In order to separate the operable uses outside the earlier approved hours, it is therefore reasonable to condition the extended hours to be only for the sale of petrol and the sale of goods from the convenience store. While all other operations continue as per condition 11 of the existing planning permission AWDM/1528/18

**Recommendation**

**APPROVE** subject to the following conditions:-

1. Approved plans
2. Standard time limit
3. Working hours
4. No open storage
5. Ancillary first floor use
6. HE surface water
7. Car parking spaces

9th March 2020