Development Control – Delegated Officer Report

Application Number: ADC/0251/10 Recommendation – APPROVE

Site: **Former Lancing Manor Filling Station, Old Shoreham Road Lancing BN15 0QS**

Proposal: **Application for new planning permission in order to extend time limit for implementation of L/114/05/TP for redevelopment with car showroom building (with ancillary MOT/preparation bay) and open car display to west**

The Application

It is proposed to renew the previous unimplemented permission allowed on appeal in 2000 (L/22/00) and renewed in 2005 (L/114/05). An alternative proposal for new filling station was granted originally in 1994 (L/153/93) and renewed in 1999 (L/63/99) and 2004 (L/118/04), but lapsed in 2009. A fresh application has recently been submitted (ADC/0252/10).

The site, on the north side of the A27(T), was formerly a very small petrol filing station with 2 pumps, a kiosk and no canopy, but this use ceased over 15 years ago and the structures were removed. More recently, it was used for storage of new cars under a temporary permission but this has now ceased (ADC/0459/06). The former filling station on the south side is now a permanent car sales site.

The plans for which renewal is sought show the proposed building located towards the east and rear (north) of the site, with 8 customer parking spaces in front of the building, 28 display and demonstrator spaces on the western half of the site plus 5 MOT spaces on the east side. The building is shown 26m wide and 13m deep, comprising on its ground floor a showroom plus preparation area, MOT bay (with access doors on the east side) and office, store and toilets. Some first-floor offices are shown at the rear of the building (west side). The roof is of profiled silver-coloured steel in a double curve, 6m high at the rear sloping down to 3.5m high at the front, and the walls of silver-coloured panels with white doors.

Consultations and Representations

Highways Agency: No objection.

Environment Agency: No objection provided conditions are imposed to require ground contamination investigation and remediation; a surface water drainage scheme (including oil and petrol interceptors); and no penetrative piling or foundations unless specifically approved.

Southern Water: No objection.

Adur District Council: The EHO has no objection subject to re-imposing the condition restricting working hours to 7am-8pm.

Lancing Parish Council: No comments received.

Third Parties: 2 letters have been received from the resident of No.84 Old Shoreham Road and 'Manorside' Hoe Court both objecting mainly on grounds that:-

- traffic exiting straight onto the A27 will impact on highway safety, the speed and volume of traffic often being excessive, and more accidents are likely to occur; the police appear incapable or unwilling to deal with the speeding and dangerous driving that frequently occurs.
- unloading/loading of car transporters would not have space to take place on the site and would have to park on the A27.
- parking space may be insufficient (eg. for MOTs) and it is questioned whether they might be parked at Withy Patch and ferried back and forth.
- the extra traffic will prevent emergency vehicles from getting through quickly.
- noise and smell from the additional traffic.
- disturbance and loss of privacy as the houses opposite will be overlooked.
- no need for buildings on such a small and dangerous site, the previous petrol station went out of business.
- to cover one of the few green sites in Lancing with concrete will affect the appearance and character of the locality.
- impact on security as there are currently few pedestrians.
- if it is permitted, proposals for housing to the south of the A27 are likely to be resurrected, thus adding to traffic chaos and the unacceptable prospect of the closure of the gap in the central reservation opposite Hoe Court with all the inconvenience and danger that would bring.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB23, AB25-27
Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)
PPS 1 'Delivering Sustainable Development' (ODPM 2005)
PPS4 'Planning for Sustainable Economic Growth' (DCLG 2009)
PPG13 'Transport' (DTLR 2001)
PPS23 'Planning and Pollution Control' (ODPM 2004)
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)
Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Planning Assessment

Policies and principle of development

The Government's recent 2009 Guidance 'Greater flexibility for planning permissions', states that the processing of this type of application should not

be a rubber stamp and applications may be refused where "changes in the Development Plan or other relevant material considerations indicate the proposal should no longer be treated favourably". Circular 11/95 states that unimplemented permissions should be renewed unless (a) there has been a material change in planning circumstances; (b) continued failure to commence the development would contribute unacceptably to uncertainty about the future pattern of development in the area; or (c) the application is premature.

Although it is some 10 years since this development was first permitted, it is not considered that it conflicts materially with these requirements such as to warrant refusal.

The site lies just within the boundary of the defined built-up area but is not specifically identified for any particular use or development in the Local Plan. The acceptability of this development has previously been accepted and there is not considered to be a sound reason to depart from this. Although Government advice in PPS3 states that LPAs should examine allowing residential development on vacant business and commercial sites, this particular site is far from ideal because of its exposure to high levels of traffic noise and pollution having regard to PPG24.

Local Plan policy AG1 states that, within the built-up area boundary, development will normally be permitted, subject to other policies and to it not detracting from the existing local urban environment. Policy AB23 refers to making TPOs to prevent loss of trees where it would adversely affect the existing and future environment and AB25 states that development adversely affecting trees will only be granted where they are of poor health or appearance. AB26 and AB27 require new tree planting and landscaping.

Visual amenity

The site is adjacent to the strategic gap and AONB. The first application for redevelopment was refused on grounds of being unacceptably intrusive and harmful to the pleasant low-density character of the area. However, in allowing the subsequent appeal, the Inspector stated:-

"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.
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 north. These would not be affected by the development and I do not consider there would be any impact on the AONB, the boundary of which lies some 70m east.
As far as the visual impact of the proposed building is concerned.....I consider the design is imaginative and the building of a reasonable scale for this location.....I am concerned about the extent of what could be a bright

silver roof. However, I consider this matter could be resolved by a planning condition.
.....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 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.
I consider the use and the building would not be inappropriate in this main road location and mixed use area."

In addition to the semi-mature regenerated elms along the rear (north) boundary of the site, there is a group of mature beech, ash and sycamore trees at the far eastern end of the site which are subject to a TPO made in 1960. As stated above by the Inspector, the proposal does not affect these but a younger maple in the centre of the site has to be felled. It is proposed to plant more trees on the remaining 6m-7m wide strip of the western grassed area adjacent to the boundary with the house to the west.

Residential amenity

The nearest dwelling to the west is 'Lancing House' which has a side dormer and 2 groundfloor windows facing the site. These are 45m from the nearest side of the proposed building and 15m from the nearest part of the open car display area. These distances are closer than those from the alternative previously-permitted redevelopment scheme for a new petrol filling station. It is a pity that most of the wide intervening grassed banked area currently acting as a buffer would be removed. Nevertheless, as stated by the previous Inspector:-

"In my view a car sales showroom, with ancillary display and MOT facilities would not be as likely to cause as much disturbance to the few nearby residents as a round the clock petrol filling station, or even one operating to 11pm daily. 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 than a petrol filling station".

It is not considered that it would be seriously affected except possibly as a result of noise disturbance when traffic levels diminish on the A27. However, this is unlikely to arise and would be excluded because of the condition imposed by the Inspector limiting hours of working to 7am-8pm (including loading/unloading of cars, deliveries, car maintenance, valeting and car repairs).

On the opposite side of the busy A27(T) is a car sales site (No.88) and two pairs of semi-detached houses (No's 80-86) which are 35m away at their closest.

There is no reason to depart from the Inspector's findings above.

Highway safety

The Highways Agency have not raised any objection. The site exit is almost at a right angle to the A27 in order to encourage drivers to stop and assess the approaching traffic before pulling out.

The concerns of local residents are understandable and it cannot be refuted that the 40mph speed limit is regularly exceeded and that traffic volumes are heavy. However, the visibility from the site exit is good and, in the absence of any objection from the Highways Agency, it is not considered that refusal could be substantiated.

Ground contamination and pollution

The Environment Agency have confirmed that they have no objection subject to imposition of conditions requiring ground contamination investigation and remediation; plus a surface water drainage scheme (including oil and petrol interceptors) and no penetrative piling or foundations unless specifically approved.

Recommendation

APPROVE for the reason that:-

2PPii (amended) The proposed development is within the built-up area and would not detract from the existing local environment or result in unacceptable detriment to the amenities of nearby dwellings or to highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AB23, AB25-27).

Subject to:-

1. C1Ci
2. C7Ci *(NB. wording of conditions 2 -11 to be the same as L/114/05*
3. C10B *but with standard reasons)*
4. C10Dii
5. C11Ai
6. C12Ai
7. C14Gi
8. C8Bi
9. C18N
10. C18O
11. C18P
12. C18Rii
13. C18T
14. The development hereby permitted shall be carried out in accordance with the following approved plans:- 3926-17 (Proposed site plan); 3926-18 (Proposed ground and first-floor plans); and 3296-19

(Proposed elevations). R. In the interests of proper planning and for the avoidance of doubt.

Case Officer: Keith Morgan Date: 23 August 2010