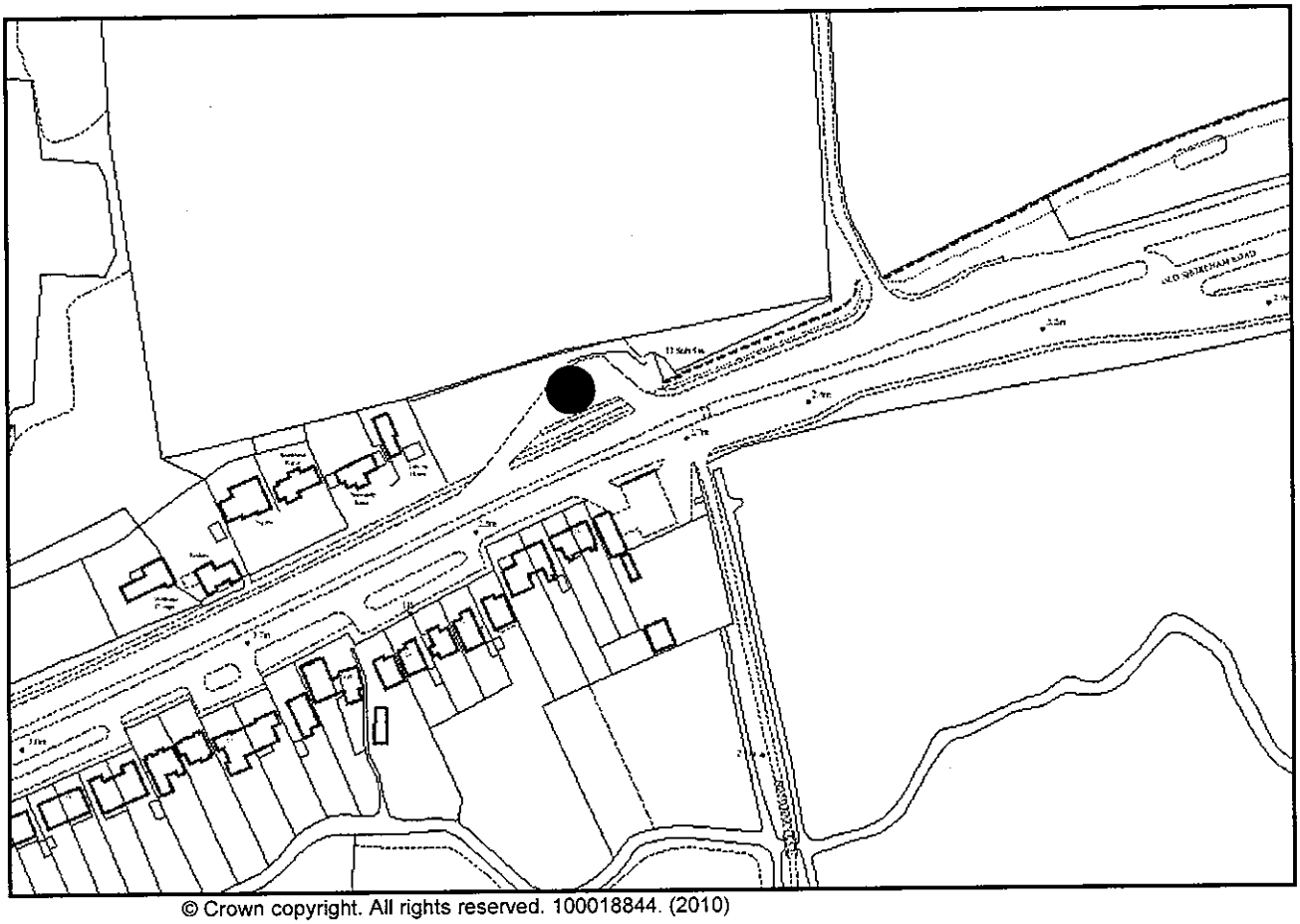
Application Number: ADC/0252/10 **Recommendation – APROVE**

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

Proposal: **Redevelopment with petrol filling station, canopy and shop, with fuel storage tanks within landscaped raised mound (including 24 hour opening for a one year trial period)**



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The Application

It is proposed to renew, with amendment to the petrol storage tanks, the previous unimplemented permission granted originally in 1994 (L/153/93) and renewed in 1999 (L/63/99) and 2004 (L/118/04), which lapsed last year. Two previous applications for renewal were withdrawn after the Environment Agency opposed fully underground tanks over concerns about risks to the underlying chalk aquifer (ADC/0099/09 and ADC/0050/10).

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 16 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 proposal contained in the application is for a forecourt with 4 pump islands covered by a canopy with a tiled surround (maximum 25m long by 16m deep and 5.5m high) and a hip-roofed shop building (11m by 9m and 6m high) on the east side (60sqm of trading floorspace). The

forecourt is extended north-westwards by a maximum 7m. Previously, new underground tanks were shown beneath the extended forecourt but, owing to the requirements of the Environment Agency to be above the water table, the 5 cylindrical tanks (each 2.4m diameter and 4.6m long with a capacity of 20,000 litres) are now shown at a higher level further to the west but concealed within a raised mound (approximately 1.5m high) at the rear of the large sloping grassed area retained on the west side of the site.

The western access into the site is retained but the eastern exit is shown relocated 6m westwards and at a 65 degree angle to the A27, as compared to the entrance which remains at about 20 degrees. The application is accompanied by a Design & Access Statement and a report entitled Review of Fuel Storage Tank Requirements.

There is permission for an alternative proposal for redevelopment with a car showroom building, with ancillary MOT/preparation bay and offices, and open car display area. This was allowed on appeal in 2000 (L/22/00) and subsequently renewed in 2005 and just recently (ADC/0251/10).

Consultations and Representations

Highways Agency: No objection but states that the developer should be reminded to consult them to obtain agreement before works commence on the access relocation.

Environment Agency: No objection, now that the fuel storage tanks are shown above the water table, provided conditions are imposed to require ground contamination investigation and remediation; a surface water drainage scheme (including oil and petrol interceptors); no penetrative piling or foundations unless specifically approved; and a scheme to provide additional pollution prevention measures for the fuel storage tanks.

Adur District Council: The EHO has no objection subject to imposition of the same conditions as on the previous permission.

Lancing Parish Council: Support the application as this petrol station is very much needed in Lancing.

Third Parties: 4 letters of objection have been received from the residents of 'Lancing House' and No's 82, 84 & 86 Old Shoreham Road. The reasons are:-

- highway danger and difficulty for motorists entering and exiting the site due to the high volume of traffic and most traffic exceeding the 40mph limit, and the lack of any slip roads; serious accidents have happened on this stretch of road and more are likely to occur. Signalling traffic could be confused with that using the Hoe Court junction a short distance to the east, and vice versa.
- the proposed shop may attract pedestrians to cross the A27 from the residential area on the south side and/or motorists to park on the south side pavement and cross the road on foot, giving rise to risk of more accidents.
- noise from the A27 is already excessive and any increase will be intolerable, especially at night, to the houses opposite; 24 hour opening should not be accepted even for a trial period owing to the extra disruption it would cause to residents (eg. slamming car doors, motorbikes starting up, undesirables hanging round, fuel pumps, tankers filling the storage tanks); at present the period 12midnight to 4am, is the only respite from noise.
- high levels of noise and air pollution 24 hours per day 7 days per week would affect 'Lancing House', the neighbouring house to the west (the main living area, kitchen-diner and 3 bedrooms of which overlook the site), making it likely that windows would need to be kept shut, plus high levels of illumination.
- loss of privacy, as the garden of 'Lancing House' adjoins the site, plus loss of privacy to houses opposite from increase in customers and overlooking;
- pollution from lights;
- increase in smell from petrol and exhaust fumes, added to those arising from the queues of traffic that occur 7am-9am and 3.30pm-7pm Mon-Fri because of the roundabout;

- more litter and discarded food, with rats and vermin;
- installation of fuel tanks so close to such a very busy road is both dangerous and environmentally unsafe.
- the road and site entrance become flooded after heavy showers and will become worse if any more trees are destroyed.
- more trees may be removed in addition to those already taken down, greatly spoiling the view from the houses opposite;
- the wildlife that has established on the site would be disrupted;
- viability is questioned, including whether the petrol station would become derelict if 24 hour opening were not permitted after the one-year trial period. There is 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 for residents as there are currently few pedestrians using the pavements on either side.

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 16 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 redevelopment with a new petrol filing station has previously been accepted and there is not considered to be any 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.
Under PPS4, the proposed shop is not large enough to give rise to any significant adverse retail impact on Lancing town centre.

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 and trees

The site is adjacent to the strategic gap and AONB. The first application for redevelopment with a larger petrol filing station was refused on grounds of being too obtrusive and harmful to the pleasant semi-rural character. However, in deciding the subsequent appeal, the Inspector considered it would not be seriously out of keeping because of the proposed tiled roofs and amelioration provided by the nearby trees, and only dismissed it because the buildings were too close to the regenerated trees at the rear of the site (L/113/91). The subsequently submitted scheme (L/153/93) was amended to overcome this problem and is identical to the present application.

In addition to the semi-mature regenerated elms along the rear (north) boundary of the site, a number of which have had to be removed because of disease, 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. The proposal does not affect these.

However, there is a relatively young maple tree on the eastern side of the grassed banked area. This has grown considerably since the original permission was granted and now has a spread of about 12m. Although the forecourt enlargement would still be approximately 5m from the trunk of this tree, it was previously stated that it might be felled. This is probably more likely now that the petrol storage tanks are proposed 6m behind it but it may be possible to reduce its crown spread rather than remove it.

There is adequate space to plant trees on the grassed area to the west as part of a landscaping scheme which can be required for the proposed new development albeit that it would be not quite so extensive owing to the part occupied by the fuel tanks. The latter occupy an area of approx 15m long by 7m wide which is about 12% of the total grassed area (19m-40m long by 27m wide). As they are to be concealed within a 1.5m high landscaped mound, it is not considered that there is an objection to these re-sited tanks.

Residential amenity, including hours of opening

The nearest dwelling to the west is 'Lancing House' which has a side dormer and 2 groundfloor windows facing the site. These are 55m from the nearest of the proposed petrol pumps. Given the wide intervening landscaped space, it is not considered that it would be seriously affected except possibly as a result of night-time disturbance. On the opposite side of the A27(T) is a car sales site (No.88) and two pairs of semi-detached houses (No's 80/82 and 84/86) which are 35m away at their closest.

The original permission L/153/93 was subject to a condition restricting hours of opening to 7am-11pm, following consideration of representations received from local residents. However, the Inspector allowed an appeal against the subsequently refused application (L/38/94) and granted temporary permission for a 3 year trial period. He stated:-

> *"I saw that during the day Old Shoreham Road carries a heavy load of traffic which produces considerable noise against which the additional noise of a petrol filling station would hardly be noticeable. While at night when the traffic levels are reduced there would be less noise from the traffic, I take the view that the presence of the wide main road would be sufficient to insulate the occupiers of the properties on the south side of the road from most of the noise of the filling station.....On the north side the effects on the houses nearest the appeal site are possibly more serious and, although the nearest house is about 55m from the petrol pumps, it is possible that some nuisance might be experienced by the occupiers of that property due to the noise caused by vehicles slowing down to enter the petrol filling station. I conclude that the condition*

in dispute is reasonable and necessary if it can be demonstrated that the use of the filling station during the night time would seriously affect the amenities of the occupiers of nearby residential properties. However, it has not been demonstrated to my satisfaction that this would be the case."

There is no sound reason to depart from the Inspector's findings above. The greatest source of vehicle noise would be from vehicles accelerating away from the proposed filling station and this would be to the east, furthest away from the houses.

Highway safety

The Highways Agency have no objection as the layout takes account of their previous comment that the site exit should be more 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, now that the fuel storage tanks are shown above the water table, subject to submission of a scheme to provide additional pollution prevention measures for these tanks. Their present requirements in relation to protecting the aquifer are more onerous than when the previous permissions showing storage tanks beneath the forecourt were granted.

They also recommend conditions are imposed to require 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:-

The proposed development is within the built-up area and would not detract from the existing local environment or result in unacceptable detriment to highway safety. However, it is considered necessary only to grant a temporary trial period for 24 hour opening because of the need to protect the residential amenities of nearby houses. Subject to this, the development does not conflict with the relevant policies of the Adur District Local Plan (AG1, AB25-27) ~~and the South East Plan (SCT1-4, CP3, CC6, NRM1-2, NRM4).~~

Subject to:-

1. C1Ci (Standard time limit)
2. On or before the expiration of the period of one year from the commencement of use of the new petrol filling station, the premises shall not be open for the selling of fuel or other goods, articles or services except between the hours of 7AM and 11PM and there shall be no external illumination outside these hours.
3. C8Bi (Provision of enlarged forecourt and new exit) (amended)
4. C9Eii (Details of new exit) (amended)
5. C11Ai (Tree planting and landscaping scheme, including existing trees to be retained, to be submitted, approved and implemented)
6. C11F (Protection of existing trees during construction work)
7. C12Aii (External materials and details of buildings and structures to be approved) (amended)

8. C14G (No external lighting except in accordance with details which have been submitted and approved) (amended)
9. C18N (Drainage scheme to be submitted, approved and implemented) (amended)
10. C18Rii (Contamination investigation and remediation)
11. C18T (No piling unless details approved)
12. The development hereby permitted shall be carried out in accordance with the following approved plans:-
    Drawing No's 3926/5A (Proposed site plan and Location plan); 3926/6 (Proposed elevations); and 5317/SK12A (Site section) all date stamped received 23 July 2010.
    R. In the interests of proper planning and for the avoidance of doubt.

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