
Site Address: Petrol Filling Station, 97 Park Lane, Bedhampton, Havant,
PO9 3HQ

Proposal: Variation of Condition 8 of Planning Permission 98/51870/10 to allow
24 hour use, 7 days a week, of the forecourt with payment of petrol and shop goods
between 2300hrs and 0600hrs via a proposed new night-hatch on the west elevation;
no customer access to the shop between 2300hrs and 0600hrs.

Application No:	APP/15/00633	Expiry Date:	07/08/2015
Applicant:	Mr S Nanthakumar	Team:	Team 1
Agent:	Mr R Baker	Case Officer:	Tina Pickup
Ward:	Bedhampton		

Recommendation: **GRANT TEMPORARY PERMISSION**

1 Site Description

The existing petrol station is located south of the Purbrook Way roundabout on the western side of Park Lane. It is located in a predominately residential area with residential dwellings abutting its western and southern boundaries and with a small shopping parade directly opposite the site on the north western corner of the roundabout.

The site consists of a forecourt which includes four pump islands beneath a canopy, a car wash and shop. The existing shop is a flat roofed brick building located in the north-east corner of the site, such that its rear elevation faces to the roundabout where there are a number of significant trees. The south-west corner is also heavily treed with a dense woodland appearance including TPO No 1261 which protected a Weeping Willow tree on the southern boundary in 1998 - however this particular tree was not obvious on site.

Access to the site is via two points - one on both Park Lane and Purbrook Way.

Currently the opening hours of the site are restricted by condition to: Forecourt - 0600 to 2400 7 days a week; Shop 0600 to 2300 7 days a week; car wash 0800 to 2200 Mon-Sat and 0830 to 2100 Sundays & bank holidays. Within the parade of shops opposite the Co-op is open 0600 to 2300 Mon-Sat and 0700 to 2300 Sundays; the Best One convenience store open 0500 to 2300 7 days a week; and the A5 takeaway restricted to 2230.

At time of site visit on 17/7/15 works had commenced on the approved extensions granted under APP/15/00067 BUT more trees have been removed than were agreed and the pre-commencement conditions have not been discharged - these matters will be followed up separately.

2 Relevant Planning History

98/51870/10 - Redevelopment of site to provide new petrol filling station with canopy, sales building, pumps, car wash, plant room & associated parking and landscaping - pp 8/10/1998 conditions include limiting hours to: Forecourt - 0600 to 2400 7 days a week; Shop 0600 to 2300 7 days a week; car wash 0800 to 2200 Mon-Sat and 0830 to 2100 Sundays & bank holidays

and more recently:

APP/15/00067 - Single storey extensions to north and south elevations; installation of a jet wash and additional parking- awaiting determination

APP/11/00892 - Display of lighting strip to canopy on north west and south east elevations Grant Adv Consent 3/8/11

APP/10/01032 - Replacement underground fuel tanks and associated works
Permission 9/8/11

APP/15/00067 - Single storey extensions to north and south elevations; installation of a jet wash bay and additional parking. Permitted 27/05/15

APP/15/00400 - Variation of Condition 8 of Planning Permission 98/51870/10 to allow operation of the forecourt and shop 24 hours a day, 7 days a week Withdrawn 3/6/15

3 Proposal

This is a revised application following the withdrawal of APP/15/00400 which sought to vary condition 8 of 98/51870/10 to allow 24 use of the forecourt and shop, 7 days a week. This revised application includes provision of a nighthatch to allow the forecourt to be used 24 hours a day but access to the shop will close at 2300 and payment of petrol and other goods between 2300 and 0600 will take place via the nighthatch. This does not prevent goods being sold from the shop, but customers will have to approach the nighthatch and ask for staff to collect items for them. The night hatch will be inserted on the west elevation in the corner facing the forecourt.

Supporting information has also been supplied - particularly in the form of security of the site - it is contended that vacant petrol filling stations are targets for ram raiders overnight causing damage to property, and hence being open with a staff presence deters such crime. Proposals to mitigate against lighting complaints have also been proposed - by switching off between 2300 and 0600 the green neon lighting edging the canopy facing Park Lane; the totem pole on Park Drive (except the prices); 2 fuel pumps nearest car wash; and the applicant is willing to cone-off the exit/entrance onto Park Drive.

This application does not affect the use of the car wash which would remain as previously conditioned at 0800 to 2200 Mon-Sat and 0830 to 2100 Sundays & bank holidays.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention -Minor Apps
Environmental Health Manager, Community Group
Development Engineer - Highways - no adverse comment

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 44

Number of site notices: At least one site notice exists - 3

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary: *(From Residents in Park Lane opposite site)* Object as will disturb residents during night time operation; vehicles and pedestrians drawn to service station will result in increased noise, light disturbance and traffic; potential for deliveries of fuel and groceries including refrigeration generators overnight adding to noise disturbance when ambient level lower; concerned about increased in anti social behaviour and congregation of taxi drivers; quiet character of this residential area will change if approved; lights currently turned off at 23:00 and increased/overnight lighting will be intrusive to bedroom window; nighthatch means all visitors would remain outside giving more noise pollution; no need for facility when Asda & Tesco close.

Comment: These issues will be considered below

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Crime
- (iii) Impact upon residential amenity

- (i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The main consideration in the determination of this application is considered to be the effect of overnight activity and comings and goings on the residential amenity of neighbours. Following concerns expressed about potential noise, light pollution, antisocial behaviour and fear of crime over the previous application for 'open-ended' 24 hour

use, that application was withdrawn and this re submitted with details addressing some of these concerns as follows:

(ii) Crime

The applicant has provided justification for the need to open 24 hours a day on the grounds of improved security. Incidents of break-in's and ram-raiding occurring when garages are closed at night with associated damage has been submitted. It is contended that the having the site manned 24 hours a day will deter criminals.

A pre-application meeting was held with PC Stuart York who was worried that opening the shop 24 hours a day would provide somewhere for the 'gangs' to disperse to after the shops opposite close at 2300. Currently the parade of shops opposite experiences relatively high levels of crime (approx 40 incidents of ASB, theft and damage over the past 12 months) but the existing petrol filling station only 4 incidents. Furthermore the petrol sales shop currently has an alcohol licence to sell from 6am to 11pm and this could also be extended if this application approved, meaning the availability of alcohol would attract customers overnight (although as a consultee to these license applications the LPA could object to such). The introduction of a nighthatch and denying direct access to the shop between 2300 and 0600 would make the site less attractive to 'gangs' to 'hang out' and again the presence of staff would be able to manage any anti-social behaviour. The agent has indicated that employing local staff with knowledge of the customer base ensures that local youths respect the management. Furthermore it is indicated that an alarm system is in place with direct link to the police and a 24 hour local mobile security provide will be employed.

On balance it is considered that the site being manned and therefore open 24 hours with the nighthatch would deter damage to property but have the consequence of attracting people to the site with possible anti social behaviour. The management of the site would be critical to this rather than land use planning conditions, so it is suggested that a 12 month trial period be allowed to ensure that the site is appropriately managed. This will enable Hampshire Constabulary to report on incidents of crime in a years time and for the general activity at the site to be monitored for any adverse effect.

(iii) Impact upon residential amenity

The letters of objection are concerned about increased activity at the site leading to added noise and disturbance. The applicant is not expecting large numbers of customers overnight - for him it is more about improving security overnight by having the site manned and if there are staff present then he might as well open to get some custom to help offset the staffing cost. It is estimated that only a couple of customers per hour will use the site overnight. On this basis it is not expected that any significant noise and disturbance will result, but having a 12 month trial period will enable the actual levels and impact of overnight usage to be monitored.

With respect to the objection to noisy delivery vehicles overnight it is stated that no fuel or groceries will be delivered overnight (with the exception of newspapers and magazines). This can be conditioned.

Light pollution is also a concern of neighbours: This would be from both the lights at the premises being on overnight aswell as from headlights of vehicles exiting the site - the houses and residents concerned are 118 - 124 Park Lane directly to the east of that egress point. To address this issue the agent has put together a package of

management measures to help mitigate against this possible nuisance caused. It is possible to condition that these management measures are implemented.

Policy DM10 and CS16 e seek to protect the amenity of neighbours from noise and pollution. It is considered that with the proposed nighthatch and a 12 month temporary permission, the noise and light pollution can be satisfactorily controlled for the first 12 months to enable the effects of the extended use of the site to be monitored.

8 **Conclusion**

It is considered that with the proposed nighthatch and a 12 month temporary permission, the noise and light pollution can be satisfactorily controlled for the first 12 months to enable the effects of the extended use of the site to be monitored. Therefore a temporary permission with appropriate conditions is recommended.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT TEMPORARY PERMISSION** for application APP/15/00633

(A)

(B) subject to the following conditions

- 1 This permission shall be for a limited 12 month period expiring on 7 August 2016 on or before which date the opening of the forecourt with payment of petrol and shop goods between 2300hrs and 0600hrs via the nighthatch shall cease and be discontinued permanently unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.
Reason: To enable the Local Planning Authority to further assess the impact of the proposed extended opening hours use, and the associated noise and activity at the site having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the national Planning Policy Framework 2012.
- 2 There shall be no customer access to the shop premises between 2300hrs and 0600hrs 7 days a week and all fuel and goods sold shall be paid for via the hereby approved night-hatch only.
Reason: To prevent the site becoming a 'meeting point' in order to protect the amenities of nearby residential properties having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The hereby approved night-hatch shall be installed in accordance with the submitted details prior to the site first opening for the sale of fuel or shop goods after 2300hrs.
Reason: To comply with the terms of the application to provide a satisfactory standard of development having due regard to policies CS16 and DM10 of the

Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 There shall be no deliveries of fuel and/or groceries to or from the site between the hours of 2300 and 0600 hours 7 days a week.

Reason: In the interests of the amenities of occupiers of nearby residential properties and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The management measures with respect to minimising light pollution and advisory signage regarding noise, detailed in the supporting information on pages 4 and 5, shall be implemented in full at all times between 2300hrs and 0600hrs unless agreed in writing with the Local Planning Authority.

Reason: To protect the neighbouring residents from light and noise, having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 Site Location Plan

Proposed floor plan Drawing No 0223-51-11 Rev C

Supporting Information entitled 'Application to vary trading hours to 24 hours a day'

Elevations of night-hatch Drawing No PS2015075A

Photo of proposed night-hatch position

Reason: - To ensure provision of a satisfactory development.