

**Report to:** Planning Committee  
**Date:** 23<sup>rd</sup> January 2023  
**Application No:** 220726  
**Location:** Langney Service Station, Langney Rise, Eastbourne  
**Proposal:** Erection of single storey rear extension to existing sales building  
**Applicant:** Motor Fuel Group LTD  
**Ward:** Langney  
**Recommendation:** Grant planning permission, subject to conditions.  
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**Site Location:**



<b>1.</b>	<b>Executive Summary</b>
1.1	The application is presented before planning committee due to the level of objections received on the proposed scheme (11 objections received).
1.2	The application comprises a single storey extension to the existing sales building of Langney Service Station and the installation of an external chiller unit.
1.3	Planning permission was previously granted under delegated authority for a similar proposed extension (ref: 181098) which has now expired due to the passing of three years since the decision and no substantive start on works having been made on site.
1.4	Following representations received on the application regarding concerns of noise nuisance from the proposed external chiller, the application has been amended to remove the external chiller to the rear and instead have an internally linked storeroom to the side of the proposed extension.
1.5	The application is considered to be acceptable in policy terms and would not lead to significant noise disturbance for neighbouring occupants with the imposition of a condition for prior agreement of any proposed plant.
1.6	The proposal complies with national and local planning policies and is therefore recommended for approval, subject to conditions.

<b>2.</b>	<b>Relevant Planning Policies</b>
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment.</p>
2.2	<p><u>Eastbourne Core Strategy Local Plan 2006-2027:</u></p> <p>B1 Spatial Development Strategy and Distribution</p> <p>B2 Creating Sustainable Neighbourhoods</p> <p>C8 Langney Neighbourhood Policy</p> <p>D4 Shopping – Langney Shopping Centre (District)</p>

	D5 Housing D10a Design.
2.3	<p><u>Saved polices of the Eastbourne Borough Plan 2001-2011:</u></p> <p>HO2: Predominantly Residential Areas  HO20: Residential Amenity  NE4: Sustainable Drainage Systems  NE28: Environmental Amenity  UHT1: Design of New Development  UHT4: Visual Amenity  UHT5: Protecting Walls/Landscape Features  UHT7: Landscaping  US4: Flood Protection and Surface Water Disposal  US5 Tidal Risk  TR2: Travel Demands  TR6: Facilities for Cyclists  TR11: Car Parking  Policy NE18: Noise  Policy NE28: Environmental Amenity.</p>
2.4	<p><u>Supplementary Planning Documents and other relevant guidance</u>  Sustainable Building Design SPD.</p>

<b>3.</b>	<b>Site Description</b>
3.1	The application site is occupied by an existing petrol station location on the western side of Langney Rise, adjacent to the housing development of Finchley Place and the vehicular entrance to the Langney Shopping Centre.
3.2	Within the site there are a set of petrol pumps located centrally with the forecourt covered by a canopy adjoined to the existing sales building situated towards to the south west of the site.
3.3	To the south east elevation of the existing sales building is a jet wash bay.

<b>4.</b>	<b>Proposed Development</b>
4.1	The application is seeking permission for the erection of a single storey extension to the existing sales building and the erection of an internally accessed store to the side elevation of the proposed extension.
4.2	It is proposed to replace the existing shopfront with a new aluminium frame with auto-sliding door and a new ATM machine.
4.3	The application includes redecoration of the existing building and removal of the existing jet wash bay.

<b>5.</b>	<b>Relevant Planning History</b>
5.1	The site has a long planning history the most relevant being:
5.2	<u>150820</u> Planning Permission Installation of two new steel double skinned underground storage tanks and associated fuel infrastructure with replacement new pump dispensers to existing petrol filling station. Approved Conditionally 30/09/2015.
5.3	<u>181098</u> Planning Permission Proposed erection of a single storey rear extension to forecourt sales building along with changes to the site layout to include the provision of 3no staff parking bays, relocation of the water, air & vac machines, relocation of existing jet wash bay and installation of 1no new jet wash bay. Approved Conditionally 27/03/2019.
5.4	<u>211048</u> Variation of Condition Application for variation of condition 2 (plans) following grant of planning permission 27 March 2019 (PC/181098) to increase the length of the single storey extension Approved conditionally 02/09/2022.

<b>6.</b>	<b>Other Representations</b>
6.1	<u>Neighbour Representations:</u> 11 Objections have been received cover the following points: <ul style="list-style-type: none"> <li>• Noise pollution from the external chiller</li> </ul>

	<p>Officer response: A condition is recommended at paragraph 9.4, which requires specification details to be submitted and approved by the LPA prior to any plant coming into use. This would be agreed with the Council's Environmental Protection and Housing team to ensure neighbour amenity protection.</p> <ul style="list-style-type: none"> <li>• Height of the extension is overbearing</li> </ul> <p>Officer Response: The proposed extension would be single-storey and slightly reduced in height from the existing building.</p> <ul style="list-style-type: none"> <li>• Impact on privacy and overlooking to surrounding occupiers</li> </ul> <p>Officer Response: There are no windows proposed to the extension and therefore no outlook onto the surrounding occupiers.</p> <ul style="list-style-type: none"> <li>• Unsociable behaviour</li> </ul> <p>Officer Response: The proposed development will not encourage unsociable behaviour, the range of goods to be sold will be expanded and a bakery installed which will be in operation during daytime hours only.</p> <ul style="list-style-type: none"> <li>• Increased traffic within the site</li> </ul> <p>Officer Response: The proposed development would not result in a significant increase in traffic within the site, given the existing use as a service station.</p> <ul style="list-style-type: none"> <li>• Impacts to view</li> </ul> <p>Officer Response: The impact upon, or loss of, views is not a material planning consideration in the assessment of planning applications.</p> <ul style="list-style-type: none"> <li>• At the time of approval of the original application properties of Finchley Place had not been in situ.</li> </ul> <p>Officer Response: The development of Finchley Place has been considered in the assessment of this application.</p>
6.2	<p><u>Other Representations:</u> None.</p>

<b>7.</b>	<b>Appraisal</b>
7.1	<p><u>Principle:</u></p> <p>There is no objection in principle to the proposed development and making alterations to the building provided it would be designed to a high standard, respect the established character of the area and would not</p>

	<p>have an adverse effect on the amenity and is in accordance with the policies of the Core Strategy 2013, and saved policies of the Borough Plan 2007 and the National Planning Policy Framework (2021).</p>
7.2	<p><u>Design, Character and Impact Upon Area:</u></p> <p>The design of the proposed scheme is considered to be in keeping with the host building, the extension will be facing brickwork painted grey to match the redecoration works to the existing building.</p> <p>The height of the extension is stepped down from the host building to make it subservient and to minimise an overbearing impacts a full height extension may have had.</p>
7.3	<p><u>Residential Amenity</u></p> <p>The proposed extension to the existing sales building is not considered to have a detrimental impact on the amenities of the adjoining occupiers or the surrounding area.</p> <p>The proposal is for a single storey extension that will be approximately 3.9m high, approximately 0.3m below the total height of the existing building and would extend the current building by approximately 11m. There are no windows proposed within the extension and one doorway to the rear.</p> <p>It is noted that objections have been received with regards to an impact on the privacy of the surrounding occupiers, however, the proposed extension will have no windows and therefore no outlook. The proposed scheme is not considered to impact on the privacy of the occupiers surrounding the site.</p> <p>Objections also raised concerns with regards to the height of the proposed extension, the height of the extension is not considered to be overbearing when taking into consideration the sales building that exists already on site. It is noted that there are residential properties within close proximity to site however, the proposed scheme is not thought to have a detrimental impact in terms of loss of light or overshadowing to those surrounding.</p> <p>Objections raise concerns regarding the noise the external chiller will produce and that this would need to be run 24 hours a day, which may cause noise pollution to the occupiers surrounding. The application has since been amended and the external chiller has been removed from the proposal.</p> <p>The proposal is for a new bakery to be installed within the extension, to ensure the amenity of the residential occupiers surrounding in terms of noise and odour, a condition will be attached to the decision notice requiring details of any new plant proposed to come into operation at the site will need to be submitted prior to instalment.</p>

7.4	<p><u>Use</u></p> <p>The proposed extension will form part of the sales building for the existing petrol station and will provide a bakery operating between the hours of 06:00 and 17:00. There is no change of use within the site proposed.</p>
7.5	<p><u>Transport and Parking</u></p> <p>The application site is an existing petrol station, the proposed extension to the sales building will not result in a significant increase of traffic to and from the site.</p> <p>The proposal includes the provision of 3no additional parking spaces.</p>
7.6	<p><u>Other Matters</u></p> <p>The Langney Shopping Centre site, including the service station area, has a tree condition relating to the original planning permission. The proposed scheme does not include any works to trees.</p> <p>Objections raised concerns over a loss of a view and anti-social behaviour within the site. A right to a view is not a material planning consideration and does not form part of the decision-making process. Antisocial behaviour within the site is outside of the scope of the planning application, an extension to the existing building does not raise concerns over anti-social behaviour in terms of planning, and any issues would need to be reported using the correct channels.</p>
7.7	<p><u>Planning Obligations</u></p> <p>None.</p>
7.8	<p><u>Human Rights Implications</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
7.9	<p><u>Conclusions</u></p> <p>This application is recommended for approval, subject to the below schedule of conditions.</p>

<b>8.</b>	<b>Recommendations</b>
8.1	Grant Permission subject to conditions.

<b>9.</b>	<b>Conditions</b>
9.1	<p><b>Timeframe:</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) / To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
9.2	<p><b>Drawings:</b> The development hereby permitted shall be carried out in accordance with the following approved drawings:</p> <p>Drawing: 13829-LP – Location Plan  Drawing: 13829-BP – Block Plan  Drawing: 13829-202 – Proposed Site Layout  Drawing: 13829-205 – Proposed Sales Building Layout  Drawing: 13829-206 – Proposed Sales Building Elevations</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
9.3	<p><b>Materials:</b> The external finishes of the development hereby permitted shall be as stated on the approved drawings and within the submitted application form.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.</p>
9.4	<p><b>Plant Details:</b> No plant and/or machinery shall come into operation until full specifications, and any mitigation measures required to achieve this condition, have first been submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 48 dBA between 0700 and 2300 hours and 37 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014.</p> <p>Reason: In the interest of protecting residents against the potential for future noise disturbance.</p>

<b>10.</b>	<b>Appendices</b>
10.1	None.

<b>11.</b>	<b>Background Papers</b>
11.1	None.