

Application No: 14/1693M

Location: WILMSLOW SERVICE STATION, PARSONAGE GREEN, WILMSLOW, CHESHIRE, SK9 1HT

Proposal: Redevelopment of existing petrol filling station to include new sales building, canopy, fuel pumps, storage tanks, car parking spaces, minor boundary treatments and ancillary rearrangements to forecourt, and removal of car wash.

Applicant: BP Oil (UK) Ltd

Expiry Date: 29-May-2014

Date Report Prepared: 29th May 2014

SUMMARY RECOMMENDATION

Approve subject to condition

MAIN ISSUES

- Impact on the character and appearance of the application site and wider locality;
- Impact on the residential amenity of nearby properties;
- Highway safety;
- Land contamination; and

REASON FOR REPORT

This application has been called into Committee by Councillor Menlove for the following reasons:

- a) The negative impact on the amenity of the neighbouring properties; and
- a) Overdevelopment of the site due to the massing and scale of the proposed new shop footprint.

DESCRIPTION OF SITE AND CONTEXT

The application site is currently used as a petrol filling station with associated sales building, car wash, fuel pumps, canopy and forecourt. The existing ingress is taken from Broadway and egress is onto Alderley Road (A538).

The site is located within Wilmslow town centre, approximately 0.3km from Wilmslow Railway Station. The site is rectangular in shape with the forecourt and associated petrol pumps and canopy located in the centre of the site. The single storey sales building is located in the western part of the site and the car wash is a single storey structure located adjacent to the southern boundary of the site. Associated vehicle access to the carwash runs to the rear of the sales building near to the western boundary of the site.

To the north of the site is Alderley Road (A538), and beyond, there are a range of food outlets, shops and a post office. A residential area bounds the site to the south. The site shares a boundary to the east with Broadway and to the west with Parkway.

DETAILS OF PROPOSAL

Planning approval is sought for a series of works to upgrade the existing site. The alterations to the site include:

- Demolition and replacement of the existing sales building with a gross floor space of 225m²;
- Replacement of the existing canopy;
- 2 no. new 80,000 litre underground fuel tanks and decommissioning the existing tanks;
- New underground offset fills, and vent stack;
- New external plant to the rear of the sales building;
- The erection of a compound enclosure to the side of the sales building;
- Replacement of existing fuel pumps;
- New parking arrangements to provide additional customer parking spaces;
- Alterations to the existing landscaping and boundary treatments, and
- Ancillary alterations to the forecourt which adopts a similar layout as existing.

RELEVANT HISTORY

35248P	Improvements to existing shop facility Approved, 04.11.1983
44545P	Proposed demolition and redevelopment of site Approved, 22.05.1986

POLICIES

Local Plan Policy

BE1 Design Guidance
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC38 Space, Light and Privacy
DC63 Contaminated Land
H13 Protecting Residential Areas

Other Material Considerations

National Planning Policy Framework
Local Plan Strategy Submission Version March 2014

CONSULTATIONS (External to Planning)

Environmental Health: No objection subject to appropriately worded conditions in respect of hours of demolition and construction, dust control, lighting, hours of use, noise mitigation and land contamination.

Highways: Awaiting formal comments following the submission of amended plans.

United utilities: No objection subject to appropriate conditions relating to drainage.

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council has provided the following comments:

The Town Council's Planning Committee consider this to be a prime site in Wilmslow and would favour this not being a petrol station,. However, should the petrol station be retained the Planning Committee would favour a change to an 'M&S Simply Food' store. The Planning Committee would also request changes to improve the visual aspect of the plain wall facing Alderley Road and request improved arboreal cover to the side elevation in order to disguise the air-conditioning unit. The Planning Committee expressed concerns that the area given to waste storage is of insufficient size and that all waste (including cages) should be kept out of view in addition, deliveries to the site, and waste processing activities should be restricted to normal working hours.

The Planning Committee request that a Section 106 Agreement be put in place to remove the raised bed forward of the site and introduce a herringbone parking area off the service road, thus increasing the parking provision in an area that is likely to have increased parking demand and at the same time enhancing the environment. The Section 106 Agreement should also cover the re-landscaping of the area at the junction of Parkway and the service road.

OTHER REPRESENTATIONS

Representations have been received from Nos. 1, 7, 9 and 11 Draxford Court, No.4 Hallwood Road, Covington Place and No.43 Park Road. Full copies of all representations received can be found on the application file and are available for public view. Nevertheless, the comments made can be summarised as follows:

- The development will result in increased noise generated by patrons/vehicles visiting the site;
- The increase canopy height and lighting arrangement will impact on the amenity of residents living at Draxford Court;
- Air conditioning units and refrigeration units have increased from those currently in situ, therefore noise will be greatly increased to those living in Draxford Court; they will also be detrimental to the visual amenity of the area of landscaping to the rear of the shop;
- It is felt that the increased opening hours will result in increased litter and disruptive; beach
- Wilmslow currently has 2 no. Shell garages that open 24hours, similarly there are other supermarkets within the immediate area; Accordingly, it is felt that there is not a justified need for a unit if the size proposed or increased opening hours;
- The design of the roof (flat) is not sympathetic to the architecture of Draxford Court or the adjacent shops;
- The shop should ideally have two entrances. The proposed shop only has one entrance. This brings an un-necessary number of people, possibly disabled, in the vicinity of the forecourt, with safety implications.
- The positioning of the ATM will increase illegal parking on a very busy street corner;
- The significant expansion of the shop will lead to more drivers parking on the private land to the front of Draxford Court;
- The site must be kept tidy at all times;

- There should be no damage to existing trees.

APPLICANT'S SUPPORTING INFORMATION

This application has been supported by the submission of the following documents:

- Design and Access Statement;
- Planning Statement;
- Geo-Environmental Investigation Report;
- Waste Storage, Recycling and Collection Facilities;
- Detailed Quantitative Risk Assessment;
- Remedial Strategy;
- Petrol Filling Station Designs for Underground and Above Ground Storage;
- Decommissioning Procedure;
- Fuel System Specification and Construction Details;
- Acoustic Consultants; and
- Underground Storage Tank Installation Details.

OFFICER APPRAISAL

Design

Local Plan policies DC1 and BE1 seek to ensure that the overall scale, density, height, massing and palette of materials of new developments are sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. New development should respect the characteristics of the area; respect the form, layout, siting, scale and design of the locality; contribute to the rich environment and vitality of the area; be human in scale and use appropriate materials.

It is proposed to carry out a series of works to upgrade and expand the existing petrol filling station facility. The proposal includes the demolition and replacement of the existing sales building and associated canopy. The existing car wash that is currently positioned on the southern boundary is to be demolished. 4 no. new pump islands are proposed to replace existing. 2 No. new 80,000 litre underground double skin fuel tanks are proposed; the existing tanks are to be decommissioned New underground offset fills and a vent stack are also proposed, as well as new fuel lines, pipework gauges and monitoring systems introduced to modernise the storage.

Existing ingress from Broadway and egress onto Alderley Road is to be retained. 9 no. customer parking spaces are to be positioned adjacent to the southern boundary with 1 no. disabled space positioned in front of the proposed sales building.

Alterations to the existing landscaping and boundary include, 2.2m high walling to replace the existing angled wall to the side of the sales building and also behind the existing car wash; and would reflect the remaining boundary wall. New protective bollards are to be installed in front of the sales building and new air conditioning units are proposed to the rear, which are to be screened by timber fencing.

Concern has been raised regarding the size and overall design of the new sales building with a view that it is overdevelopment of the plot and that it would detract from the character and appearance of the area.

The new sales building is a single storey flat roof structure, measuring 4.4m in height. The footprint of the building would be approximately 160% larger than the existing building, providing 145m² in additional net retail floor space. The building would sit adjacent to an existing area of landscaping to the west of the site. It would sit closer to the southern site boundary, leaving a separation distance of 1.5m, and no closer to Alderley Road.

The proposed canopy would cover a smaller area than the existing canopy. Albeit, the proposed canopy would be higher at 4.9m as apposed to 4.3m as existing. A difference of 600mm is considered acceptable and it is not considered that the canopy would appear intrusive compared to the existing site circumstances.

A simple design approach has been adopted with profile cladding coloured 'Pearl'. The shop frontage is orientated to face into the site, which is representative of the use as a Petrol Filling Station.

Consideration has been given to the concerns raised in respect of the overall scale and appearance of the building. However, the site is positioned within a town centre location where there is a clear mix between buildings in terms of scale, design and use of materials. Baring this in mind, the building would not appear out of character in its setting.

Existing landscaping to the west of the site is to be retained and enhanced. Extraction equipment positioned on the west facing elevation is to be screened by a timber fence; and existing landscaping to the western side of the site is to be retained and enhance. The applicant has agreed to a landscaping condition if Members felt it appropriate and necessary.

Amenity

Draxford Court is a town house development that is positioned to the south of the application site. Entrance doors and garaging are positioned on the ground floor. A kitchen diner and living room are located at first floor and bedroom accommodation and a bathroom are positioned at second floor. A site visit confirmed that there are a number of windows that serve habitable accommodation fronting the application site.

Taking account of the internal layout of these properties, the single storey nature of the proposed sales building and the reduced canopy height the development would not result in a significant loss of privacy or result in n intrusive form of development.

Concerns raised specifically relate to the proposal to operate 24hour opening. The existing site opens between 0600 and 2300. This is not controlled by a condition under the original approval and a change to the existing opening hours could be implemented without the need for formal planning permission.

The site is in a town centre location where transient noise and disturbance is to be expected. Nevertheless, the proposal may lead to significant harm to the residential amenity of nearby properties if adequate controls are not put in place. Officers are not satisfied that it has been sufficiently demonstrated that the proposal would not result in patron levels of noise and disturbance that would not cause a nuisance to nearby residential properties.

In light of this, the Applicant has agreed to a condition to restrict the hours of operation to reflect the existing opening hours of 0600 to 2300. Members are informed that it is likely that the applicant will seek to vary this condition to operate 24 hours once sufficient information has been gathered. However, such a proposal would need to be considered on its merits at that time.

Sufficient information has been submitted to demonstrate that the operational noise levels generated from plant and equipment on the site, including the air conditioning units and refrigeration units attached to the shop, is acceptable and would not lead to the detrimental harm to residential amenity.

Conditions in respect of lighting, hours of demolition and construction and dust control are recommended.

Highways

The Strategic Highways Manager expressed concern that the site appears overdeveloped and that the parking and vehicular movements are not demonstrated to work.

The Agent has liaised with the Strategic Highways Manager and an amended plan to address the concerns raised has been secured. Confirmation has not yet been received from the Strategic Highways Manager that the details received are acceptable. This will be dealt within in an update report to Committee Members.

Concern has been raised as to the possibility of motorists parking within the parking area of Draxford Court. During a site visit it was noted that Draxford Court has an area of car parking that is clearly identified as being for private residents parking only. Motorists are not permitted to park within this area and would be doing so at their own risk. This is a civil matter that would not constitute a material planning consideration for the purposes of this assessment.

Land Contamination

The Environmental Health Officer has been consulted as part of this assessment. Due to the sensitive nature of the existing use of the site the application has been supported by a Land Contamination Survey. Subject to a condition to request a remediation strategy that is to be submitted to and agreed by the LPA, no objection has been raised.

Other Matters

Wilmslow Town Council have requested that a Section 106 Agreement be put in place to remove the raised bed located forward of the site and introduce a herringbone parking area. The raised bed falls outside of the application site and is in fact highways land. Accordingly, it would be unreasonable for the Council to impose an obligation to require the applicant to carry out such works. Such an obligation would be unlikely to meet the tests of the CIL regulations.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This application seeks approval to expand and upgrade an existing petrol filling station facility, including the demolition and replacement of an existing sales building and canopy structure. The site is located within Wilmslow Town Centre where the principle of development is considered to be acceptable.

A presumption in favour of sustainable development is at the heart of the National Planning Policy, which should be seen as a golden thread running through the decision-taking and plan-making process. Para 14 of the NPPF advises that Local Planning Authorities should positively seek to meet development needs that accord with the Local Plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Local plan.

The main points for consideration of this application include the acceptability of the design and scale of the proposed sales building; the impact upon the residential amenity of nearby properties, in particular Draxford Court; and whether or not the proposal would result in significant highway safety implications.

Consideration has been given to the comments received from nearby residents, Wilmslow Town Council and statutory consultees. Amendments have been secured to lessen the degree of impact the development would have on the visual amenity of the area and to the residential amenity of nearby properties.

Subject to appropriate conditions this application is considered to adequately accord with the relevant policies of the Local Plan and a recommendation of approval is given subject to the Strategic Highways Manager's approval of the revised parking layout.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. Drainage
7. Drainage
8. Lighting
9. Dust Control
10. Land Contamination
11. Hours of Demolition/Construction
12. Hours of Use

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