Planning Committee: 03 February 2015 **Item Number:9**

Application No: W 14 / 1664

Registration Date: 20/11/14
Town/Parish Council: Leamington Spa **Expiry Date:** 05/02/15
Case Officer: Rob Young
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Petrol Filling Station, 130 Rugby Road, Leamington Spa, CV32 6DN
Refurbishment of existing petrol filling station to include single storey extensions to the shop, installation of new ATM pod, installation of a new boundary fence and other external alterations FOR McLagan Investments Limited

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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the following:

- installation of a new boundary fence;
- single storey extensions to shop;
- installation of new ATM pod; and
- other external alterations.

The following amendments have been made to the application:

- click and collect lockers omitted;
- boundary fence reduced in height; and
- new air conditioning unit omitted.

This application does not propose any revisions to the current opening hours of the site.

THE SITE AND ITS LOCATION

The application relates to a petrol filling station situated on the north-western side of Rugby Road. The site is situated within a predominantly residential area, although the Lockwoods ski shop is situated on the opposite side of Rugby Road and the Rugby Road Local Shopping Centre is 135m (as the crow flies) to the south-west along Rugby Road (with two blocks of flats and Guys Cliffe Road in between). The application site is adjoined by dwellings to the south-west and north-west. Rugby Road runs along the south-eastern boundary of the site and Cliffe Road runs along the north-eastern boundary. Dwellings face the site from the opposite side of Rugby Road and Cliffe Road.

There are currently fuel pumps and an associated canopy occupying the centre of the application site. A single storey sales building is situated to the rear of this. There is a car wash behind the sales building, alongside the boundary with the neighbouring dwelling at No. 2a Cliffe Road. There are vehicular accesses onto Rugby Road and Cliffe Road.

The application site adjoins the boundary of the Leamington Spa Conservation Area. The Conservation Area boundary runs along the south-eastern, north-eastern and north-western boundaries of the site.

PLANNING HISTORY

In 2013 planning permission was refused for "Demolition of existing service station and redevelopment to provide a foodstore (Use Class A1) with ATM, associated parking, landscaping and other ancillary works" (Ref. W13/0597). A subsequent appeal was dismissed on the grounds that the proposals failed the sequential test in the NPPF and Local Plan Policy UAP3 and on the grounds that the proposals included inadequate off street parking.

In August 2014 planning permission was refused for "Removal of condition 5 (opening hours) of planning permission no. W/96/0559 so as to allow 24 hour opening" (Ref. W14/1084).

Prior to that there had been a number of other previous planning applications relating to extensions and alterations to the premises. None of these are directly relevant to the consideration of the current proposals.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: 14 objections have been received on the following grounds:

- use of the site beyond the current hours of use would cause unacceptable noise and disturbance for nearby residents;
- use of the site beyond the current hours of use would cause unacceptable light pollution;
- the proposed lockers and enlarged shop will increase the use of the site and therefore increase noise and disturbance for nearby residents;
- the height of the proposed boundary fence is excessive;
- detrimental to the character and appearance of the area and the adjacent Conservation Area;
- query the number of new jobs that will be created;
- increased traffic;
- inadequate parking;
- concerns about the position of the proposed air conditioning unit; and
- concerns about signage.

WCC Ecology: Recommend an informative note in relation to bats.

WCC Highways: No objection, subject to conditions.

WDC Environmental Health: Recommend conditions to restrict the hours of use, to restrict the hours of construction works, to require a noise assessment for the new plant and equipment (including the refrigerated lockers) and to require details of external lighting.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- retail policy and the impact on the vitality and viability of the Rugby Road Local Shopping Centre;
- car parking;
- highway safety;
- the impact on the living conditions of neighbouring dwellings;
- the impact on the character and appearance of the area and the setting of the adjacent Conservation Area; and
- health and well-being.

Retail policy and the impact on the vitality and viability of the Rugby Road Local Shopping Centre

The existing shop has a sales area of 68 sq m. The proposed shop would have a sales area of 118 sq m, an increase of 50 sq m. In the context of what is currently a very small shop, it is not considered that this modest increase in sales area would cause harm to the vitality and viability of the Rugby Road Local Shopping Centre. The shop would remain of a scale appropriate to its function as a petrol station sales kiosk.

Car parking

The bank of click and collect lockers that were a cause for concern on parking grounds have been omitted from the scheme.

The Council's Parking Standards would require 14 parking spaces for the amended proposals, based on the gross floor area of the proposed shop. The proposed layout only shows 6 spaces, 2 of which will not be usable while the vacuum or tyre inflator are in use or for the duration of fuel deliveries. However, the proposed extensions would only increase the gross floor area of the shop by 35 sq m, which amounts to a requirement for 2.5 extra spaces. There has been no objection from the Highway Authority on highway safety grounds. It is also of note that there are currently no parking spaces marked out on the site, whereas the proposed layout shows 4 marked bays, albeit in an area that could currently be used for informal parking. Furthermore, a proportion of the car-borne customers visiting the shop would be purchasing fuel and so would leave their cars parked at the pump rather than taking up parking spaces. Taking all these factors into account, it is not considered that a refusal of planning permission would be justified on parking grounds.

Highway safety

There has been no objection from the Highway Authority. In view of the small size of the proposed extensions, the limited increase in traffic that the development is likely to generate does not give rise to any highway safety concerns.

Impact on the living conditions of neighbouring dwellings

The proposed extension to the rear of the jet wash would be set within the walls of the existing jet wash. Therefore it would not cause any increased loss of light or loss of outlook for neighbouring dwellings. The proposed front extension to the shop would be situated well away from the nearest dwellings and therefore would not have any implications in terms of light or outlook for neighbours.

Turning to the issue of noise and disturbance, there has been no objection from Environmental Health in this regard. The modest extensions to the shop would not result in a material increase in noise and disturbance for neighbours.

A key concern of objectors is the possibility of the site being used beyond the current permitted hours (0700 hours to 2300 hours). However, the application does not propose any variation of the existing permitted hours. For the avoidance of doubt, it is recommended that the existing hours of use condition is repeated on the current application.

Impact on the character and appearance of the area and the setting of the adjacent Conservation Area

The omission of the click and collect lockers has addressed any concerns there may have been regarding the impact on the character and appearance of the area and the setting of the adjacent Conservation Area. Looking at the remaining proposals, the extensions to the shop would be in keeping with the design of the existing building. The new ATM pod would be an appropriate feature in the context of this established petrol station. The new fence would replace an

existing fence in a similar position and, as amended, would not be unduly high for this location.

Therefore, it has been concluded that the amended proposals would have an acceptable impact on the character and appearance of the area and on the setting of the adjacent Conservation Area.

Health and well-being

Not applicable.

Other matters

The proposals would have an acceptable impact on trees adjacent to the site.

Objectors have raised concerns about the signage that is indicated on the plans. However, this does not form part of the current planning application. The signage is the subject of a separate application for advertisement consent.

In view of the limited size of the proposed extensions, it is not considered that the proposals will result in a significant increase in the energy requirements of the premises. Therefore a requirement for on-site renewable energy production is not justified in this case.

SUMMARY / CONCLUSION

The proposals are considered to be acceptable in terms of car parking, highway safety and in terms of the impact on the vitality and viability of the Rugby Road Local Shopping Centre. Furthermore, the proposals would not harm the living conditions of nearby dwellings and would not harm the character and appearance of the area or the setting of the adjacent Conservation Area. Therefore it is recommended that planning permission is granted.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (200)03B, (200)04, (300)03B & (300)04, and specification contained therein, submitted on 20 November 2014 & 16 January 2015. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

4 No development shall commence until a turning area has been provided within the site to enable vehicles associated with the construction of the development to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of the construction works. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

5 No customers shall be permitted to be on the premises other than between 0700 hours and 2300 hours. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

6 No more than 118 sq m of the sales kiosk shall be used for the display of goods for sale, hire, lease or rental. The area annotated as "back of house" on the approved drawings shall not be used for the display of goods for sale, hire, lease or rental. **REASON:** To protect the vitality and viability of the Rugby Road Local Shopping Centre, in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011.

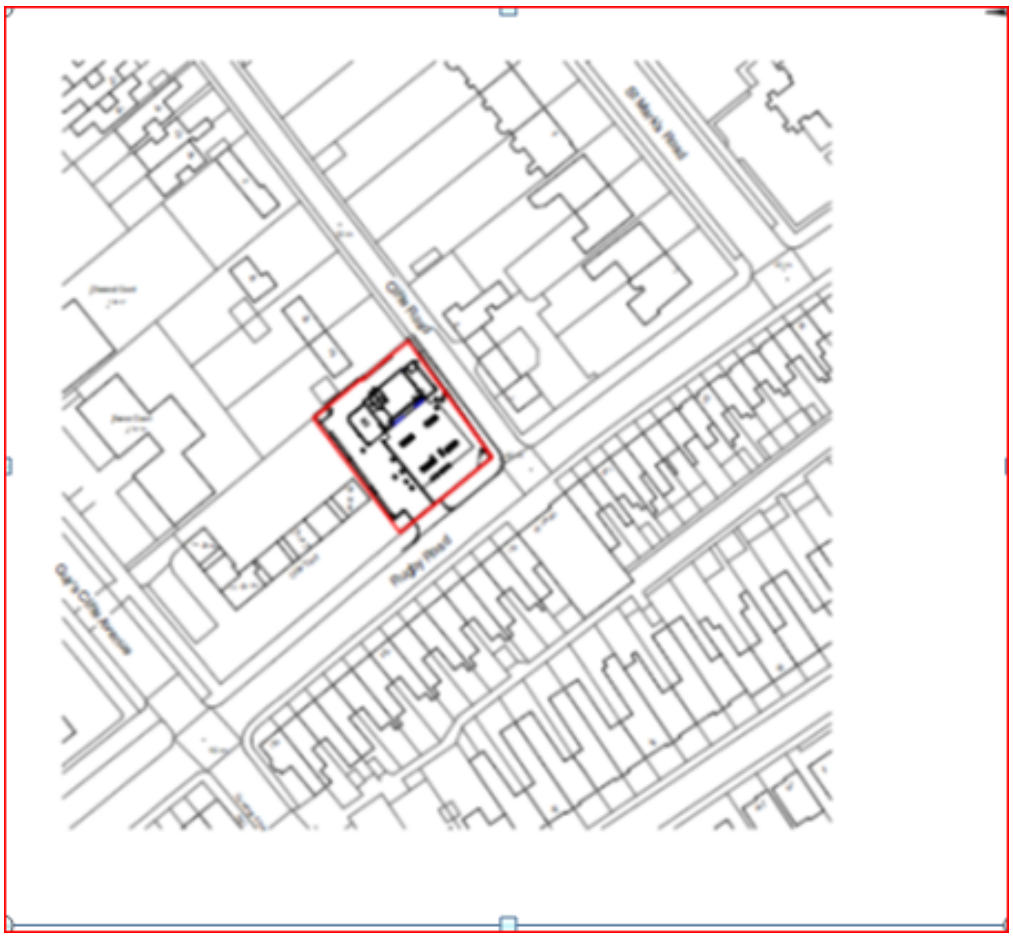
7 The extensions hereby permitted shall not be used unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON**: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

8 Best practicable means shall be employed at all times to control noise, dust and vibration from construction works on the site. Construction work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. There shall be no deliveries associated with the construction of the development hereby permitted before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays or at any time on Sundays or Bank Holidays. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

9 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

10 No plant or equipment shall be installed other than in strict accordance with the conclusions and recommendations of a noise assessment (in

accordance with BS4142:2014) that shall have been submitted to and approved in writing by the local planning authority. Any sound attenuation measures recommended in the noise assessment shall be implemented in strict accordance with the approved details and thereafter shall not be removed or altered in any way. **REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.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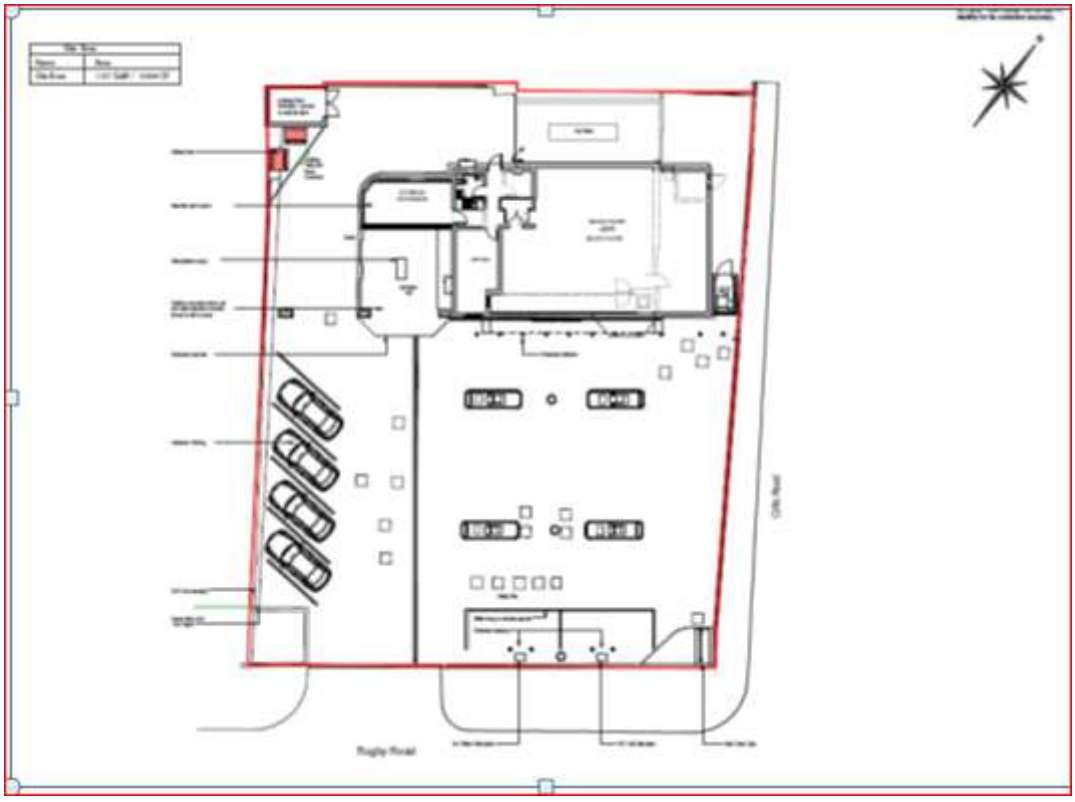
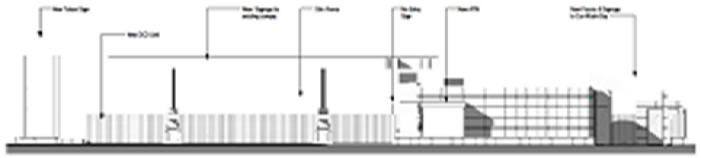

Rugby Road

Forecourt Elevation South
1:100



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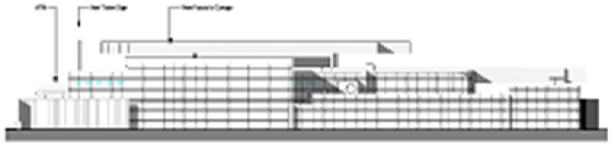

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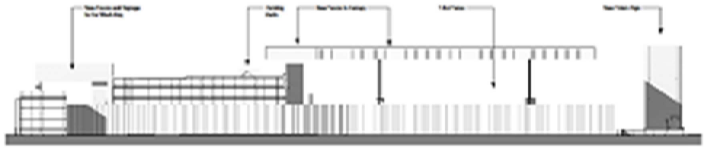

Forecourt Elevation West
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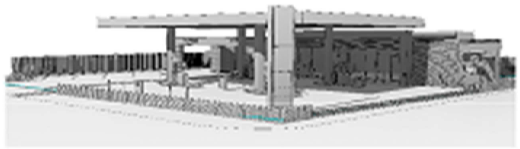

Proposed Site Perspective

Proposed Forecourt Elevations

McLagan INVESTMENTS Limited

Design

Roda Milverton, 130 Rugby Road
Leamington Spa, CV32 6DN

Proposed Forecourt Elevations