

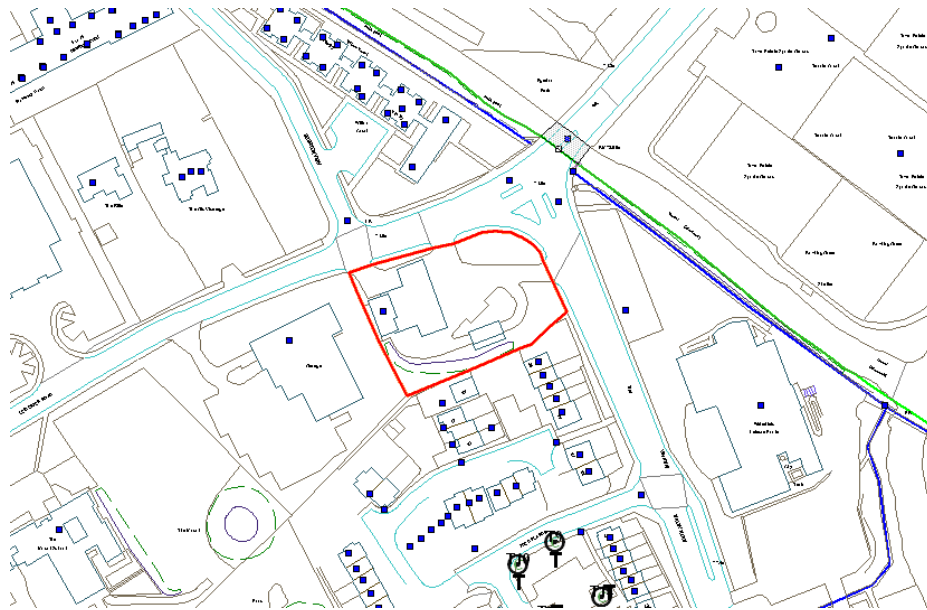
Reference: 13/00862/FUL

Date submitted: 02.12.2013

Applicant: BP Oil UK Limited

Location: BP Egerton Park Self Serve, Leicester Road, Melton Mowbray

Proposal: Demolition of existing sales building, canopy and car wash, and construction of replacement sales building, car wash, canopy, fuel pumps, underground fuel tanks, ATM, vent tower, A/C and refrigeration units, refuse enclosure, parking, services and associated works



Proposal:-

This application seeks permission for demolition, rebuilding and alterations to the service station on the corner of Leicester Road/Dalby Road, Melton Mowbray. The site currently comprises of a sales building, large forecourt canopy, car wash and associated services and parking. The site is accessed via three points, two from Leicester Road and one from Dalby Road. There is onsite parking on an ad hoc basis, and the existing car wash is located towards the back (south) of the site. To the west of the site there is the car sales and service garage, immediately to the North is the Wilton Court development (sheltered, supported housing for older people), to the south are residential dwellings and to the east Wilton Park and the Waterfield Leisure Centre. The service station is proposed to be rebuilt with a food store and café within the sales building, a reconfigured forecourt, new car wash and revised parking arrangements. The site would be open 24 hours per day.

It is considered that the main issues relating to this proposal are:-

- **Impact upon residential amenities**
- **Impact upon highways safety**
- **Impact upon flood risk in the area**

The application is presented to the Development Committee due to the type of application proposed.

Relevant History:-

03/00295/ADV: One static, double sided free standing advertising display unit, internally lit at night - **Refused** as the advertisement was not related to the premises at which it was to be displayed.

03/00513/ADV: Double sided pole mounted advertising display unit – **Refused** as the advertisement was not related to the premises at which it was to be displayed.

13/00863/ADV: Advertisements relating to this application, **pending consideration**.

Planning Policies:-

Adopted Melton Local Plan

Policy OS1 – planning permission will be granted in the town envelope where:

- the form, character and appearance of the settlement are not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and
- satisfactory access and parking provision can be made available.

Policy BE1 – Planning permission will not be granted for new buildings unless:-

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;
- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight;
- Adequate public open space and landscaping is provided where appropriate;
- The buildings and their environs are designed to minimise the risk of crime;
- Wherever possible, buildings are designed and sited to maximise solar gain and utilise energy saving features;
- Adequate vehicular access and parking is provided.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, businesses, industrial units, infrastructure and thriving local places that the country needs;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- Encourage effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
- Take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

Building a strong, competitive economy:

A commitment to ensure sustainable economic growth to create jobs and prosperity; significant weight should be placed on the need to support economic growth through the planning system.

Ensuring the vitality of town centres

Paragraphs 24 and 26 of the NPPF advise that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Applications for main town centre uses should be required to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

When assessing applications for retail development outside of town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if this is not set locally, the default threshold is 2500sqm).

Requiring good design:

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Applicants should be expected to work closely with those directly affected by their proposals to evolve designs that take account the views of the community (paragraph 66).

Meeting the challenge of climate change, flooding and coastal change:

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. A sequential, risk based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk should be taken by local planning authorities. If necessary, the exception test should also be applied.

When determining applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lower flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12).

Consultations:-

Consultation Response	Assessment of Head of Regulatory Services
<p>Environment Agency: The Agency initially objected to the proposal as it is within flood zone 2, where there is a medium probability of flooding occurring and there was no evidence that the sequential test had been applied.</p> <p>Following this objection, the applicant completed the sequential test, and the Environment Agency has now withdrawn their objection, subject to the imposition of conditions.</p>	<p>Noted.</p> <p>The applicant completed a flood risk assessment and a sequential test for the site. The assessment shows that the site lies at the edge of flood zone 2, which lies mainly to the north of Leicester Road and to the east of Dalby Road. The site already comprises of a petrol filling station, which is to be replaced with a similar development, but operated by a different company.</p> <p>The proposed forecourt is of a similar size to the existing, and the proposed shop will be relocated on the site but will be larger than the existing. The type of development proposed is considered to be categorised as ‘less vulnerable’ and therefore this is considered to be an appropriate use within this area, given the established use on the site and this classification.</p> <p>The site is brownfield land and represents a preferred location for development within the urban area. The proposal is classified as ‘less vulnerable’ and therefore is an appropriate use for this brownfield site.</p> <p>It is considered that the development passes the sequential test in relation to flood risk, in accordance with the guidance in the NPPF.</p>
<p>LCC Highways - No objections</p> <p>The Highways Authority considers that the proposal will have no detrimental impact upon highways safety, and provides an adequate level of customer parking on site.</p> <p>Subject to conditions it is considered that the proposal is acceptable in highways safety terms.</p>	<p>Noted.</p> <p>The proposed site plan shows no alterations to the existing site accesses onto Dalby Road and Leicester Road. There are 5 new marked parking spaces proposed to the north of the site, adjacent to a space reserved for air, water and vacuum services. There are also three car parking spaces to be located to the north of the car wash, adjacent to the proposed shop, alongside the loading bay. To the west of the site there will be a further 3 parking spaces, a disabled parking bay and further air and water services.</p> <p>The revised canopy will provide cover for 4 petrol pumps with a total of 8 spaces for vehicles to refuel to the sides of these pumps.</p> <p>The car wash will be accessed via a new single lane</p>

	<p>tarmac road from the west of the site, around the rear of the new shop. The exit from the car wash will be in a similar location to the existing, although the car wash itself will have been relocated slightly to the north and east.</p> <p>It is considered that the application would not cause any issues with regards to highways safety and would comply with policies OS1 and BE1 in this respect, subject to the imposition of conditions.</p>
<p>Environmental Health – No Objection</p> <p>The applicant has provided an Environmental Geotechnical Assessment and report which refers to a site investigation involving boreholes, ground water monitoring and photoionization detector readings (PID - a type of gas detection). There was no olfactory or visual evidence of contamination at the site and the PID readings were all less than 0.1ppm. No evidence of leakage or contamination of the existing petrol filling station was found, however it is accepted that localised soil impact may be found when the current fuel infrastructure is removed. As this may occur, the applicant is advised to have appropriate procedures in place should this in fact be the case.</p> <p>There are no current noise complaints associated with the existing car wash facility; the applicant is advised to ensure (and to demonstrate) that the new car wash facility will not create any increase in noise levels at the existing nearby residential accommodation.</p> <p>The application involves the installation of refrigerator units located externally (to the south elevation) to the sales building. These are provided in conjunction with a walk-in refrigerator. The Officer recommends that a condition is attached restricting the noise level from the external refrigerator units to a maximum noise level rating of 35dBA when corrected according to paragraph 8.2 of BS 4142:1997 Rating of Industrial Noise Affecting Mixed Residential and Industrial Areas, when measured at the boundary of the neighbouring residential properties.</p>	<p>Noted.</p> <p>A note can be attached to any planning permission granted to advise the applicant to have suitable and appropriate procedures in place should there be any impact upon the soil when the current fuel infrastructure is removed. Conditions requested by the Environment Agency also deal with these issues.</p> <p>The applicant has advised that the new car wash will be new equipment which is less noisy than the existing, and is confident that the residents will experience less noise from the new car wash, particularly as it has been moved further from the boundary. Although the current car wash does not appear to have any conditions regarding the times it can be used, it may be appropriate to condition the hours of the day it can be operational to ensure that there is no negative impact upon the residential amenity of the dwellings to the south.</p> <p>A condition can be placed on any permission granted to ensure that the refrigerator units do not exceed this maximum noise rating in the interests of residential amenity.</p> <p>It is considered that the proposal can comply, subject to conditions, with the requirements of policies OS1 and BE1 of the Melton Local Plan</p>

	with regards to impact on residential amenity in respect of noise and disturbance
Licensing - No objections The rebuild of the station will require a rewriting of their pollution permit to replace the existing; they would not be required to apply for a new one.	Noted.
Melton Mowbray Civic Society – Object Concerns raised with regards to the design of the new proposed sales building; the design is that of a standard ‘BP’ building – little more than a basic shed more appropriate to an industrial estate than the edge of a Conservation Area. The site is sensitive, on a main road and important approach to the historic market town of Melton Mowbray.	Noted. It is accepted that the site is located at the junction of two important roads and on the edge (but outside) of the conservation area (which is to the east, on the opposite side of Dalby Road). The site is well established as a petrol filling station within the town. The type of development has a limited range of designs, all sites generally requiring a canopy over the fuel pumps, a sales building, car wash and associated advertising. It is considered in this case that although the design is that of a ‘standard’ BP filling station it represents an improvement on the dated buildings on site. The petrol filling station is located in a mixed use area, with residential and industrial uses in close proximity, and it is considered that the design is appropriate in this location, on the edge of the town, outside of the conservation area. It is considered that the proposal comply with policies OS1 and BE1 of the Melton Local Plan in respect of the design of the proposal.
Building Control – No comments	Noted.

Representations:

A site notice was posted in line with consultation procedures and 7 neighbours were notified of the application. In response 1 objection has been received.

The objections are summarised below:

Representation Objection/Concerns	Assessment of Head of Regulatory Services
Noise Issues Concerns were raised by a resident to the south of the site with regards to the proximity of the car wash which they state is approximately 8-9 metres from their home. The site is separated by a fence at just over 2m tall and a tree from their home.	Noted. The applicant has provided information to show that the car wash will not be any noisier than the existing, and this can be controlled by means of a condition, along with the hours which it is allowed to operate. The new car wash will be positioned slightly further to the east and south than the existing; which is slightly further away from the residential dwellings. Therefore it is considered that the new car wash will not have any further impact upon residents in terms of noise than the existing, subject to conditions.
Concerns have been raised regarding the possible	The new fuel tanks replace the existing and will

<p>noise levels from the underground fuel tanks when tankers arrive to refill them.</p> <p>Concerns have been raised with regards to the lighting proposed for the advertisements for the site</p>	<p>improve the environmental standards of the site through the use of skin tanking which will include the sensitive monitoring of the fuel system and vapour collection. It is considered that these changes will improve the standards on site, and should not cause any additional noise increase or further tanker movements. A condition could be imposed to require the timing of tanker deliveries to be at times during the day which would not adversely affect residential amenity.</p> <p>This is to be dealt with as part of a separate application for advertisement consent (ref 13/00863/ADV) which is currently in the process of being determined.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Compliance, or otherwise, with planning policy</p> <p>Policy OS1 allows for development within the town envelope where the form, character and appearance of the settlement is not adversely affected; the form, size, scale, mass, materials and architectural detail is in keeping with the character of the locality and the development does not cause undue loss of residential privacy, outlook and amenities. Satisfactory access and parking should also be made available.</p> <p>Policy BE1 states that planning permission will not be granted for new buildings unless they are designed to harmonise with the surroundings in terms of height, form, mass, siting, construction materials and architectural detailing. It also states that the buildings should not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight.</p> <p>Policies OS1 and BE1 of the Melton Local Plan are applicable, but under paragraph 215 of the NPPF it is necessary to consider if they should carry weight.</p> <p>The NPPF advises that main town centre uses proposed on the edge of, or outside of the town centre should be subject to the sequential test. Also, that retail developments in excess of 2500sqm should undertake a retail impact assessment to assess the potential impact upon town centre vitality and viability (paragraphs 24 and 26).</p>	<p>The proposal is located within the town envelope, as such policies OS1 and BE1 of the Melton Local Plan apply. It is considered that these policies are in conformity with the NPPF which supports proposals that promote economic development and sustainable development and therefore still command weight.</p> <p>The development is considered to comply with the requirements of policies OS1 and BE1 subject to conditions of the times that the car wash could be operational, to ensure the residential amenity of the dwellings to the south. The development is situated on the corner of two busy routes in and out of the town centre, adjacent to other industrial uses and some residential dwellings. The scale of the development is considered to be acceptable and in keeping with the adjacent developments, and would not adversely impact the character and appearance of the settlement.</p> <p>The development is, however, considered to be located on the edge of the town centre, and the small retail food store would be considered to be a main town centre use. Therefore the sequential test applies, as discussed above (paragraphs 24 and 26 of the NPPF). The proposal is mainly for a replacement petrol filling station, with a new retail food store combined within the sales building. It is considered that there are no other more suitable sites within the main town centre of Melton Mowbray for such a development. It would require the disaggregating the site which is not considered to be feasible, as the site would still require a store of some description. The site</p>

	<p>is on the corner of two main routes in and out of the town centre, and easily accessible by foot or cycle within the town, in addition to by car. It is not considered that a store of this type would take a large amount of trade from the town centre, especially being part of a petrol station forecourt, and therefore meets the requirements of paragraph 24 of the NPPF.</p> <p>The new retail food store on the site would have a total floor area (including the staff and back office areas) of 216sqm, significantly less than the retail floorspace threshold defined within the NPPF paragraph 26 to require a retail impact assessment (2500sqm). It is not considered that a store of this size in this location, within the town envelope would heavily impact upon trade in the town centre due to its size, and the mix of development proposed.</p> <p>It is considered that the proposal meets the requirements of Melton Local Plan policies OS1 and BE1, and the NPPF in relation to the sequential test and economic development.</p>
<p>Design of the Site / Proposal</p>	<p>The proposals comprise of the replacement and repositioning of the sales building with the BP Oil corporate design. The existing canopy will be replaced with a lighter design and smaller in size. The car wash will be replaced, but located slightly further to the north and east. Access to the car wash will be around the rear of the new proposed sales building which should ensure a safe circulation of traffic within the site between the various different uses.</p> <p>The application shows that the car parking will be clearly marked around the site with a space available for disabled customers. There will be a refuse enclosure located at the eastern end of the sales building which will also provide screening to the air conditioning and refrigeration units for the shop.</p> <p>The new sales building will be located to the south of the site and will have a footprint of approximately 216sqm, inclusive of the staff facilities / office and walk in chiller. The shop will be primarily food store, with a café providing take away hot drinks. Overall, the canopy will be almost half the size of the existing, and the car wash will also occupy a slightly smaller footprint than the existing.</p> <p>The application form specifies that the site will be open 24 hours per day; however Members</p>

	<p>may consider that some of the facilities should not be available for all of this time due to the proximity of residential dwellings. It is considered that this should apply to the car wash which may create a noise nuisance at anti-social hours, even if the noise is in accordance with the condition specified by Environmental Health. The history of the site suggests that no conditions have been imposed in the past on opening hours, or use of the car wash; however when the site was initially granted permission in the 1980s there were no residential dwellings to the south.</p>
<p>Impact on streetscene</p>	<p>The proposal is located on the corner of a busy junction where two of the main routes into and out of the town centre meet. The proposal reduces the size of the canopy, sets the shop back away from the street, and provides a more structured layout to the parking provision. The site is located within an area of the town where there is a mixture of residential, leisure and industrial uses close to busy roads, and it is considered that the proposal in this location would not have a negative impact upon the streetscene. The revised layout, and new buildings could be considered to be an improvement of an area which forms part of the entrance to the town.</p> <p>As such, it is considered that the proposal meets the requirements of policies OS1 and BE1, and would not have a negative impact upon the streetscene.</p>
<p>Impact on residential amenities</p>	<p>The site currently has no restriction upon its times of use, although the petrol station and existing store were granted permission before the residential estate now located to the south of the site.</p> <p>It is considered that the use of fuel pumps and the store should not cause any loss of residential amenity, the store providing some sound buffers to the potential noise from the petrol pumps which will be moved further to the north. The car wash does however remain a concern, in that it is accessed via the rear of the store, close to the site boundary to the south, and could be used at any time of the day and night. Therefore it is considered that a condition restricting the times of use would be appropriate to ensure the residential amenity of the dwellings to the south, such as the car wash should not be operational between the hours of 2300 and 0700. A condition has been recommended by the Environmental Health Officer in relation to the</p>

	<p>fans / refrigeration units to the rear of the store, and it is considered that this should not have a negative impact upon the residential dwellings.</p> <p>The proposed signage which is being dealt with under planning application 13/00863/ADV only causes concern with regards to the amount of lit signs, and the impact that they main have upon the residential amenities of the nearby dwellings if they are all left on 24 hours per day. A condition could be considered to ensure that some of the lights are switched between the hours of 2300 and 0700, or all of the lights dimmed between these hours.</p> <p>Subject to the imposition of conditions, it is considered that the proposal meets the objectives of policies OS1 and BE1 in regards to the impact upon residential amenities.</p>
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Conclusion

The proposal relates to the replacement and repositioning of the sales building, fuel pumps and car wash of the BP Oil site on the corner of Leicester Road / Dalby Road. The new revised sales building will provide for food retail and a café, with refuse in a secure storage area to the side of the building. There will be clearly marked out parking spaces within the site, and one additional petrol pump to increase capacity as a petrol filling station. The new proposed canopy is smaller than the existing and it is considered that the development overall improves the appearance of the site within the streetscene. Subject to the imposition of conditions, it is considered that the proposal will not have a negative impact upon residential amenity or highways safety, and the design of the proposal is considered to meet the objectives of policies OS1 and BE1.

Although the site is on the edge of flood zone 2 the use is considered to be ‘less vulnerable’ and does not increase the paved area. It is therefore considered that the flood risk elsewhere will not increase due to the proposals, and the development passes the sequential test. It is considered that the proposals comply, subject to conditions with the relevant sections of the NPPF and policies OS1 and BE1 of the Melton Local Plan. Accordingly, the application is recommended to permit.

RECOMMENDATION: Permit, subject to the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the approved plans numbered 10728-20; 10728-21 and 10728-22 received at these offices on 2nd December 2013.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
4. The proposed customer parking spaces shown within the site shall be provided, hard surfaced and marked out in accordance with the details shown on the submitted plans before the proposed sales building is first brought into use and shall thereafter be permanently so maintained.

5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
6. No walls, planting, fences or any signage shall be erected or allowed to grow on or adjacent to the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway. Any existing such obstruction shall be permanently removed before development commences.
7. The noise level from the external refrigerator units, when measured at the boundary of the neighbouring residential dwellings, should not exceed a Noise Level Rating of 35dBA when corrected according to paragraph 8.2 of BS4142:1997 Rating of Industrial Noise Affecting Mixed Residential Areas.
8. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, with a 20% betterment on existing run-off rates; has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include: details of how the scheme shall be maintained and managed after completion.
9. Prior to each phase of development approved by this planning permission no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
11. The car wash hereby approved shall not be operational between the hours of 2300 and 0700.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To ensure that customer parking is provided clear of the accesses and circulatory flow of traffic, so that it does not impede access into and out of the site
5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
6. To afford adequate visibility at the accesses/junctions to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
7. In the interests of residential amenity.
8. To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.
9. To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).
10. To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).
11. In the interests of residential amenity.

Officer: Mrs Sarah Legge

Date: 5th February 2014