

Deadline:	06 th JULY 2010		
Application Number:	S/2010/0701		
Site Address:	LONDON ROAD AMESBURY SALISBURY SP4 7EQ		
Proposal:	DEMOLITION OF ALL STRUCTURES. ERECTION OF A PETROL FILLING STATION KIOSK, CANOPY AND FUEL PUMPS. INSTALLATION OF NEW FUEL TANKS. ASSOCIATED PARKING AND LANDSCAPING		
Applicant/ Agent:	G L HEARN		
Parish:	AMESBURY EASTAMESBURY EAST		
Grid Reference:	416174.292923629 141987.338366568		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

<p>Application Number: S/2010/0701</p> <p>Proposed Development: Demolition of all structures. Erection of a Petrol Filling Station kiosk, canopy and fuel pumps. Installation of new fuel tanks. Associated parking and landscaping. At: London Road, Amesbury</p>
<p>Officer Report</p>
<p>Reason for the application being considered by Committee</p> <p>The Director of Neighbourhood and Planning does not consider it prudent to exercise delegated powers due to the local interest and the finely balanced nature of the planning considerations in the application.</p>

<p>1. Purpose of Report</p> <p>To consider the above application and to recommend that planning permission be GRANTED subject to conditions.</p>
<p>2. Main Issues</p> <p>The main issues to consider are:</p> <ol style="list-style-type: none"> 1. The principle of development 2. The impact on the living conditions of nearby residential properties 3. The impact on the character and appearance of the area 4. The impact on highway safety

5. Other considerations

3. Site Description

The site consists of vacant land. It was previously used as a warehouse and storage depot (once originally part of a dairy enterprise), though the storage use has now ceased. The building used for this purpose has recently been demolished (during the course of this application). It is understood that the site was used as a 'Mobil' filling station until 1955 and that a fuel pump remains.

In planning terms, the site is within Amesbury's Housing Policy Boundary and therefore within the 'settlement' in relation to planning policy. It is also within an Area of Archaeological Significance.

4. Planning History

There is no relevant, recent planning history for this site itself. However, the approval for the development of a Tesco store on land opposite this site (reference S/2008/0572) is of relevance to this application. This was approved by the Secretary of State on appeal, on 22nd September 2009.

5. The Proposal

The application proposes the erection of a petrol filling station. This includes petrol pumps, canopy 4.2m high to underside, kiosk (with sales facilities, sales floor and toilet facilities), air and water facility, car parking and a 4m high timber acoustic fence surrounding most of three sides of the site.

The filling station would employ the equivalent of 7 full time members of staff. The applicants propose that the station would be operated on a 24 hour, seven-days a week basis (though see below).

Although signage details have been included with the documentation, the advertisements do not form part of this application and (where they require consent) would be considered separately under the Advertisement Regulations.

6. Planning Policy

The following policies are considered relevant to this proposal

Adopted Salisbury District Local Plan (saved policies)

G1, G2 – General Development Criteria
E16 – Employment uses
CN21 – Areas of Archaeological Significance

National Guidance

PPS4 – Planning for Sustainable Economic Growth

7. Consultations

Town Council

Amesbury Town Council – Object on the following grounds:

- A 24 hour petrol station operation would be intrusive both visually, noise levels and fumes on neighbouring properties in Oak Place and Beacon Close;
- The hazardous nature of the business is not considered safe in this residential area;
- The Town Council wishes to object to the application of putting a Petrol Filling Station at this particular location.

Highways

Confirm that the transport statement adequately confirms that the development is acceptable in highway safety terms and the content is in accordance with the scoped requirements at the pre-submission meeting.

There are two areas of detail which will need to be satisfied by condition:

The applicant has failed to adequately show, on the submitted details, that the ingress and egress can be satisfactorily controlled by the use of signs and lines on the private forecourt area and a condition that details are satisfactorily provided is therefore required.

There are insufficient details of the existing vehicular footway crossings, one of which is proposed to be altered. Because the development utilises existing access points which are well into their maintenance life and one is proposed to be altered, it is required that both access points are reconstructed in accordance with approved details. Fully dimensioned details of the changes to the ghost island markings are also required.

The Department is satisfied that visibility from the egress point is adequate even though part of the splay to the east crosses private open forecourt. Any future development on the land adjacent must take account of the proposed exit point, which is already in existence and therefore the use of the access could be re-introduced without the adjacent land being available to maintain the splay. Any fencing of this land would also be resisted to maintain the splay which has been available for many years.

The Department is also satisfied that the changes to the existing road markings will provide adequate and safe access to the petrol filling station, subject to the full details being submitted. Whilst the dimensions of the ghost island are substandard, it is accepted that the filling station access could operate satisfactorily without the addition of a full ghost island scheme.

Details of surface water drainage (if directed towards the carriageway) were requested at the pre-application stage but no information is provided. However this information can be provided by the submission of the full access details for further approval.

I therefore recommend no highway objection be raised subject to conditions.

Environment Agency

Due to insufficient information provided within the site investigation we feel the risk to controlled waters has not been fully addressed at this stage. Therefore, we suggest that a condition securing investigation is attached to any future planning permission.

A number of informatives are recommended to advise the applicants of other legislative requirements:

The foul drainage must be connected to the public sewerage system. The applicants will need to liaise with the Water Company regarding the availability, location and adequacy of the existing public sewerage and sewage treatment facilities.

The EA advises the applicant that any vehicle wash area must have a dedicated drainage system which collects run-off. The run-off must be directed to the foul sewer with the local water companies consent or collected in a suitable sized storage tank for collection by a registered waste carrier.

Further advice is that the underground tank on this development may not be controlled under the Petroleum Regulations. The Local Planning Authority should ensure that the design meets the requirements of the Building Control Officer to prevent leakage into groundwater. The oil interceptor must be capable of holding the contents of the largest compartment of any road tanker, which delivers fuel to the site. Underground or over ground pipelines should be adequately protected against leakage particularly by corrosion.

The EA also advise the applicant that underground chemical, oil or fuel storage tanks should be constructed of material resistant to attack by the substance stored therein and protected against corrosion. The tank vent pipe should be taken to a sufficient height to prevent an overflow taking place in the event of the tank being overfilled.

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse or ground via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, fuel filling areas, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not

considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

Environmental Health

Summarised comments in relation to amenity

It is noted that immediately adjacent to the planned development are a number of residential properties and that the area is relatively quiet and predominantly residential in nature. Given the nature of the area we expect that the residents will currently benefit from a relatively peaceful environment and low levels of background noise during the night time. This is supported by the results of the noise assessment submitted in support of the application.

In light of the location and nature of the area itself we have serious concerns that the operation of this development overnight would lead to a loss of amenity and an unacceptable level of disturbance for people living nearby.

If approval were to be granted for overnight operation of the development it would inevitably attract significant numbers of vehicles and people to this area. An area which, at the current time, is quiet and exclusively residential in nature during the night. Unfortunately some of these additional people and vehicles will not consider and/or care how their behaviour might impact upon the people living nearby and this could lead to disturbance to local residents at times at which they could reasonably expect to relax or sleep in their properties undisturbed. Examples of this behaviour would be aggressive driving with excessive acceleration or screeching tyres, loud music from vehicles, shouting, and sounding horns. In our view these types of event are reasonably foreseeable and likely to occur to some extent.

In addition, we do not believe that an effective management plan to prevent these types of problems is possible or practicable. At best any management plan or strategy could attempt to deal with problems once they have occurred.

It is noted that the applicant intends for the petrol filling station to be unmanned between the hours of 23:00 and 07:00 leaving the station with no supervision or management.

It is also worth noting that if the operation of the petrol filling station overnight were to cause a noise nuisance to residents living nearby the Council would have no effective enforcement powers to deal with situation. The enforcement powers available to the Council to deal with noise nuisance would not, in any way, be practicable to deal with noise disturbance caused by individual vehicles or visitors to the petrol filling station overnight.

It is highlighted that Environmental Health does not have any objection to the site being used as a petrol filling station in general. However we do object to the operation of the petrol filling station overnight as we believe there is a significant risk that it will result in a loss of amenity for people living nearby.

It is recommended that conditions are attached to any approval relating to hours of use, deliveries, preventing the customer parking spaces and forecourt being accessible when the petrol filling station is closed and prevention of noise from mechanical services and

refrigeration plant exceeding particular noise levels The reason for recommending each of these conditions is that it is in the interests of residential amenity.

Comments in relation to contamination

I have appraised the Phase II Environmental Assessment carried out for the applicants by Delta Simons Environmental Consultants and I can confirm that I have no adverse comment to make concerning their interim conclusions, specifically;

Based upon the soil contamination identified within the former PFS Site, further investigation is considered necessary in order to further assess the identified concentrations of contaminants, principally hydrocarbons. The further Site investigation considered necessary will need to be undertaken following removal of the USTs which are known to remain within this area of the development site. This will allow full access to the soils immediately adjacent to and beneath the USTs. It is also recommended at this time that additional trial pits be excavated beneath the footprint of the existing building at the Site. Further trial pitting will provide further coverage of the Site and allow for further assessment of the contamination status of the soils to be made.

As such I would expect for our office to receive a further report following more intrusive investigations which is to confirm the extent of contamination at the site and which should recommend a full and detailed methodology for remediating contamination at the proposed development site and the validation of any work proposed. The methodology will need to be agreed with this office and the work carried out prior to the commencement of any construction at the site.

Archaeology

As mentioned in the archaeological desk based assessment which was produced on behalf of the applicant, there is some potential for significant archaeological remains to be present on the site. However, my former colleague commented on an earlier application and did not recommend any archaeological works, due to the likely disturbance associated with the existing fuel tanks and associated infrastructure that is present on the site.

I concur with this recommendation and therefore have no further comment to make on this application.

Highways Agency

In light of the information provided in the Transport Statement, content that there will be no adverse impact on the Strategic Road Network. However, recommend that the Travel Plan for the superstore is updated to include staff working at the petrol station.

8. Publicity

The application was advertised by site notice and neighbour notification with an expiry date of 10th June 2010.

26 letters have been received, including a petition of **20** names, raising the following points and concerns:

- Height of the perimeter acoustic fence, blocking sun, light and outlook;
- A 2.1m-high fence (lower where it meets London Road) would be better;
- There are already 5 petrol filling stations nearby, including a 24hr supermarket brand;
- A number of nearby filling stations are run by small businessmen who will have to close;
- Impact from noise and disturbance
- Had the PFS been included with the supermarket, then the Inspector's decision could well have been different;
- Impact on town centre from out-of-town development, which this would consolidate;
- Impact from additional traffic resulting in delays and congestion;
- The kiosk plant cages would be on the western side of the kiosk, closest to residential properties It would be better if they were on the eastern site adjacent to the unused site;
- The air- and water-filling point (north of the kiosk) will be noisy, difficult to supervise and close to residential properties. The alternative design (in the D&A statement) is better being supervised and screened;
- Over 150m of London Road there will be a roundabout (Tesco's/Hideaway garage), 2 residential roads and 2 x two bus stops. Traffic likely to have to queue to use pumps;
- Reversing one way system would mean queuing would take place off the highway, making road safety;
- Reversing one way system would also mean relocation of the air and water point to the front (tend to be used post-refuelling);
- Pollution to properties in Oak Place and Beacon Close;
- The former Texaco petrol station is being re-constructed by a small, independent retailer but if it becomes unviable as a result of the proposed Tesco PFS then the still-extant permission for flats on this site will be implemented instead;
- The site has been levelled and cleared, and a bank created, despite the planning application not being decided;
- London Road already has traffic problems with the distribution companies using Solstice Park and the former NAFFI complex, and using it as a diversion to avoid the Countess Roundabout junction;
- All vehicles using the petrol station will pass only a few yards from the adjoining residential properties;
- Noise from air conditioning unit, bin store, air compressor and 'plant' would be close to Beacon Close;
- Fence will give little protection in the event of fire or if struck by vehicles. Fencing should be brick and at least 3m in height;
- Impact from contamination, noise, fumes and light;
- Why can't vehicles just leave the forecourt without going around the kiosk;
- Impact on property values;
- Impact caused by building works;
- The site adjacent (to the east) is suitable for development (including residential, retail or commercial uses) but the potential for this would be limited by the petrol filling station and this is a material consideration.

9. Planning Considerations

The principle of development

The Local Plan has no specific policy relating to the erection of new petrol stations. The site is on 'previously developed land' and therefore, in principle, development is not unacceptable. However the site is a former employment site and therefore consideration needs to be given policy E16 which relates to the loss of employment uses, as well as other planning considerations.

Government advice is contained primarily within PPS4, which is generally favourable towards applications that secure sustainable economic growth.

PPS4 Policy EC10.2 does set out a range of criteria that need to be met, relating to (i) limiting carbon dioxide emissions and ensuring resilience to climate change; (ii) encouraging accessibility by a choice of transport methods; (iii) having a high quality design; (iv) having a positive impact on economic and physical regeneration and (v) the impact on local employment.

In relation to the first criteria, it is argued that the construction materials would be sustainably sourced and erected partially off-site, reducing waste and the need for some direct travel to the site. The lighting and water fixtures would have minimal energy consumption and the orientation allows for maximum sunlight. It is accepted that sufficient measures have been proposed to demonstrate a limiting of emissions and the effects of climate change.

In relation to access, it is argued that accessibility to the Tesco store was considered during the Inquiry, and that the store (and by implication, the PFS site as well) was found to be accessible by public transport, walking and cycling. It is recognised that the proposed use inherently relies on access by private vehicles, but it is considered that there is the ability to access the site by a range of transport modes.

The other criteria of EC10.2 are considered separately below under separate headings. Consideration has also been given to whether the proposed use is a 'main town centre use' in relation to other policies in PPS4. Although it is debatable (as a petrol station is a retail use), it is considered that a petrol filling station is not a main town centre use. After all, many petrol stations are not in town centre locations, and all are largely dependant on car access and use.

In principle, it is considered that the proposed use is not unacceptable. However, consideration has to be given to more detailed issues.

The question of 'need' for a Petrol Filling Station

Concern has been expressed by local residents that there is no 'need' for the proposed petrol station, given the availability of other facilities nearby, and indeed that the development of a Tesco filling station will harm the economic viability of these other facilities.

PPS4 says that local planning authorities should promote competition and provide consumer choice, and this relates as much to petrol stations as to any other commercial use. PPS4 also says that the Government wants to encourage competition between retailers and enhanced

consumer choice, to meet the needs of the entire community.

It is entirely understandable that local petrol retailers are concerned that Tesco's will impact on their existing trade, but the fact remains that preventing competition is not a reason for refusing planning permission.

While the need for a particular form of larger scale retail development used to be a consideration under the previous guidance in PPS6 (to prevent large supermarkets adversely affecting small towns), the new PPS4 restricts consideration of need to more strategic decisions (for example where and when to allocate land for detail development through Core Strategies) and also in applying the sequential test.

However, the sequential test is not relevant to uses that are not 'main town centre uses' (see above), and nor should it be applied to ancillary uses or extensions with a floorspace of less than 200 square metres. In this case, it is considered that the facility provided by this filling station and small retail (at 84 square metres) can be viewed as ancillary to the Tesco store and can be treated as a relatively minor extension.

On this basis, it is considered that the question of 'need' does not arise in assessing the planning merits under PPS4. The question of whether there is a need for the proposed filling station is not one that could form a reason for refusal. Despite the concerns of local residents, traders and others, the reality is that if permission was refused on the grounds of lack of need, an appeal would be very difficult to defend.

Loss of the existing employment use

Local Plan policy E16 says that on land 'currently used or allocated' for employment uses, the change of use or redevelopment to other uses will only be permitted where a similar number and range of job opportunities are to be provided. The only exception to this is where continued employment use of the site is unviable, or where Conservation or Environmental Health benefits outweigh these concerns.

It could be argued that the application site is not currently used or allocated for employment uses. Although the previous use was for warehousing (a B8 use), that use has ceased and the building has been demolished. There is case law to suggest that, where a building is demolished, this means that the site has a 'nil' use, and that there is no existing employment use to be lost.

Even if that argument is not accepted, the previous warehouse is likely to have generated relatively little employment, whereas in contrast the proposed filling station would generate the equivalent of some seven full time jobs.

Furthermore, the question of employment was considered during the Tesco call-in Inquiry where the Inspector considered it unlikely that that site would be retained for employment use; and that any alternative uses would be for housing or mixed uses. These considerations apply to this site as well.

Overall, it is considered that the proposal would not, in reality, result in the loss of an employment use and would in fact result in some additional employment opportunities. It is therefore considered that it would comply with Local Plan policy E16.

The impact on the living conditions of nearby residential properties

A significant amount of concern has been expressed by local residents about the impact on the proposed petrol station on their amenities, particularly those properties that are in close proximity to the site.

The concerns relate to the noise, disturbance, fumes and risk from the petrol station and from associated uses including the air and water facility, plant and machinery etc. Concern is also expressed regarding the impact of the proposed fencing that would surround much of the site, in terms of loss of light, over-dominance etc.

The Council's Environmental Health department has been consulted, and their comments are set out above. They have considered the applicant's noise assessment as well as other factors (for example lighting, odours etc).

Environmental Health have made clear that they do not object to the site being used as a petrol filling station in general, but they do have concerns about overnight operation, at a time when residents have an expectation of lower levels of noise and disturbance, and when such noise is likely to be greater, particularly if the filling station is unmanned.

On this basis, the Council's Environmental Health officers do not object to the principle of development, but have recommended a condition preventing use of the filling station between 23:00 and 07:00. They have also recommended conditions in relation to deliveries (including tanker vehicles), the closing of parking spaces when the station is closed, and the noise from mechanical services and refrigeration plant not exceeding specific noise rating levels.

Environmental Health's observations are based on the inclusion within the scheme of the 4m high acoustic fence, which is intended to limit noise and disturbance from the petrol station and associated uses including the air and water facility to the rear.

Indeed, it is possible that a reduced-height fence might be acceptable to Environmental Health because the 4m height was based on 24 hour use, although any reduction in height would need to be the subject of further consultation and consideration, particularly given the differing views expressed regarding fence height by local residents (some wanting a reduction; others preferring 4m but different materials).

In light of their recommendation, it is considered that permission cannot be refused on the grounds of the impact of the proposed filling station in terms of noise/disturbance on the amenities or nearby residential properties, and be successfully defended at appeal.

Apart from environmental health concerns, consideration has also been given to the more general amenity concerns, for instance the impact of the fencing and of the station buildings and canopy itself on the adjacent residential properties.

It is recognised that a 4m high fence is relatively tall. However, the impact of the fence has to be set against the height and position of the building that occupied the site until very recently. The applicant's plans show the proposal in relation to the previous building. It is clear that the impact of the fencing would be not as great in terms of light or dominance than that caused by the previous building. While the fence might be slightly closer to the boundaries, it would be much

lower (to eaves and ridge) than the now-demolished building.

For example, in relation to 6 Oak Place, the fence would be approximately 0.8m closer than the building, but the eaves of the building was 5.2m in height compared to 4m for the fence. To the rear of the site (eg 20 Beacon Close) the previous building was close to the boundary, and the acoustic fencing would be only slightly nearer to the residential boundary, with a similar difference between the eaves (5.2m) and the fence height.

Of the properties that bound the application site, 20 Beacon Close has ground and first floor windows that face the site, while 6 Oak Place has a flank, ground floor window. The fact remains, however, that these windows would until recently face a larger industrial building, resulting in greater impact on light and dominance. Although that building has now been demolished, the properties would have benefited from the absence of the building for only a short period of time.

It is recognised that while the former building filled much of the site in terms of width, it was set well back into the site. In contrast the proposed fencing ends at a point just forward of 7 Oak Place's 'building line'. However, this property has no windows on the side elevation facing the application site and, while there may be a limited amount of light lost to that property's gardens, it is difficult to conclude that this would be harmful enough to warrant refusing planning permission.

Consideration has also been given to the impact from lighting of the filling station on the amenities of neighbouring properties. The applicants have submitted a Lighting Assessment which the Environmental Health officer is considering. While unlikely to be unacceptable, this might require a further condition (for fuller details). Members will be updated further at committee.

In relation to the impact on the eastern part of the site (ie the former dairy buildings), this area is now vacant and undeveloped. The potential future uses of this site are open to speculation. While residential might be an acceptable use of this land, there is no reason to believe that the proposed petrol station would prevent development of the land to the east in an acceptable way.

Overall, while the concerns of local residents and others are entirely understandable, it is considered that to refuse planning permission on the grounds of the impact on neighbours' amenities would not be successfully defensible at appeal.

The impact on the character and appearance of the area

Consideration has been given to the impact on the character and appearance of the area from the erection of the proposed petrol filling station. The character of the area is fairly mixed, ranging from residential dwellings immediately adjacent to the west and north, to the 'Focus' DIY store opposite to the south, and the vacant, open site to the east. The site previously has a warehouse use and appearance, although of course this has since been removed.

The proposed petrol station would appear (perhaps inevitably) utilitarian and functional. There are no easy ways of making a filling station on any site appear attractive, with the canopy, fuel pumps, and cars coming and going. Furthermore this particular site is relatively cramped.

The erection of the 4m high fence adds to this impact, giving it something of a 'hemmed in' appearance, although this does not extend beyond the existing (furthest) 'building line' of the residential dwellings to the west, reducing its visual impact. The design of the kiosk itself, however, is reasonable attractive, using timber cladding and light-coloured panels. A small amount of landscaping is proposed at the front and rear of the site, to help ameliorate the impact of the development, albeit to a limited extent.

Bearing in mind the appearance of the existing site, the previous utilitarian warehouse building that was until recently on the site, and the mixed character of the site's surroundings, it is considered that refusal of permission, on the grounds of its visual impact, would be difficult to defend at appeal.

It is considered that there would be no significant harm to the area's character and appearance, and that the proposal would not conflict with Local Plan policy G2, although this is an 'on balance' judgement.

The impact on highway safety

The applicant's Transport Statement makes it clear that this proposal is a complementary facility to the Tesco Superstore and will be located close to this store in London Road. As such, a number of the trips to the petrol filling station will be linked trips with the proposed store – 7% (54 2-way trips) in the AM peak hour and 8% (52 2-way trips) in the PM peak hour.

The Transport Statement goes on to consider that the remaining trips for the filling station only are considered to be 'pass by' trips ie journeys by vehicles that are already travelling on the network. The applicant's Transport Statement therefore concludes that there will be no net increase to trips resulting from the proposed filling station, although there will be local changes to turning movements.

Concern has been raised that the proposal will result in additional queuing on London Road, to the detriment of road users. It has been suggested that the one-way system could be reversed, so that cars go around the kiosk before fuelling (rather than on exiting), giving more road space for queuing cars. Alternatively, it has been suggested that cars could exit the station by turning immediately right, rather than going around the kiosk, to avoid the level of noise and disturbance generated by car noises having to travel closer to the dwellings to the rear.

Removing or discouraging the circulation system around the kiosk would mean that vehicles exiting the fuel pumps turning sharp right (rather than around the kiosk) would drive into the path of vehicles existing other pumps. The proposed circulation system 'channels' all vehicles towards the same direction.

Meanwhile, in relation to reversing the system, it is understood that the security systems used by petrol retailers require that cars using fuel pumps must face towards the kiosk.

The fact remains that both the Highways Department and the Highways Agency are content that the proposal as submitted will not generate unacceptable levels of queuing, while Environmental health are satisfied with regard to the impact on properties to the rear, making any alternative to the applicant's circulation arrangements unnecessary.

Both highways consultees have recommended conditions regarding the Travel Plan, the

accesses, circulation signage and related matters. It is considered that these conditions should be imposed.

Other considerations

The Environment Agency and Environmental Health officer have both considered the potential for contamination to be released from the previous uses of the site during the commencement of building operations. Although an initial assessment has been undertaken, both environmental departments have requested further information, that can be secured by condition. On this basis, it is considered that there would be not harm resulting from contamination that cannot be prevented and mitigated by condition.

Consideration has been given to the potential impact on ecology and archaeology, both of which have been the subject of statements submitted by the applicants. In terms of ecology, the applicant's assessment concludes that there is no reason to suggest that any ecological designations, habitats or protected species would be adversely affected. There is no reason to disagree with this assessment.

In relation to archaeology, although there is some potential for archaeological remains to be found on site, it is considered that the previous use would have resulted in disturbance, and the Council's Archaeology department does not consider that further information or a condition for a watching brief is necessary in this instance.

10. Conclusion

The proposed development would not be unacceptable in principle. Provided its hours are restricted, it would not harm the living conditions of neighbouring properties through unacceptable noise and disturbance, fumes or odour.

The filling station would not harm the character or appearance of the area, the safety of highway users or the Strategic Road Network. It would not be harmful in terms of contamination, archaeology, ecology or any other material planning consideration.

The development would therefore comply with saved policies G1, G2 (General Development Criteria), E16 (Employment uses) and CN21 (Areas of Archaeological Significance) or the advice in national guidance PPS4 (Planning for Sustainable Economic Growth).

Recommendation

It is recommended that planning permission is granted for the following reasons:

The proposed development would not be unacceptable in principle. Provided its hours are restricted, it would not harm the living conditions of neighbouring properties through unacceptable noise and disturbance, fumes or odour. The filling station would not harm the character or appearance of the area, the safety of highway users or the Strategic Road

Network. It would not be harmful in terms of contamination, archaeology, ecology or any other material planning consideration. The development would therefore comply with saved policies G1, G2 (General Development Criteria), E16 (Employment uses) and CN21 (Areas of Archaeological Significance) or the advice in national guidance PPS4 (Planning for Sustainable Economic Growth).

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby approved shall be undertaken in full accordance with the following approved plans:

Location and Site Plan 1625-02E, received 14th May 2010
Proposed Elevations 1625-03A, received 10th May 2010
Kiosk plans and elevations 1625-04, received 10th May 2010
Existing Building Plans and Elevations 1625-05, received 10th May 2010
Site Sections and Site Set Out 1625-06, received 10th May 2010

REASON: for the avoidance of doubt

(3) The development hereby approved shall use the materials specified in the application documentation unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of the character and appearance of the area.

POLICY: G2

(4) The use hereby permitted shall not take place except between the hours of 07:00 to 23:00

REASON: in the interests of residential amenity

POLICY: G2

(5) Deliveries to the site, including tanker deliveries, and waste collections shall not take place outside the hours of 07:00 to 21:00.

REASON: in the interests of residential amenity

POLICY: G2

(6) Prior to the commencement of development, a scheme to ensure that the customer parking spaces and forecourt are made inaccessible to motor vehicles when the petrol filling station is closed, shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the scheme thereby approved.

REASON: in the interests of residential amenity

POLICY: G2

(7) Noise from mechanical services and refrigeration plant shall not exceed the following noise rating levels (As defined by BS4142:1997):

LAeq (15min) 42 dB(A) between the hours of 07:00 and 23:00; and

LAeq (15min) 33 dB(A) between the hours of 23:00 and 07:00

at the boundary between the development and residential properties located on Oak Place and Beacon Close.

REASON: in the interests of residential amenity

POLICY: G2

(8) Prior to the first use of the development hereby approved, a revised Travel Plan for the superstore shall be submitted to and approved, in writing, by the Local Planning Authority, take into account the additional employees at the filling station. Development shall be undertaken and operated in perpetuity in accordance with the approved Travel Plan.

REASON: in the interests of sustainable transport

POLICY: G1

(9) Prior to the commencement of 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), the following components of a scheme 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:

- (a) all previous uses
- (b) potential contaminants associated with those uses
- (c) a conceptual model of the site indicating sources, pathways and receptors
- (d) 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 site investigation results and the detailed risk assessment (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 (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 consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure the proposed development will not cause pollution of Controlled Waters

(10) The development hereby approved shall be undertaken in accordance with the Supporting Landscape Submission dated April 2010 unless otherwise agreed, in writing, by the Local Planning Authority.

REASON: in the interests of the character and appearance of the area

POLICY: G2

(11) Before the start of the development, full details of reconstructed access points across the existing footway, including any necessary drainage together with details of the revisions to the ghost island markings in London Road, shall be submitted for the written approval of the Local Planning Authority. The accesses and road markings shall be constructed and installed in accordance with the approved details before the first use of the development.

REASON: in the interests of highway safety and to ensure safe pedestrian access across the vehicular access points.

POLICY: G2

(12) Before the start of the development, details of a traffic management scheme for signing and markings to control vehicular movements at the ingress and egress points onto the public highway shall be submitted for the approval of the Local Planning Authority. The traffic management scheme shall be provided in accordance with the approved details before the first use of the development and retained and maintained thereafter.

REASON: in the interests of highway safety

POLICY: G2

(13) Prior to the commencement of development, full details of the proposed acoustic fence shall be submitted to and approved, in writing, by the Local Planning Authority. The fence shall be erected in accordance with the approved details prior to the first use of the development, and shall remain in place in perpetuity.

REASON: in the interests of the amenities of neighbouring properties

POLICY: G2

INFORMATIVES FROM THE ENVIRONMENT AGENCY

Foul Drainage

The foul drainage must be kept separate from the clean surface and roof water.

The foul drainage must be connected to the public sewerage system. You should liaise with the

Water Company regarding the availability, location and adequacy of the existing public sewerage and sewage treatment facilities.

Any vehicle wash area must have a dedicated drainage system which collects run-off. The run-off must be directed to the foul sewer with the local water companies consent or collected in a suitable sized storage tank for collection by a registered waste carrier.

Pollution Control

The underground tank on this development may not be controlled under the Petroleum Regulations. The Local Planning Authority should ensure that the design meets the requirements of the Building Control Officer to prevent leakage into groundwater.

The oil interceptor must be capable of holding the contents of the largest compartment of any road tanker, which delivers fuel to the site.

Underground or over ground pipelines should be adequately protected against leakage particularly by corrosion.

Underground chemical, oil or fuel storage tanks should be constructed of material resistant to attack by the substance stored therein and protected against corrosion. The tank vent pipe should be taken to a sufficient height to prevent an overflow taking place in the event of the tank being overfilled.

Surface water from car parking areas less than 0.5 hectares and roads should discharge to watercourse or ground via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, fuel filling areas, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable. Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

Water Efficiency

Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage. A copy of our publication 'Conserving Water in Buildings' is available upon request.

Appendices	None
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Background Documents Used in the Preparation of this Report:	Location and Site Plan 1625-02E, received 14 th May 2010 Proposed Elevations 1625-03A, received 10 th May 2010 Kiosk plans and elevations 1625-04, received 10 th May 2010 Existing Building Plans and Elevations 1625-05, received 10 th May 2010 Site Sections and Site Set Out 1625-06, received 10 th May 2010
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Erection of petrol filling station with associated ancillaries
S/2010/0701/FULL



London Road Amesbury SP4 7EQ