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Deadline	22nd October 2010		
Application Number:	S/2010/1274		
Site Address:	LONDON ROAD AMESBURY SALISBURY SP4 7EQ		
Proposal:	ERECTION OF PETROL FILLING STATION INCLUDING KIOSK, CANOPY AND FUEL PUMPS. INSTALLATION OF NEW FUEL TANKS, ASSOCIATED PARKING, LANDSCAPING AND WORKS		
Applicant/ Agent:	G L HEARN		
Parish:	AMESBURY EAST - AMESBURY EAST		
Grid Reference:	146169.381081581 141985.848619938		
Type of Application:	FULL		
Conservation Area:		LB Grade:	
Case Officer:	MR A MADGE	Contact Number:	01722 434380

Reason for the application being considered by Committee:

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.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

Neighbourhood Responses

15 letters/emails received objecting to proposal

No letters of support received

No letters commenting on application received

Parish Council Response

Support the application subject to conditions

2. Main Issues

The main issues to consider are:

9.1 The principle of development

9.2 The impact on the living conditions of nearby residential properties

9.3 The impact on the character and appearance of the area

9.4 The impact on highway safety

9.5 Other considerations

3. Site Description

The site consists of vacant land. It was previously used as a warehouse and storage depot, though the storage use has now ceased. The building used for this purpose has recently been demolished and at the time of the recent officer site visit, the site was being used for the parking of contractor vehicles associated with the building of the Tesco retail store across the road). 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

The site was recently refused planning permission for a similar petrol filling station use to that which is currently proposed. Planning reference S/2010/0701 refers. The reason for refusal was:

- 1) *The proposed development by reason of its design, layout and the close proximity to nearby residential dwellings, particularly the circulation arrangement around the proposed kiosk, the height of the proposed fencing, and the potential for anti-social behaviour, would harm the amenities of adjacent dwellings, contrary to saved policy G2 of the adopted Salisbury District Local Plan.*

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 and has latterly been amended by an application to change its external appearance.

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 acoustic fence lowering to 2.5m high on the Eastern boundary and 2.1m high and 2.5m high on the Western boundary.

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 07.00 – 23.00 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) and will be considered separately under the Advertisement Regulations.

Changes made since the previous planning application:

- 1) The kiosk has been moved to the rear of the site and as a consequence the vehicular traffic does not run around the back of the site.
- 2) The fencing on two sides of the site has been reduced in height to alleviate neighbours concerns about the overbearing nature of the previous scheme. Whilst remaining at 4m in height along that side of the site where the neighbour had requested it.
- 3) Customer car parking (2 spaces and one disabled space) have been relocated.
- 4) A service yard has been sited to the rear of the kiosk to hide plant and refuse.

5) There is a larger forecourt for waiting vehicles.

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 – Support subject to conditions

Whilst the applicants have ensured that the reasons for refusal of the previous applications have been mitigated, Amesbury Town Council wishes to draw to the attention of the Environmental Officer the following:

- Reduced height of the acoustic fence. This in relation to current standards and that the neighbours are satisfied with the reduced height;
- Access to the kiosk by delivery and refuse vehicles. This is adjacent to Oak place and could cause noise problems with reversing beepers; it may be possible to overcome this by moving the kiosk a little to the left and positioning delivery access to the opposite side.

Highways

No response to application (any late response received will be reported to members).

Environment Agency

We have **no objection** to the proposed development **subject to the following conditions and informatives** being included in any planning permission granted

Groundwater and Contaminated Land

This application includes a Combined Phase I/II Environmental Assessment Report dated June 2010 and a Tank Removal Validation and Additional Trial Pitting Exercise Addendum Report, dated July 2010 (Project Ref: 06-3202.06) for the proposed petrol filling station at the Tesco Store, London Road, Amesbury.

It is likely that previous activities carried out at this site have not only caused contamination of

the soil (identified during the site investigation) but also the groundwater beneath the site which may present a threat to nearby surface waters. The site is situated on the Seaford Chalk Formation, a Principal Aquifer as defined by the Environment Agency's Groundwater Protection: Policy and Practice (GP3), therefore measures should be taken to ensure that there is no adverse impact on the groundwater quality. Due to insufficient information provided within the reports stated above we feel the risk to controlled waters has not been fully addressed at this stage.

We recommend to the local planning authority that any application for planning permission is accompanied by sufficient information to demonstrate that the risk of pollution to controlled waters is acceptable, as required by Planning Policy Statement (PPS) 23. As a minimum a Preliminary Risk Assessment should be carried out in order to adequately characterise the site and to assess the risks to controlled waters prior to granting planning permission. We recommend the developer carries out an assessment of the deeper groundwater in order to confirm that the aquifer has not been impacted by the contamination. The drilling of deeper boreholes may be necessary in order to fully establish the extent of contamination within the aquifer. We therefore agree with the recommendations stated within the Tank Removal Validation and Additional Trial Pitting Exercise Addendum Report and welcome the opportunity to review the results in due course.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Environmental Health

Summarised comments in relation to amenity

The plans have reduced the height of the acoustic fence between the PFS and the adjacent residential properties. This, and the resultant increase in noise levels, has led to some consideration about appropriate opening hours for the PFS. Although the reduced fence height will lead to an increase in the level of noise experienced by the adjacent residential properties after reviewing the relevant guidance we do not feel that there are sufficient grounds to object to the requested terminal hour.

I would recommend that the following conditions are attached to any approval:

- 1) Hours of use.... The use hereby permitted shall not take place except between the hours of 07:00 to 23:00.
- 2) Deliveries... Deliveries to the site, including tanker deliveries, and waste collections shall not take place outside the hours of 07:00 to 21:00.
- 3) The customer parking spaces and forecourt shall be made inaccessible to motor vehicles when the petrol filling station is closed.
- 4) Construction.... No construction work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. This condition shall not apply to the internal fitting out of the building.
- 5) Light... Any external lighting shall be installed and operated in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

- 6) Noise.... 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.

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 no adverse comments to make concerning the level of investigation undertaken at the site and the reporting into this work. I note the conclusions made in both the original Environmental Assessment (D-S project number 06-3202.06 - issued June 2010) and the Tank Removal Validation and additional trial pitting exercise report (dated 2nd July 2010) and can confirm that I find these acceptable in relation to the assessment of the potential impact of the development in relation to human health.

Specifically, I note that removal of potentially hydrocarbon impacted soils may be required following further assessment of soils from the UST void and Trial pits 607/604 and would appreciate confirmation of whether this will be necessary and how it is to be carried out. We will also need to agree the quality standard used for any imported materials to the site, including the soils and subsoil's proposed to be imported for the landscaped areas across the site.

I also note the comments relating to protection against potential ingress of hazardous ground gas and confirm that we will require a minimum of two rounds of hazardous ground gas monitoring following the installation of shallow monitoring wells within the made ground at the site. Please contact me to discuss your proposals accordingly.

Archaeology

My former colleague commented on the original application and considered that, although there was potential for archaeological remains in the area, that these had probably been disturbed by previous land use of the site. She therefore did not recommend any archaeological works.

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

Highways Agency

Content that the proposals will not have any detrimental effect on the strategic road Network. On this basis we offer no objections to the application.

8. Publicity

The application was advertised by site notice and neighbour notification with an expiry date of 7th October 2010.

15 letters have been received, including a letter containing six names, raising the following points and concerns:

- Height of the perimeter acoustic fence, is too low allowing noise and disturbance to neighbouring properties;

- A 4m high fence giving greater sound protection would be better;
- There are already 4 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;
- 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;
- Pollution to properties in Oak Place and Beacon Close;
- 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;
- The site is considered to be contrary to local plan policies G2 (ii), (vi), (vii), (viii), D1 (ii), (iii) and (iv).
- Considered that the canopy will reflect sound out and over the acoustic wall.
- Considered that the environmental report should be updated now that structures have been removed from site
- Consider that there will be light pollution from the petrol station particularly in the evenings
- Consider that Tesco will seek to extend opening hours of Petrol station in the future.
- Considered that application will harm local businesses.
- kiosk has been moved to the rear of the site therefore only a small distance away from peoples gardens.
- Fence that drops to 2.5M is not acceptable for security and noise purposes.
- Reversing beepers on vehicles will cause noise disturbance.
- Deliveries should be made from Solstice Park
- Revised application shows that the site is too narrow for a petrol filling station
- Applicant should close store between the hours of ten pm and seven am

9. Planning Considerations

9.1 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.

9.1.1 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 Tescos 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 detailed 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.

9.1.2 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.

9.2 The impact on the living conditions of nearby residential properties

A significant amount of concern has been expressed by local residents about the impact of 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, conversely to the previous application that the lowered height of fencing would not give sufficient protection to neighbouring properties.

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 late night 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, as the ambient noise level reduces.

On this basis, the Council's Environmental Health officers do not object to the principle of development, but have recommended a condition in view of the lowered fence height 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, light and noise levels.

Environmental Health's observations are based on the inclusion within the scheme of the now reduced height 2.1m – 4M high acoustic fence, which is intended to limit noise and disturbance from the petrol station and associated uses.

The previous officer's report considered that – "it is possible that a reduced-height fence might be acceptable to Environmental Health because the (previous) 4m height was based on 24 hour use". It is clear from the objections to the proposal received that whilst some residents are now happier with the 2.1M High fence particularly in relation to light levels in their property, there are still a considerable number of residents who consider that the reduced height will merely create an increased level of noise and disturbance to properties.

In light of environmental health's 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 where the fence is 4m high at the rear of the site the fence will be 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.

It is considered that in terms of dominance and potential overshadowing the now reduced 2.1 M high fence will be much more acceptable to the occupiers of no 6 Oak Place as it will have a much reduced impact because of its lessened height. 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 have faced 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, therefore because of the reduction in height to 2.1m on this boundary there will be very limited light lost to that property's gardens. This would not 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 has considered. A condition relating to lighting is proposed above.

In relation to the impact on the eastern part of the site (i.e. 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 from the revised scheme would not be successfully defensible at appeal.

9.3 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 fence adds to this impact, although its reduction to 2.5M and 2.1 M along two of the boundaries has softened this. The design of the kiosk itself, however, is reasonably attractive, using timber cladding and light-coloured panels. A small amount of landscaping is proposed at the front of the site adjacent to the water and air facilities 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.

9.4 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.

In response to previous concerns raised by residents to the one way system and particularly potential noise from vehicles moving around the back of the kiosk. The applicants have amended the layout so that vehicles now exit in front of the kiosk and in order to improve traffic flow. It is considered that this system would be acceptable to officers.

Both the Highways Agency (and it is anticipated the Highways department) 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 around the site.

9.5 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

Through amendments, the applicant has sought to address the reasons for refusal on the previous scheme

The proposed development would not be unacceptable in principle. Provided its hours are restricted to 7.00am -11.00pm, 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 1625-08A, received 27th August 2010
Proposed Elevations 1625-09B, received 27th August 2010
Kiosk plans and elevations 1625-10, received 27th August 2010
Proposed Elevations 1625-09B, received 27th August 2010
Site Sections and Site Set Out 1625-11B, received 27th August 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

(14) Prior to the commencement of development a scheme of external lighting shall be submitted to the local planning authority for approval. Any lighting installed shall comply with the details approved by the local planning authority.

REASON: In the interests of the amenities of neighbouring properties

POLICY: G2

(15) No construction work shall take place on Sundays or Public Holidays or outside the hours of 7:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. This condition shall not apply to the internal fitting out of the kiosk.

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.

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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

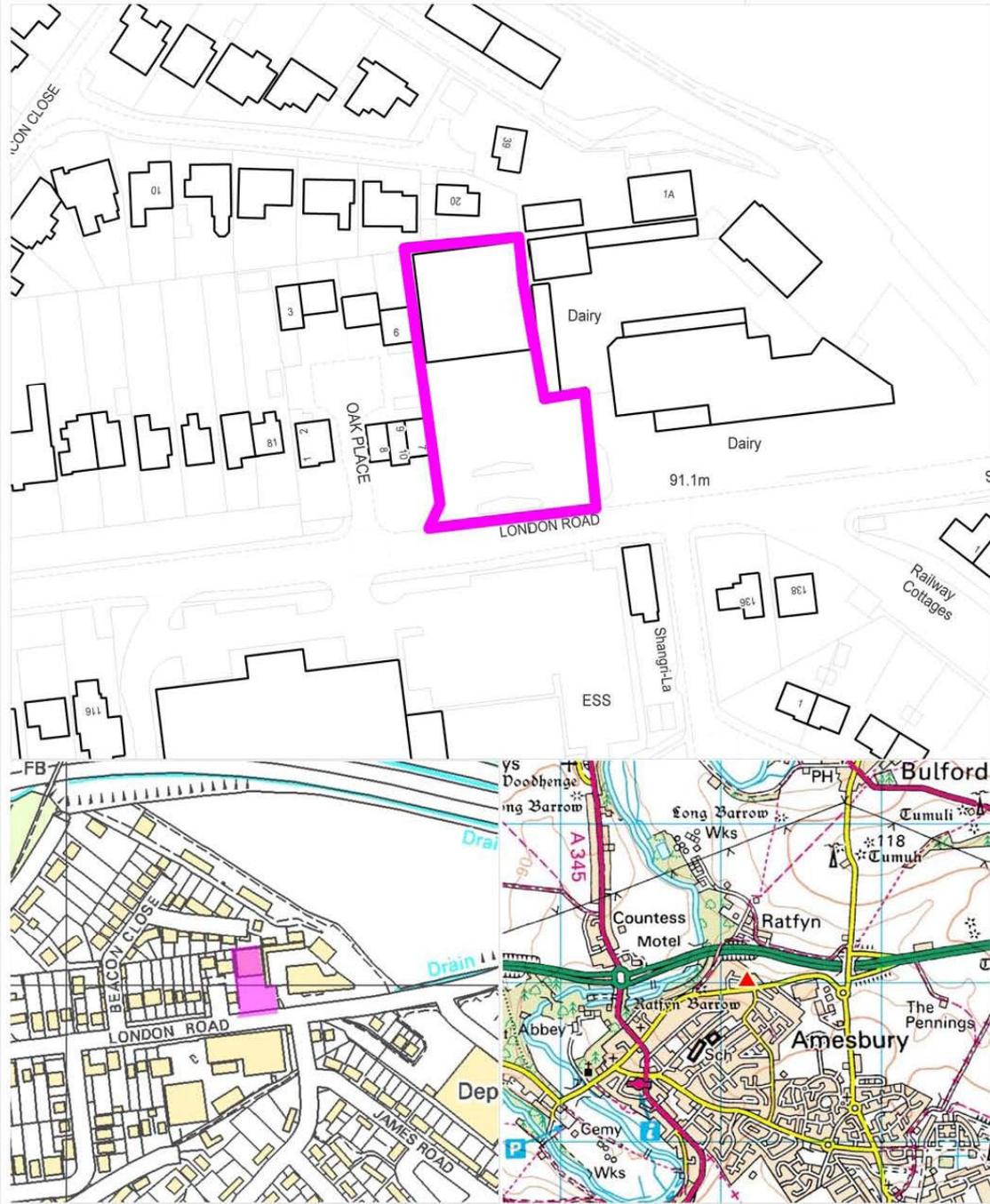
Water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water 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 1625-08A, received 27th August 2010 Proposed Elevations 1625-09B, received 27th August 2010 Kiosk plans and elevations 1625-10, received 27th August 2010 Proposed Elevations 1625-09B, received 27 th August 2010 Site Sections and Site Set Out 1625-11B, received 27th August 2010
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S/2010/1274

Site Visit:



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