

Agenda Item A8	Committee Date 7 th December 2009	Application Number 09/00819/FUL
Application Site BP Filling Station Scotforth Road Lancaster	Proposal Redevelopment of petrol filling station including the erection of new canopy, shop building, ATM, pumps islands, storage tanks, car wash, jetwash bays and car vac bays and associated equipment and screening	
Name of Applicant Bowling Green Service Station	Name of Agent Architectural Design Services	
Decision Target Date	Reason For Delay Application deferred from last committee for a site visit	
Case Officer	Martin Culbert	
Departure	No	
Summary of Recommendation	Approve subject to conditions	

Procedural

This application was deferred from the November 2009 Planning Committee pending a site visit.

1.0 The Site and its Surroundings

- 1.1 This site is a long established petrol filling station located on the east side of Scotforth Road to the north of the Bowling Green Hotel public house and Booths supermarket and associated car park. Adjacent to the north and east boundaries of the site are residential dwellings fronting Scotforth Road and Yealand Drive. To the west of the site on the opposite side of Scotforth Road lies a small open parking area with further residential properties to its north, south and west. The predominant character and use of the surrounding area is suburban residential. Scotforth Road is heavily trafficked and is the main entrance route to the city from the south.
- 1.2 The existing filling station uses are concentrated on the forward two-thirds of the site, with the pump islands, shop and tank filling point concentrated in the forward one third fronting Scotforth Road. The car/jet wash and vac facilities are in the centre third and the rear third being simply an open, concreted, car parking area.
- 1.3 At present the site is bounded by a mature leylandii hedge along its north side, a low stone wall along its south side and a 5 ft. high interwoven panel fence along its east (rear) side. The rear gardens of the properties to the rear fronting Yealand Drive are approximately 15 metres in length.

2.0 The Proposal

- 2.1 This proposal is a full application to completely redevelop the site. This will include new twin walled storage tanks to avoid the risk of contamination, with a Phase 2 vapour recovery system to meet

current environmental standards. They will have their filling points in a purposely constructed structure in the centre of the site rather than under manhole covers in the forecourt as at present.

- 2.2 The axis of the pump islands and canopy would be turned through 90° to give four separate, single-pump, double-sided islands, extending side by side/east-west into the site. This is to improve accessibility and the speed of throughput of vehicles, to both ease congestion on Scotforth Road and improve convenience for customers. The number of fuel supply points would remain as at present.
- 2.3 The pump islands would be covered by a new canopy, running at right angles to Scotforth Road, towards the centre of the site. This would have an overall height of 5.8m and an underside clearance height of 5.0m as opposed to 5.0m and 4.0m respectively for the existing canopy. It would also project 2.0m further forward than the existing canopy. However, the canopy roof would have a slimmer profile and be only 10m wide as opposed to the existing canopy at 21m wide.
- 2.4 The existing flat-roofed sales building/forecourt shop (which measures 3.8m high by 5.2m long by 5.8m, giving a gross footprint of 85.2 sq.m) would be replaced by a new, single storey stone-faced, slate mansard roofed building on the same site. This building would be 3.6m high to its eaves and 5.5m high to the top of the mansard roof and would be 27m long by 10.3m wide, giving a gross footprint of 266 sq. m. Of this, 180 sq.m would be forecourt shop area. The proposed building would thus be significantly longer and wider than the existing building and its west gable would be about 3m closer to Scotforth Road than the existing building. Cycle stands would be located between the gable and the footpath palisade wall. An ATM would be built to the eastern end of the north wall of the building.
- 2.5 To the rear of the site would be a new automatic car wash bay and plant room adjacent to the northern site boundary, but 14.2m forward of the rear site boundary. The centre of this rear area would contain two replacement jet wash bays adjacent to the side of the car wash, with their open fronts facing the Bowling Green. The rear of these two bays would also be 14.2m from the rear boundary of the site but behind them would be a replacement car vac bay. This would also be open fronted to the Bowling Green and as with the jet wash bays be unroofed. It would however have a 2m high stone built screen wall on its east side, some 8m from the rear boundary of the site.
- 2.6 The existing boundary treatments on the north and east side of the site, (which also wrap round onto the south boundary for a short distance), would be replaced by 2m high stone walls to act as visual and acoustic screens and behind these would be a 2m wide belt of screen hedge and amenity planting between the rear boundary wall and the access road. A bin storage compound would be located in the south east corner of the site and ten parking spaces would be located between it and the sales building facing the Bowling Green.
- 2.7 The application does not involve any alterations to the hours of operation of the various elements of the use of this site approved by previous permissions and recently reinforced at Appeal.

3.0 Site History

- 3.1 This site has a very long and involved planning history, the detail of most of which is of little relevance to the consideration of this application. All of the existing facilities and uses on site have consents dating back to the 1970's and 80's.
- 3.2 The following applications relate directly to the open parking area at the rear of the site:-

Application Number	Proposal	Decision
90/01243	For the use of the land to form a car sales area. This appears to have involved the regularising of a change of use of this part of the site from residential curtilage attached to the dwelling to the north on Scotforth Road and created space for the display of 8 vehicles. This permission appears to have been implemented and the site used for the sale of cars and vans for some time.	Permission Granted subject to no repairs.
91/0148	For the change of use of the land to form a parking area for customers, staff and vehicles awaiting repair at a workshop elsewhere.	Permission Refused but subsequent Appeal Allowed

	<p>This application was refused on the grounds of increased noise, activity and disturbance to neighbours and damage to their visual amenities.</p> <p>On appeal, the Inspector concluded that subject to screen planting, no storage of scrap cars or other vehicles, no repairs dismantling or breaking and no vehicle movement outside 0730 – 2200 Mon to Fri and 0800 – 2200 Sun, no significant harm would be caused to residents by the development.</p>	
97/01096/FUL	<p>For the erection of a single storey building for M.O.T. testing with associated parking area.</p> <p>This proposal placed a single storey, ridge roofed building along and close to the rear boundary of the site and adjacent to the north boundary, removing the then existing screen planting from both boundaries and providing 9 associated parking spaces facing the filling station forecourt.</p> <p>The application was refused on the grounds that the resultant increase in vehicle movements, noise, disturbance and general activity would be detrimental to neighbouring amenities.</p>	Permission Refused
98/00005/REF	<p>Appeal in respect of M.O.T. use. The Inspector concluded that siting of such a large building and the concentration of the intensified use so close to neighbouring gardens, with the substantial noise, exhaust fumes and disturbance associated with car testing would be unduly detrimental to neighbouring amenities. The operation of the test centre in association with a remote workshop facility would also be contrary to the advice given in PPG13 which seeks to reduce the amount of car travel.</p>	Appeal Dismissed
98/00994/CU	<p>Change of use of the land to allow sale of motor vehicles. This application sought to re establish the earlier vehicle sales use but may not have been implemented.</p>	Permission Granted

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
County Highways	<p>A late response has requested more details of the amendments to the site accesses, tracking plots for the delivery tanker and other service vehicles, the provision of a cover for the cycle stand and a secure motor cycle parking bay.</p> <p>These have been requested from the applicant and any subsequent comments from the highway Authority will be reported at Committee.</p>
Environmental Health Officer	<p>No objections in principle subject to the standard contaminated land condition and conditions restricting the hours of construction, the hours of opening to the existing limits ie. 0700 – 2100 hrs and the prior approval of all external lighting, the details of the car wash enclosure and restricting the car wash and tyre inflator to 08.00 – 18.00 hrs daily.</p>

5.0 Neighbour Representations

5.1 Eight letters have been received objecting to the originally submitted application on the following grounds:-

1. Loss of amenity from increased 24 hr opening.
2. The extension of the canopy back into the site will result in light pollution and loss of amenity to neighbours.
3. Increased retail floor space and customer parking at the rear of the site will greatly increase the use of the site and vehicle activity levels and noise and will result in loss of amenity to

neighbours at the rear.

4. Loss of amenity from the relocation of the car wash and vacuum stations to the rear of the site from noise, light pollution and visual disturbance.
5. Loss of amenity from deliveries to the centre of the site from noise and smell.
6. Loss of amenity from light pollution from underside of canopy generally.
7. Doubling of shop area will increase calling traffic and congestion on the forecourt and at the accesses on Scotforth Road which are already congested because of the cycle lane and traffic lights.
8. No need for extra retail facilities for locals because of Booths.

5.2 Three further letters have been received in respect of the amended proposals, reiterating previously stated objections and stating that the amendments will not reduce the impact of the development on neighbouring amenities.

6.0 Principal Development Plan Policies

6.1 The site is unallocated in the Local Plan Map but fronts an Access and Primary Bus Corridor.

6.2 The preamble to Saved Policy **EC6** of the Lancaster District Local Plan (Criteria for new Employment Development), states that;

New employment development must maintain or improve the quality the quality of the business environment and cannot be allowed to worsen local environmental conditions. Safeguards are also required to ensure that adjoining land-uses are not adversely affected by employment related activity.

The policy itself states that :-

New employment development will be permitted which (amongst other criteria) is (i) appropriate to its surroundings in terms of its siting, design, and external appearance and (ii) does not have a significant adverse impact on the amenities of residents and businesses by reason of noise, smell, grit, visual intrusion, light, traffic generation or parking.

6.3 Saved Policy **S15** (Small Local Shops) of the Local Plan states that;

Proposals for small shops will be permitted where they have a strictly local catchment and do not have an adverse effect on the overall viability of existing shopping centres.

6.4 Policy **ER5** (New Retail Development) of the District Core Strategy applies. This states that: -

In order to address existing and future needs and to ensure that day-to-day shopping needs are met locally, new local food retailing will be provided in town or local centres or, at an appropriate scale in sustainable locations in areas of deficiency.

7.0 Comment and Analysis

7.1 This site is a long-established filling station with ancillary car care facilities and retail sales. With the closure of the Toll Bar filling station and the introduction of cycle lanes on the A6, the existing site layout has become very cramped and congested. There are often queues onto the A6 from cars waiting for pumps to become free. A large area of the site, approximately one third, is very under-used for occasional customer parking.

7.2 This proposal is clearly intended to address these issues, as well as addressing the issues of outdated storage tanks and tired buildings and equipment on site.

7.3 It is not stated, but assumed, that the increased convenience retail floor spaces is intended to maximise the profitability of the redeveloped site in order to secure the continued viability of this service station facility for the local community and its operator. The provision of such ancillary retail facilities is supported within National Planning Policy Statement 6 and Saved Policy S15 of the Local Plan, and is becoming established practice in the ever more competitive world of petrol/diesel retailing.

- 7.4 In response to the comments of neighbours, the scheme has been amended from that originally submitted; to reduce by one the number of jet wash bays back to the present number; to move the car vac bay away from the rear of the site; to move the whole car care facility forward on the site as far as possible; to provide a 2m high acoustic screen wall around the north and east sides of the site; to provide screen hedging along the rear boundary to screen the activities from neighbouring bedroom windows and to provide acoustically insulated plant room and control boxes.
- 7.5 The applicant has also confirmed that references to 24hr opening in the application are an error and has requested that all such references be removed from the application. He has also confirmed that this application does not propose any changes to the existing approved hours of operation of the various activities on site. These hours are re-iterated (for the avoidance of doubt) in the list of planning conditions at the end of the report.
- 7.6 In this form therefore, the proposal does not involve any increase in any of the facilities provided except the ancillary retail floor space which would double from the existing relatively small unit and provide much improved office and staff facilities. Rather, it involves the renewal of the existing facilities and the re-organisation of the site layout to improve its operational efficiency and convenience to customers. However, the proposed new car wash should be restricted in its hours of use to the same as the jet washes and car vac to mitigate any increased detriment to neighbouring amenities arising from its new location.
- 7.7 Furthermore, it is considered that the increase in scale of the canopy is acceptable and causes no adverse impacts upon residential amenity.

8.0 Conclusions

- 8.1 In its amended form therefore, it is considered that these proposals address any valid planning concerns of neighbouring occupiers and sufficiently to enable them to be conditioned to not be unduly detrimental to neighbouring residential amenities. Architecturally the proposals raise no significant issues and will represent significant improvement over the existing development.
- 8.2 This filling station is now the only such facility in the south of Lancaster and is heavily used by both locals and long distance travellers accessing the M6 at Galgate. The continued use of the site for this purpose is therefore considered to be of importance to both the local community and this part of the city.
- 8.3 It is considered that the proposal would secure the future continuity of this important facility in south Lancaster and in its revised form can be supported subject to conditions designed to minimise its impact on neighbouring amenities.

Recommendation

That Planning Permission **BE GRANTED** subject to conditions covering the following issues:-

1. Standard full permission
2. Amended plans
3. Development in accordance with approved plans.
4. Hours of use of site restricted to 07.00 to 23.00 hrs Monday to Saturday and 08.00 to 22.00 hrs on Sunday and no deliveries or other servicing outside these hours.
5. Hours of use of car wash, jet washes, car vac and tyre inflators restricted to 08.00 to 18.00 hrs unless otherwise agreed in writing.
6. Hours of construction and site clearance limited to 0.800 to 18.00 hrs Monday to Friday and 0.800 to 14.00 hrs Saturday. No working on Sundays or Bank Holidays.
7. Retail floor space to be limited to 180 sq. m.
8. Samples of stone, slate and wall copings to be agreed.
9. Details of the stonework coursing and pointing to be agreed.
10. Details of the roof eaves, ridges, flashings and rainwater goods to be agreed.
11. Details of the canopy including fascias and lighting to be agreed.
12. Details of car wash, jet wash, car vac and plant room enclosures, screens and control boxes, including lighting and audio warnings to be agreed.
13. Details of boundary walls and landscaping to be agreed.

14. Cycle stands and disabled parking bay to be provided and retained.
15. ATM not to be available outside the hours of business.
16. Audible warnings and instructions not be readily identifiable from surrounding residential property.
17. Drainage details to be agreed.
18. Standard contaminated land condition.
19. As may be requested by the highway Authority.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.