

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: CE/13/01221/FPA

FULL APPLICATION DESCRIPTION: Erection of canopy and retrospective erection of store extension and widening of rear access.

NAME OF APPLICANT: Mr Raw

ADDRESS: Wheatley Hill Service Station, Durham Road, Wheatley Hill, Durham

ELECTORAL DIVISION: Trimdon and Thornley

CASE OFFICER: Laura Martin
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a commercial petrol filling station with associated on site store and car wash. The property is located on the southern edge of the village of Wheatley Hill adjacent to the A181.

The Proposals

2. Retrospective planning consent is sought for the erection of a store extension and widening of the existing rear access, and consent has also been requested for the erection of a canopy to the garage forecourt.
3. The new canopy would be 6m in height with a flat roof which would be used to cover the existing heavy goods vehicle (HGV) pump on site. The canopy would have a spread of 18.5m and would infill the eastern area of the garage forecourt.
4. The store extension is located on the west of the existing store at the site. The extension measures 3.8m by 7m being constructed with a tiled pitched roof to tie into the existing building.
5. At the rear of the site the existing access point has been widened from 3.5m to 6m in width. This has been achieved through the removal of a section of highway verge and reconfiguration of the existing access at the rear of the site.
6. The application is brought before members at the request of Cllr Morris Nichols due to concerns for residential amenity.

PLANNING HISTORY

PLAN/2007/0764 REPLACEMENT UNDERGROUND FUEL TANK AND ACCESS IMPROVEMENTS (RETROSPECTIVE) APPROVED 21/12/2007

PLAN/2008/0093 FREE STANDING DISPLAY UNIT APPROVED 28/03/2008

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
9. The following elements are considered relevant to this proposal:-
10. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

District of Easington Local Plan

12. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
13. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
14. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.

15. Policy 108 - New petrol filling stations will only be approved within defined settlement boundaries. They must be in accordance with policy 36 and not affect local amenity. Retail sales will only be approved if in accordance with policies 35 and 37 and where it would not undermine the vitality and viability of nearby shops.

EMERGING POLICY:

16. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
17. Policy 16- Sustainable development in the build environment
18. Policy 39- Landscape character

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. Parish Council- raise concerns regarding the retrospective nature of the application and the increased traffic movements by larger vehicles to the rear of the site due to the widening of the rear access.

INTERNAL CONSULTEE RESPONSES:

20. Petroleum Officer- advise additional consent is required for the canopy under the Petroleum (Regulation) Acts 1928 and 1936.
21. Highways Section- subject to the applicant constructing the access widening works in accordance with Section 184(3) Highways Act 1980 no highways objections are raised to these proposals.
22. Pollution Control- raises no objections

PUBLIC RESPONSES:

23. The application was advertised by means of a site notice and by letter to 6 neighbouring properties within the area. 9 letters of objection have been received raising concerns relating to:-
 - Additional traffic utilising the rear access and impacting upon the residential properties on Durham Road
 - Impact upon residential amenity

- Vehicles are using the rear access instead of leaving via the front on the A181
- Impact upon road surface of Durham Road.
- Retrospective nature of the application.
- Increase in store has resulted in difficult manoeuvring for users of the garage.
- Highway Safety.

APPLICANTS STATEMENT:

Wheatley Hill is a popular service station situated on the side of the A181, between the A19 and the A1. The applicant Mr Raw of Kenworth Ltd has been the owner for 20 years. Within this time they have managed to improve the services available to the general public and provide employment in the local area.

In September/October last year building work in the form of an extension to the existing shop and the widening of an existing access at the rear of the services were carried out.

The applicant wished to extend the current shop at the service station to provide a wider range of products and services catering for the needs of customers and people living in the local area. The applicant was under the impression that since the permitted development rights criteria had recently changed, he did not need to obtain permission to carry out the building works to the shop and rear access.

In October 2013 the planning department at Durham County Council contacted Mr Raw of Kenworth Ltd and advised him that the improvements required a planning application to be submitted. As soon as this was brought to the applicants attention he contacted ourselves at CH planning and design to draw up the appropriate plans and submit an application.

The building work to the extension and the widening of the rear access had already commenced when the applicant was advised that planning permission was a requirement. As the work was already part finished he had to complete the construction, as leaving it as it was would be potentially unsafe to customers using the services and may leave the shop open to theft and vandalism.

The applicant has been aware of 3 fatal and numerous other accidents and incidents that have taken place outside the services, which have occurred as vehicles exit the station onto the A181. The A181 is a busy road with vehicles at times travelling faster than the legal limit. The applicant has widened the existing access to the rear of the garage to reduce the risk of accidents occurring and wished to make access easier for local residents and visitors to the village.

Overall the applicant's intention was to provide an improved service to the local community and a safer use of the existing services.

PLANNING CONSIDERATIONS AND ASSESSMENT

24. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
25. The main considerations in regard to this application are the principle of the development, design, scale and layout, highway safety, residential amenity and other considerations.

Principle of development

26. In terms of the principle of the development the site is located adjacent to the settlement boundary for the village of Wheatley Hill and is situated within the existing forecourt for the petrol station. Wheatley Hill is a large village with a range of facilities and as such development of this nature would be considered to be as within a sustainable location and would be supported in terms of national, regional and local planning policy, in particular NPPF Part 1- general principles of development and Policies 35 and 36 of the local plan. The store extension represents expansion of an established facility, the canopy would be appropriate in form and scale to the site and the access widening is based on an existing arrangement.

Design, Scale and layout

27. In respect of the design and layout of the development it is considered that the store extension is of such a scale as to have minimal impact upon the immediate or wider setting. It has been sympathetically designed to tie in with the existing building and materials have been selected to match.
28. In relation to the canopy whilst it is acknowledged that this does not have as much detailing as the existing canopy at the site being designed with a flat roof, it is common to see developments of this nature in such a location as part of a service station site. Furthermore the canopy is set well away from any residential properties and as such its impact is further limited.
29. In respect of the layout and design of the access at the site this will be discussed within the Highways Section of the report.

Highway Safety

30. The store extension may attract a small increase in vehicular traffic movements possibly associated with the improved retail options offered in comparison to the original sales kiosk, but it is reasonable to assume that most customers will predominantly be visiting the site to purchase fuel. There may be a small increase in deliveries to the extended retail offer on the site but these would not be expected to be significant to what would be regarded as being a very small retail unit.
31. Wingate Lane to the rear of the petrol filling station is part of the existing public highway network and has no restrictions on it preventing its use by any class of motor vehicle. The Area Traffic Engineer has investigated the possibility of imposing traffic restrictions to prevent Wingate Lane being used by heavy goods vehicles in particular but has concluded that such restrictions cannot be imposed without also restricting access rights for existing residents.
32. Wingate Lane is approximately 7.3 metres wide, narrowing down to approximately 5.9 metres over a pinch point near to the junction with Cemetery Road. The approximately 3 metres minimum exit lane width onto Cemetery Road in conjunction with the approximate 15 metres junction radius to the south means the junction is more than capable of accommodating all traffic that may wish to exit the site via this route to access the local public highway network and the A181.

Residential Amenity

33. The applicant's supporting letter makes reference to on-site exit signs, now erected, directing vehicular traffic to the A181 rather than using the rear access, which is welcomed. In respect of the concerns expressed by neighbouring properties in relation to the intensification of the use by HGVs the Highways Authority carried out an independent survey to assess the usage of the revised access. The results advise that on an average weekday between 10 December and 18 December 2013 only one articulated lorry utilised the rear access/egress at the site. Movements were slightly higher on a weekend with 3 HGV's using the access on the Saturday and 4 on the Sunday however it is still not sufficient numbers to demonstrate serious adverse impact on residential amenity.
34. In this respect it is considered that the amended rear access in terms of evidence of increased usage by HGVs is not significant to warrant refusal of the application. As previously noted this access/egress is onto an adopted section of highway which cannot be restricted without also restricting residents' access, and vehicle movements at the site are considered to be at an acceptable level. Whilst it is acknowledged that there may be an increase in movement to the rear of the site it is on balance considered that the works would not increase movements considerably from the current status quo.

Other Considerations

35. In respect of the retrospective nature of the application, as legislation allows for the submission of a retrospective application this is not a material planning consideration which can be taken into account in the determination of the application. The development has been assessed on its merits, and is considered to be acceptable.

CONCLUSION

36. In respect of the proposed canopy and store extension these have been designed to tie in with the existing facilities at the site and are set well away from the neighbouring residential properties.
37. In relation to the widening of the existing access whilst it is acknowledged that there may be an increase in traffic movements to the rear of the site it is not considered that these would be sufficient to warrant refusal of the application given the unrestricted access that was available prior to the widening works.
38. Taking all relevant planning matters into account it is considered that the proposal is acceptable given that it accords with both national and local policy. It is not considered that the policies contained within the emerging County Durham Plan would conflict with the intentions of the existing local plan or the NPPF.

RECOMMENDATION

That the application be **APPROVED** 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: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

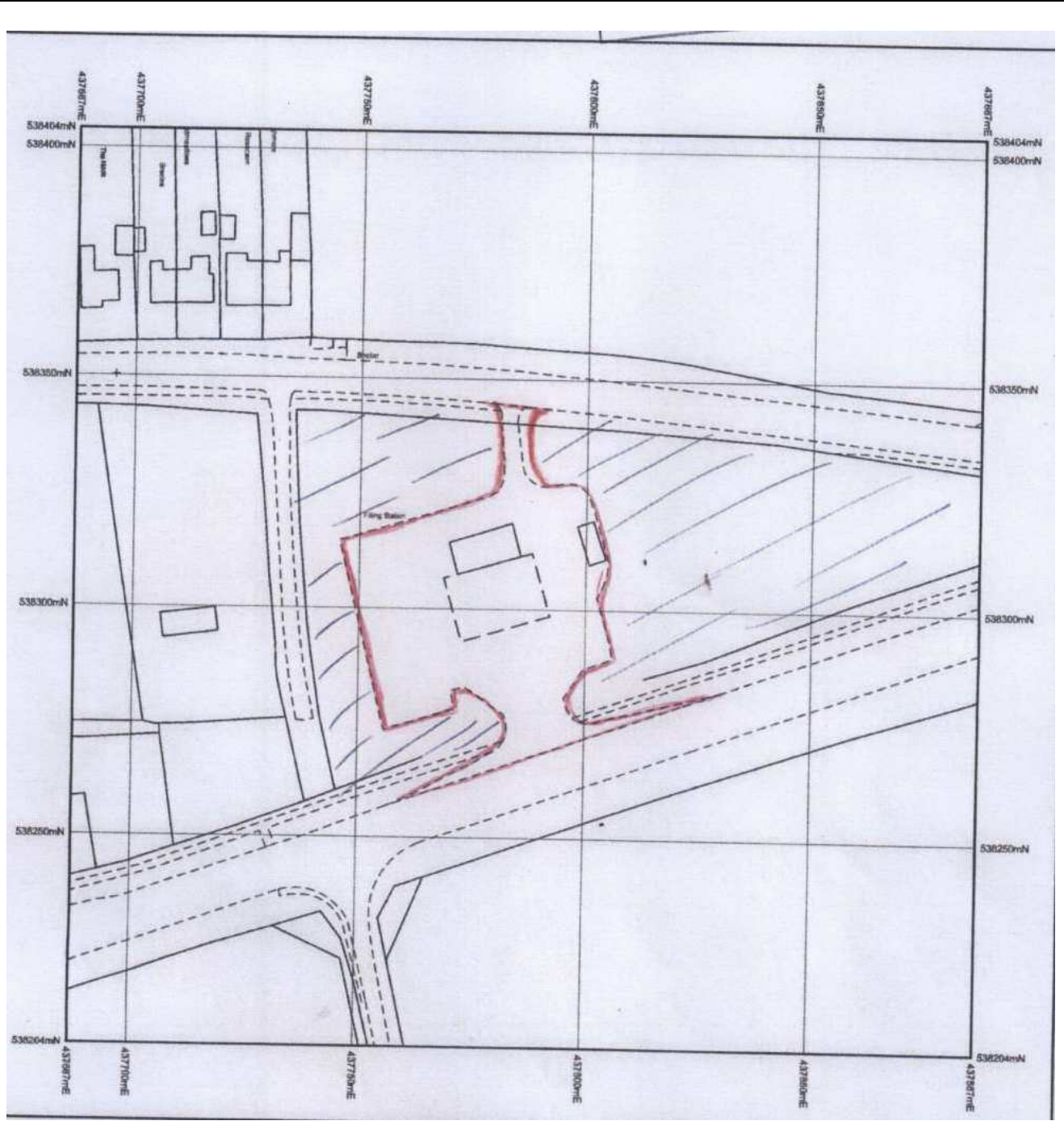
2. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Drawing No. 3, 1, 2, and 4 received 21 October 2013 and location plan received 7 January 2014. Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 & 35 of the Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Erection of canopy and retrospective erection of store extension and widening of rear access at Wheatley Service Station, Durham Road, Wheatley Hill, Durham

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Comments

Date. 13 May 14.

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