

BOROUGH OF KETTERING

Committee	Full Planning Committee - 31/07/2018	Item No: 5.5
Report Originator	James Wilson Development Officer	Application No: KET/2018/0296
Wards Affected	Desborough Loatland	
Location	Bear Way (land off), Desborough	
Proposal	Full Application: Petrol filling station and associated works	
Applicant	BP Oil Uk Ltd	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development shall commence until a scheme to ensure the security of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of CCTV for the vulnerable areas, measures to ensure the security of the external ATM pod and security cameras and alarms to be installed to the "back of store" area of the kiosk and retail concession. The development shall thereafter be implemented and operated at all times in accordance with the the approved scheme.

REASON: In the interest of prevention of crime and anti-social behaviour in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of the development hereby permitted, a scheme of management and servicing of the fuel filling station with regard to petrol tanker deliveries shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details in perpetuity.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. The development of the oil storage facilities shall be constructed in accordance with the plan UK-FUE-303 and recommendations contained within the submitted Report on Ground Investigations (AG2455-16-Z57) and be thereafter maintained and operated to the detail and standards specified. The development shall not be carried out other than in accordance with the approved details.

REASON: In pursuance of ensuring the environmental protection of the local area and prevention of pollution of the water environment in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

6. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 08.00 and 18.00 hours Mondays to Fridays and 08.00 and 13.00 on Saturdays and at no times on Sundays and Bank Holidays.

REASON: In the interest of local amenity and residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, residential amenity of the occupiers in the surrounding residential properties and local amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided on plans 15305-22 Rev C and 15305-24 Rev C.

REASON: In the interests of visual amenity in accordance Policy 8 of the North Northamptonshire Joint Core Strategy.

9. The hard and soft landscaping materials for the development shall be provided in accordance with the approved plan 15305-22-1 Rev C and shall be completed before the adjoining buildings are first occupied.

REASON: Details of materials are necessary prior to the commencement of development in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. There shall be no external illumination on the site at any time other than in accordance with the detailed scheme contained within the Lighting Specification and proposed lighting layout drawing BP180, prepared by GW Lighting Consultancy on behalf of the applicant and submitted to the Local Planning Authority on 4th June 2018.

REASON: In the interests of the amenity of occupants of neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Notwithstanding the lighting specifications contained in the GW Lighting Consultancy Survey, compliance of which is required in condition 10 of this planning permission, external illumination shall be mounted no higher than 4 metres above ground level and shall be directionally controlled to prevent light spillage occurring outside of the fuel filling station site.

REASON: In the interests of the amenities of the area and adjoining residential properties in particular in accordance with Policy 8 of the North Northamptonshire Core Spatial Strategy.

12. Prior to the commencement of use, there shall be submitted to and approved by the Local Planning Authority an Action Plan for sustainable alternatives to private vehicle use by staff. This shall demonstrate active engagement during and post the staff recruitment process and co-ordination with bus operatives on existing and new public services including bus times.

REASON: This Action Plan is necessary prior to the commencement of development in the interests of sustainability in accordance with Policies, 8; 22 & 23 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0296

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2004/0760, Outline permission for business park, APPROVED, 29/11/2005

KET/2006/0734, Phase 1 of Business Park, Class B8 use – storage and distribution, associated offices and car/lorry parking, APPROVED, 29/12/2006

KET/2007/0491, Installation of CCTV equipment and associated engineering works, APPROVED, 12/09/2007

KET/2009/0734, New class A1 foodstore and petrol filling station with associated access, landscaping, servicing and car parking, REFUSED, 27/07/2010.

KET/2010/0826, Foodstore and petrol filling station with associated access, landscaping, servicing and car parking, REFUSED, 27/01/2012

Site Visit

Officer's site inspection was carried out on 08/05/2018

Site Description

The application site is an area of land 0.72 hectares (1.78 acres) in size sited approximately 750m north of Desborough Town Centre. The site is bounded by a drainage balancing pond and Harborough Road to the west, Bear Way to the north/north east and Cockerel Rise to the east. An area of vacant grass land remains to the south of the site

The site was previously part of a larger mixed-use development scheme including commercial development on the surrounding land to the east and north. Outline planning permission KET/2004/0760 was secured on the site previously for a business park with commercial employment uses a public house, crèche and offices, however this was only partially implemented and the permission has now lapsed. The site benefits from an existing vehicular access point from Bear Way. The site is otherwise undeveloped.

The site which was formerly a quarry is now overgrown and is relatively flat although to the west of the site is a large balancing pond which acts as a drainage feature for the existing commercial development to the north. To the south the land falls away to a lower level towards Ironwood Avenue. The site is bounded by a post and rail fence with hedge to the west and south. A post and rail fence separates the site from the balancing pond and there is a close-boarded fence of a similar height fronting Bear Way.

Proposed Development

Planning consent is sought for a fuel filling station with associated services, including a forecourt shop. As well as the usual fuels (petrol diesel and gas there is also capacity to provide for charging points for electric cars on the site. Vehicular access is to be gained to the site from the existing access spur from Bear Way and a pedestrian foot path is proposed to link to Harborough Road.

The fuel filling station is designed to accommodate a four square pump island and canopy and will be asphalt surfaced. The proposed filling station is designed to service goods vehicles and 2 pumps will be accessed separately and have a concrete surface area. Two E charging bays are provided for electric vehicles and a total of 24 parking spaces, 4 of which will be for staff and 2 for disabled users. Cycle stands are sited to the south of the sales building and adjacent to the footpath. A dedicated air and water bay is also incorporated within the layout.

The sales building is 324sqm in size with a net sales floor area of 175sqm. This is set out with predominant as a mini convenience store with a small café area and customer toilets. A staff area, store and wash area are also provided for employees. The building will be finished with cladding panels and a grey sheet panelled roof. An ATM cash machine is integrated into the front elevation. The site is proposed to be operated 24 hours a day and seven days a week.

Any Constraints Affecting the Site

B Road

4.0 Consultation and Customer Impact

Desborough Town Council: No response received

Highway Authority: Required the applicant to submit a Transport Statement to consider assessment and mitigation of any effects upon the highway network. Amendments have also been received in respect of the proposed layout. These are currently being considered by the Highway Authority and their observations will be provided in an update for Committee.

Highways England: No objection

Police/Crime prevention: Northamptonshire Police request that a planning condition be imposed that would enable crime and anti-social behaviour issues to be satisfactorily managed.

Environment Agency: Based on available mapping the site is classified as a secondary An aquifer. Initially the Environment Agency objected to the application as insufficient evidence was given to demonstrate that proposed development would not pose an unacceptable risk of pollution of groundwater with the current ground conditions then unknown.

Further information provided by the applicant was able to demonstrate that the majority of the Northampton Sandstone Formation appears to have been removed in previous quarrying operation. Limited groundwater has been encountered below the site within quarry fill material. On this basis the Environment Agency withdrew their objection on 25/06/2018 indicating that they were satisfied that environmental sensitivity of the site for groundwater was low and that there were no further concerns with regard to the proposed development in relation to the risk posed to controlled waters.

Neighbours: 15 representations have been received, 12 in support and 4 objections as summarised below.

Support

- Would be a great asset for the town.
- Best thing to come to Desborough in a long time, a petrol station and an M&S food hall. Will the unused waste land be tidied up?
- Hope this goes through this time.
- Think this is the right use of the land and will make Desborough a more convenient place to live.
- Facility is much needed and seems a perfect location.
- Excellent – also want a full scale supermarket please.
- Have to drive to Market Harborough or A14 for petrol so this will be a great development for the town.
- Partnership with a different retailer will help the town.
- Local service infrastructure woefully absent in Desborough this will benefit the town greatly.

Objection

- Oppose this petrol station being located opposite Great Bear distribution. Other sites available in Desborough such as land the knicker factory which has fuel pipes from a previous station. Noise, traffic and pollution will be worse for residents facing the industrial estate than at present, and it will be an eye sore. Light pollution will be increased affecting ability to sleep at night due to flood lights and noise. Petrol smells will also be offensive.
- Oppose petrol station in this location on grounds of noise, smell and light pollution. Proposed 24/7 café/store will likely lead to increased crime and anti-social behaviour in the area. Support the general idea for a petrol station in Desborough but better location would be site opposite the car lot and factory unit off Harborough Road. Is this a 24hr operation and what measure are in place to reduce the noise and light pollution.
- Devalue property, cause light and noise pollution and impact on wildlife using the balancing pond. 24 hour operation will increase traffic and cause further impact on residents.
- Impact

5.0 Planning Policy

National Planning Policy Framework

Section 1. Building a strong, competitive economy

Section 2. Ensuring the vitality of town centres

Section 4. Promoting sustainable transport

Section 7. Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 6: Development on Brownfield Land and Land Affected by Contamination

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network fo Urban and Rural Areas

Policy 12. Town Centre and Town Centre Uses

Saved Policies in the Local Plan for Kettering Borough

58. Employment: Within Towns

SPGs

North Northamptonshire Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Access and highway safety
3. Sustainability of the Travel Plan
4. Design, character and appearance
5. Flood risk and drainage
6. Security
7. Residential Amenity

1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan if regard is had to the plan. It is considered that Policies 6, 8, 9, 11 and 12 of the North Northamptonshire Joint Core Strategy are relevant policies in determining this proposal, as is Policy 58 of the 1995 Local Plan for Kettering Borough, which requires employment-related development to be located within existing towns. In addition to the Development Plan the National Planning Policy Framework provides guidance in determining this application and previous outline and full planning permissions for the wider site are considered to be material when assessing the acceptability of this proposal.

Outline planning permission was granted by permission KET/2004/0760 for a business park which included commercial employment uses, a public house (929sqm), crèche (557sqm) and offices (4598sqm) limited in total floorspace to that indicated by condition 4 of the planning permission. Phase 1 of the business park was implemented under a reserved matter application KET/2006/0734 for a B8 distribution unit, the other elements of the scheme were not implemented and have lapsed. This proposal would result in total ancillary A1 and A5 land uses of 324sqm which is significantly less than envisaged by the public house A3 use.

Two planning applications KET/2009/0734 and KET/2010/0826 based on a larger site area proposed development of a foodstore, petrol filling station and car parking and both were refused on grounds of their retail impact on the town centre.

The previous outline planning permission and other site history is a material planning consideration in determining this application. Given the previous consent for a business park and the proposed mix of commercial development uses, it is likely that a petrol filling station (*sui generis*) employment use and complementary retail (A1) and hot food takeaway (A5) uses would be acceptable in this location. The proposal will add to and contribute to the completion of this employment site within Desborough. The site constitutes a suitable location within the urban area of a market town which is considered appropriate for this type of employment use. The proposed main use is not a town centre use and therefore does not require a sequential test and the proposed amount of retail and hot food takeaway use will not severely impact upon the existing vitality and viability of Desborough town centre and the level of floorspace which is defined as town centre uses would not trigger the need for an impact assessment under the default threshold set in paragraph 26 of the NPPF.

The proposal is in line with the North Northamptonshire Joint Core Strategy Policy 11 which seeks to direct growth towards the urban core of growth towns and then market towns. Although focus should be on the regeneration of the town centre, the site is considered to complement this aim and will not be to its detriment. The site will ultimately help to fulfil the growth strategy.

The location is therefore considered to be sustainable and there is no requirement to demonstrate that other locations would be sequentially preferable for this type of development.

2. Access and highway safety

Policy 8 b) of the North Northamptonshire Joint Core Strategy requires that development should make safe and pleasant streets and spaces by prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety. It also requires that a satisfactory means of access is provided and provision for parking, servicing and manoeuvring is delivered in accordance with adoptable standards.

The Local Highway Authority requested that a Transport Statement be submitted which the applicant has done together with a Travel plan. The Transport Statement provides a full assessment of impact of the development on the highway network and also the on-site ability to manoeuvre and manage the traffic that will be using the site. A swept path analysis has been provided for HGV tanker units demonstrating their capability to negotiate the site and deliver fuel. The Transport Statement concludes that the level of additional new trips generated by the petrol filling station would only be 10% and it is considered that this would not lead to a severe impact on the local highway network. It also concludes that the ARCADY modelling of the existing roundabout shows that in both peaks the roundabout still operates satisfactorily under capacity with the increase flows. The report asserts that the modelling demonstrates that the proposed access arrangements are adequate and that no other junctions need to be surveyed or modelled.

Further comments are awaited from the Local Highway Authority in respect of the additional details submitted by the applicant in support of this application and their response will be reported direct to Planning Committee. However, given that the access off of Bear Way and associated roundabout on Harborough Road (B576) have been designed for highway capacity serving a Business Park, suitable for the largest road vehicles, it is unlikely that there will be highway impacts.

3. Sustainability – the Travel Plan

By its very nature, the principle of the proposal is designed to attract those travelling by vehicles. Hence the main aim of the Travel Plan is as a management tool to enable employees of the site to make informed decisions about travel.

In this respect, the application identifies 5 full-time and 10 part-time staff. The proposal is for 20 car parking spaces for customers and an additional 4 spaces for staff with 6 cycle stands. The intention is that a Travel Plan co-ordinator will assess the details of the associated travel by staff to inform the Travel Plan. However, an appropriate action plan for the above will be the key. A condition is recommended requiring that this be in place prior to the development first opening for business. As well as suitable information on travel options and incentives for staff at recruitment, the role of a co-ordinator will be expected to engage with bus operators about planned services.

4. Design, character and appearance

Paragraph 14 of the NPPF places at the heart of planning a presumption in favour of sustainable development and Section 7 (Requiring Good Design) sets out how quality design should be at the centre of development proposals. Policy 8 of the Joint Core Strategy sets out the place shaping principles expected for all new development. Local Planning Authorities must therefore seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The layout of the site, which comprises a standardised format for a petrol filling station, in conjunction with the adjacent employment sites is considered to be acceptable. In terms of the detailed design and appearance of the petrol station the style is utilitarian and of functional design. The typical canopy, sales area building and forecourt layout of filling stations will not be at odds with the industrial and commercial buildings siting directly adjacent and to the north and east of the site. There is a gap of over 100 metres between the site and the nearest residential property to the south providing a satisfactory separation between this more commercially design development and the local vernacular and human scale of the residential development.

As such it is considered to accord with Section 7 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy. A condition requiring the materials to be used for the shop/kiosk and the hard and soft landscaping to be in accordance with the approved plans will ensure that the external appearance of the proposal will be acceptable.

5. Flood risk and drainage

Policy 5 of the NNJCS requires that development should contribute towards reducing the risk of flooding and the protection and improvement of the water environment.

The site lies within Flood Zone 1 which has the lowest probability of flooding. Therefore the main consideration for this proposal concerns drainage and in particular whether the site, post-development, will be able to handle surface water run-off in a manner that does not result in the polluting of the local water table from diesel/petrol contamination. The Environment Agency has been consulted on the proposal and has requested further information in respect of the potential for groundwater contamination. The site has been subject to former quarrying works and backfilled with ironstone workings. In principal and secondary aquifer areas the Environment Agency would expect the storage of hazardous substances to be within above ground tanks, however this is not always reasonable when other risks (health & safety) are taken into consideration. Further justification was required by the Environment Agency to demonstrate that the risk of below ground tank storage would be acceptable. In this regard the applicant submitted a Ground Investigation report on the site, a fuel systems specification, a comparison of above and below ground fuel systems at filling stations and a balanced options appraisal.

The location is in a very low risk area for surface water flooding. The Environment Agency considered the further information submitted by the applicant and concluded that subject to the normal petrol/diesel interceptors to capture and treat fuel spills within the forecourt area, the location of the fuel tanks below ground would be acceptable given that the majority of Northampton Sandstone Formation on the site had been removed through previous quarrying and there was evidence of limited groundwater within the quarry fill material which indicates that the environmental sensitivity of the site for groundwater contamination is low.

It is considered therefore that the proposal is in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy and will not pose a threat to groundwater quality.

6. Security

Policy 8 of the NNJCS requires that development should make safe and pleasant streets and spaces by ensuring that they are overlooked, active, feel safe and promote inclusive access. The policy (e) also requires that development ensures quality of life and safer and healthier communities by designing out anti-social behaviour and crime and reducing the fear of crime through the creation of safe environments.

The Northamptonshire Police Crime Prevention Design Advisor responded that there was insufficient information provided within the Design and Access Statement to make an assessment as to whether the development would comply with Policy 8 and Section 17 of the Crime and Disorder Act. The concerns that the development, which is some distance from residential dwellings, and is only overlooked by distribution centres, might be a target for anti-social or criminal activity is a valid planning consideration. The development will have an ATM and the shop will sell a variety of goods and will be open 24 hours a day. This could cause the facilities to

be targeted unless there are sufficient deterrents and mitigations to act against this.

The applicant has supplied some further information which indicates that these measures will be put in place; these include CCTV monitoring of the site, (including the pumps, shop, ATM and the entrance/egress), bollards around the ATM and shop doors, procedures for security of the shop/pump assistants and security codes for the back office area. It is considered that the applicant operates a large number of petrol filling stations nationwide in a variety of environments and locations and has an appreciation of the security requirements necessary to create a safe development. It is therefore considered appropriate that a condition is imposed on any planning permission to ensure that these measures are fully implemented in order to accord with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Residential Amenity

Policy 8 of the NNJCS requires that quality of life and amenity of existing and future residents are protected by development not creating an unacceptable impact on the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Given that the proposed petrol filling station is over 100m to the nearest residential properties the main impacts of the development would be the potential noise generated from the site, particularly given its 24 hour operation, and the possible light pollution.

In respect of noise issues an Environmental Noise Report was submitted by the applicant in response to a request by Environmental Health. The noise report covers noise from forecourt activities; delivery activities and from mechanical services plant and it concludes that the proposed Petrol Filling station development could trade and receive deliveries at any time without causing significant adverse impacts to any residential properties. The Council's Environmental Health team has considered the potential impacts in respect of noise generated by the site and due to the fact that it is already a busy commercial area and there are no jet wash facilities proposed it is considered that there will not be significant adverse impacts on local residents.

In respect of any potential lighting impact additional information was provided by the applicant regarding the specification of the proposed lighting and a proposed lighting layout plan illustrating the colour coded illuminance patterns for the lighting proposed. In terms of external lighting the canopy will be lit by 5 main lights and 4 subsidiary lights, the HGV canopy which is separate will also have 4 lights and 2 which are subsidiary. A total of 18 floodlights are proposed mounted on pole heights up to 4m. These have beam direction control enabling sharp cut off, avoiding glare, spill-light and night sky pollution. There are 3 small bulkhead lights situated around the shop perimeter at a height of 2.5m for proximity lighting. The lighting specification report states that with the benefit of new LED technology and good lighting design a high degree of control will be exercised to restrict any boundary spillage of light and to eliminate nuisance to neighbouring residents. As such the Council's Environmental Health team considers that there will not be an unacceptable impact on local residents.

However, the use will clearly be visible at night and though lighting issues have been addressed in the submitted Lighting Specification, the site would nonetheless remain clearly visible at night. As such, an additional condition can reasonably be applied in respect requiring illumination to be mounted no more than 4m metres above ground level and beam direction minimise to light glare off the site and night sky pollution.

Conclusion

It is considered that the proposal will create a sustainable development that will contribute to employment growth for the town of Desborough and provide additional infrastructure for growth that is occurring. There is currently no local means of access for residents and businesses to petrol and diesel fuel and this will provide a local supply. The proposal, which will utilise existing highway infrastructure designed for the Business Park, will contribute towards achieving sustainable development through the delivery of a mix of uses (providing a small element of retail for day to day needs) that will reduce the need for private vehicular trips. It is considered that the proposed design will not have a detrimental impact upon the character or appearance of the area and the proposal will incorporate sustainable design and construction techniques. The proposals will not create detrimental residential impacts in respect of noise or light pollution and there are no unacceptable risks or impacts in relation to ground water contamination. It is therefore considered that the proposal is in accordance with the relevant policies of the Development Plan and the aims and objectives of the National Planning Policy Framework.

Background Papers

Title of Document:

Date:

Contact Officer:

James Wilson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: