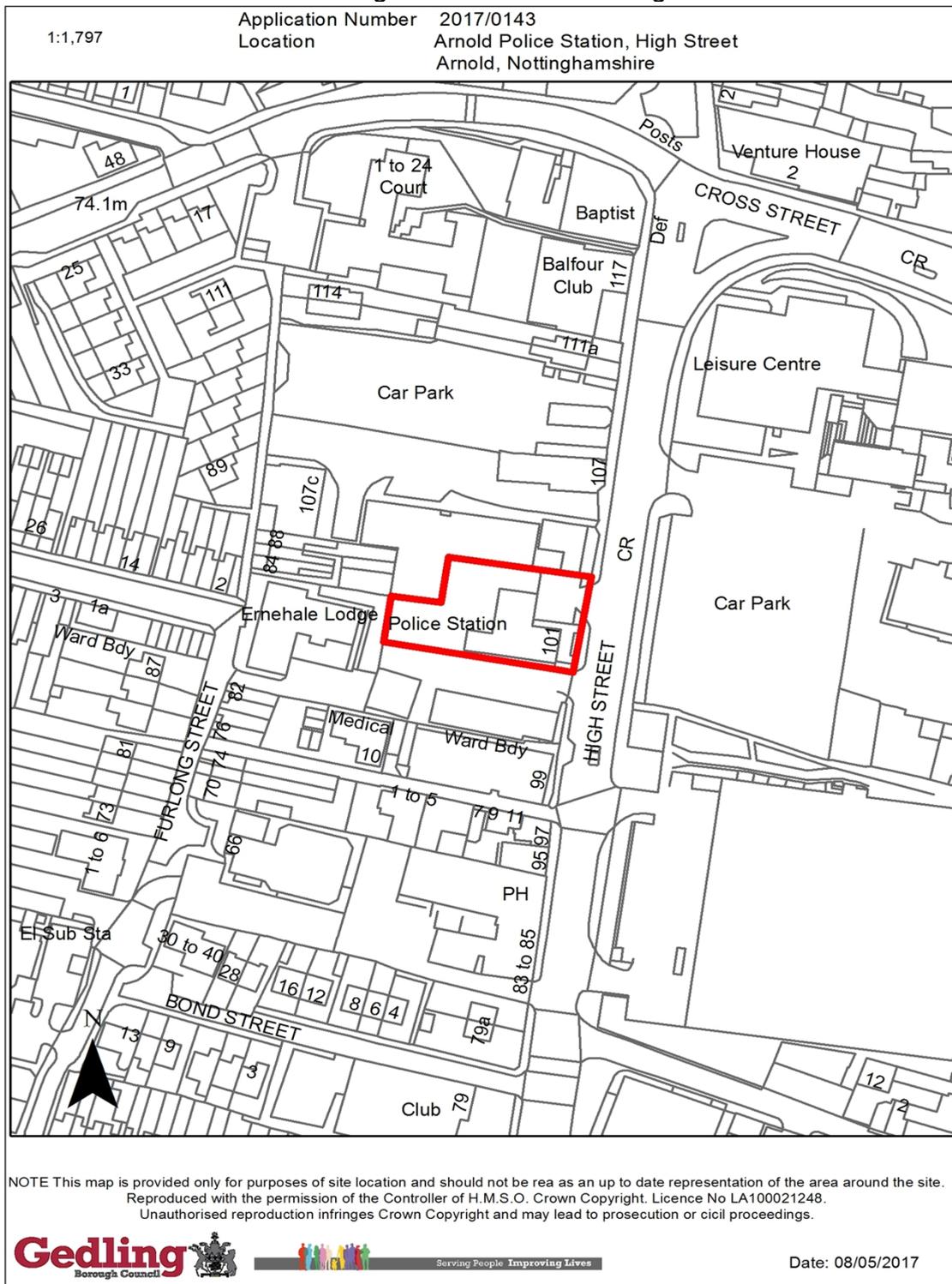


Application Number: 2017/0143

Location: 101 High Street Arnold Nottinghamshire



Report to Planning Committee

APPLICATION NO: 2017/0143

LOCATION: 101 High Street Arnold NG5 7DQ

PROPOSAL: Demolition of existing structures (Arnold Police Station) for the erection of a 3 pump (6 filling position) Petrol Filling Station, canopy, underground storage tanks, and reconfiguration of the site access/egress.

APPLICANT: ASDA Stores Limited

AGENT: Savills (UK) Limited

CASE OFFICER: Deirbhile Blair

This application is referred to the Planning Committee at the request of the Delegated Member's Panel.

Site Description

The application site relates to the former Police Station that occupies 101 High Street, Arnold. The existing premise comprises a single storey brick building surrounded by tarmac hardstanding.

The application site is accessed from High Street and is located on the periphery of Arnold Town Centre within the Secondary Shopping area. The site is immediately adjoined to the south by Halfords Autocentre, Ernedale Lodge Care Home and residential properties to the west and a children's soft play area to the north.

Proposed Development

Planning permission is being sought for the demolition of existing structures (Arnold Police Station) for the erection of a 3 pump (6 filling position) Petrol Filling Station, canopy, underground storage tanks, jet wash facilities and reconfiguration of the site access/egress.

During the application process, concerns were raised by officers regarding the proposed jet wash to the rear of the proposed petrol station. Revised plans were received by the Borough Council on the 30th March 2017 omitting the jet wash from the scheme.

Consultations

Adjoining neighbours have been notified and a Site Notice has been issued. Two letters of representation have been received as a result. The comments are outlined below:

- There is no need for yet another petrol station in the area, there are already 2 within a mile of the site in question and 3 others within three miles;
- The site is very near to a busy junction of High Street/Cross Street;
- The traffic in this vicinity often gets congested and makes quite a bottle neck;
- It is not unusual to see a vehicle tail back of 150 metres or more on High Street on the approach to the traffic signals;
- The petrol station will make the traffic even worse;
- The situation has been worsened in Arnold since the removal of the mini roundabout and the introduction of traffic lights which make it almost impossible as a pedestrian to cross the road easily and cause traffic jams where they previously didn't exist;
- Suggest a traffic study at peak times and Saturdays.

Environment Agency –

EA initially raised concerns with regards to the risks to potable water supplies and underground storage of pollutants.

The agent submitted a Geo-Environmental appraisal and Site Specific Risk Assessment to address these concerns. The following comments were received from the EA:

- The Geo-Environmental appraisal provides supporting data that the proposed underground storage tanks will not be within the groundwater once installed. On this basis, we believe we have been provided with adequate information for this element of the objection to be removed;
- The Environmental Site Specific Risk Assessment covers all elements of the design and management of the proposal and we believe provides adequate information to remove this element of the objection.

Nottinghamshire County Council (Highways Authority) –

No objections were received in principle, however concerns were raised in regards to access and public safety.

Revised plans were submitted via email on the 23rd March 2017 and were forwarded to Highways. Comments were received from the Highways Authority on 3rd April 2017 outlining the updated layout drawing submitted satisfactorily addresses the Highways concerns and therefore, have no objections.

Further clarification was sought from the Highway Authority in relation to the impact of the development on the existing access on High Street adjacent to the site, the impact on the bus stop opposite and whether there would be a requirement for a Transport Statement.

Highways responded on the 20th April 2017 to clarify this issue. The comments are outlined below:

- I can confirm that the Highways Authority are satisfied the reconfigured access arrangement, whereby there will be a footway with dropped kerbing facility to the frontage of the site, is acceptable;
- High Street is wide in the vicinity of the proposal and would be able to accommodate vehicles that wish to access the facility taking into account the bus stop location;
- In line with Transport Assessment guidelines a 3 pump petrol filling station facility would not require a Transport Assessment to be undertaken as it would not meet the threshold for traffic impact on the surrounding highway network.

Scientific Officer – No objections.

Severn Trent – No objections, subject to a condition requiring drainage plans for surface and foul water.

Planning Considerations

In my opinion the main planning considerations involved in the determination of this application are:-

- The impact of vitality and viability of the development on the existing secondary shopping area;
- The impact of the proposal upon the amenity of neighbouring residential properties;
- The impact of the proposal on highway safety;
- Ground and surface water; and
- Design and appearance.

The main planning policy guidance at the national level is the National Planning Policy Framework (NPPF) (March 2012). The following sections are particularly relevant in the consideration of this application:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
7. Requiring good design

At the heart of the NPPF is a presumption in favour of sustainable development. Section 1 of the NPPF states the planning system should do everything it can to support sustainable economic growth and that significant weight should be placed on the need to support economic growth through the planning system.

At national level policy 2- “Ensuring the vitality of Town Centres” (paras 23 to 27) of the NPPF is relevant.

Paragraph 19 of the National Planning Policy Framework (NPPF) (March 2012) also states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan

along with certain saved policies contained within the Gedling Borough Replacement Local Plan referred to in Appendix E of the GBACS.

Appendix E of the GBACS refers to the following saved relevant policy contained within the Gedling Borough Replacement Local Plan (certain policies saved) 2014:-

- ENV1 (Development Criteria);
- ENV42 (Aquifer Protections);
- S6 (Arnold Secondary Shopping Area).

ENV1 states inter alia that:-

'Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:

- it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- it incorporates crime prevention measures in the design and layout, defensible space and well considered layout.

Impact of vitality and viability

The Local Planning Document was approved by Council on 20th April 2016 for publication and is now undergoing examination. Paragraph 216 of the NPPF sets out that from the day of publication weight may be given to relevant policies in emerging plans depending upon how advanced the local plan and whether there are extant objections. The following relevant policies may be given significant weight as there are no objections to it.

- Policy LPD 32 Amenity;
- Policy LPD 6 Aquifer Protection.

I note the proposed petrol filling station is a sui generis use, however, such provision would be in keeping with the retail function in this secondary shopping area, therefore, I am satisfied that the proposal would have no undue impact on the vitality and viability on Arnold Secondary Shopping Area.

I note the representations in relation to the need for an additional filling station; however, I do not consider this to be a material planning consideration in the determination of this application.

Highways safety

With respect to the objections from neighbours regarding the potential increase in traffic in this area, the Highways Authority is satisfied the development would have no adverse impact in terms of traffic generation. I also note the Highways Authority is satisfied with the revised plans submitted on the 3rd April 2017 amending the

dropped pedestrian access, therefore, I am satisfied that development would not have an adverse impact on highway safety.

Ground and surface water

I note the Environmental Agency have raised no objections in relation to the revised plan and report dated 6th April 2017, therefore, I am satisfied that the proposal would have no undue impact on groundwater or potable water supplies. I note the comments from Severn Trent Water and should planning permission be forthcoming the suggested condition relating to drainage plans would be attached to any approval.

Residential amenity

Given that the proposed jet wash has been removed from the scheme and the area adjacent to the existing neighbouring commercial uses was previously a car park area serving a Police Station, I am satisfied that there would be no undue impact on amenity of nearby properties or the care home to the rear in terms of noise and disturbance. I also note that the Borough Council's Public Protection service has raised no objection to the proposal and its relationship to the adjoining premises.

Design and appearance

I note that the immediate streetscene, adjacent to the application site, is defined by commercial premises trading as an MOT / Auto Centre to the west, a Construction Firm to the east and a large public car park opposite. It is my opinion that the design and appearance of the filling station would not appear out of keeping within Arnold Secondary Shopping Area. I note that the proposed canopy serving the filling station would be set back from the back edge of the pavement and am satisfied that the design of the development would not look incongruous within the existing streetscene.

Conclusion

In conclusion, I am satisfied that the proposal would not result in a significant impact on the vitality and viability of existing shopping centres, on highway safety or the amenities of neighbouring properties. The development would accord with the aims and objectives of national policy supporting sustainable economic development.

Having regard to the above considerations I am of the opinion that the proposal is in accordance with the advice contained within the National Planning Policy Framework (2012).

Accordingly I recommend that planning permission be granted.

Recommendation

To GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in accordance with the submitted plans, Planning Statement, Noise Assessment, Transport Statement received on the 31st January 2017, drawing no: 200_01, 200_03, 300_01, 500_01, 500_02, 500_03, 900_05. Geo-Environmental Appraisal submitted on the 13th March 2017. Revised plans submitted on the 30th March 2017 drawing no: 9780_002, 300_02 C, 200_04 C, 200_02 C. Revised Proposed Site Sections drawing no: 400_01 C and Environmental Risk Assessment dated 6th April 2017.
3. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossings shown for indicative purposes on drawing 978-002 are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
4. No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
3. In the interests of Highway safety.
4. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
5. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Reasons for Decision

The proposals are visually acceptable, result in no undue impact on neighbouring properties and are acceptable from a highway safety viewpoint. The proposals therefore accord with the policies contained within the Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework 2012 and the Aligned Core Strategy.

Notes to Applicant

Severn Trent Water advises that there is a public sewer located with the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or advert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.gedling.gov.uk. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

The proposal makes it necessary to apply for Advertisement Consent separately under the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the display of advertisements as indicated on the approved plans drawing no.300_02.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.to arrange for these works to be carried out.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.