

3/09/0688/FP- Redevelopment of existing petrol station to provide new sales building, forecourt, pumps, car wash, canopy, parking and alteration to vehicular access at BP Howe Green Connect, Baldock Road, Buntingford, SG9 9EG for BP Oil UK Ltd.

Date of Receipt: 16.07.09

Type: Full

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. 3 Year time limit (1T12)
2. Materials of construction (2E11)
3. Materials arising from demolition (2E32)
4. Approved accesses only (3V04)
5. Hard surfacing (3V21)
6. Tree retention and protection (4P05)
7. Contaminated land survey and remediation (2E33)
insert '*including a verification report*'
8. Prior to the commencement of the development hereby approved, a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development.

Reason: To prevent the pollution of the water environment and safeguard the residential amenities of nearby properties in accordance with policies ENV1 and ENV20 of the East Herts Local Plan Second Review April 2007.

9. No part of the development shall be occupied until the approved access and crossover works as shown on approved plan no.12931/20 Rev B have been completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

10. Prior to the commencement of development details of all proposed road markings within the site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to allow the safe manoeuvring of vehicles within the site.

11. Prior to the commencement of development details of the ingress/ egress signage and their positions within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, SD5, GBC2, GBC3, TR7, TR13, TR23, ENV1, ENV2, ENV4 and ENV26. The balance of the considerations having regard to those policies and the permission granted under LPA Ref 3/04/0710/FP is that permission should be granted.

_____ (068809FP.FH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is located on the roundabout at Baldock Road, to the west of Buntingford. The site currently consists a forecourt including five pump islands, a shop, a canopy and a car wash. It is a long established facility having originally been granted planning permission in 1987 as a petrol station.
- 1.2 To the north of the site on the opposite side of London Road are residential properties. Directly to the north east is a vehicle tyre and exhaust centre and M.O.T. testing facility and to the south is a vets surgery. To the south east are open fields.
- 1.3 The current application proposes the redevelopment of the site for the continued use as a petrol station and includes the provision of a new sales building, a new car wash building, canopy and four petrol islands. In addition 14 car parking spaces are proposed in addition to modifications to the existing accesses to introduce dedicated exit and entry points.

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- 1.4 The new sales building will be located on the north eastern side of the site, where the car wash is currently situated. The building will accommodate a shop, toilets, an office, staff facilities and storage. The new car wash building will be located at the western end of the site adjacent to the neighbouring vet's surgery.
- 1.5 The applicant states that the purpose of this application is to renew the extant consent (see Section 2.0 below), which expires on 13 September 2009, in order to provide additional time to implement the proposals.

2.0 Site History

- 2.1 Planning permission was granted in 1987 for a petrol station at the site.
- 2.2 In 2004 (LPA Ref: 3/04/0710/FP) planning permission was granted for the refurbishment of existing service station to provide forecourt, canopy, shop, car wash, parking, new fuel tanks and associated services.
- 2.3 In 2005 (LPA Ref: 3/05/2021/FP) planning permission was granted for the installation of replacement fuel tanks. This permission was implemented.

3.0 Consultation Responses

- 3.1 County Highways has no objections to the proposals subject to the inclusion of conditions regarding hardsurfacing, the provision of space on site for construction materials and parking and the provision of suitable signs and marking to ensure the new access arrangements are implemented.
- 3.2 The Environment Agency has no objections to the scheme subject to the inclusion of conditions regarding the provision of a contaminated land survey, any necessary remediation and a verification report and the provision of a scheme to dispose of foul and surface water.
- 3.3 Environmental Health has no objections to the scheme subject to the inclusion of a condition regarding construction hours of working.

4.0 Town Council Representations

- 4.1 Buntingford Town Council does not object to the proposals.

5.0 Other Representations

- 5.1 The application has been advertised by way of site notice and neighbour notification.
- 5.2 Two letters of representation have been received raising the following issues:-
- Existing problems from rubbish from site therefore request the provision of a solid feather edged wooden fence;
 - Existing problems due to lack of public toilets therefore request the provision of public facilities at the site;
 - Visual impact of fence proposed along north east boundary of site;
 - The re-development would be of benefit to Buntingford.

6.0 Policy

- 6.1 The East Herts Local Plan Second Review (April 2007) policies relevant to the consideration of this application are:

SD2	Settlement Hierarchy
SD5	Development on Contaminated Land
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR7	Car parking- Standards
TR13	Cycling- Facilities provision (Non residential)
TR23	Fuel Filling Stations
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV4	Access for Disabled People
ENV26	Hazardous Substances

7.0 Considerations

- 7.1 As outlined in Section 2.0, planning permission was granted in 2004 for a similar scheme, albeit including the repositioning of fuel tanks which is not part of the current application. This decision is a material consideration of significant weight. The main determining issue in this case, therefore, is whether or not circumstances have changed either physically or in policy terms to warrant a different decision by the Council.

- 7.2 The previous application was determined under the previous Local Plan. The site was at that time situated in the Rural Area and this remains unchanged in the new Local Plan, which was adopted in 2007. The principle of this development in the Rural Area was established in the previous application, as was the acceptability of the new access arrangements, the car parking, the size, siting and design of the new sales building, car wash building, canopy and petrol pumps, the impact of the proposals on nearby residential properties and the impact the development would have on the rural appearance of the area. There are no new or amended policies in the new Local Plan which, in my view, warrant a different decision being made by the Council.
- 7.3 Since 2004 the use of the adjoining building, which was at that time a restaurant has changed to a vet surgery. In addition, a new vehicle tyre and exhaust centre and M.O.T. testing facility has been constructed directly to the north east of the site on land which was previously agricultural. In my view the proposed development would not result in any undue harm to these new uses and therefore I do not consider that the changes of use that have taken place on the adjoining land warrant a different decision by the Council.
- 7.4 The comments made by two local residents have been noted, however it is considered that these comments do not raise any significant concerns that would warrant refusal of the application.
- 7.5 In respect of conditions, it is recommended that the same conditions are attached to any grant of permission which were attached to the 2004 permission. However, two further conditions are proposed as requested by the Environment Agency. The Environment Agency did not comment on the previous application, but having regard to the nature of the suggested conditions, it is considered that it would be reasonable to attach them in this case.

8.0 Conclusion

- 8.1 To conclude, officers consider that LPA Ref 3/04/0710/FP is a material consideration of significant weight and that the changes in circumstances both physically and policy terms do not warrant a different decision by the Council.
- 8.2 The proposal has been considered with regard to the policies of the Development Plan (in particular the Hertfordshire County Structure Plan and East Herts Local Plan Second Review April 2007) and it is considered that material considerations exist to permit the proposed development

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contrary to normal Rural Area Policy GBC3. The balance of the considerations having regard to those policies and LPA Ref 3/04/0710/FP is that planning permission should be granted subject to the conditions set out at the commencement of this report.