

5h 3/11/0017/FP - Extensions to existing sales building with repositioned disabled parking bay, new compound area and new plant area at Howe Green Service Station, Baldock Road, Buntingford, SG9 9EG for BP Oil UK Ltd

Date of Receipt: 07.01.2011

Type: Full - Minor

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

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

1. 3 Year time limit (1T12)
2. Approved plans (2E10) Plan refs: 12931-20, 12931-21A, 1
3. Tree retention and protection (4P05)
4. Contaminated land survey and remediation (2E33)
insert '*including a verification report*'
5. 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.

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, GBC2, GBC3, TR7, TR23, ENV1, ENV2, ENV4 and ENV26. The balance of the considerations having regard to those policies and the permission granted under LPA Ref 3/09/0688/FP is that permission should be granted.

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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 of 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 two extensions to the existing sales building, one at the front and one at the rear. The front extension will be some 19 square metres in size with large areas of glazing. The rear extension will be some 34.5 square metres in size and constructed in facing brick. Both extensions will be flat roofed and have been designed to match the existing building in their appearance and form. In addition a new plant area is proposed at the rear of the building. All plant equipment is to be housed within a protective mesh cage.
- 1.4 To the north of the sales building, adjacent to the existing car wash facilities and bin area, a new compound area is proposed, some 7.25 square metres in size. This will be bounded by 2 metre high timber fencing and a steel framed gate.
- 1.5 The applicant states that the proposed development will improve the site's appearance and the facilities for its customers. The new disabled parking bay and plant area will improve the layout and functioning of the site.

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.

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2.4 In 2009 (LPA Ref: 3/09/0688/FP) planning permission was granted for the refurbishment of existing service station to provide forecourt, canopy, shop, car wash, parking and associated services. To date, this permission has not been implemented.

3.0 Consultation Responses:

3.1 The Environment Agency does not object to the proposal but requests conditions regarding land contamination and the disposal of foul and surface waters.

3.2 County Highways advises that the development is acceptable in highway terms and requests a condition regarding onsite parking of construction vehicles and materials.

3.3 Environmental Health do not object to the development. They recommend conditions regarding construction hours of working and soil decontamination.

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, newspaper advertisement and neighbour notification.

5.2 To date no letters of representation have been received

6.0 Policy:

6.1 The relevant saved Local Plan policies in this application include the following:

SD2	Settlement Hierarchy
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR7	Car parking- Standards
TR23	Fuel Filling Stations
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV4	Access for Disabled People
ENV26	Hazardous Substances

7.0 Considerations:

7.1 The site is situated to the west of Buntingford, within the Rural Area beyond the Green Belt, where the main issues for consideration are:

- The appropriateness of the development in the Rural Area
- The size, siting and design of the proposed development
- Access and parking
- The impact of the development on neighbour amenities.

The appropriateness of the development in the Rural Area

7.2 Turning first to the principle of development; within the Rural Area beyond the Green Belt permission will not normally be given for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. The proposal does not fall within any of these exception categories and so constitutes “inappropriate” development. It therefore needs to be considered whether there are any special circumstances in this case to warrant a decision that overrides Rural Area policy.

7.3 The existing use of the site has been established since 1987. The applicant has indicated that the proposal, whilst not extensive, seeks to improve the environmental standards, customer facilities and the appearance of the site. The facility provides an important service on this stretch of road and locally it will ensure a more convenient facility for customers and the improvements will ensure that an important facility meets modern requirements.

7.4 As outlined in Section 2.0, planning permission was granted in 2009 for a much larger refurbishment scheme, which included the erection of a new sales building significantly larger in size than the extended building now proposed. This planning permission could still be implemented and therefore is a material consideration of significant weight.

7.5 Taking into account the planning history of the site, its established use and the limited nature of the proposals I consider that in this case special circumstances exist to warrant a departure from Local Plan Policy.

The size, siting and design of the proposed development

7.6 Turning first to the proposed extensions to the sales building, I consider that these are of a design, scale and layout which respect the character and visual qualities of the existing building and would not appear

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uncomfortable in relation to surrounding development. They have been designed to match the existing building in both form and materials and whilst the Council would normally resist flat roofed extensions, in this case it is considered that such a design is appropriate. This is on the basis that the existing building has a large flat storey element and the building is largely screened by the petrol station canopy.

- 7.7 With regards to the proposed compound and plant areas, it is noted that these are both required for the efficient running of the petrol station and are proposed to improve the environmental standards and appearance of the site. I am satisfied that due to their siting and low key nature they would not adversely impact upon the character and appearance of either the site itself or the surrounding area and are therefore acceptable.

Access and parking

- 7.8 The access and parking arrangements, bar the relocation of the existing disabled parking bay, are to remain as existing. In line with comments received from County Highways I am satisfied that the existing access arrangements are acceptable. With regards to parking I consider that there are sufficient car parking spaces on the site to accommodate the additional floor space and any increase in activity that may result and the proposal would not result in an increase in on street parking or prejudice highway safety

The impact of the development on neighbour amenities

- 7.9 I am satisfied that that there will be no significant adverse impact on the amenities of neighbouring properties resulting from the proposed development, in terms of overshadowing, loss of privacy, noise and disturbance or similar. This is due to the significant distance from the site to the nearest residential property, the nature of the adjoining commercial uses (a vet surgery and M.O.T. testing facility) and the limited extent of the proposals.

Conditions

- 7.10 In respect of conditions, with regards to the requests from the Environment Agency to include conditions regarding contaminated land and foul and surface water drainage it is considered reasonable and appropriate to include the same conditions that were attached to the extant 2009 permission. Furthermore whilst no alterations are proposed to the existing landscaping I consider it necessary to include a condition to ensure that any existing trees on the site are properly

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protected during construction. Finally, I have recommended a condition to ensure that the development is built in accordance with the approved plans and specifications.

8.0 Conclusion:

- 8.1 To conclude, the proposal has been considered with regard to the policies of the Development Plan (in particular the East Herts Local Plan Second Review April 2007). Officers consider that the established use of the site, the limited extensions proposed and LPA Ref 3/09/0688/FP constitute special circumstances in this case, to permit the proposed development contrary to normal Rural Area Policy GBC3. It is therefore recommended that planning permission be GRANTED subject to the conditions set out at the commencement of this report.