

Item No	Application No. and Parish	Proposal, Location and Applicant
(1)	12/02395/FUL	Demolition of existing service station. Redevelopment to provide new petrol filling station consisting of: canopy/forecourt; sales building with ATM; underground storage tanks, parking, landscaping and other ancillary works. Total, Falkland Service Station, 170 - 174 Andover Road, Newbury. Total Bonjour Ltd.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=12/02395/FUL>

Recommendation Summary: **To delegate to the Head of Planning and Countryside to grant conditional planning permission.**

Ward Members: Cllrs. H Bairstow & A Edwards.

Reason for Committee Determination: More than 10 letters of objection.

Committee Site Visit: 17 January 2013

Contact Officer Details	
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1. Site History

Applications of relevance:-

07/02393/FUL. January 2008. Approval of section 73 application to vary Condition 11 of planning permission 02/02692/FUL regarding hours of operation.

Hours changed from:

07:00 to 21:00 Monday to Friday;

10:00 to 20:00 Saturday;

10:00 to 18:00 Sunday.

Hours approved by the application:

07:00 to 22:00 Monday to Friday;

07:00 to 21:00 Saturday;

08:00 to 18:00 Sundays and bank/public holidays.

02/02692/FUL. May 2003. Approval of redevelopment of site for petrol filling station with ancillary retail.

2. Publicity of Application

Site Notice Expired: 28 December 2012

Neighbour Notification Expired: 21 December 2012

3. Consultations and Representations

Newbury Town Council: Objection/comment: Overdevelopment; unacceptable extension to opening hours; concern at additional noise, light pollution, access and egress, child safety across exit; no deliveries outside business hours; and failure to consider the needs of neighbours.

Greenham Parish Council: Objection. Recognition of an enhancement of an existing operation that could be useful given the 2,000 new homes identified in the Core Strategy at Sandford Park.

(Adjacent Parish)

Objection issues:-

Noise and location of vehicle tyre compressor air pump would have a detrimental impact on local residents worsened by extended opening hours and closer proximity to residents;

Elevated (roof) noise generating plant close to residents and above height of boundary fences;

Care required in the positioning of petrol tank vents, fume extraction and filtration to prevent odour pollution;

Increased detrimental impact on residential amenity of under supply of parking on site exacerbated by indiscriminate parking on adjacent roads which can cause road safety issues by obscuring access and egress;

Longer opening hours would have a greater detrimental impact on local residents' enjoyment of their dwellings.

Highways:	No objections subject to conditions and additional information from applicant.
Ecology:	No objection.
Environmental Health:	No objection subject to conditions.
Environment Agency:	No objection subject to a condition.
Thames Water:	No objection subject to an informative.
Drainage:	No comments received.
Royal Berkshire Fire and Rescue Service:	No additional fire hydrants required. Access to meet Building Regulations 1991. Any gates for emergency access to provide 3.1 metres clear opening.
Policy Authority:	No comments received.
Disability Alliance:	No comments received.
Newbury Society:	<p>No objection in principle but criticise lack of applicant consultation with residents or pre-application advice with Local Planning Authority to consider effects on amenity of residents of: longer opening hours; excessive lighting; litter; deliveries outside opening hours; lack of high acoustic fence along Falkland Road; noise of generator on building; fumes from additional fuel interceptor tank; traffic analysis omission of numbers of pedestrians, particularly children from Park House School and others locally; and parking arrangements for the increased numbers of staff.</p> <p>Request the air machine facility be retained with silent machine installed. Comment that the other existing machines and car wash facility provide a valuable local service.</p>

Correspondence:	<p>45 objections. The matters raised are outlined below.</p> <p>Longer opening hours increase intrusion on local residents' amenity by light pollution, traffic and vehicle noise, deliveries, anti-social behaviour, litter, compressor noise, on-street parking, and fumes from the fuel tank vents.</p> <p>Request for increased fencing along Falkland Road to prevent overlooking into adjacent properties.</p> <p>No demand for additional shop size, overdevelopment of the site towards full retail use and 24 hour opening. Opening hours should be in line with other retail uses locally.</p> <p>Insufficient car parking provision for increased shop size will cause customers and/or staff to park along Falkland Road and other residential roads locally. Parking further reduced during supply deliveries.</p>
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Correspondence cont: Increase in traffic volumes associated with the site detrimental to the highway safety of the local area and poses a health and safety risk to local pedestrians and students locally including: Park House School; local pre-schools; community facility; churches; parade of shops opposite the monument. Extending the exit width for vehicles would be to the detriment of pedestrians who have right of way.

Additional site security and health and safety concerns for out of hours activities at Park House School from possible increases in anti-social behaviour and littering due to longer opening hours at the application site.

Detrimental impact of an increased size shop operated by a national business on site to the economic viability of the independent businesses including Budgens. The decline of local stores would cause job losses, reduce their service provision, and less re-investment in the local community.

1 letter of support directed to the Chief Executive regarding the design, an investment of £1 million to the area and creation 15 new full time equivalent jobs for local people.

4. Policy Considerations

- 4.1 West Berkshire Core Strategy 2012:-
Area Delivery Plan Document 1: Spatial Strategy;
Area Delivery Plan Document 2: Newbury;
Policy CS 6: Infrastructure Requirements and Delivery;
Policy CS 9: Employment and the Economy (c);
Policy CS 11: Hierarchy of Centres;
Policy CS 13: Transport;
Policy CS 14: Design Principles;
Policy CS 15: Sustainable Construction and Energy Efficiency;
Policy CS 19: Historic Environment and Landscape Character.
- 4.2 West Berkshire District Local Plan 1991-2006 Saved Policies 2007:-
OVS.5: Environmental Nuisance and Pollution Control;
OVS.6: Noise Pollution;
SHOP.5: The Encouragement of Local and Village Shops;
TRANS.1: Meeting the Transport Needs of New Development.
- 4.3 Supplementary Planning Document: Quality Design.
- 4.4 South East Plan Regional Spatial Strategy for the South East of England 2009:-
CC4: Sustainable Design and Construction;
CC6: Sustainable Communities and Character of the Environment;
NRM1: Sustainable Water Resources and Groundwater Quality;
NRM2: Water Quality;
NRM9: Air Quality;
NRM10: Noise.
- 4.5 Newbury Town Design Statement.

4.6 National Planning Policy Framework 2012.

5. Description of Development

- 5.1 The application seeks the demolition and replacement of the petrol filling station and shop. The replacement petrol filling station would have 6 pumps in the same location as those existing; with the same size canopy 0.3 metres lower in height at 5.8 metres.
- 5.2 The replacement shop would be in the same location but larger, extending to the rear of the site from Andover Road. It would be 36.3 metres by 11.4 metres, and 4.6 metres in height to the flat roof. The proposed roof mounted refrigeration plant would be to the rear of the site from Andover Road, 5.7 metres in height and 5 by 5.2 metres in size. (The existing shop is 24 metres by 9.4 metres, 4 metres in height).
- 5.3 The existing jet car wash facility would not be retained. The new air and water unit would be located adjacent to the 9 car parking spaces to the rear of the site from Andover Road. This would be behind the existing 1.8 metre brick boundary wall along Falkland Road.
- 5.4 An additional 2 car parking spaces are proposed where the existing air and water units are located alongside Falkland Road. These would be designated for staff use. A cycle stand accommodating 6 bicycles is proposed to the side elevation of the shop fronting Andover Road.
- 5.5 The 1m high fence along Falkland Road and between the entrance and exit would be retained. It would be reduced from 8.2 to 5.8 metres between the entrance and exit. The works proposed to: reduce the grass verge from 12.8 metres to 4.6 metres; extend the drop kerb by 8.2 metres; and provide coloured surfacing to the footway along Andover Road, are outside of the ownership of the applicant. These would be subject to a Section 278 agreement in order to secure the works.
- 5.6 A 3 metre high acoustic timber fence is proposed along the rear boundary behind the customer car parking. A 2.4 metre timber close boarded fence is proposed along the side boundary with No. 166 Andover Road.

6. Consideration of the Proposal

The main considerations of the proposal are:-

- The principle of development;
- The design and impact on the character of the area; I
- Land contamination;
- Highways impact;
- Impact on existing amenity levels; and
- Other matters.

6.1 Principle of Development

6.1.1 The petrol filling station with ancillary shop is a sui generis use. The retail element is ancillary; that is in planning terms the primary use of the site is the petrol station, not retail. The proposed development, whilst increasing the retail element by 100m², and the overall size of the building from 225m² to 410m², would not alter the planning use of the site. As such the use of the site for this purpose is established and the proposal is permissible in principle subject to local, regional and national planning policies.

6.2 Design and Impact on the Character of Area

6.2.1 The larger proposed building would be similar to that existing in terms of its design and external materials with a flat roof and canopy within the fore court. It would remain set back from both Falkland Road and Andover Road. The full extent of the building would be visible in the public street scene from relatively close quarters; directly opposite on Falkland Road and when approaching from the south along Andover Road.

6.2.2 The size of the proposed building is not considered to be intrusive in the street scene. As such the application is considered to have an acceptable impact on the visual character of the area in accordance with Core Strategy Policies CS 14 and CS 19. Core Strategy Policy CS 15 requires new development to meet sustainable construction standards, in this case BREEAM excellent for the building. This would be secured by condition.

6.3 Land Contamination

6.3.1 The Environment Agency has advised that the Phase 1 Environmental Assessment submitted with the application is satisfactory. The report advises investigations carried out for the previous planning permission between 2003 and 2007 found acceptable low levels of petroleum hydrocarbons in ground water, agreed by the Environment Agency at that time. Further sampling will be carried out at the monitoring wells on site.

6.3.2 In order to have no objection to the application, the Environment Agency would wish to impose a condition on any planning permission that should any unforeseen land contamination be encountered development will cease, a remediation strategy be approved in writing by the Local Planning Authority, and implemented. Environmental Health is in agreement with this condition.

6.3.3 Thames Water raises no objections to the impact of the proposal on sewerage or water infrastructure. They recommend an informative that petrol/oil interceptors are installed in all car parking facilities to ensure against oil pollution of local watercourses.

6.3.4 Subject to the above informative and condition the application is considered to comply with Policy OVS.5 of the Local Plan.

6.4 Highways Impact

- 6.4.1 At the time of writing information is awaited on the level of staffing on site at any one time out of the 20 staff advised in the application. Comments on this information will be provided in the update sheet.
- 6.4.1 Information is also awaited on the current delivery arrangements. Comments on this will also be available in the update sheet. The deliveries currently proposed are 5 per day to the retail element by 11m rigid vehicles. 4 deliveries would be for no more than 10 minutes, 1 delivery for up to 40 minutes. The petrol tanker refuelling is not anticipated to change with up to 4 per week during which time it is proposed to condition that the site be closed as per the existing arrangements.
- 6.4.2 The application includes a Transport Statement with traffic surveys of the site and the Andover Road. According to the Trip Rate Information Computer System (TRICS - a national database of traffic surveys including petrol filling stations) the site is busier than average. The location on a busy route into Newbury town centre and proximity to schools and large residential area is considered to explain this finding. The 8am to 9am peak travel recorded 194 vehicle movements associated with the site, 97 arriving and 97 leaving, on 28 June 2012.
- 6.4.3 The applicant's consultant has estimated the potential increase in traffic and customers would be proportional to the increase in floor area and that 50% of visits to the site are already passing it. These assumptions increase traffic movements by 50 between 8am and 9am (25 arriving and leaving) – an increase in traffic of 3.9% on Andover Road.
- 6.4.4 Highways advise that research by TRICS demonstrates that when extending retail units there is not a directly proportional relationship between the percentage increase in floor area and the resulting increase in custom. A formula of 0.24% increase in custom for every 1% in sales floor area has been derived. With an increase in sales area of 67% under this formula, there would be a much lower increase in vehicle movements of 16 (8 arriving and leaving) between 8am and 9am. This would be an increase in traffic movements on Andover Road of 1.2%. This formula is considered more realistic and has been previously accepted in West Berkshire.
- 6.4.5 Notwithstanding any increase in traffic, improvements for pedestrians have been sought. The changes proposed to the entrance and exit to the site from Andover Road including coloured surfacing would be completed by the applicant under Section 278 of the Highways Act 1980. A separate pedestrian access to the site is also proposed to provide a safe route into the site separate from vehicle traffic. These measures are considered to assist in ensuring the existing no recorded injury Road Traffic Accident record is maintained.
- 6.4.6 There are no published parking standards for a Sui Generis use. Applying retail car parking standards 1 space per 30 m² would require 8 spaces. 9 were initially proposed with an additional 2 added to accommodate staff given the increase of staff from 5 to 20. The parking on site exceeds that parking standard and is considered appropriate.

6.4.7 There will be an impact on the highway with regard to additional traffic. The anticipated increase in traffic is considered acceptable with the parking provision on site, and the entrance/exit works, subject to conditions. The proposal is in accordance with Local Plan Policy TRANS.1 and overall acceptable under Core Strategy Policies CS 5 and CS 13.

6.5 Impact on Existing Amenity Levels

6.5.1 The site is bordered to the east and north by residential properties and to the south on the opposite side of Falkland Road. Andover Road to the west is an A road into the town centres. The considerations of the impact on the amenity of local residents are lighting, noise, and odour, both during and outside of the hours of operation. As the use of the site is already established consideration is focused on the extent of any increase in impact on the existing amenity of local residents.

Lighting

6.5.1 The existing site has floodlighting to the customer car parking and canopy lighting both of which are proposed to continue. An additional floodlight is proposed to the rear of the building over the compound where the refuse would be stored. This would have an overriding time clock. The existing and proposed lighting is directed into the site although some would spill into and be visible from nearby properties. The proposed lighting is not considered to have a detrimental impact on the existing quality of life beyond that existing subject conditions. Environmental Health have requested conditions to limit the extent of lighting and luminance levels on site and requiring light to be switched off when the site is closed.

6.5.2 It is understood that there have been issues on site where external lighting has been left on beyond opening hours. This continues to be a matter for enforcement and would not constitute a planning reason to refuse the current application.

Noise including Hours of Operation

6.5.3 A noise assessment has been submitted with the application with data presented on the additional proposed opening times. The noise level time history indicates that Sunday noise levels are at their lowest after 7.30pm and highest between 9.30am and 5pm. The indication on a weekday between 9pm and 11pm is that noise levels are fairly consistent and greater than the equivalent time on a Sunday.

6.5.4 The noise impact of customers is demonstrated to be greater than road traffic noise on nearby residents who are set back from Andover Road. The predicted impact of customer vehicles on site is a maximum of 3.4 dB on Sunday evenings at 9pm. The predicted impact of additional traffic movements at this time is 0.6 dB.

6.5.5 Superseded National Planning Policy Guidance Note 24 provided an indication of the likely perceptible impact of a change in noise level in dB. Less than 3dB was considered 'slight' and 3 dB to 5 dB 'moderate'. The National Planning Policy Framework paragraph 123 and Local Plan Policy OVS.6 do not give specific indications of the change in dB likely to be found acceptable. Instead they seek to avoid significant adverse impacts including through the use of conditions.

6.5.6 In their consultation response Environmental Health raised no objections to the predicted noise impact of the proposal. The 3m acoustic fence proposed to the rear

of the site behind the customer parking is considered to provide suitable mitigation to the nearest residential property of the increase customer noise level on site.

- 6.5.7 The noise assessment does not include information on the noise level of the proposed plant machinery on site or delivery vehicle noise. As delivery vehicle noise on site could be greater than that of cars a condition limiting deliveries to opening hours is considered appropriate and not before 8am on Sunday and Bank Holidays.
- 6.5.8 Objections to the application have included comments that existing noise levels from air compressors overnight and early in the morning are unacceptable. Previous planning permissions included conditions for a scheme of sound insulation and details of acoustic specification of air handling plant. The proposed condition from Environmental Health is to limit machinery noise at all times to be no greater than background noise levels. This is considered a more appropriate condition to mitigate the potential noise of the plant proposed on site.
- 6.5.9 The proposal seeks to increase the opening hours by 11.5 hours a week. This is primarily evening closing hours: 11pm Monday to Saturday and 10pm on Sunday and Bank Holidays. At present the hours are until 10pm Monday to Friday, 9pm on Saturday and 6pm on Sunday and Bank Holidays.
- 6.5.10 The Transport Statement submitted with the application shows traffic along Andover Road is greatest from 7am to 8pm with traffic flow generally trailing off after this time. Whilst Andover Road is an 'A' road it does not experience high traffic volumes later in the evening and particularly between 10pm and 11pm when the site is proposed to be open beyond existing hours Monday to Saturday. The area at this time is predominantly residential when it can be expected that the majority of local residents are at home. Passing trade at this time in such a location is not considered to be high and other local shops close at 9pm.
- 6.5.11 The noise assessment indicated that noise levels are relatively consistent between 8pm and 11pm. With the exception of Sunday no noise data is presented during the day. The data for Sunday indicated that noise levels are lowest after 7.30 pm. Given the traffic data it is considered likely that noise levels would not be greatly dissimilar after 8pm during the rest of the week.
- 6.5.12 Previous applications have considered 10pm an acceptable impact on local residents. It is considered that noise levels and traffic data are not dissimilar on Saturdays and that the additional hour opening until 10pm proposed is not unacceptable. The existing closing time of 6pm on Sunday and Bank Holidays would appear to be relatively early according to the traffic data. The noise level between 6pm and 7.30pm on Sunday is not dissimilar to that of 7am to 8am when the site is open. A closing time on Sundays of 9pm is considered not unreasonable.
- 6.5.13 However, the additional opening hours proposed Monday to Saturday until 11pm are not considered warranted. Traffic levels are such that trade at this time is likely to be low and the economic benefit to the site to be open at this time is not considered to outweigh the additional impact on local residents of customer noise on site. Whilst Environmental Health have not objected to the opening hours it is nevertheless considered appropriate to impose a condition limiting opening hours to

10pm Monday to Saturday and 9pm Sunday and Bank Holidays. This would increase the opening hours by 4 hours a week.

Odour

- 6.5.14 The existing below ground fuel storage will remain. The petrol interceptor to the south of the site will be replaced with a new 10,000 litre vessel. No comments have been made by Environmental Health in this regard and as such this aspect of the proposal is considered acceptable and in accordance with Local Plan policy OVS.5.

Construction

- 6.5.15 The demolition and construction phase of the development represents additional disturbance to local residents and a potential impact on the highway network. Conditions have therefore been requested by Environmental Health with regard to working hours and dust mitigation. The hours of construction are those usually applied by the Local Authority: 7.30am to 6pm Monday to Friday; 8.30am to 1pm on Saturdays, and no works on Sunday or Bank Holidays.
- 6.5.16 Given the location of the site in a residential area off an A road it is considered appropriate to condition a construction scheme in terms of management and parking.

Amenity Conclusion

- 6.5.17 The proposal will have an additional impact on local amenity beyond that of the existing site. It is considered that the acoustic fence, and conditions outlined above on: lighting; plant machinery noise; delivery times; opening hours; hours of construction; and a construction management scheme are sufficient mitigation measures. With these conditions the proposal is considered to accord with Core Strategy policies CS 14 and CS 19, and Local Plan policies OVS.5 and OVS.6.

6.6 Other Matters

- 6.6.1 The petrol filling station is a sui generis use. Conditions limiting the net retail area to that proposed and that the retail element remains ancillary to the petrol filling station ensure that this remains the case. It is not full retail use, which would require a change of use planning permission, or a town centre use. As such it does not meet the criteria of the National Planning Policy Framework to require a retail impact assessment.
- 6.6.2 The objections received to the application with regard to competition with local retail outlets are not material planning considerations. The economic considerations of sustainable development within the National Planning Policy Framework relate to the contribution of development proposals to the overall economy, including construction, unless a retail impact assessment is required.
- 6.6.3 The supporting documentation with the application suggests that Sainsbury's may take on the operation of the retail element. This has generated objections to the application. The operator of the retail element is not a planning consideration. The existing retail element of the current petrol filling station could be operated by Sainsbury's without requiring planning permission.

6.6.4 Objections were received with regard to additional littering on site and anti-social behaviour from longer opening hours. The applicant has been requested to provide litter bins on site and these may be conditioned. However, it is beyond the remit of planning to enforce the public to use litter bins or to restrict their movements. Such matters are dealt with under powers of legislation separate to planning.

7. Conclusion

7.1 The National Planning Policy Framework places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to economic, social and environmental aspects of the proposal. The additional floor space of the proposed petrol filling station retail element is not considered to significantly adversely impact upon the environmental and social sustainability for the reasons detailed above and subject to conditions. The economic aspect of the proposal includes the creation of jobs in a sustainable location in terms of public transport and cycle/pedestrian routes for those staff. As previously stated planning considerations do not include competition within the market place. As these factors have been found acceptable the development is considered to constitute sustainable development in accordance with the National Planning Policy Framework.

7.2 Having taken account of all the relevant policy considerations and the other material considerations referred to above, it is considered that, although the considerations are balanced, the development proposed is considered to be acceptable and conditional approval is justifiable for the following reason.

7.3 Subject to conditions the proposal is not considered to have an adverse affect on the character and appearance of the area and street scene, land contamination, the highway infrastructure, or the amenities of local residents. As such the application is considered to accord with national, regional and local planning policies.

8. Full Recommendation

8.1 Delegate to the Head of Planning and Countryside to grant planning permission subject to the following conditions and informatives. These may be updated and/or revised in light of the additional information expected to be submitted by the applicant, and will be detailed in the update sheet.

Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. The development hereby approved shall be carried out in accordance with:-

- drawing 110643_PL3E received on 9 January 2013;

- drawings 110643_PL4C and 110643_PL5A received on 29 November 2012;
- Phase 1 Environmental Assessment SLR Ref: 412.03953.00002.009 REV_1 July 2012 received on 29 November 2012;
- Noise Assessment Report 12/3440/R2-2 received on 29 November 2012;
- Transport Statement ADL/AMC/H829/23A July 2012 received on 29 November 2012, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policies CC6, NRM1, NRM2, NRM9 and NRM10 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

3. The materials to be used in the development hereby permitted shall be as specified on the application form and drawing 110643_PL3E received on 9 January 2013. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: To ensure that the materials are of a quality appropriate to the nature of the development, the site and its surroundings. This condition is imposed to comply with Policies CC6 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2006-2026.

4. The building hereby approved shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The building shall not be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent has been achieved for the development, has been issued, and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework 2012, Policies CC1 and CC4 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policy CS15 of the West Berkshire Core Strategy 2012 and Supplementary Planning Document Quality Design 2006.

5. If, during development, contamination not previously identified is found to be present at the site the developer shall inform the Local Planning Authority immediately. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until any subsequent investigation/remedial/protective strategy and/or works deemed necessary by the Local Planning Authority, have been approved in writing by the Local Planning Authority and implemented as approved to agreed timescales. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

Reason: The site had low level historical hydrocarbon contamination and further proposed groundwater monitoring should demonstrate groundwater quality has not deteriorated since last measured in 2007. If conditions have worsened then remedial works may be required.

National Planning Policy Framework 2012 (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

6. Prior to the development being brought into use, the highway works subject to a Section 278 of the Highways Act 1980 agreement, shall be provided in accordance with the approved plan H829-100 Revision A and email from Tony Chapman received on 9 January 2013.

Reason: In the interest of road safety and highway maintenance and in accordance with Policies CS5 and CS13 of the West Berkshire Core Strategy 2012 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

7. Prior to the commencement of building and other operations on site the vehicular, pedestrian / cycle accesses and associated engineering operations shall be constructed in accordance with the approved drawing.

Reason: In the interest of highway safety and to accord with Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and in the interest of highway safety

8. The existing part of the northern vehicular access shall be stopped up and abandoned immediately after the new accesses hereby approved have been brought into use. The footway and verge shall, at the same time as the stopping-up and abandonment, be reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interest of road safety and highway maintenance and in accordance with Policies CS5 and CS13 of the West Berkshire District Core Strategy 2006 to 2026 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

9. Prior to the development being brought into use the vehicle parking and/or turning spaces shall be provided in accordance with the approved plans. The parking and/or turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies CS5 and CS13 of the West Berkshire Core Strategy 2012 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

10. Prior to the development being brought into use the cycle parking shall be provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policies CS5 and CS13 of the West Berkshire Core Strategy 2012 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

11. The vehicle entrance and exits shall be closed for refuelling deliveries and be visible as closed by passing traffic, for example by the use of traffic cones. The vehicle entrance and exits shall remain shut for the duration of the refuelling tanker on site.

Reason: In the interests of road safety due to the constraints of the site whereby refuelling tankers block the vehicle entrance and exit in accordance with Policies CS 5 and CS 13 of the West Berkshire Core Strategy 2012 and TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

12. No development shall take place until a Method of Construction Statement, to include details of:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials within the site
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zoneshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

Reason: To reduce noise and disturbance during the construction period which would be harmful to the living conditions of neighbouring properties and minimise the level of disturbance on the surrounding area during the construction period. In the interests of neighbouring amenity and highway safety, in accordance with Policies CS 5, CS 13 and CS 14 of the West Berkshire Core Strategy 2012, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

13. Demolition or construction works shall not take place outside the following hours:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the living conditions of adjacent occupiers, in accordance with Policy CS 14 of the West Berkshire Core Strategy 2012.

14. During the demolition and construction works, no deliveries shall be taken at the site outside the following hours:
7:30am to 6:00pm Mondays to Fridays;
8:30am to 1:00pm Saturdays;
nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding residents, in accordance with Policy CS 14 of the West Berkshire Core Strategy 2012.

15. No development shall take place until a scheme of works or such other steps as may be necessary to minimise the effects of dust and dirt from the development has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until written approval has been given by the

Local Planning Authority. The scheme shall be implemented in full during the construction period.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policies CS 14 of the West Berkshire Core Strategy 2012.

16. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise coming from it does not at any time increase the ambient equivalent continuous noise level as measured according to British Standard BS4142:1997 at any adjoining or nearby residential property.

Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area in accordance with Policy NRM10 of the South East Plan Regional Spatial Strategy for the South East of England 2009, Policy CS 14 of the West Berkshire Core Strategy 2012, and Policy OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.

17. No floodlighting or other form of external lighting scheme shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.

Reason: In the interests of visual amenity and/or highway safety in accordance with Policies CS 13 and CS 14 of the West Berkshire Core Strategy 2012 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

18. The hours of all external illumination on site including flood lighting and fore court canopy lighting be limited to 06:45 to 22:15 Monday to Saturday and 07:15 to 21:15 Sunday and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of nearby residents in accordance with Policy CS 14 of the West Berkshire Core Strategy 2012.

19. Store and refuelling deliveries to take place during opening times only and not before 8am on a Sunday or Bank Holiday.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with Policy CS 14 of the West Berkshire Core Strategy 2012.

20. No development shall commence until details of the specification of the 3 metre acoustic fence on the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of adjoining occupiers in accordance with Policy CS 14 of the West Berkshire Core Strategy 2012 and Policy OVS.6 of the West Berkshire

District Local Plan Saved Policies 2007 and Policy NRM10 of the South East Plan Regional Spatial Strategy for the South East of England 2009.

21. The ancillary retail floor space hereby approved on site shall remain at 250m², with remaining floor space to remain as 'back of house' as shown in drawing 110643_PL3E received on 9 January 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retail element of the development does not have a materially greater impact on local amenity or highway infrastructure than that approved or a materially greater impact than the principal sui generis use of the petrol filling station in accordance with Policies CS 5, CS 13 and CS 14 of the West Berkshire Core Strategy 2012 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

22. The retail and 'back of house' floor space hereby approved shall remain ancillary to the principal sui generis use of the site as a petrol filling station.

Reason: To ensure no separate retail use is created or operated from the site which would be contrary to Policies Area Delivery Plan Policy 2, CS 5, CS 13, CS 14 and CS 19 of the West Berkshire Core Strategy 2012, and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

23. Provision shall be made on site for litter bins for public use to be installed prior to the development being brought into use and retained thereafter.

Reason: To reduce litter generated by custom at the site in the interests of local amenity in accordance with Policy CS 14 of the West Berkshire Core Strategy 2012.

24. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the development does not result in greater flood risk in accordance with Policy CS 16 of the West Berkshire Core Strategy 2012 and the guidance within the National Planning Policy Framework 2012.

25. No materials, products, plant or equipment shall be stored, displayed, located or fixed at the site unless approved in writing by the Local Planning Authority.

Reason: In the interests of the safe operation of the site and neighbouring amenity in accordance with Policy CS 14 of the West Berkshire Core Strategy 2012.

26. Notwithstanding any indications of the design and external appearance of the shop front, including fascias, on the plans hereby approved full details shall be submitted to an approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason: The application does not contain full details of the external appearance of the shop front to provide the Local Planning Authority to consider their impact in accordance with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2012 and Policy CC6 of the South East Plan Regional Spatial Strategy for the South East of England 2009.

27. No development shall commence until full details of how the demolition spoil will be removed from the site have been submitted to and approved in writing by the Local Planning Authority. The spoil shall be disposed of in accordance with the approved details.

Reason: To ensure the safe removal and disposal of demolition spoil and waste from the site in the interests of local amenity and the character of the area in accordance with Policies CS 14 and CS 19 of the West Berkshire Core Strategy 2012, Policy OVS.5 of the West Berkshire District Local Plan Saved Policies 2007, and Policies CC4 and CC6 of the South East Plan Regional Spatial Strategy for the South East of England 2009.

Informatives

Positive and proactive

The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area, or the quality of life of the occupants of the adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

In the interests of fire and rescue any gates erected on site for emergency access shall provide 3.1 metres clear opening.

Petrol/oil interceptors shall be installed in all car parking facilities and effective use thereof so no oil pollution discharges enter local watercourses.

HI 3 Damage to footways, cycleways and verges - The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

HI 4 Damage to the carriageway - The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

HI 9 Incidental works affecting the highway - Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Highways & Transport,

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager.

DC