

**WESTERN AREA PLANNING COMMITTEE
ON 23RD JANUARY 2013**

UPDATE REPORT

Item No: (1) **Application No:** 12/02395/FUL **Page No.** 11

Site: Falkland Service Station, 170 - 174 Andover Road, Newbury

Planning Officer Presenting: Derek Carnegie

Member Presenting:

Parish Representative speaking: Anthony Pick

Objector(s) speaking: Mrs Fiona Dickens
Mrs Shields
Mr Edward Mason

Support(s) speaking: N/A

Applicant/Agent speaking: Jonathan Harper

Ward Member(s): Councillor Bairstow and Councillor Edwards

Update Information: Additional Representations:

A further 6 letters of objection have been received.

Additional matters raised include:-

- Whether a risk assessment of the site is required and whether one was submitted.
- Comments on the transport statement submitted with the application including that there is no dedicated lane for turning into the site and that the additional traffic entering and exiting the site where pedestrians cross is hazardous.

The objections also include matters raised previously with regard to:-

- Additional traffic in an area used by pedestrians to access local facilities;
- Impact on residents' quality of life in terms of smell, noise, lighting;
- Extension of trading hours in a residential area;
- Competition with local shops, and the lack of need for the facility given the presence of existing supermarkets in the wider locality.

A petition of 508 signatures received against the re-development of the site. The petition states:-

'We, the undersigned, do not believe that the proposed re-development is in the interests of local people and appeal to the West Berkshire Planning Committee to reject this application'.

Amended Plans and Additional Information:

The applicant has submitted amended plans which lower the flood lighting on the western boundary from 5 metres to 3 metres by placing them on the proposed 3 metre acoustic fence. The proposed air/water pump has been moved into a recess within the 3 metre fence with a roof above it. Additional information has been submitted with regard to deliveries, employment, lighting, air/water pump compressor noise and opening hours.

Deliveries and Opening Hours:

Deliveries for fuel are not proposed to significantly alter. There are approximately 3 per week at present and 3 to 4 per week expected with the proposed scheme. The shop element currently has 3 deliveries per day and one every 2-3 days. The proposal expects 5 deliveries per day to the shop element.

The applicant is willing to agree to opening hours of 7am to 10pm Monday to Saturday, rather than the 11pm closing proposed. However, the 9pm closing on Sundays and Bank Holidays which is recommended by officers, is considered overly restrictive on the operation of the site by the applicants and 10pm has been requested with no deliveries on these days after 6pm.

The additional two deliveries per day have not raised objections from Environmental Health or Highways. The condition that deliveries shall only be made during opening hours and not before 8am on Sundays or Bank Holidays is still considered appropriate. Should the 10pm closing on Sundays and Bank Holidays be considered acceptable the condition would be re-worded such that deliveries would not be made after 6pm on Sundays and Bank Holidays.

With regard to closing at 10pm on Sundays and Bank Holidays, background noise levels are at their lowest and the noise impact of customers on site greatest on Sundays between 9pm and 10pm on of 3.4dB. This was the basis for seeking to restrict opening hours until 9pm on Sundays and Bank Holidays. The noise assessment submitted with the application noted that under previous and superseded national planning legislation, an increase of less than 5dB would have a moderate impact on perceptible noise levels. It is the case that Environmental Health have no objections to the proposed opening hours, their concerns relate to deliveries on site which generate greater noise impact than customers on site. Whilst the additional hour on Sundays and Bank Holidays to 10pm is not considered ideal, a restriction on deliveries not to occur after 6pm on these days is considered a benefit. On this basis a revised opening hours condition is on balance considered acceptable of 7am to 10pm Monday to Saturday and 7.30am to 10pm on Sundays and Bank Holidays.

Employment:

Employees on site are expected to be up to 7 at any one time with 3 full time and 4 part time staff. Of the 20 full time equivalent staff proposed to be employed, it is likely that 10 would be full time and 10 part time. The applicant's recruitment policy is for staff to be within a 1.5 mile radius of the site and encouraged to walk, cycle or use public transport. Provision has been made for cycle storage on site, there are 2 staff car parking bays (1 guaranteed for the Shift Manager), and there are bus stops on Andover Road and the local area.

This additional information has not substantially altered the response of Highways to the application other than to change the condition on cycle parking for details to be submitted. This is recommended so that enclosed cycle storage can be achieved on site which would be more secure and useable for prospective employees.

Lighting:

A full lighting scheme and lighting specification has been submitted detailing the canopy lighting would be 8 Philips Bisymmetric type DC300/KS-WB-BD and area flood lighting would be 5 Bulkhead type 70w Thorn Piazza. The lighting layout drawing (ref DM17) details the light spillage areas and luminance levels to be below that of street lighting levels.

The lighting amendments are considered an improvement to the amenity of residents over the original scheme. The details submitted are considered sufficient to be conditioned, with any future additional lighting to be restricted. The condition requiring external illumination to be switched off is still considered appropriate. It is acknowledged that the lighting would be equal to or less in luminance than street lighting. However, some lighting is close to rear gardens where street lighting is not present and being switched off when the site is closed is considered of benefit to those residents during the night. The condition will be adjusted to take account of the later Sunday opening hours, if approved.

Noise:

The compressor unit for the air/water pump noise levels have been reviewed by the applicant. Noise levels of an air and water machine have been taken by their consultant from the Air Serv manufacturer. This unit has a noise level of 57.7dB at a distance of 10 metres. The machine is assumed to run for 3 minutes and used up to 4 times per hour. By locating the unit within the acoustic fence with a roof above it, a 15dB reduction has been assumed, and a 5dB penalty for its intermittent use. (The existing unit on site has a 6dB reduction from limited screening). The rating level of the proposed unit is calculated to be 40dB. In relation to background noise levels presented for Monday to Sunday 8pm to 11pm and Sundays 8am to 10am the unit would be above background noise levels after 10pm Monday to Saturday and after 8pm on Sundays by 1 to 2 dB, and 4dB after 10pm on Sundays.

The site is not recommended to be open after 10pm so the greatest noise impact of the compressor of 4dB would not occur. The re-location and acoustic screening of the unit are considered to be an improvement and to secure it being able to meet the condition that any plant machinery on site not exceeds background noise levels. This condition is still considered appropriate as it would apply to all plant machinery on site, including the generator on the roof of the proposed building.

Conclusion:

The additional information received since the committee report was drafted is not considered to alter the overall conclusion that the application be recommended for approval subject to conditions. Conditions remain as proposed except for the following inclusions and alterations:-

Conditions:

2. The development hereby approved shall be carried out in accordance with:-
 - Drawings 110643_PL3G, 110643_PL4E, proposed lighting layout DM17, gw lighting specification received on 14 January 2013;
 - Site sections of 110643_PL5A received on 29 November 2012;
 - Phase 1 Environmental Assessment SLR Ref: 412.03953.0002.009 REV_1 July 2012 received on 29 November 2012;
 - Noise Assessment Report 12/3440/R2-2 received on 29 November 2012;
 - Noise Assessment memorandum 12/3440/M2 received on 14 January 2013;
 - 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 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 2012, and Policies OVS.5, OVS.6, and TRANS.1 of the West Berkshire District Local Plan 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_PL3G received on 14 January 2013. No other materials shall be used unless prior agreement in writing has been obtained from the Local Planning Authority.

Reason: To ensure 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 2012.

10. No development shall commence until details of the cycle parking and storage space to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking and storage space shall be provided prior to the development being brought into use in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle storage space within the site that reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles in accordance with Policies CS 5 and CS 13 of the West Berkshire Core Strategy 2012 and Policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.

17. No additional flood lighting or external lighting other than that hereby approved shall be installed unless details have 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.

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 22:15 Sundays 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. No deliveries shall take place outside of the hours of 07:00 to 22:00 Monday to Saturday and 08:00 to 18:00 on Sunday and Bank Holidays.

Reason: To safeguard the amenity of surrounding residents 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.

28. The development hereby permitted shall not be open to customers outside of the hours of 07:00 to 22:00 Monday to Saturdays and 07:30 to 22:00 Sunday and Bank Holidays.

Reason: To safeguard the amenity of surrounding residents 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.

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