

REPORT SUMMARY

REFERENCE NO - 15/505942/FULL		
APPLICATION PROPOSAL Redevelopment of the existing petrol filling station to include new sales building, canopy, fuel pumps, car wash, boundary treatments, service compound, hard and soft landscaping and ancillary rearrangements to the forecourt.		
ADDRESS Tudor Garage London Road Maidstone Kent ME16 0HE		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Councillor Robertson and Councillor Daley have requested the application be reported to Planning Committee.		
WARD Allington Ward	PARISH COUNCIL N/A	APPLICANT BP Oil (UK) Ltd AGENT Rapleys LLP
DECISION DUE DATE 11/12/15	PUBLICITY EXPIRY DATE 23/11/15	OFFICER SITE VISIT DATE 10/08/15

1.0 Background information

- 1.01 On the 10th December 2015, Members of the Planning Committee agreed to defer this planning application for further discussions with the applicant as to whether the egress onto London Road could be reconfigured to deter drivers turning right when leaving the site; and for further negotiations to secure an improved landscaping scheme (including mixed native hedge planting along the southern and western boundaries), in accordance with Maidstone's Landscape and Character Assessment. For clarification, the agent for this application was in attendance at Planning Committee on the 10th December 2015.
- 1.02 For reference, the report from the 10th December Planning Committee is attached (Appendix 1).

2.0 Consultation/neighbour responses

- 2.01 **KCC Highways:** Were reconsulted on the additional information submitted in relation to this deferred application and have raised no further objection;

"I am grateful for the further information submitted regarding this proposal and confirm that from an independent check of injury crash records at this location, that there is no evidence that persons turning right out of the garage have caused injury. I am grateful however for the additional work proposed at the exit onto London Road comprising carriageway and upright signing and deterrent paving. It is considered that these measures will be helpful and in my view the most that could reasonably be expected.

Works in the highway will be required regarding the closure and re-arrangement of accesses and the proposed extension of the island in the middle of the A20. These works will require the applicant to enter into a S278 agreement with this authority in order to ensure their satisfactory and safe implementation. Subject to the above I write to confirm on behalf of the highway authority that I have no objection to the proposals detailed."

2.02 **Landscape Officer:** Raises no objection on submitted landscape scheme.

3.0 Applicant response to reasons for deferral

Reconfiguration of egress onto London Road

3.01 Subsequent to the application being deferred, a technical note has been submitted giving further details in terms of the proposed egress onto London Road. In summary, the following points have been made;

- *Accident data taken from KCC records shows that there has been 2 reported accidents at this junction in the last 3 years resulting in slight injuries, but these do not appear to be a direct result of vehicles entering or turning left or right out the application site onto London Road.*
- *KCC Highways raised no objections to the originally proposed works and considered the closure of the access on the corner of London Road and Conway Road to be a highways improvement.*
- *Manual Classified Count (MCC) surveys were carried out on Thursday 2nd July 2015 during peak times (07:00-10:00 & 16:00-17:00) and on Saturday 4th July 2015 (11:00-15:00). The survey results showed low numbers of drivers turning right onto London Road (5 out of 285 vehicles on 2nd July and 3 out of 153 vehicles on the 4th July). Conclusions have therefore been made that there is low levels of vehicle movements turning right out of the existing access onto London Road.*
- *The provision of signals at the site access is considered unnecessary in order to make the development acceptable in planning terms and would not be fairly and reasonably related in scale and kind to the development proposals.*
- *Notwithstanding this, the applicant has amended the layout at the A20 exit in order to allay Members fears that accidents will occur as a result of vehicles turning right out of the site onto the A20. Amended drawings have been submitted to show the introduction of an over-run area on the island adjacent the exit, to discourage vehicles from turning right but to still accommodate the swept path of a fuel tanker leaving the site (also shown); and the island in the centre of the A20 has been extended to make it more difficult for cars to undertake a right turn manoeuvre, whilst still allowing right turns in and out of Castle Road to take place. The amended plans also show additional road markings and signage at the exit point, to make it clearer to drivers that they should be turning left when leaving the site.*

3.02 These changes must also be set in context with the highway improvement of closing the existing access at the corner of Conway Road with London Road that can be susceptible to unclear or unorthodox manoeuvres. By using more physical deterrents to prevent drivers turning right onto London Road, I am satisfied that the proposed changes would further improve the junction in highway safety terms. The Highways Officer raises no objection to the proposed amendments and in my view it would be unreasonable to refuse this application on highway safety grounds.

3.03 Please refer to the original committee report with regards to the other highway issues, as these remain unchanged.

Proposed landscaping scheme

- 3.04 Subsequent to the application being deferred, a landscaping scheme has been submitted that shows native mixed hedges along the southern and western boundaries; and the retention of the Cherry trees and additional shrub planting along the eastern boundary. The Landscape Officer has raised no objection to the proposed landscaping scheme. I am satisfied that the proposed details are in accordance with Maidstone's Landscape and Character Assessment, and the scheme would be acceptable in terms of further enhancing and softening the appearance of the overall development.
- 3.05 Please refer to the original committee report in terms of visual impact and arboricultural details, as the other relevant issues/details remain unchanged.

4.0 Conclusion

- 4.01 No new representations have been made since the 10th December 2015 and to reiterate, the main objections raised by the neighbours have been dealt with in the main body of the original report.
- 4.02 I am satisfied that the applicant has addressed the Members concerns, in that the proposed changes would help to deter drivers turning right onto London Road; and the proposed landscaping scheme would further soften the character and appearance of the development overall. With these changes considered, I remain of the view that the proposal would represent appropriate sustainable development that would not be visually harmful to the character and appearance of the surrounding area; and would not cause unacceptable harm to residential amenity, highway safety, ecology, or arboricultural issues. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore recommend approval of the application on this basis.

RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) No development above ground level shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the building, canopy, and hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (3) No development above ground level shall take place until full details of hard boundary treatments, to include 2m high acoustic fencing along the southern and western boundaries of the proposal site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of residential amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (4) The approved details of the 2m high acoustic fencing along the southern and western boundaries of the proposal site shall be fully implemented prior to the first operation of the development hereby approved;

Reason: In the interests of residential amenity.

- (5) The development hereby approved shall be carried out in accordance with the landscaping scheme, as shown on drawing GC.149109.04.01 Rev C. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the first use of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority give prior written consent to any variation;

Reason: To ensure the development is satisfactorily integrated in to its setting and provide for landscaping.

- (6) No development shall take place above ground level until full details of the recommendations contained within the GC Design Phase 1 Habitat Survey dated August 2015 have been submitted to and approved in writing by the local planning authority. Such details as may be approved shall be provided before first operation of the site to which they relate and thereafter retained as approved.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (7) The development hereby approved shall be carried out in accordance with the lighting specification report and The Graham White Consultancy drawing (ref: BP139) received 15/10/15, and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

Planning Committee Report

- (8) The development hereby approved shall be carried out in accordance with the Sharps Redmore technical Notes regarding the plant and carwash noise assessments dated 6th October 2015 and maintained as such thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

- (9) The carwash hereby approved shall not be in use outside the hours of 07:00hrs to 21:00hrs Mondays to Sundays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- (10) No operation of the development hereby permitted shall take place until Highway works, to include the reinstatement of the pavement on the corner of London Road and Conway Road, the rearrangement of the site access at London Road and the extension of the island in the middle of the A20 (as shown on plan 15-189-100 Rev B) have been made in full;

Reason: In the interests of highway safety.

- (11) No operation of the development hereby permitted shall take place until the existing access on the north-eastern corner of the site has been closed and incapable of use by motor vehicles (as shown on plan 15-189-100 Rev B);

Reason: In the interests of highway safety.

- (12) The parking areas shown on the approved plans shall be provided before first operation of the development to which they relate. Thereafter parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land;

Reason: In the interests of road safety.

- (13) If, during redevelopment, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority;

Reason: Potential contamination of controlled waters.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans: 13546-26 received 31/07/15, 13546/23 Rev A and 24 Rev A received 11/08/15, and 15-189-100 Rev B received 16/12/15;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) A formal application for the connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see www.southernwater.co.uk/BusinessCustomers/wasterServices/tradeEffluent/ for further information.
- (3) Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- (4) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (5) The applicant is advised to undertake clearance works outside of the breeding bird season (March - September inclusive) to minimise potential impact upon breeding birds.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.