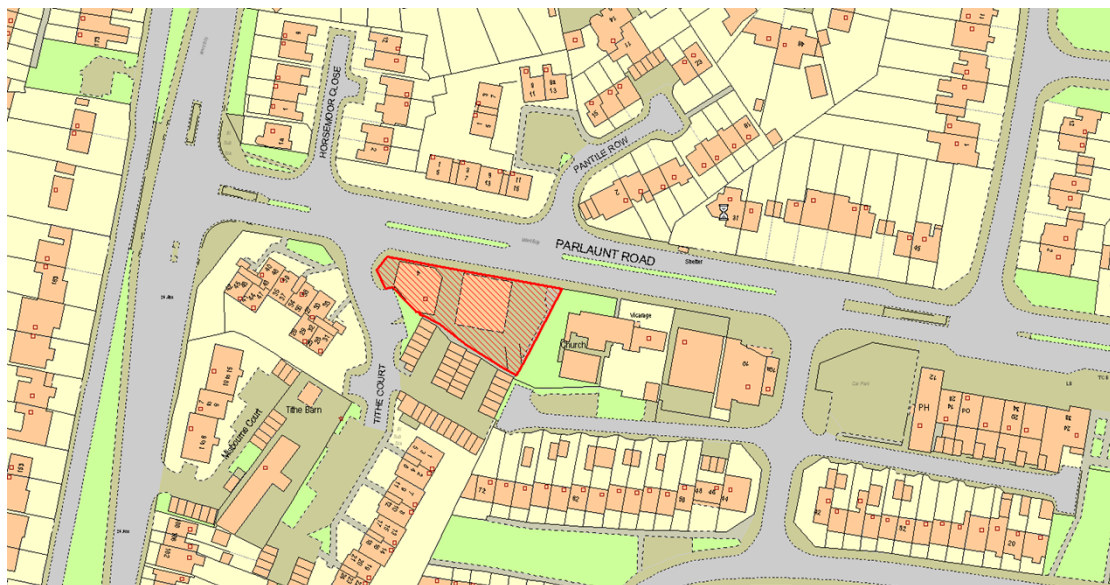


|                    |   |                      |             |
|--------------------|---|----------------------|-------------|
| Registration Date: | 14-May-2015   | <b>Applic. No:</b>   | P/04915/012 |
| <b>Officer:</b>    | Ian Hann  | Ward:                | Foxborough  |
|                    |   | <b>Applic type:</b>  |             |
|                    |   | <b>13 week date:</b> |             |
| <b>Applicant:</b>  | Rupert Ainsworth, Rontec Watford Ltd  |                      |             |
| <b>Agent:</b>      | Sian Butt, Pegasus Group Pegasus Group, Suite 4b, 113, Portland Street, Manchester, Greater Manchester, M1 6DW                    |                      |             |
| <b>Location:</b>   | BP Langley Connect, Parlaunt Road, Slough, Berkshire, SL3 8BB   |                      |             |
| <b>Proposal:</b>   | Application for variation of condition 7 of planning permission P/04915/008 dated 22nd October 1997 to allow for 24 hour opening. |                      |             |

**Recommendation:** Approve



## 1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations it is recommended grant limited period approval for 6 months and subject to further conditions.
- 1.2 This application is to be decided at Planning Committee as it has been called in by Cllr Plenty who has concerns with regards the noise disturbances caused by extended opening hours.

### PART A: BACKGROUND

#### 2.0 Proposal

- 2.1 This is a full planning application for the removal of a condition to planning permission P/04915/008 dated 22<sup>nd</sup> October 1997 which states

*“The premises shall only be open for customers or for the receipt and delivery of goods between the hours of 0700 and 2300 hours and not at any other time.*

*REASON To ensure that the use of the premises does not prejudice the quiet enjoyment by neighbouring occupiers of their dwelling(s) by reason of noise or general disturbance”*

2.2 This would therefore see the site operate on a 24 hour basis which the applicant’s claim would *“enhance the viability and functionality of the site to the benefit of motorists and local residents”*. While it is noted that the site has had some changes to it this has been internal changes to the retail element and with some new signage which did not require planning consent. There would be no external changes to the site under this application.

2.3 The application is accompanied with the following:

- Site Location Plan
- Planning Statement
- Statement of Community Involvement
- Noise Impact Assessment

### 3.0 **Application Site**

3.1 The site is a triangular site to the south of Parlaunt Road adjacent to the junction with Tithe Court. The site is currently occupied by a petrol filling station comprising a single storey flat roofed shop building, fuel pump islands, a jet wash and associated parking spaces.

3.2 The site is surrounded by residential properties to the north (beyond Parlaunt Road), west and south (beyond car park immediately to the south) and a church building to the east with a shopping parade and other commercial properties beyond this.

### 4.0 **Relevant Site History**

4.1 Planning permission was granted for the erection of the petrol filling station in August 1986 (P/04915/003). Permission was refused in February 1992 to use the site on a 24 hour basis for the following reason (P/04915/004):

*The proposal would adversely affect the amenities of local residents by reason of the increased noise, glare and general disturbance during normal sleeping hours.*

4.2 Planning permission was then granted for a new shop, jet wash and services was approved in October 1997, to which the following condition was attached (P/04915/008):

*The premises shall only be open for customers or for the receipt and delivery of goods between the hours of 0700 and 2300 hours and not at any other time.*

*REASON To ensure that the use of the premises does not prejudice the quiet enjoyment by neighbouring occupiers of their dwelling(s) by reason of noise or general disturbance.*

4.3 Other applications relate to advertisement consent.

### 5.0 **Neighbour Notification**

5.1 1, 3, 5, 7, 9, 11, 13, 15, Christ The Worker Vicarage, Parlaunt Road, Slough

25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38 Tithe Court, Slough

2, Pantile Row, Slough

2, Horsemoor Close, Slough Borough Council

1, 3, 5, Tithe Barn

The following comments have been received from 9 local residents as a result of the above consultation:

- Additional noise from people using the site including car radios, alarms and doors slamming.
- Additional traffic.
- Current respite from the noise currently makes the noise bearable.
- No need for additional hours.
- Lights from the cars and the station itself will impact on neighbouring residential properties.
- Additional parking problems caused by the additional traffic.
- No reason to vary the condition as there has been no change in circumstances.
- The deliveries during the night will result in additional noise and disturbance.
- Increase in anti social behaviour.

RESPONSE: These are material planning considerations and are considered in the report below.

5.2 A petition has also been received which has been signed by 23 local residents objecting to noise and light disturbance as well as additional traffic.

5.3 The applicant's also undertook pre application consultation where responses were received from nine local residents with regards to noise, parking, noise, no need to extend the opening times and light pollution.

## 6.0 **Consultation**

### 6.1 Environmental Quality

The EQ Team regulates the petroleum and vapour recovery operations on the site. The site is low risk in respect of environmental emissions, and we do not raise any objections to the 24 hours from a pollution control perspective.

### 6.2 Environmental Protection

According to the Noise Impact Assessment, the report has focused on the slamming of car doors being potentially the most disturbing. In terms of impact noise door slamming can be particularly disturbing due to the impact nature of the noise. The assessment has concluded that the predicted noise levels would not be a significant issue to local residents.

However, the noise from door slamming can be more or less predicted and so can be sensibly worked into the assessment, therefore identifying the likely impact on the existing noise levels. What can not be predicted is noise from other sources which are beyond the control of the PFS. This will include car stereos and in particular, noise from patrons. Understandably these noise sources have not been looked into in detail in the assessment for that reason – they are completely unpredictable.

Whilst there have not been any noise complaints relating to the PSF, there have been complaints about persons connected to the Shamrock's public house & the adjoining car park further along Parlaunt Road. The complaints related to noise from general rowdy behaviour. The concern is that the individuals leaving Shamrock's may well be attracted to the PFS since they will be open once Shamrock's has closed. Furthermore, noise from other individuals simply visiting the PFS either on foot or by cannot be controlled or predicted either. Since it will be the only vendor selling refreshments, etc in the area at night, it may attract a number of individuals.

It is therefore believed that opening 24 hours will have a detrimental impact on local residents in relation to noise.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

7.1 The application is considered alongside the following policies:

#### National guidance

- National Planning Policy Framework and technical guidance notes.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

#### Local Development Framework, Core Strategy 2006-2026, Development Plan Document

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 5 (Employment)
- Core Policy 6 (Retail, Leisure and Community Facilities)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)

#### Adopted Local Plan for Slough

- T2 (Parking Restraint)

7.2 The main planning considerations are therefore considered to be:

- Impact on adjoining sites
- Traffic and Highways Implications

### 8.0 **Impact on adjoining sites**

8.1 Policy EMP2 of the Local Plan requires that: *“there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, overlooking, or overbearing appearance of the new building”*.

8.2 Core Policy 8 states *“Development shall not give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting or noise”*.

8.3 With there being no changes to the buildings upon the site and therefore no issues with regards to loss of privacy or additional mass and bulk on the site. Therefore the main remaining issues to be considered with regards to impact on neighbouring amenity relates to noise and other disturbance.

8.4 A noise impact assessment was submitted as part of the application which had a focus on the slamming of car doors as being the potentially most disturbing impact from the site in terms of noise. While it is accepted that this noise source would be potentially impacting on neighbouring residential amenity and the noise from such activities would not cause a significant issue to local residents as it would be below the measured background noise climate. However there are other issues which have not been considered in the assessment.

8.5 The Council’s Environmental Protection Officers have identified that there would be other significant noise sources that would be unpredictable and outside of the control of the petrol filling station, such as the noise from car stereos and from people using the service station. Because of the nature of these unpredictable noise sources they have not been considered by the noise assessment but are issues that could cause some disturbance to neighbouring residents regardless.

8.6 Environmental Protection Officers have confirmed that while no complaints have been received with regards to noise from the petrol filling station itself complaints have been received regarding the nearby Shamrock’s public house and public car park with regards to noise and general rowdiness. The concern therefore follows that people leaving Shamrock’s would be attracted to the petrol filling station, which would be the only place in the local facility when the public house closes and this would have the potential to cause additional noised nuisance that would be difficult to control. This could not be controlled or predicted to a significant degree and may attract a number of individuals, either by foot or car, due to the fact that it would be the only vendor in the area selling refreshments through the night.

8.7 In responding to these concerns the applicant has stated that noise and disturbance being caused by people leaving licensed premises should be controlled via licensing legislation rather than planning and the service station does not have a licence to serve alcohol through the night. While licensing would have some say in noise nuisance this does not address the fact that extending the opening hours of the service station could exacerbate this situation and as it would give the people leaving the public house a place to be drawn towards and create additional noise nuisance.

8.8 While the applicant’s confirm that unpredictable noise events can be difficult to predict and

manage but they have experience of managing 180 24 hour sites, some of which are within residential areas without causing detrimental impact upon local amenity. In acknowledging the possible images the applicant's have proposed the use of a Site Management Plan, which can be secured via condition, to mitigate any disturbances from the site. The Site Management Plan as proposed confirms the following controls would be in place:

- Tannoy not to be used between 2300 – 0700 except for purposes of health, safety and security.
- Jet wash, vac and airline shall be disabled and not used between the hours of 2300 – 0700
- No fuel, shop good (excluding newspapers) or waste collections to take place between 2300 – 0700 and engines to be switched off during delivery.
- Signage to be erected in prominent positions to tell customers to turn off engines, stereos etc.
- Persistent nuisance customers shall not be served and details passed to the Police.
- Store management to work with Community Police Officers to develop a nuisance prevention strategy, if required.
- Regular litter collection.
- No commercial waste to be disposed off site and all waste to be disposed of in compliance with environmental guidelines.
- Site operator and complaints procedure displayed on site and management details provided so they can be contacted in case of incidents.
- Staff to be briefed on planning issues and site restrictions as part of the induction process and Site Management Plan to be displayed at all times.

8.9 It is considered that the use of the Site Management Plan would provide a framework for the site to operate in a way which would mitigate any impact upon local amenity. Furthermore in order to ascertain if the measures are sufficient to ensure there would be no impact upon local amenity it is considered appropriate to give permission for the petrol filling station to operate on a 24 hour basis for a temporary period of 6 months. During this time Environmental Protection Officers would monitor and complaints from the activities at the petrol filling station and should issues occur then any further planning permission to extend the time could be refused on noise nuisance grounds. Environmental Protection Officers have confirmed that this would be an expectable way forward although they would be able to resolve any complaints about noise from stereos or people shouting. However it is considered that the temporary permission would allow time, including seasonal variations, to ensure that the site will operate in an appropriate manner without impacting upon local amenity.

8.10 As stated above deliveries would be restricted so that they would not take place between the hours of 2300 and 0700 so as not to impact upon local amenity from noise and disturbance from such activities. This would be contained within the Site Management Plan and could also be included as separate conditions to provide further enforcement strength to ensure deliveries are not undertaken during inappropriate hours.

8.11 Some concern has been raised with regards to additional lights from vehicles that could cause some disturbance to local residents. It is considered that although some additional light may emit from the site this would not be at a level that would act as a nuisance for which a sustainable reason for refusal could be raised. Likewise if this does become an issue then this could be a reason as to why any extension to the initial 6 months could be refused if appropriate evidence of the harm is provided.

8.12 Likewise some concern has been raised with regards to the possible increase in anti

social behaviour caused by the extended opening hours of the service station. However this would be covered by the Site Management Plan which would secure that the applicant's would work with the local Community Police Officers to deal with any issues of anti social behaviour through the use of a nuisance prevention strategy. Again if such anti social behaviour becomes an issue then this would be a reason not to grant planning permission for 24 hour opening beyond the original 6 month temporary permission.

- 8.13 While it is noted that planning permission was refused in 1992 for the petrol station to be open 24 hours a day since then the National Planning Policy Framework was introduced which partly seeks to ensure growth and strengthen the economy. Therefore in allowing the service station to open for 24 hours this would produce additional job opportunities and allow for economic growth in the area and this needs to be balanced against the potential for harm to the amenities of the surrounding area. It is therefore considered that a temporary permission to allow the site to operate on a 24 hour basis will produce time to see what issues are caused and if these would balance against the growth provided by the 24 hour opening.

## 9.0 **Traffic and Highways Implications**

- 9.1 Core Policy 7 (Transport) of the Slough Local Development Framework, Core Strategy 2006-2026, (Submission Document), requires that: *“All new development should reinforce the principles of the transport strategy as set out in the Council’s Local Transport Plan and Spatial Strategy, which seek to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.*

*Development proposals will, either individually or collectively, have to make appropriate provisions for:*

- Reducing the need to travel;
- Widening travel choices and making travel by sustainable means of transport more attractive than the private car;
- Improving road safety; and Improving air quality and reducing the impact of travel on the environment, in particular climate change.

There will be no overall increase in the number of parking spaces permitted within commercial redevelopment schemes unless this is required for local road safety or operational reasons.”

- 9.3 It is proposed change is not considered to have any impact upon parking as the extended opening hours between 2300 and 0700 would not put any additional parking on the surrounding area as off site parking would be minimal during this period.
- 9.4 While these proposals would see an increase in the number of cars using this would be between the hours of 1100 and 0700 and during this time would not have a detrimental impact upon the local highway.
- 9.5 It is therefore considered that these proposals would not have a detrimental impact upon parking or result in any highway issues.

## 10.0 **Summary**

- 10.1 On the basis of the information provided it is considered that a temporary permission should be granted to ensure that the extended opening hours will not have a detrimental impact upon neighbouring amenity subject to the conditions as outlined below.

## **PART C: RECOMMENDATION**

## 11.0 Recommendation

Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations it is recommended grant temporary approval. subject to conditions, for a period of 6 months.

## 12.0 **PART D: LIST OF CONDITIONS AND INFORMATIVES**

Please note that this is not the final list of conditions and amendments may be made prior to planning permission being granted.

### 12.1 **CONDITIONS**

1. This permission is for a limited period which will expire 6 months from the date of this permission when the 24 hour opening shall cease, unless prior permission has been given by the Local Planning Authority for continuation for a further period. The hours shall be restored as per the previous permission of 0700 to 2300.

REASON To enable the Local Planning Authority to review the position in the light of the prevailing circumstances and the impact of the use during the limited period in accordance with Policy EN1 of The Local Plan for Slough 2004.

2. The jet wash, vac and airline shall not be open to members of the public / customers outside the hours of 2300 hours to 0700 hours on Mondays- Sundays.

REASON To protect the amenity of residents within the vicinity of the site.

3. There shall be no commercial deliveries visiting the site outside the hours of 2300 hours to 0700 hours on Mondays – Sundays.

REASON To protect the amenity of residents within the vicinity of the site.

4. The use hereby approved shall be undertaken in accordance with the Rontec Service Stations Management Plan received on 12<sup>th</sup> August 2015 at all times.

REASON To protect the amenity of residents within the vicinity of the site.

### **INFORMATIVE**

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.