

Registration Date:	23-Dec-2015	Applic. No:	P/04915/013
Officer:	Christian Morrone	Ward:	Langley St Mary's
		Applic type:	17-Feb-2016
		13 week date:	
Applicant:	Rupert Ainsworth, Rontec Watford Ltd		
Agent:	Sian Butt, Pegasus Group Pegasus Group, Suite 4b, 113, Portland Street, Manchester, Greater Manchester, M1 6DW		
Location:	BP Langley Connect, Parlaunt Road, Slough, SL3 8BB		
Proposal:	Application to vary condition 07 of planning permission P/04915/008 dated 22nd of October 1997 to allow 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 that planning permission be granted subject to the conditions set out at the end of this report.
- 1.2 When determining the previous planning permission (ref. P/04915/012) for a temporary period of six months at planning committee on 9th September 2015, members requested that any future application for 24 hour opening be referred to planning committee. The previous permission (ref. P/04915/012) was granted for a limited period of six months to allow the operation to be monitored in terms of impact on neighbouring amenity.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 This is a full planning application to vary Condition 7 to planning permission P/04915/008 dated 22nd October 1997 to allow 24 hour opening. There would be no external changes to the site under this application. Condition seven to planning permission P/04915/008 reads:

CONDITION:

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 The application is accompanied with the following:
- Planning Application Form
 - Site Location Plan
 - Planning Statement
 - Site Management Plan

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**

- P/04915/012 Application for variation of condition 7 of planning permission P/04915/008 dated 22nd October 1997 to allow for 24 hour opening. Approved for six months (LPP); Informatives; 10-Sep-2015
- P/04915/011 Application for advertisement consent for the display of 8 no. non illuminated signs on totem sign, canopy stanchions and flags on the eastern boundary of the site for a period until 31st october 2012 Approved with Conditions; Informatives; 01-Jun-2012
- P/04915/010 Installation of internally illuminated fascia sign, and two wall mounted internally illuminated logo signs. Approved with Conditions; Informatives; 08-Mar-2004
- P/04915/009 Installation of fascia sign, poster signs, canopy fascia, atm signage, service signs and free standing signs (amended plans received 18/05/98 & 22/05/98 and as amended by facsimile 11/06/98) Approved with Conditions; 25-Jun-1998
- P/04915/008 New shop, jet wash and services, remove canopy (amended plans received 14.10.97) Approved with Conditions; 22-Oct-1997
- P/04915/007 Installation of illuminated fascia, free-standing and 5.5m gantry advertisement Approved with Conditions; 20-Jan-1997
- P/04915/006 Retention of new tanker floodlights pump islands shopfront. Approved with Conditions; 15-Feb-1993
- P/04915/005 Installation of 4no. island message unit and double sided car wash sign. plus illuminated fascia under canopy and car wash fascia mobil mart fascia neon lettering. Approved with Conditions; 08-Jan-1993
- P/04915/004 Continued use of filling station with 24 hrs operation Refused; 19-Feb-1992
- P/04915/003 Erection of a new petrol filling station Approved with Conditions; 11-Aug-1986
- P/04915/002 Erection of a ten foot high fence and change of use to vehicle storage. (amended forms dated 26th september 1985). Approved with Conditions; 30-Sep-1985

- 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.

Planning application P/04915/012 granted a temporary variation of condition 7 of planning permission P/04915/008 dated 22nd October 1997 to allow for 24 hour opening, this expired on 10/03/2016.

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 two local residents as a result of the above consultation:

- Busy periods are between 06:30 – 09:00 and 16:00 – 21:00. After 23:00 there is hardly any traffic at all on the roads or in the petrol station.
- No need for the facility and surprised that after the 6 month trial they find it commercially worthwhile to stay open.
- The six month planning permission has not been fair trial period as it has been through the winter months. Summers months there are more people drinking outside. Windows in the houses/flats are also open in the summer to let heat out and air, resulting in higher levels of noise transfer.
- Would result in larger and prominent advertisements for a 24 hour use
- The six month trial period has seen a considerable increase in traffic and noise.
- Larger Heavy Goods Vehicles (HGVs) are using the petrol station during the early hours (sometimes in convoy) and using Pantile Road to manoeuvre into the correct direction. The noise generated from this is horrendous.
- Increase in anti social behaviour.

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

6.0 **Consultation Responses**

6.1 **Environmental Protection**

We have only had one noise complaint during the trial period and it would appear that music was accidentally played over the tannoy system.

If the BP garage is to open 24 / 7 then we would request that the tannoy system, the car wash, air and water systems are not used overnight and that no music / radio from inside the shop is audible on the forecourt / site boundary.

6.2 **Parking and Highways**

No issues and therefore no comments

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 The application is considered alongside the following policies:

National guidance

- National Planning Policy Framework
- National Planning Policy Guidance

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 Prior to the temporary six month approval (ref. P/04915/012), Environmental Protection Officers confirmed that while no complaints were received with regards to noise from the petrol filling station itself, complaints were received regarding the nearby Shamrock’s public house and public car park with regards to noise and general rowdiness.

8.5 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 goods (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 disposed of 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.

8.6 The Site Management Plan has been in place for the previous temporary planning approval (ref. P/04915/012), and Environmental Protection Officers had one noise complaint which relates to music that was accidentally played over the tannoy system.

8.7 A number of representation letters have provided objecting comments stating that the six month planning permission has not been fair trial period as it has been through the winter months. During the summer months there are more people drinking outside. Windows in the houses/flats are also open in the summer to let heat out and air in, resulting in higher levels of noise transfer. Concerns are raised 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 noise nuisance that would be difficult to control. This could not robustly be predicted or controlled 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.

8.8 These are valid concerns. However, after monitoring the temporary trial period, it is considered that in the normal course of business and in accordance with the imposed planning conditions, the use of the petrol filling station would not result in unacceptable noise or disturbances. 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. Noise and disturbance being caused by people using the petrol station can be satisfactorily controlled by the Council through a statutory nuisance under Environmental Protection Act 1990. Furthermore, the submitted site management plan proposes a number of procedures to mitigate noise and disturbance from customers, and the planning department can take enforcement action where these are not being complied with.

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 upon 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.”

- 9.2 The 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.
- 9.3 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.
- 9.4 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 planning 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 12 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. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the submitted application, plans and drawings hereby approved by the Local Planning Authority, Including the following:

- a) Drawing number BK188168, Recd 18/12/2015
- b) Rontec Service Stations - Management Plan (Management Plan - 9437 Langley) Recd 07/03/2016

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.

3. 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.

4. 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.

5. The use hereby approved shall be undertaken in accordance with the Rontec Service Stations Management Plan received on 7th March 2016 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.
2. Your attention is drawn to conditions attached to permission P/04915/008, which are still applicable to the current use and therefore carried forward to this permission.