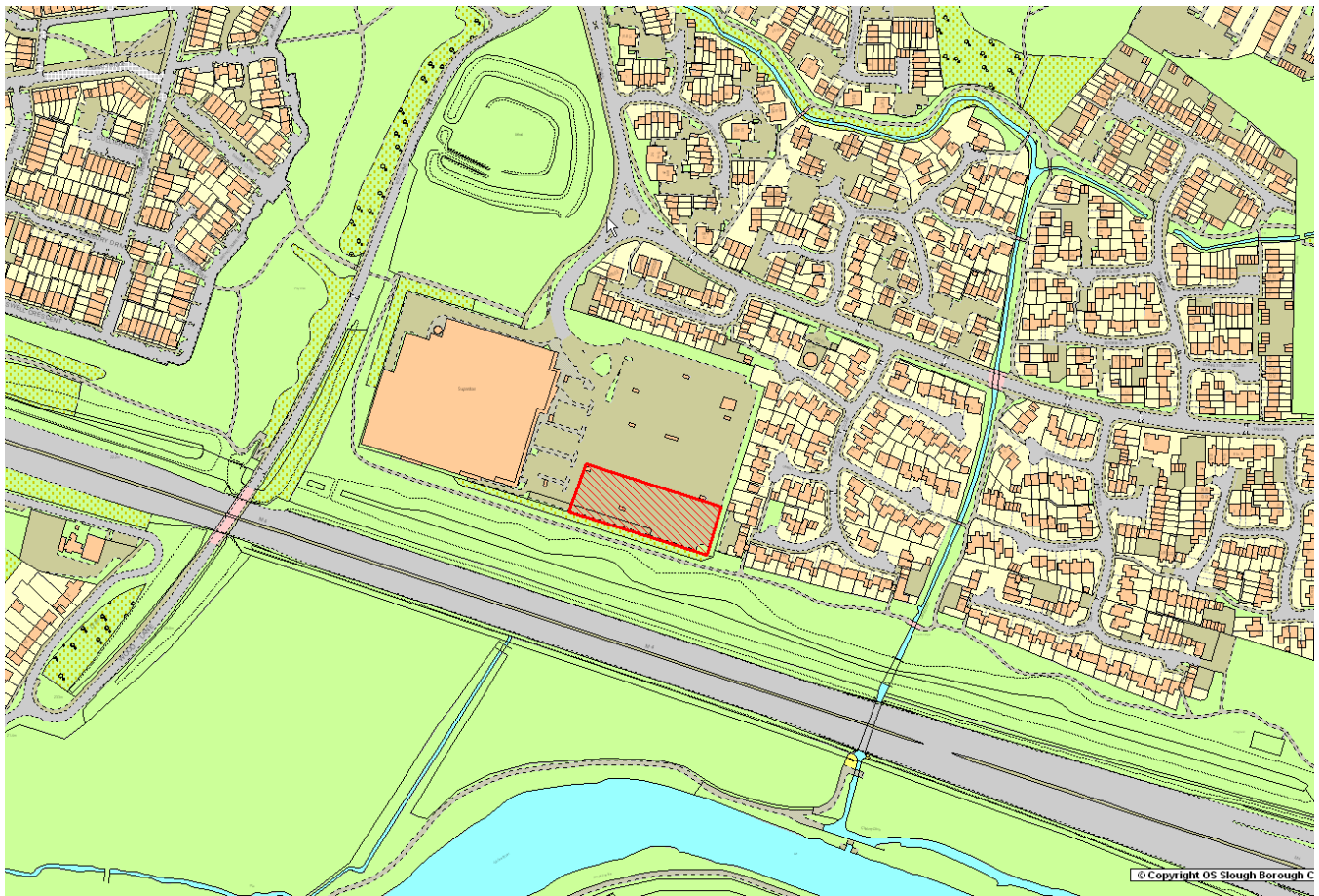


Registration Date:	08-Mar-2016	Applic. No:	P/05370/069
Officer:	Neetal Rajput	Ward:	Cippenham Meadows
Applicant:	ASDA Stores Ltd		
Agent:	Miss Emma Ridley, Pegasus Group Pavillion Court, Green Lane, Garforth, Leeds, West Yorkshire, LS25 2AF		
Location:	Asda Stores Ltd, Telford Drive, Slough, SL1 9LA		
Proposal:	Construction of a four pump petrol filling station with air/water unit, control room and associated works.		

Recommendation: Delegate to Planning Manager for Approval



SUPPLEMENTARY REPORT TO PLANNING COMMITTEE

Background

1. At Planning Committee on 16th June 2016, Members recommended that the application be delegated to the Planning Manager for approval, following resolution of Highways and Transport matters, finalising of conditions set out in the report, subject to following additional conditions:
 - Hours of operation on Sunday 10 am to 4 pm and all other days 7am to 10 pm.
 - The PFS must be manned at all times to ensure adequate supervision.
 - The provision of a suitable pedestrian crossing on slip road at entrance to site and; satisfactory completion of a Section 106 Agreement, if required.
2. A copy of the Officer's Report to Planning Committee on the 16th June 2016 (Appendix A) is attached for information purposes.
3. Following Planning Committee, a meeting on 29th June 2016 was held with the applicant and agent regrading the provision of a suitable pedestrian crossing on slip road at entrance to site. A letter has been received from the agent (ref: 001.ES/YOR.2677), dated 20th September 2016 which sets out ASDA's position regarding the pedestrian crossing.
4. There will be no provision of a new pedestrian crossing as requested by Members. ASDA have proposed measures which would upgrade the existing roundabout on Telford Drive. Specific details of the proposed alterations are as follows:
 - Existing crossing points would be widened, with dropped kerb sections increased to a width of 1.8m;
 - Tactile paving would be installed at all crossing points, and on each pedestrian refuge; and
 - A modest widening of the pedestrian refuge on the store access road, increasing the width to 2m.
5. The letter also states the following:

"Given that the development would create an uplift of 17 trips in/out in the peak hour, we believe that the development can be accommodated without additional works. To set the additional trip-making in context, the PFS would generate a maximum of 34 additional movements in the peak hour, representing an uplift of just more than one car every two minutes. Outwith the peak hour, these values will be lower. Viewed in the context of hourly and daily traffic flows, such an uplift would be imperceptible, and would not lead to any material increase in road user delay."

"ASDA understands that the request for improvements to pedestrian facilities follows a request from local elected members who expressed concern about pedestrian safety. As already set out, the extent to which such a modest number of additional trips might present pedestrian safety concerns is limited. It should also be borne in mind that ASDA's proposals will not lead to any uplift in pedestrian activity."
6. As Members specifically requested a new pedestrian crossing and ASDA are only willing to provide improvements to the existing roundabout, the application is presented to Members to consider the above works.
7. Following the Planning Committee, it was brought to our attention that part of the site does fall within the M4 Air Quality Management Area (AQMA). The Council's Environmental Manager also attended the meeting on the 29th June 2016 and requested the installation of an Electrical Vehicle (EV) rapid

charger to allow for offsetting of (NOx) emissions which will be caused by increased trip movements to and from the site. One of the main issues is demand for EV infrastructure which is in its infancy this site would be an excellent strategic site for an EV charge with café, food and shopping amenities. There was no agreement on behalf of ASDA to provide the EV charger as commercially a charger is unlikely to be able to be justified and would not be related to the proposed development of the petrol filling station.

8. The Council's Environmental Manager has reviewed the letter issued by the agent and comments are below:

"The development would give an uplift of 17 trips in/out per hour – no other values are quoted off peak, but at this rate this exceeds the threshold of 100 vehicles annual average daily traffic and hence an air quality assessment is required."

An update regarding air quality matters will be provided on the Amendment Sheet.

9. At the time of writing this report, no Highways and Transport comments have been provided, these will be included on the Amendment Sheet.
10. The delegation from Planning Committee also included amending the condition for hours of operation and including a new condition for the petrol filling station to be manned at all time, please refer to the draft conditions below.

11. **Draft conditions**

1. Time Limit

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. Approved Plans

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

TBC

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity

3. Sample of external materials - Development

Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. Sample of external materials - Access

Samples of external materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Adopted Plan for Slough 2004.

5. External Lighting

Approved details submitted – Plans TBC

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

6. Surface Water (EA)

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON To prevent pollution of the water environment, this is accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

7. Working Method Statement

No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations
- (vi) construction and demolition working hours, hours during the construction, when delivery vehicles taking materials are allowed to enter or leave the site, a routing agreement for construction vehicles.

Vehicle wheel cleaning facilities shall be provided and used at the site exit for the duration of the construction period.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

8. Hours of Operation

The development hereby permitted shall be open for business only between the hours of 7am to 10pm on Monday to Friday and 10am to 4pm on Sundays and Bank Holidays. The development shall be closed at all other times unless the Local Planning Authority gives written consent to the variation.

REASON To ensure that trading does not take place at hours which would be detrimental to the amenities of adjoining residents in accordance with Core Policy 8 of The Slough Local Development

Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

9. Hours of Delivery

Any deliveries to the petrol filling station shall only be made in the times specified: Monday to Saturday: 07.00am - 10.00pm and Sunday and Bank Holidays: 10.00am - 4.00pm and at no other times unless agreed in writing by the Local Planning Authority.

REASON In the interests of the amenities of the area and residents, to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

10. No additional storage

No goods, materials or plant shall be deposited or stored outside the buildings except for temporary periods during loading/unloading of delivery vehicles, and except for the provision made for customer recycling facilities in the main car park.

REASON To safeguard the visual amenities of the area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

11. Flood Risk Assessment

The Flood Risk Assessment (Final Rev0), prepared by EWE Associates Ltd, dated June 2012, including the recommendation set out within the Assessment shall be implemented prior to completion of the development hereby approved and shall be permanently maintained thereafter.

REASON To prevent the increased risk of flooding in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, the National Planning Policy Framework.

12. CCTV

Prior to completion of the development hereby approved, the CCTV shall be installed, maintained and retained in accordance with the following drawings XXX

REASON For the protection of customer safety, in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 – 2026,

13. Drainage (LPA)

Prior to commencement of the development hereby permitted, a full drainage detailed design ((including the use of sustainable drainage principles) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON To ensure that the proposal is provided with a satisfactory means of drainage and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

14. Operation of Petrol Filling Station

The proposed petrol filling station must be manned at all times.

REASON To protect the amenity of residents within the vicinity of the site and to ensure adequate supervision of the development.

Informatives:

1. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
2. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.
3. The applicant is advised that with respect to the condition referring to 'full drainage detailed design', the calculations for the proposed surface water network are to be provided to ensure that no flooding occurs on site during the worst case storm for a 1 in 100 year return period, with an additional 30% flow for climate change. The full drainage proposals should utilise attenuation to limit the amount of surface water going into the existing system.
4. The applicant is reminded that an Agreement under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

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.

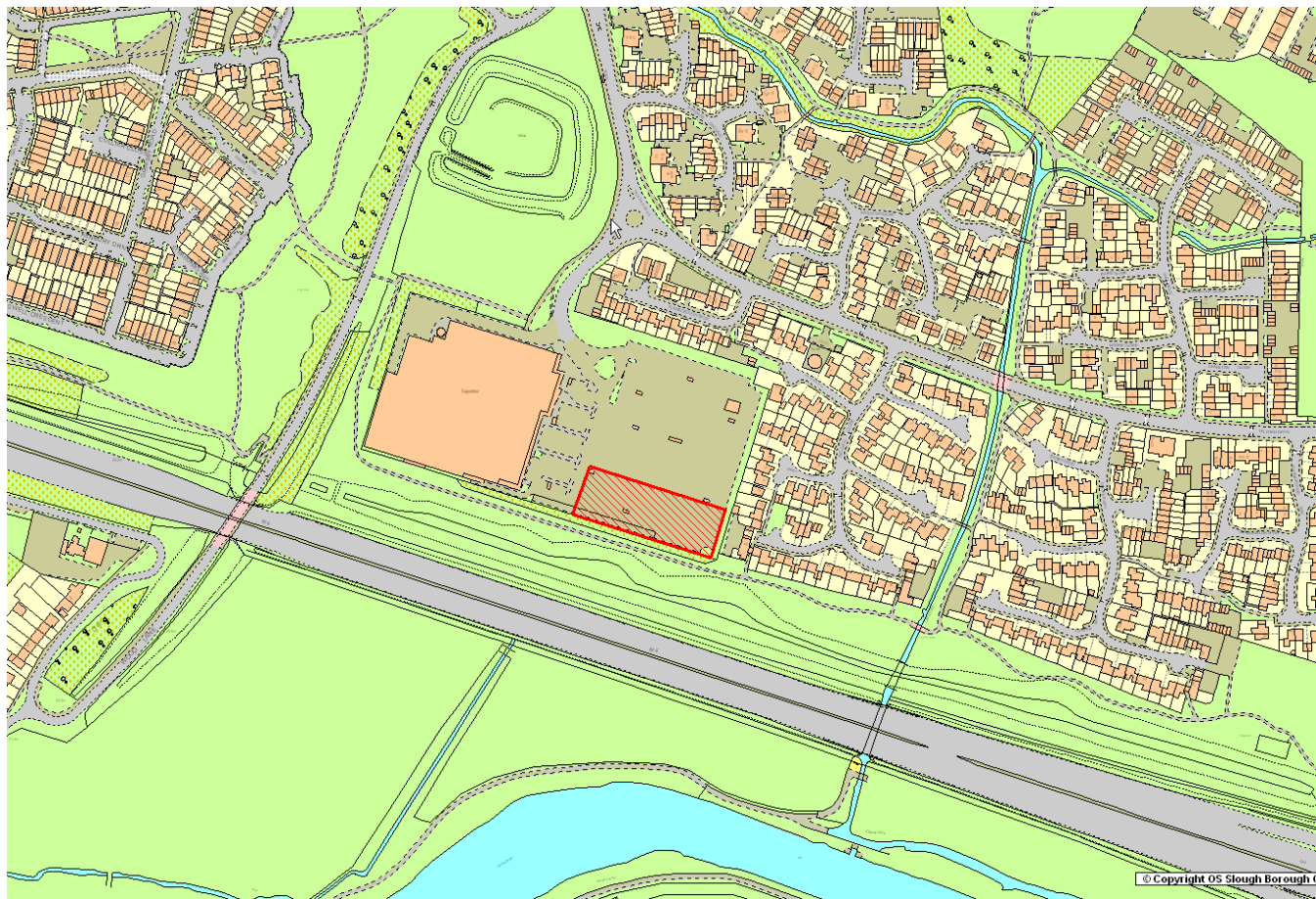
RECOMMENDATION

It is recommended that the application is delegated to the Planning Manager for approval, following resolution of Highways and Transport matters, air quality matters, finalising of conditions and satisfactory completion of a Section 106 Agreement.

Appendix A: Officer's Report

Registration Date:	08-Mar-2016	Applic. No:	P/05370/069
		Ward:	Cippenham Meadows Ward
Officer:	Neetal Rajput		
Applicant:	ASDA Stores Ltd		
Agent:	Miss Emma Ridley, Pegasus Group Pavillion Court, Green Lane, Garforth, Leeds, West Yorkshire, LS25 2AF		
Location:	Asda Stores Ltd, Telford Drive, Slough, SL1 9LA		
Proposal:	Construction of a four pump petrol filling station with air/water unit, control room and associated works.		

Recommendation: Delegate to Planning Manager for approval



1.0 SUMMARY OF RECOMMENDATION

1.1 This application is being reported to the Planning Committee at the request of Councillor Parmar on the following planning ground:

- Impact on the residents of the adjoining roads.

1.2 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended that the application be delegated to the Planning Manager for approval, following consideration of outstanding consultations, resolution of Highways and Transport matters, finalising of conditions and satisfactory completion of a Section 106 Agreement.

PART A: BACKGROUND

2.0 Proposal

2.1 This is a full planning application for the erection of a four pump automated petrol filling station comprising of four dual sided fuel dispensers and island, forecourt canopy, air/water unit, control unit, two storage tanks and alterations to access and existing car park layout.

2.2 The petrol filling station is to be provided by ASDA in association with the supermarket. The proposed filling station will incorporate 'pay at the pump' self-service payment at all eight of the filling positions. The petrol filling station would be located in the south-east corner of the car park and involve the removal of 68 customer parking spaces, as the internal southern link road would be reconfigured.

2.3 The proposed petrol filling station will be used for domestic fuel supply to the general public and its operation would involve two primary activities including unloading of unleaded and diesel fuel from delivery tanker vehicles to the storage tanks and fuel dispensing on the forecourt by customer self service.

2.4 The applicant is proposing to employ a 'forecourt greeter' to assist with the running of the proposed petrol filling station, there will be a greeter on-site to assist customers.

2.5 The hours of operation of the proposed petrol filling station will be aligned with the superstore, these are below:

- Monday – Wednesday: 7am - 10pm
- Thursday & Friday: 7am - Midnight
- Saturday: 7am - 10pm
- Sunday: 10am - 4pm

2.6 It will be noted from the planning history section below that an application for erection of four pump automated petrol filling station comprising four dual sided fuel dispensers and island, forecourt canopy, control unit, two double skinned underground storage tanks and alterations to access and existing car park layout was withdrawn in 2012 following concerns regarding transport issues, residential amenity and groundwater. The covering

letter submitted with the application package states that:

“The withdrawal of the 2012 application P/05370/061 for a petrol filling station has been recognised in the preparation of this application in the siting of the new development. The previous proposal sited the petrol filling station north east of the car park in an area deemed ‘least used’. In response to comments from both local residents and the Environment Agency and the petrol filling station has been relocated to avoid any impact on neighbours and utilises above ground tanks to address the previous concerns.”

- 2.7 It should be noted that anyone operating a petrol filling station is required to obtain an Environmental Permit and a Petroleum Storage Certificate, both issued by the Petroleum Enforcement Authority (PEA). It is the operator's responsibility to ensure the safety on sites where petrol is being delivered, stored and dispensed. However, the Petroleum Enforcement Authority can use the powers conferred on them under section 20 (Powers of inspectors) and section 25 (Power to deal with cause of imminent danger) of the Health and Safety at Work Act 1974.
- 2.8 In order for the permit to be granted, the petrol filling station would need to comply with the requirements of the Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations ('The Blue Book', Revised June 2011), and the Petrol Filling Stations Guidance on Managing The Risks Of Fire & Explosion ('The Red Guide', revised August 2009). This guidance together with DEFRA Process Guidance Note 1/14(13) (Revised December 2013) cover all the legal requirements as well as good practice and is recognised by the petroleum industry. Thus, any application submitted to the Petroleum Enforcement Authority will be checked against this guidance and a Permit will be issued only if the compliance has been demonstrated.

Environmental Impact Assessment

- 2.9 The proposed development is of a type described in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as the proposal is for 6 (c) 'Storage facilities for petroleum, petrochemical and chemical products'. The relevant threshold for such developments is (ii) 'more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.'
- 2.10 The agent has advised as to the quantities of petrol and diesel that would be stored at the site at any one time. These quantities are stated as being:
- Petrol = 65.3 tonnes
Diesel = 54.4 tonnes
Total = 119.7 tonnes
- 2.11 On this basis, the Council is not required to issue a screening opinion for the proposed development as the applicable thresholds and criteria would not be met.
- 3.0 Application Site
- 3.1 The application site in use as a supermarket with associated car parking. The site is 5,972 square metres in area.
- 3.2 The site of the proposed petrol filling station is currently in use for car parking. The site lies within flood zones 2 and 3.
- 3.3 To the north of the site are the properties of Flamborough Spur. These dwellings are two stories in height and their rear gardens back onto the strip of landscaping adjacent to the

site of the proposed petrol filling station. To the east of the site are the residential properties of Galahad Close, Garnet Close and Mitchell Close. To the south of the site is the M4 motorway.

4.0 Site History

4.1 In addition to applications for various alterations, additions and signage relating to the existing superstore; commercial redevelopment and submissions relating to proposed residential development, recent applications relating to the site of relevance to the consideration of the current planning application are considered to be as follows:

P/05370/067 Construction of sale kiosk for 'We Buy Any Car Limited' within car park area.

Approved with Conditions; Informatives 05-Nov-2015

P/05370/066 REPLACEMENT OF ROOF TOP REFRIGERATION UNITS.

Approved with Conditions; Informatives 30-Sep-2014

P/05370/064 CONSTRUCTION OF A 'HOME SHOPPING' VAN LOADING CANOPY.

Approved with Conditions; Informatives 11-Aug-2014

P/05370/062 ERECTION OF CANOPY TO PROVIDE CUSTOMER GROCERY COLLECTION FACILITY AND FORMATION OF CUSTOMER WAITING AREA.

Approved with Conditions; Informatives 09-Oct-2012

P/05370/057 CONSTRUCTION OF TWO NO. CANOPIES AND THE RETENTION OF A HAND CAR WASH FACILITY WITH ASSOCIATED DRAINAGE

Approved with Conditions; Informatives 17-Jun-2008

P/05370/054 VARIATION OF CONDITION ELEVEN OF APPEAL DECISION REF APP/V0320/A/85/034811 TO EXTEND HOURS OF OPENING FROM 07.00 TO 22.00 HRS, MONDAYS, TUESDAYS, WEDNESDAYS AND SATURDAYS, 07.00 TO 24.00 THURSDAYS AND FRIDAYS AND 10.00 TO 16.00 HOURS ON SUNDAYS

Approved with Conditions; Informatives 10-Jan-2007

P/05370/053 VARIATION OF CONDITION NO.11 OF PLANNING PERMISSION REFERENCE P/05370/017 TO ALLOW EXTENDED TRADING HOURS

Approved with Conditions; Informatives 09-Feb-2005

P/05370/050 CERTIFICATE OF LAWFULNESS FOR USE OF EXISTING CUSTOMER RESTAURANT TO INSTALL MCDONALDS RESTAURANT

Approved Grant CLU/D 13-May-2004

P/05370/048 CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF INTEGRAL WAREHOUSE AS RETAIL TRADING AREA

Approved Grant CLU/D;Informatives 11-Mar-2004

P/05370/047 ALTERATIONS TO CAR PARK LAYOUT AND ERECTION OF TROLLEY BAYS

Approved with Conditions; Informatives 25-Feb-2004

P/05370/044 ERECTION OF CANOPY OVER EXISTING SERVICE YARD TO FORM ENCLOSED WAREHOUSE AND ERECTION OF SECURE PALISADE FENCING

Approved with Conditions 27-Nov-2003

P/05370/043 VARIATION OF CONDITION NO.11 OF PLANNING PERMISSION P/05370/017 TO ALLOW EXTENSION TRADING HOURS

Approved (LPP); Informatives 22-Jan-2004

P/05370/042 PROVISION OF A CAR VALETING SERVICE IN SOUTH / EAST CORNER OF CAR PARK (PART CHANGE OF USE OF CAR PARK) (RETROSPECTIVE)

Approved with Conditions 11-Jun-2002

P/05370/026 SUBMISSION OF DETAILS OF SUPERSTORE 6 SHOP UNITS AND ANCILLARY CAR PARKING AS REQUIRED BY CONDITION 1(A) OF OUTLINE PERMISSION DATED 8TH DECEMBER 1986.

Approved with Conditions 12-May-1987

P/05370/017 CONSTRUCTION OF SUPERSTORE SIX SHOP UNITS AND ANCILLARY CAR PARK (OUTLINE)

Deemed Refusal 12-Aug-1985

Appeal allowed by the Secretary of State subject to completion of Section 52 Agreements by letter dated 12-Feb-1986

Prior to this application, there are previous planning applications mainly relating to the proposed development of the 'Wood Land Development Area' for residential purposes, as well as a previous refusal of planning permission for the construction of a superstore and six shop units, approvals relating to the construction of a variable height and width noise and landscaping mound, and the construction of a foul pumping station.

5.0 Neighbour Notification

5.1 28, Mitchell Close, Slough, SL1 9DY, 8, Garnet Close, Slough, SL1 9DU, 33, Flamborough Spur, Slough, SL1 9JB, 9, Galahad Close, Slough, SL1 9DT, 39, Flamborough Spur, Slough, SL1 9JB, 11, Galahad Close, Slough, SL1 9DT, 19, Flamborough Spur, Slough, SL1 9JB, 26, Mitchell Close, Slough, SL1 9DY, 23, Flamborough Spur, Slough, SL1 9JB, 32, Mitchell Close, Slough, SL1 9DY, 24, Mitchell Close, Slough, SL1 9DY, 37, Flamborough Spur, Slough, SL1 9JB, 9, Garnet Close, Slough, SL1 9DU, 27, Flamborough Spur, Slough, SL1 9JB, 22, Mitchell Close, Slough, SL1 9DY, 31, Flamborough Spur, Slough, SL1 9JB, 17, Flamborough Spur, Slough, SL1

9JB, 11, Garnet Close, Slough, SL1 9DU, 12, Garnet Close, Slough, SL1 9DU, 43, Flamborough Spur, Slough, SL1 9JB, 30, Mitchell Close, Slough, SL1 9DY, 35, Flamborough Spur, Slough, SL1 9JB, 34, Mitchell Close, Slough, SL1 9DY, 15, Flamborough Spur, Slough, SL1 9JB, 21, Flamborough Spur, Slough, SL1 9JB, 25, Flamborough Spur, Slough, SL1 9JB, 10, Garnet Close, Slough, SL1 9DU, 29, Flamborough Spur, Slough, SL1 9JB, 41, Flamborough Spur, Slough, SL1 9JB

Representations received as follows:

5.2 Occupier of 29 Flamborough Spur:

"If the proposal is successful, the fumes will be constant, and likely to effect our health and especially our children's health. They will be unable to play outside in the garden without the constant stench and without inhaling the terrible fumes not to mention being subjected to the airborne compound benzene which can have a detrimental effects of health. Secondly, if our children's health is effected, there is every chance it will impact upon their school work. Thirdly, if the pollution and fumes effect the health of adults, which will have in impact on our day to day lives. These are just every day hazards which would only be further increased in the event of any petrol spillages or leaks and in such close proximity to residents.

Please refer to the following link for the relevant article publishes in The Telegraph;-

<http://www.telegraph.co.uk/news/health/news/8306786/Living-with-100-yards-of-petrol-stations-damages-your-health-study-claims.html>

- 1. It seems rather unfair that if Asda do build their proposed petrol pump at the proposed location, the residents of Flamborough Spur and our way of life will be impacted greatly. We would be unable to open our windows without the constant stench of petrol fumes and the constant noise of pumping and excess traffic caused by the pump's existence.*
- 2. The traffic in the area is already at its worst due to the ASDA store. This proposal, should it succeed would only worsen the situation gravely, increasing the risks further for residents, especially those that are more vulnerable like the very young and the elderly. It would potentially increase the risk of road traffic accidents and further prohibit children and the elderly from walking safely within the area, especially as there are many schools within close proximity of the ASDA store. It is already impossible to walk safely during the stores busy periods, it will be beyond chaotic should the proposal for the pump succeed.*
- 3. It seems incredibly unfair that ASDA store are willing to cause so much disruption and risk to local residents purely for financial gain only. The residents will be unable to use their garden as they wish, because of the restructions placed such as using a simple barbeque. We will not be able to sit in the garden. This is not something that we should have to suffer as it has not been our decision to live by a filling station.*
- 4. There will be further disturbance by excess lights from the filling station, which will be present constantly, even during closed ours and at night.*
- 5. There will an increased level of disturbance to the residents from noise as a result of the petrol pump during open hours and also outside of open hours, not to mention the increased level of anti social behaviour.*
- 6. Should the proposal proceed, the presence of a filling station backing onto the*

properties at Flamborough Spur will no doubt impact on the resale value of the properties. It is inevitable.

- 7. The filling station will undoubtedly overshadow the properties and cause a loss of privacy of the residents.*
- 8. There will be an effect of local wildlife and also on local greenery and trees.*
- 9. I need to highlight one of the most valid points to take into consideration is that: I discovered, that due to fire risk to our properties, our Home Insurance will be affected. This is just an example, because in the future there could be more hidden damages we and all fellow residents may have to face along with everything else, which can lead to extra cost burden to our pockets. It's bad enough facing a rough and tough living in Slough along with pollution and on top facing all the inconvenience of the fuel pump right up our nose 24/7, very unfair."*

Occupier of 11 Galahad Close:

- 1. "Building erection would affect the land stability.*
- 2. Constant noise of the building works and following cars queues would significantly affect all residents living in Galahad Close.*
- 3. Health issues would be potentially raised due to petrol, chemicals substances in the atmosphere and surrounding areas as the petrol station location within 1- 2 meters to the residency area*
- 4. Environmental health issues would dramatically be raised due to petrol and other chemicals materials in the petrol station site.*
- 5. Galahad Close residents including myself would be greatly grateful for taking this letter into consideration. Letters signed by all Galahad Close residents and surroundings should also be posted to Slough Council/ planning permission soon."*

Occupier of 21 Flamborough Spur:

- 1. "AIR POLLUTION - we have extremely small gardens so we are very close plus most of us have small children always playing in the garden. The fumes will be constant, and likely to affect our health and especially our children's health. They will be unable to play outside in the garden without the constant stench and inhaling the terrible fumes not to mention being subjected to the airborne compound benzene which can have a detrimental effect on health. Secondly, if our children's health is affected, there is every chance it will impact upon their mental abilities. Thirdly, if the pollution and fumes affect the health of adults, which will have an impact on our day to day lives. These are just the every day hazards which would only be further increased in the event of any petrol spillages or leaks and in such close proximity to residents.*

Please refer to the following link for the relevant article published in The Telegraph:-

<http://www.telegraph.co.uk/news/health/news/8306786/Living-with-100-yards-of-petrol-stations-damages-your-health-study-claims.html>

- 2. It is not right for Asda to build their proposed petrol pump at the proposed location, as the residents of Flamborough Spur way of life will be hugely impacted. We'd be unable*

to open our windows & air our houses without the constant stench of petrol fumes and the constant noise of pumping and excess traffic caused by the pump's existence.

NOISE & MORE AIR POLLUTION - The traffic in the area is already at its worst due to the ASDA store. This proposal, should it succeed would only worsen the situation gravely, increasing the risks further for residents, especially those that are more vulnerable like the very young and the elderly. It would potentially increase the risk of road traffic accidents and further prohibit children and the elderly from walking safely within the area, especially as there are many schools within close proximity of the ASDA store. It is already impossible to walk safely during the stores busy periods, it will be beyond chaotic should the proposal for the pump succeed. There is already so much noise and air pollution as Asda is always busy and open everyday with such long hours. As our gardens are so small there is so much noise already with music blarring from cars and families shouting, we've had people urinating on the back of our fence many times!!!!

- 3. It is unacceptable that ASDA store are willing to cause so much disruption and risk to local residents purely for financial gain only especially as we suffer so much already, i have been a resident since 1999 & it has got from bad to worse of the decades already with such poor quality of life as it is. The residents will be unable to use their garden as they wish, because of the restruictions placed such as using a simple barbeque. We will not be able to sit in the garden. This is not something that we should have to suffer as it has not been our decision to live by a petrol filling station. Asda after numerous letters and getting the MP involved refused many times to lop down the trees and bushes that block out the light from our gardens and houses as grown so HIGH over the years so this shows the lack of care and responsibility to the local residents.*
- 4. There will be further disturbance by excess lights from the filling station, which will be present constantly, even during closed ours and at night.*
- 5. There will an increased level of disturbance to the residents from noise as a result of the petrol pump during open hours and also outside of open hours, not to mention the increased level of anti social behaviour. We are already subjected to car racing in the car parks when trying to put the children to sleep.*
- 6. Should the proposal proceed, the presence of a filling station backing onto the properties at Flamborough Spur will no doubt impact on the resale value of the properties. It is inevitable.*
- 7. The filling station will undoubtedly overshadow the properties and cause and loss of privacy of the residents.*
- 8. There will be an affect of local wildlife and also on local greenery and trees.*
- 9. FIRE RISK - no doubt with living so closely it wouldn't take much for a huge explosion or fire to wipe out much of the surrounding residential area as we are far too close to it, not to mention the increase in our house insurances."*

Occupier of 25 Flamborough Spur:

- 1. "AIR POLLUTION - we have extremely small gardens so we are very close plus most of us have small children always playing in the garden. The fumes will be constant, and likely to effect our health and especially our children's health. They will be unable to play outside in the garden without the constant stench and inhaling the terrible fumes not to*

mention being subjected to the airborne compound benzene which can have a detrimental effects of health. Secondly, if our children's health is affected, there is every chance it will impact upon their mental abilities. Thirdly, if the pollution and fumes effect the health of adults, which will have in impact on our day to day lives. These are just the every day hazards which would only be further increased in the event of any petrol spillages or leaks and in such close proximity to residents.

Please refer to the following link for the relevant article publishes in The Telegraph;-

<http://www.telegraph.co.uk/news/health/news/8306786/Living-with-100-yards-of-petrol-stations-damages-your-health-study-claims.html>

2. It is not right for Asda to build their proposed petrol pump at the proposed location, as the residents of Flamborough Spur way of life will be hugely impacted. We'd be unable to open our windows & air our houses without the constant stench of petrol fumes and the constant noise of pumping and excess traffic caused by the pump's existence.

3. NOISE & MORE AIR POLLUTION - The traffic in the area is already at its worst due to the ASDA store. This proposal, should it succeed would only worsen the situation gravely, increasing the risks further for residents, especially those that are more vulnerable like the very young and the elderly. It would potentially increase the risk of road traffic accidents and further prohibit children and the elderly from walking safely within the area, especialy as there are many schools within close proximity of the ASDA store. It is already impossible to walk safely during the stores busy periods, it will be beyond chaotic should the proposal for the pump succeed. There is already so much noise and air pollution as Asda is always busy and open everyday with such long hours. As our gardens are so small there is so much noise already with music blarring from cars and families shouting, we've had people urinating on the back of our fence many times!!!!

4. It is unacceptable that ASDA store are willing to cause so much disruption and risk to local residents purely for financial gain only especially as we suffer so much already, i have been a resident since 1999 & it has got from bad to worse of the decades already with such poor quality of life as it is. The residents willl be unable to use their garden as they wish, because of the restruictions placed such as using a simple barbeque. We will not be able to sit in the garden. This is not something that we should have to suffer as it has not been our decision to live by a petrol filling station. Asda after numerous letters and getting the MP involved refused many times to lop down the trees and bushes that block out the light from our gardens and houses as grown so HIGH over the years so this shows the lack of care and responsibility to the local residents.

5. There will be further disturbance by excess lights from the filling station, which will be present constantly, even during closed ours and at night.

6. There will an increased level of disturbance to the residents from noise as a result of the petrol pump during open hours and also outside of open hours, not to mention the increased level of anti social behaviour. We are already subjected to car racing in the car parks when trying to put the children to sleep.

7. Should the proposal proceed, the presence of a filling station backing onto the properties at Flamborough Spur will no doubt impact on the resale value of the properties. It is inevitable.

8. The filling station will undoubtedly overshadow the properties and cause and loss of privacy of the residents.

9. *There will be an affect of local wildlife and also on local greenery and trees.*

10. *FIRE RISK - no doubt with living so closely it wouldn't take much for a huge explosion or fire to wipe out much of the surrounding residential area as we are far too close to it, not to mention the increase in our house insurances.*

We all hope you take our grave concerns and objections to this proposal into extremely serious consideration and think about the impact it will have on local residents, and the community as a whole."

Councillor Chohan, Ward Member for Cippenham Meadows:

"My objection from last year stands, the health and key safety issue problem remains with the soakway. The agencies responded last year, I'm hoping there is no major difference for their initial stance. It does seem a waste of time and effort from the relative agencies having to provide input to multiple applications which rarely change significantly over the years, charges for cost incurred by these agencies should be requested firm the applicant. Anyhow, I totally object along with my fellow ward councillors, this application along with previous submissions seem to attempt to gain agreement over time as they aim to go unnoticed under the radar from residents.

The ward councillors object to this application and will support the residents on the grounds of health and safety and the major impact it would have on the road infrastructure. In addition there is also the social impact to residents of additional opening hours. There are additional issues associated to this application as mentioned in my previous responses which haven't changed."

Local Planning Authority Response:

The above objections have been taken into account and given the new location of the petrol filling station, it is consideration that the new siting addresses the concerns raised, the issues raised are considered in the report below.

It should be noted that that anyone operating a petrol filling station will require a licence issued by their Local Petroleum Licensing Authority. The Petroleum Licensing Authority is responsible for ensuring safety at sites where petrol is delivered, stored and dispensed.

In order for a license to be granted, a petrol filling station would need to comply with the guidance contained within Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011) (the 'Blue Book'). This covers legal requirements as well as good practice and is recognised by the petroleum industry. It is understood that when plans are submitted to the Petroleum Licensing Authority they will be checked against this guidance and a licence issued only if they can demonstrate that the facility complies.

6.0 Consultation

6.1 Health and Safety Executive

No comments received.

6.2 Thames Water

No comments have been received, however the following comments were issued with respect to planning application P/05370/061:

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

6.3 Environment Agency

"We note that this application is similar to a prior planning application, reference P/05370/061, which we commented on in our letter reference WA/2012/112716/01-L02 and dated 10 August 2012. We are pleased to see that the applicant has responded to our prior objection by proposing the use of ground storage tanks in the application.

The proposed development site overlays a Principal Aquifer and Secondary A Aquifer; and lies over a Source Protection Zone 2 for a potable water supply.

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason To prevent pollution of the water environment.

The site is located over Alluvium (Secondary A Aquifer) over the Shepperton Gravel Member (Principal Aquifer) and then over the Lambeth Group (Secondary A Aquifer).

The Lambeth Group often has sandy lenses that forms rapid pathways to the top of the Chalk (Principal Aquifer) at depth under the site. The site is also within an outer Source Protection Zone (SPZ2) for a potable water supply that abstracts from The Chalk.

The EWE Associates Ltd. Flood Risk Assessment dated June 2012 states that surface water around the tanker delivery area and also the forecourt will drain to a 9000 litre Class 1 full retention interceptor and then to the foul sewer. The plan is not clear if there will be two separate interceptors or one. It is also not clear from the drawing Proposed PFS Plan (PA/04) if the 75,000 litre above ground fuel tanks are factored into the provision for spills within the tanker delivery area.

The applicant should make clear what provision has been made for surface water drainage for the area around the tanks in the event of spillage during filling. The applicant should also make clear the surface water drainage proposals for the car wash (this should not pass through the interceptor).

National Planning Policy Framework (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)."

6.4 Crime Prevention Design Advisor

Comments to be noted on the Amendment Sheet.

6.5 Neighbourhood Enforcement

“ASDA has had previous problems with both noise and light (since around February 2015 to around December 2015).

The noise was due to a misfiring alarm inside the store which I served an abatement notice for. The light was due to tall lamp columns along the back of the store overlooking into residential properties, this nearly led to an abatement notice too but was resolved with simply switching off the lights. There have been no further problems since.

The details submitted for the light should not cause further problems. The proposed lamp columns are not on the boundaries overlooking into residential properties and have shields on the top too so will not cause a light nuisance.

The details submitted for the noise should also not cause problems. As long as the deliveries are only made in the times specified (07.00am- 23.00pm Monday to Saturday and 10.00am-16.00pm Sunday). I can't foresee that individuals using the petrol station will cause a noise nuisance to residents nearby.

ASDA has also had a serious problem of fly tipping which led to their recycling bins being removed and a lot of intervention by Neighbourhood Enforcement; this problem has also been resolved now.”

6.6 Transport and Highways

- *“The proposals do not alter the external store access. It is proposed that customers would enter the Petrol Filling Station (PFS) from the internal link road and travel west through the PFS forecourt to exit the PFS from a new give-way junction to rejoin the internal link road.*
- *The current ASDA store car park includes 611 car parking spaces. The proposals would result in the removal of 68 spaces, resulting in a revised total of 543 spaces. A parking accumulation survey has confirmed that it currently peaks at 60% capacity and there is therefore adequate space for the removal of 68 spaces.*
- *The proposed trip generation of the site is a total of 316 vehicle-only daily two-way trips, based on a TRICS analysis and taking account of reductions for trips already being associated with the ASDA store, and a proportion being pass-by trips already on the network. This remains a significant volume of additional trips, and as such a financial contribution is sought by the local highway authority to mitigate the impact of the development. The contribution is sought to improve the operation of the Telford Drive / Cippenham Lane junction for all road users;*
- *A swept path analysis has been provided to demonstrate that an articulated oil tanker can move through the site safely to and through the PFS.*
- *Subject to securing the S106 contributions and including the planning conditions I would not raise a highway objection to these proposals.”*

6.7 Contaminated Land Officer

“This unattended petrol station model conforms to the Red Guide and Blue Book, which

outline the control measures and engineered controls that are inbuilt. The whole station is monitored from a remote location 24/7 that has the ability to stop pumps and speak to the customer and summon a colleague from the store to attend any incident.

From a Contaminated Land point of view I have no objections to the applications and no conditions are needed. However, the site will be regulated and will have to conform to the conditions that I will set out in the Environmental Permit. In addition the site will be issued with a Petroleum Storage Certificate, also subject to an annual fee."

6.8 Highway Agency

No comments received, should any comments be received prior to Planning Committee, these will be reported on the Amendment Sheet.

6.9 Environmental Quality

No comments received, should any comments be received prior to Planning Committee, these will be reported on the Amendment Sheet.

6.10 **Flood Management Officer**

- *"The proposed development is located within an area benefitting from defences and is entirely within flood zone 2.*
- *Additional model data has been sought from the Environment Agency which has been extrapolated using a stage discharge curve to determine the 1 in 100 year plus climate change flood level. Assuming that the stage discharge curve provides an accurate description of the channel and floodplain, the proposed location of the development does not lie within the 1 in 100 year plus appropriate allowance for climate change flood extent.*
- *The development is therefore considered acceptable with regard to flood risk on the condition that the stage discharge curve provides an accurate description of the channel and floodplain, and the recommendations of the Flood Risk Assessment are applied."*

6.11 **Drainage Officer**

6.12 *"Full drainage calculations for the proposed surface water network are to be provided to ensure that no flooding occurs on site during the worst case storm for a 1 in 100 year return period, with an additional 30% flow for climate change.*

In the EA comments it refers to attenuating any discharge from site by using tank systems which is what we would expect as this is a change of use, although their report says it's 'like for like' it may have been 5 or so years ago but as SUD's have now come into force we have to look at each site with trying to reduce the amount of surface water discharging into the existing system.

In this case we will require full drainage proposals utilising attenuation to limit the amount of surface water going into the existing system."

7.0 Policy Background

7.1 The following policies are considered most relevant to the assessment of this application:

The National Planning Policy Framework and the Planning Practice Guidance

Local Plan for Slough March 2004 policies:

EN1 – Standard of Design
EN3 – Landscaping Requirements
EN5 – Design and Crime Prevention
T2 – Parking Restraint
T8 – Cycling Network and Facilities
OSC8 – Green Spaces
EMP2 – Criteria for Business Developments
EMP4 – Development Outside of the Existing Business Areas

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies:

Core Policy 1 – Spatial Strategy
Core Policy 5 – Employment
Core Policy 6 – Retail, Leisure and Community Facilities
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 12 – Community Safety

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.

Other Relevant Documents/Guidance

Slough Borough Council Developer's Guide Parts 1-4

7.2

The main planning issues relevant to the assessment of this application are considered to be those relating to:

- Principle of the proposed use
- Design, appearance and impact on the street scene

- Trees and landscaping
- Impact on neighbour amenity
- Transport and highway matters
- Flood risk and drainage
- Pollution and safety matters

8.0 **Principle of the proposed use**

- 8.1 The use of the site is as a supermarket with associated car parking.
- 8.2 The scale of the proposed petrol station is stated as being based on anticipated demand. The pumps would be fully automated and operated by way of customer card authorisation only.
- 8.3 The proposed petrol filling station would be considered to be a sui generis use meaning that it does not fall within a specific use class as defined by The Town and Country Planning (Use Classes) Order 1987.
- 8.4 With regard to the acceptability of the principle of the proposed use, the proposal is not considered to be defined as a main town centre use as set out in the National Planning Policy Framework. The proposal does not include the provision of a kiosk or associated shop. As such, the application of a sequential test is not considered to be applicable.
- 8.5 The National Planning Policy Framework refers to 'roadside facilities for motorists' at para. 31. The National Planning Policy Framework sets out that Local Authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure and that the primary function of roadside facilities for motorists should be to *"support the safety and welfare of the road user."*
- 8.6 Whilst the proposed development would be for the sale of fuel only and would not appear therefore to directly support the safety of the road user, it would support the welfare of the road user to an extent insofar as it would provide a source of domestic fuel supply to the general public in this location.
- 8.7 It is considered that petrol filling stations are an increasingly common feature of supermarkets. Filling stations complementing supermarket retail offers can be found elsewhere within the borough (for example, Tesco Extra on Wellington Street) and the wider surrounding area.
- 8.8 Core Policy 1 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 sets out an overarching spatial strategy for proposed development within the Borough. This policy states that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will not be allowed in locations that lack the necessary supporting infrastructure, facilities or services or where access by sustainable means of travel by public transport, cycling and walking are limited.
- 8.9 As will be noted from the planning history section above, the site has been in use as a supermarket for a number of years. It is considered that the proposal would comply with Core Policy 1 in that the scale of development will be related to the site's current character.
- 8.10 Furthermore, the supplementary text to Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008

which relates to retail, leisure and community facilities states that *“Small scale facilities which serve local needs may be allowed in appropriate locations throughout the Borough.”*

8.11 Turning to employment matters, Core Policy 5 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 states that the location, scale and intensity of new employment development must reinforce the Spatial Strategy and transport strategy and that intensive employment-generating uses will be located in the town centre in accordance with the spatial strategy.

8.12 It is confirmed that a ‘forecourt greeter’ will be present onsite to assist with the running of the proposed petrol filling station. The Agent has states that *“when the greeter is not in attendance customer assistance will always be readily available from the adjacent store. Customers requiring assistance including disabled customers are able to communicate with the store by dedicated help call points on the forecourt. These facilities are linked by pre-set communication lines direct to the store duty manager who carries a mobile and are available at all times. This person will organise immediate attendance and the colleague response time is to be on the forecourt within a 5 minutes period. The relationship of the PFS to store on this site is considered appropriate to meet this requirement.*

Customer communication points include a Help Point/telephone handset which is a bright yellow situated on the Control Unit alongside the forecourt which is highlighted by prominent signage at the dispensing position and has high visual background signage on the building.”

8.13 Whilst Core Policy 5 states that “Intensive employment generating uses which ... reduce employment opportunities for local people will be expected to contribute toward appropriate mitigation measures”; the proposed use is neither considered to be an intensive employment generating use, nor would it result in a reduction in employment opportunities for local people.

8.14 Whilst it is acknowledged that the operator could sell fuel at a competitive price which could make the proposed facility attractive and draw revenue away from other existing stations, matters relating to competition are not material planning considerations.

8.15 The principle of the proposal is therefore considered to be acceptable and would comply with Core Policies 1, 5 and 6 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the National Planning Policy Framework.

9.0 **Design, appearance and impact on the street scene**

9.1 The thrust of Policy EN1 of The Adopted Local Plan for Slough 2004 and Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document is that the design of proposed development should be of a high standard of design and reflect the character and appearance of the surrounding area.

9.2 The proposed canopy would be 5.05 metres in height, 12.2 metres in length and 12.4 metres wide, supported by four columns. The proposed canopy and dispensing equipment are considered to be acceptable in design terms. It has been noted from the submitted drawings that with the exception of the lighting columns (8 metres) and CCTV pole (6 metres), no other structures exceed the height of the canopy.

9.3 The proposed petrol filling station would be approached from Telford Drive and would be viewed principally in the context of the existing supermarket building and car park. Whilst

there is an existing residential development beyond the eastern boundary of the site, there is an existing belt of trees which provides screening which would limit any potential street scene impact. As such, in terms of visual amenity, the proposal is considered to be acceptable in street scene terms.

9.4 With regard to any proposed signage required in conjunction with the proposed development, this would be subject to control under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

9.5 Crime prevention

9.6 The Thames Valley Crime Prevention Design Officer has been consulted and no objection has been raised with respect to opening hours and CCTV. A condition has been recommended regarding the implementation of the CCTV.

10.0 **Trees and landscaping**

10.1 To the southern and eastern boundary of the site, there is an existing row of trees planted as screening.

10.1 The maturing trees and shrubs form a screen between the parking area and adjacent properties to the east. This screening is considered to be an important feature in the area and should be retained.

10.2 The Tree Officer has been consulted and comments are below:

"The proposed filling station will require the removal of some poor trees within the car park but will not have an effect on other trees within the car park or the other vegetation on the boundaries of the site. This boundary vegetation will therefore continue to provide some but not complete screening from outside the site reducing the visual impact of the proposed development from the adjacent properties. Accordingly I would not object to the application as the impact on the tree cover of the area will be minimal."

11.0 **Impact on neighbour amenity**

11.1 Noise

11.2 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 states that development shall not give rise to unacceptable levels of pollution including noise.

11.3 The hours of opening of the existing store are understood to be 07.00 to 22.00 hrs, Mondays, Tuesdays, Wednesdays and Saturdays, 07.00 to 24.00 Thursdays and Fridays and 10.00 to 16.00 hours on Sundays (as approved under application P/05370/054 for a variation of condition to extend hours of opening, granted in January 2007).

11.4 The proposed hours of opening of the petrol filling station will be aligned with the hours of opening of the store.

11.5 The applicant has submitted a Noise Assessment. In summary, the findings of the noise assessment are that for a worst case 'most noise sensitive times scenario, calculations indicate that the external and internal noise criteria for neighbouring residential properties would be within recommended World Health Organisation guidance. The noise assessment which demonstrates that the petrol filling station trading activity confirms a negligible impact for the most noise sensitive period considered. Additionally, the

assessment confirms that the tanker deliveries associated with the proposed development would be acceptable for the proposed daytime period.

- 11.6 The Council's Neighbourhood Enforcement section have been consulted and no objections have been raised.
- 11.7 Impact on privacy, overlooking and dominance
- 11.8 The proposed pump islands and canopy would be sited directly opposite the rear elevations of no's. 11-35 Flamborough Spur. The separation distance between the proposed canopy and the rear boundary of these dwellings would be 115 metres. The proposed canopy would be 5.05 metres in height.
- 11.9 The proposed fuel tanks would be sited adjacent the rear elevations of no's. 30-28 Mitchell Close, the distance from the rear of the tanks to the rear elevation of these properties will be 14m. The tanks will measure 3.66m in height.
- 11.10 There is an existing belt of trees which screens views of the proposed car park from the rear gardens of the properties on Flamborough Spur and Mitchell Close and Garnet Close. Given the branch density of these trees, it is considered that the proposed tanks would not be adequately screened during summer months and less so in the autumn/winter months when these trees will have seasonal leaf loss. Given the separation distance of 14m and the height of the tanks at 3.66m, it is not considered that the proposal would be overly overdominant and overbearing by reason of its siting.
- 11.11 With regard to loss of privacy, the proposal is not considered to have the potential to result in an adverse impact on privacy through overlooking. The rear boundaries of those properties fronting Mitchell is marked by timber fencing of between 1.8 and 2 meters in height.
- 11.12 It must be acknowledge that this application seeks to address the issued raised with respect to the withdrawn application P/05370/061, whereby the proposal is now sited in the south east corner of the site, away residential properties fronting Flamborough Spur. The covering letter states that : *"In response to comments from both local residents and the Environment Agency and the petrol filling station has been relocated to avoid any impact on neighbours and utilises above ground tanks to address the previous concerns."*
- 11.13 The proposal is not considered to give rise to significant detriment to the surrounding area and is considered to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.
- 12.0 **Transport and highway matters**
- 12.1 The National Planning Policy Framework states at para. 32 that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 12.2 Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to seek to ensure that development reinforces the principles of the transport strategy as set out in the Council's

Local Transport Plan and Spatial Strategy, and to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.

- 12.3 The Council's Transport and Highways consultant has been consulted. The petrol filling station would be located in the south-east corner of the car park and involve the removal of 68 customer parking spaces, as the internal southern link road would be reconfigured. The Local Highway Authority has no objection to the location; it is well away from the site access which would allow the main site access to keep flowing smoothly. The proposals also include the relocation of the hand car wash away from its current position to be adjacent to the petrol filling station.
- 12.4 The petrol filling station will include Fast Track lanes, incorporating pay-at pump card payment systems; there will be no retail kiosk and hence all transactions will take place at the pump. It will include extendable pump hoses, allowing customers to use any pump and therefore reducing the likelihood of queues developing. It is stated in the Transport Assessment (TA) that a 'forecourt greeter' will be available during busier trading times.
- 12.5 Car parking
- 12.6 The current ASDA store car park includes 611 car parking spaces. In addition there are 33 disability spaces and 27 other (mother and toddler) spaces which will not be affected. The proposals would result in the removal of 68 spaces, resulting in a revised total of 543 spaces.
- 12.7 To demonstrate that the proposed reduction in parking capacity can be accommodated without detriment to the car parking operation, the applicant carried out a four week data collection exercise (25 June to 19 July 2015) to determine the maximum car park occupancy each day and the time this occurred. It was evident from the survey that there would be adequate capacity to accommodate the reduction in spaces, as maximum occupancy was recorded as 60% on a Sunday with 366 spaces utilised. No raw data has been provided for checking, but a site visit by the Local Highway Authority has confirmed that there is surplus capacity.
- 12.8 Access
- 12.9 The proposals do not alter the external store access. It is proposed that customers would enter the petrol filling station from the internal link road and travel west through the petrol filling station forecourt to exit the petrol filling station from a new give-way junction to rejoin the internal link road.
- 12.10 Trip Generation
- 12.11 It is expected that whilst many trips will be linked trips, there will still likely be an increase in trips expected as a result of the new service offering at the store. The TA has assumed that of all trips attracted to the petrol filling station, 70% will already be associated with the food store and 30% will be new to the site.
- 12.12 Of the new trips it has been assumed that some will be "pass-by" trips i.e. trips already passing the store (at an assumed rate of 30% and 10% for weekday and weekend respectively). Based on a TRICS analysis of PFS sites (without significant retail), and taking account of these reductions the applicant has predicted the following vehicle trips to the site, which are considered robust by the Local Highway Authority.
- 12.13 Servicing

12.14 Articulated vehicles will arrive at the site via Telford Drive in the same way as the existing goods vehicles serving the ASDA store. A swept path analysis has been provided to show how a standard 15.2 ASDA articulated oil tanker will move through the site and through the petrol filling station. This would obviously need to occur out of operating hours to ensure customer safety is not compromised.

12.15 Development Impact

12.16 The development is increasing vehicle-only trips to the site by 316 (daily two-way) and nearby Cippenham Lane is already a congested corridor and as a result this increase in trips will have an impact on the operational performance of the Cippenham Lane / Telford Drive junction as well as other junctions on Cippenham Lane. The Telford Drive junction does not benefit from any controlled pedestrian crossing facilities and as this is already an important route to local schools and facilities the increase in traffic will make it harder for pedestrians, particularly those with sight disabilities, to cross the junction. Taking account of the increase in traffic the contribution should also be used to implement MOVA and link its operation to the nearby Twinches Lane junction. It is therefore reasonable that the development provides a contribution towards the implementation of junction improvements and a contribution is sought and this should be secured through a S106 agreement.

12.17 Construction Management Plan and Routing Agreement

12.18 The construction impact has not been discussed in the TS. The applicant should ensure that existing users of the site are not affected by the construction process and a routing agreement for vehicles to the site should be agreed using Telford Drive and Cippenham Lane.

13.0 Flood risk and drainage

13.1 Surface water

13.2 The National Planning Policy Framework states at para. 109 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.

13.3 The applicant has prepared and submitted a flood risk assessment. The site lies within flood zones 2 and 3. The Environment Agency have been consulted.

13.4 The Environment Agency have commented with the following:

13.5 *"The EWE Associates Ltd. Flood Risk Assessment dated June 2012 states that surface water around the tanker delivery area and also the forecourt will drain to a 9000 litre Class 1 full retention interceptor and then to the foul sewer. The plan is not clear if there will be two separate interceptors or one. It is also not clear from the drawing Proposed PFS Plan (PA/04) if the 75,000 litre above ground fuel tanks are factored into the provision for spills within the tanker delivery area.*

The applicant should make clear what provision has been made for surface water drainage for the area around the tanks in the event of spillage during filling. The applicant should also make clear the surface water drainage proposals for the car wash (this should not pass through the interceptor)."

13.6 On the basis of the above, a condition has been recommended.

13.7 Ground water

13.8 The Environment Agency had previously objected to planning application P/05370/061 to the underground storage of hazardous substances on principal and secondary aquifers. As a result the tanks have now been located above ground and the Environment Agency have commented:

"We are pleased to see that the applicant has responded to our prior objection by proposing the use of ground storage tanks in the application."

13.9 Based on these comments and recommended condition, the proposal is therefore considered to be acceptable in terms of the impact on groundwater.

14.0 **Pollution and safety matters**

14.1 The National Planning Policy Framework states at para. 120 that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

14.2 Concerns have been expressed in representations received regarding the potential impact on health as a result of pollution arising from petrol and diesel vapour, fumes and spillages.

14.3 The Agent has provided a response:

"When assessing the impact of the Petrol Filling Station on residential properties we have been advised that:

The PFS will comply with all guidance and European directives.

This includes;

- Directive 1994/63/EC - Stage 1b vapour recovery - controls to capture petrol vapour displaced from underground storage tanks when they are filled with the tanker

- Directive 2009/126/EC - Stage II vapour recovery – controls to capture Petrol Vapour Recovery during Refuelling of Passenger Cars - requires that capture efficiency limits be equal to or greater than 85%.

The PFS to trade will require a vapour recovery permit, which will ensure compliance with the above conditions.

In light of this it is not envisaged that there will be a significant negative on residential properties."

14.4 The Council's Contaminated Land Officer has been consulted and advised that no condition are required as the operator will be required to obtain an Environmental Permit and a Petroleum Storage Certificate, both issued by the Petroleum Enforcement Authority.

14.5 It should be noted that matters relating to the design and safety of proposed petrol filling stations is covered in detail under the Environmental Permit and a Petroleum Storage

Certificate. The Petroleum Enforcement Authority is responsible for ensuring safety at sites where petrol is delivered, stored and dispensed.

- 14.6 In general terms, if planning permission were to be granted for a petrol filling station then it would need to comply with the guidance contained within Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011) (the 'Blue Book'). This covers legal requirements as well as good practice and is recognised by the petroleum industry. It is understood that when plans are submitted to the Petroleum Licensing Authority they will be checked against this guidance and a licence issued only if they can demonstrate that the facility complies.

15.0 **PART C: RECOMMENDATION**

- 15.1 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended that the application be delegated to the Planning Manager for approval, following consideration of outstanding consultations, resolution of Highways and Transport matters, finalising of conditions and satisfactory completion of a Section 106 Agreement.

16.0 **PART D: CONDITIONS**

- 16.1 The main heads for proposed conditions are set out below but the final conditions and their wording is to be determined by the Planning Manager following the receipt of outstanding consultations and prior to final determination.

DRAFT CONDITIONS

1. Time Limit

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. Approved Plans

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

TBC

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity

3. Sample of external materials - Development

Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice

the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. Sample of external materials - Access

Samples of external materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Adopted Plan for Slough 2004.

5. External Lighting

Approved details submitted – Plans TBC

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

6. Surface Water (EA)

The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON To prevent pollution of the water environment, this is accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

7. Working Method Statement

No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations
- (vi) construction and demolition working hours, hours during the construction, when delivery vehicles taking materials are allowed to enter or leave the site, a routing agreement for construction vehicles.

Vehicle wheel cleaning facilities shall be provided and used at the site exit for the duration of the construction period.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

8. Hours of Operation

The development hereby permitted shall be open for business only between the hours of 7am to 10pm on Monday to Wednesday; 7am – Midnight on Thursday & Friday; 7am - 10pm on Saturday and 10am to 4pm on Sundays and Bank Holidays. The development shall be closed at all other times unless the Local Planning Authority gives written consent to the variation.

REASON To ensure that trading does not take place at hours which would be detrimental to the amenities of adjoining residents in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

9. Hours of Delivery

Any deliveries to the petrol filling station shall only be made in the times specified: Monday to Saturday: 07.00am - 11.00pm and Sunday: 10.00am - 4.00pm and at no other times unless agreed in writing by the Local Planning Authority.

REASON In the interests of the amenities of the area and residents, to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

10. No additional storage

No goods, materials or plant shall be deposited or stored outside the buildings except for temporary periods during loading/unloading of delivery vehicles, and except for the provision made for customer recycling facilities in the main car park.

REASON To safeguard the visual amenities of the area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

11. Flood Risk Assessment

The Flood Risk Assessment (Final Rev0), prepared by EWE Associates Ltd, dated June 2012, including the recommendation set out within the Assessment shall be implemented prior to completion of the development hereby approved and shall be permanently maintained thereafter.

REASON To prevent the increased risk of flooding in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, the National Planning Policy Framework.

12. CCTV

Prior to completion of the development hereby approved, the CCTV shall be installed, maintained and retained in accordance with the following drawings XXXXXXXXXXXXX

REASON For the protection of customer safety, in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 – 2026,

13. Drainage (LPA)

Prior to commencement of the development hereby permitted, a full drainage detailed

design ((including the use of sustainable drainage principles) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON To ensure that the proposal is provided with a satisfactory means of drainage and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

Informatives:

1. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
2. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.
3. The applicant is advised that with respect to the condition referring to 'full drainage detailed design', the calculations for the proposed surface water network are to be provided to ensure that no flooding occurs on site during the worst case storm for a 1 in 100 year return period, with an additional 30% flow for climate change. The full drainage proposals should utilise attenuation to limit the amount of surface water going into the existing system.
4. The applicant is reminded that an Agreement under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.
5. 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.