

SUT/375/3 - Leda Properties Ltd

Redevelopment of garage and workshop premises including tyre and exhaust fitting centre and petrol filling station with associated forecourt shop

Sutton Courtenay Tyre and Garage Services, 144 High Street, Sutton Courtenay

1.0 The Proposal

- 1.1 The application proposes the demolition of the remaining structures on the site and the erection of a workshop and storage area which would have eaves and ridge heights of 4.3 metres and 6.5 metres respectively. An attached single storey shop and waiting area is proposed on the north east of the main structure. This would have a maximum height of 4.4 metres.
- 1.2 This application is to replace the previous structures on the site which were mainly destroyed by fire in January this year. The proposal would follow a similar footprint to the previous buildings, albeit the footprint of the proposed single storey element now projects further to the north east. Furthermore the roof structures are now proposed to be pitched, as opposed to the previous flat roof structures. The main workshop and storage building would be 2 metres higher when compared to the previous building on the site. The original canopy to the south east part of the site is no longer proposed, although it is noted that the workshop and storage building would project further to the east, which would essential fill some of the gap where the previous canopy was sited.
- 1.3 Extracts from the application plans are at **Appendix 1**.
- 1.4 The application comes to Committee at the request of Councillor Gervase Duffield.

2.0 Planning History

- 2.1 SUT/375 - Storeroom extension. Permitted in November 1974.
- 2.2 SUT/375/1 - Installation of additional underground petroleum storage tank. Permitted in November 1979.
- 2.3 SUT/375/2 - Erection of a canopy. Permitted in January 1983.

3.0 Planning Policies

- 3.1 Policy DC1 requires development to be of a high design quality in terms of layout, scale, mass, height, detailing, materials to be used, and its relationship with adjoining buildings. Policy DC5 requires safe and convenient access and parking.
- 3.2 Policy DC9 seeks to ensure development will not unacceptably harm the amenities of neighbouring properties and the wider environment.
- 3.3 Policy DC12 restricts development if it would adversely affect the quality of water resources, including groundwater, rivers and lakes, as a result of abstraction, the nature of related surface or waste water discharge, or the disturbance of contaminated land.
- 3.4 Policy DC13 seeks to resist development where surface water run-off would likely result in adverse effects, such as an increase in flooding, changes in ground water levels, river channel instability or damage to habitats, unless an acceptable mitigation/attenuation scheme has been submitted as part of the proposal, or could be controlled by condition.

4.0 **Consultations**

- 4.1 Sutton Courtenay Parish Council does not object, but makes a number of comments which can be seen at **Appendix 2**.
- 4.2 County Engineer – “The site is located on the mini-roundabout junction off High Street/Harwell Road/Southfield Drive. The speed limit on High Street is 30mph, and speed bumps are located along High Street and Harwell Road in the vicinity of the garage. The surrounding area is primarily residential, with bus routes along High Street providing public transport to and from Abingdon. The site has a long established use as a garage, with access off High Street. Visibility splays for vehicles egressing onto High Street are satisfactory in both directions and should be maintained free from obstruction to vision. Car parking spaces are proposed for 6 employees. A plan of the proposed car parking and turning area should be submitted. Also, a traffic statement outlining the travel patterns to the site is requested. Access to the site should be to Oxfordshire County Council standards. No surface water from the development shall be discharged onto the adjacent highway.” Further to the submission of the parking plan the County Engineer has stated “I have no objection to the parking plan. It would be advisable in the interests of highway safety if the access could be an in and out system, with the entrance adjacent to Southfield Drive. This should be addressed by way of an informative as the site is within private ownership.”
- 4.3 Thames Water – “On the basis of the information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the planning application. With regard to waste Thames Water would recommend that petrol/oil interceptors be fitted to 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. This can be addressed by an informative.”
- 4.4 Building Control Officer – “I have no observations to make on the proposal other than to say that the overall design appears satisfactory.”
- 4.5 Fire Protection Officer – “The Fire Authority from a planning position will have no adverse comment to make on the design outlined in the application, however when the application goes through Building Control, the expectation will be the design and build will be to current standards, and not reinstating the existing standard prior to the fire. These current standards will be inclusive of fire detection, emergency lighting for persons inside the building all the way through to interceptors, vent pipes etc. for the prevention of pollution to the aquatic and airborne environment. All of which will go through the normal consultation process between the District Authority, or an approved inspector, and the Fire Authority. It is at this stage that the Fire Authority is best placed to engage with the designers and the construction company, to ensure the building is safe from fire. This will also include the premises being visited to ensure Fire Safety Order 2005 is being complied with, and their Fire Risk Assessment will overcome any significant findings found.”
- 4.6 Environmental Health:
- Food and Safety Team – “No objection, subject to the compliance with appropriate legislation upon completion of all work.”
 - Environmental Protection Team – “Are the proposed hours of operation the same as for the previous permission? If so these are unlikely to be a problem as there is no history of complaint. If it is anticipated that more than 100,000

litres of petrol per annum will be sold, the petrol filling station will require a permit under the Pollution Prevention and Control Act 2000.”

- Scientific Officer – “Recommend applying standard planning condition MC34 for the investigation/remediation of contaminated land.”

4.7 The Environment Agency initially objected to the application. However, after the submission of a Phase 1 Preliminary Contamination Assessment, they have withdrawn their objection subject to a number of comments and conditions which can be seen at **Appendix 3**.

4.8 172 letters of support have been received from residents of Sutton Courtenay. 160 of these letters are identical in content. These state “I have been sent a copy of the plans which accompany the planning application for the rebuilding of the garage premises. I wish to express my support for the proposed rebuilding of the premises as per the proposed plan. The design appears to be a positive benefit to the former premises and it will be good to have the garage operational again as it has provided a useful service in the village which has been missed since the fire.” The further 12 letters of support can be summarised as follows:

- The petrol station/exhaust services has been in the village in excess of 30 years
- The garage and shop are a valuable asset to the village and help maintain village stability
- We wish to see the stability of the village maintained
- The services have been greatly missed
- The design will be a great improvement on the old premises
- No objection, providing the proper safety precautions are in place with regular checks from the Fire Service
- Car sales are not going to be reinstated which is an improvement as the vehicles gave rise to congestion and were an unattractive addition
- The care of the owners, additional forecourt space together with current Health and Safety regulations should make the garage extremely safe and neighbourhood friendly
- Should the application not be approved, the site would continue to remain a dangerous eyesore with asbestos particles blowing around and the site open to being vandalised
- A condition should be attached that no flammable gases will be kept on the premises, and that a fire detection and sprinkler system should be installed (these matters are covered by other legislation)
- Could conditions be attached relating to customers and staff parking on Southfield Drive, and the prevention of tyres stored along the south-west wall?

4.9 9 letters of objection/concern have been received. The comments can be summarised as follows:

- The proposed building is not the most aesthetically pleasing design
- The roof ridge line has been raised by 2 metres and the building width increased by 5 metres. Similar buildings are usually found on, and are more suitable for, industrial estates
- The overall size is greatly increased, giving the whole site an overbearing and oppressive outlook from adjacent properties
- The proposal would be dominating, overshadowing and would result in the loss of light
- The activities carried out on the site have grown considerably over the years

- Although both entrances are established, this is an opportunity to modify them to make highway safety a priority
- The garage traffic cuts across the end of Southfield Drive to access the site, making it difficult for residents to enter and exit safely. The access should be from the High Street
- It is stated that car sales would not be reinstated. This has always caused problems with cars parked and obstructing Southfield Drive. A condition should be imposed to ban the re-establishment of car sales
- The number of tyre fitting bays has increased, which would mean more noise and smells from welding etc.
- The storage of flammable materials is a concern due to recent events, and we can find no information on one of the proposed alternative gases
- The site is too close to residential properties. Surely it is a reasonable conclusion that rebuilding the petrol station on the existing site cannot be safe or desirable
- During the fire incident an escape route had to be created by knocking down a garden fence. Residents should not be faced with this prospect because a commercial enterprise operates at the end of the road
- The wall which prevented exit onto Southfield Drive during the fire has not been changed
- Having two high walls on either side of an access drive is oppressive and dangerous
- The footpath by the garage is already insufficient in width. The garage walls have encroached onto the footpath
- Smells generated during tanker unloading have been a nuisance in the past
- There is no mention of any fire prevention measures or fire alarm systems
- Concerns are raised with regard to the storage of new and used tyres and gas bottles
- Concerns are raised about the potential storage of flammable materials between the wall and the boundary of No.14 Southfield Drive. This passageway should be closed to access
- The estimated vehicle exhaust systems to be fitted at the garage per week seems very low
- The estimated number of tyres to be replaced each week surmises that a large proportion of the business will involve customers outside of the village. This will generate even more traffic
- Does the village require a business that is specifically targeted at users outside of the village?
- Despite requests the developer has left the site in a deplorable condition for the last 6 months
- It would be difficult for the Committee to reject an application where precedent based on previous use appears to have been established. However, the Committee should be reminded that the fire and explosion was a serious incident and had the potential to be much more serious

5.0 **Officer Comments**

- 5.1 Officers consider that the key issues to consider are the principle of the development in this location, the impact of the scheme on the amenities of local residents, the impact on the character and appearance of the surrounding area, drainage and contaminated land issues, and parking and access arrangements.
- 5.2 It is evident from the planning history, and also from third party letters, that a garage

and petrol station have been located on this site for a considerable number of years; therefore this is considered to be the lawful use of the site. In this regard the principle of the use of the proposed development is considered acceptable. The plan titled 'Reconstructed floor plan, elevations and site location plan' shows the site as it was until January 2008. The size and scale of the buildings as they were until January are a material consideration in assessing this application, although the application needs to be determined in accordance with current planning policy and guidance.

- 5.3 Officers consider that the proposed design is somewhat industrial in nature, which is especially apparent given the largely residential nature of the surrounding area. Whilst Officers appreciate that the previous flat roof garage and attached shop were not particularly aesthetically pleasing, it is considered that the current design is a missed opportunity to improve the overall design of the buildings on the site. However, in weighing up the proposal, Officers note that the main bulk of the building would be set well back from the High Street. Furthermore, the south west elevation would not be directly viewed from the High Street. Whilst located up to the highway boundary with Southfield Drive, the building would not be prominent within the main street scene, and the south west elevation does not directly front any residential properties. Therefore, although the proposal is bulkier than the previous buildings on the site, given the previous site design, the location of the proposed buildings on the site, and the orientation with neighbouring properties, it is not considered that the design of the buildings now proposed warrants refusal due to the impact on the character and appearance of the area. In addition, it needs to be noted that the agent has confirmed that "the height of the building is in order to install and operate car ramps. There are two areas where the ramps will be installed and can work to lift a vehicle to full height allowing a mechanic to view or work on the underside of the vehicle whilst standing. This will not be possible in the area under the mezzanine floor."
- 5.4 The proposed building, similar to the previous buildings on the site, is located close to the boundaries of neighbouring dwellings, in particular No.14 Southfield Drive and No.142 High Street. The proposed shop would be located closer to the common boundary with No.142 High Street when compared to the footprint of the previous building. However, the element coming closer would be single storey and would be located a minimum of 1 metre from the common boundary. With regard to the main building structure, it is appreciated that it would be 2 metres higher than the previous buildings on the site. However, given the orientation of No.142 High Street to the main building, and the single storey element, and given the fact that there is a single storey garage within the curtilage of No.142 to the south of the dwelling and there are no direct facing first floor windows, it is not considered that the proposal would have such a harmful impact on the amenities of the occupiers of No.142 to raise objection. As stated above, the proposal would also be close to the residential curtilage of No.14 Southfield Drive. Its actual proximity to this neighbour is no different to the previous buildings on the site, but what is now different is the height of the main workshop and storage building which is adjacent to the eastern boundary of No.14. The previous eaves rose to 3.5 metres with a total height of 4.4 metres in this facing elevation, compared to an eaves and ridge height of 4.3 metres and 6.5 metres respectively for the building now proposed. Whilst this increase in height and bulk needs to be recognised Officers consider that on balance it would not result in such harm to the amenities of the occupiers of No.14 to warrant refusal. This is principally due to the height of the previous building along this boundary, the fact that the shared boundary tapers away from the neighbouring property to its rear, and that there are no facing windows serving No.14. The shallow pitch of the roof should be noted, which would mitigate the apparent bulk of the building as shown on the elevational drawings. The

proposal would be visible from No.146 High Street and properties on the other side of the High Street facing the site. However, given the distance to these properties, the proposal is not considered to be so visually intrusive to raise objection on neighbour amenity grounds.

- 5.5 Comments have been raised by local residents relating to the noise and disturbance of the general day to day use of the development. In this regard Officers note, as stated previously, that the lawful use of the site is for a garage and petrol station. It is also noted that there is no history of complaints relating to the site, as can be seen from the comments from the Environmental Protection Team, and that the use of the site as a petrol station and garage prior to the fire in January 2008 would have had a certain level of commercial activity. When comparing the previous development to that now proposed, Officers note that an additional tyre bay is proposed and that the shop is approximately 9 square metres larger than the previous shop on the site. Given that the footprint of the developments are similar, the use of the site is established, and the fact that Environmental Health have not objected to the scheme in terms of noise and disturbance, it is not considered to be reasonable to object to the proposal in this regard. The applicant has stated that the hours of operation for the garage and petrol station will be the same as previous i.e. 7am – 8pm Mon – Fri, 8am – 2pm Sat and closed on Sundays and bank holidays. It is appreciated that there were no restrictions on the hours of operation for the previous development on the site. However, in light of current planning guidance, in particular PPG24: Noise, and the close proximity of neighbouring dwellings, and given that the Environmental Protection Team does not object on the basis that the hours of operation would be the same as previous, it is considered reasonable and necessary to restrict the hours of operation. It is also noted that the applicant does not propose to sell cars from the site, as appears to have been the case previously. This ‘potential’ use of the site appears to be a cause for concern of neighbouring residents due to parking problems and general disturbance. Officers are of the opinion that as there is no planning history relating to car sales from the site, and the nature and extent of any such previous use is unclear, the selling of cars is not part of the lawful use of the site and would therefore require planning permission. An informative can be placed on any permission granted to this effect.
- 5.6 Officers appreciate the comments from neighbours regarding safety concerns for the provision of a garage and petrol station in this location, especially given the fire in January 2008, and the resultant impact this had on neighbouring residents. However, it is not considered to be unusual for a petrol station and local garage to be located within a residential area, and in any event the lawful use of the site is a petrol station and garage. However, as this is a new proposal, and in light of these concerns, Officers have consulted Building Control, Environmental Health, the Environment Agency and the Fire Authority. As can be seen from the consultation responses, none of these consultees have objected to the proposal on planning grounds, but do recommend a number of conditions. The Fire Protection Officer has helpfully confirmed some of the criteria which the development would have to meet in terms of fire protection when gaining approval under Building Regulations, which may provide some reassurance to the concerns that have been raised by local residents. As stated by the Fire Protection Officer, fire protection measures are controlled by other legislation.
- 5.7 With regard to drainage and contamination issues, the Environment Agency and the Council’s Scientific Officer have raised no objection to the proposal, subject to conditions being imposed on any permission granted.

5.8 A parking plan has been provided which shows 6 car parking spaces within the application site. As the footprint of the building is largely the same as the previous buildings on the site, and as the use of the site remains unchanged, the provision of 6 car parking spaces is considered to be acceptable, and the County Engineer has raised no objection in this regard. It is considered to be reasonable to retain these spaces for parking. Officers also note that as car sales are not proposed to be operated at the site this would likely alleviate some of the concerns from adjacent residents with regard to parking. The County Engineer is of the opinion that the access to the site would be better served with an 'in and out' system, with the entrance taken from the access adjacent to Southfield Drive. As the accesses are existing and the site is within private ownership, this issue can best be addressed by way of an informative.

6.0 **Recommendation**

6.1 *It is recommended that planning permission be granted, subject to the following conditions.*

1. *TL1 Time Limit – Full Application*
2. *MC1 Submission of external materials (including any new hardstanding)*
3. *Restriction on hours of operation - 7am – 8pm Mon – Fri, 8am – 2pm Sat, closed on Sundays and Bank Holidays*
4. *The submission of a risk assessment for contaminated land, a site investigation scheme based on the risk assessment, the submission of an options appraisal and remediation strategy based on the site investigation, and the submission of a verification plan*
5. *The submission of a verification report demonstrating the completion and effectiveness of the works as submitted and approved under condition 4*
6. *Submission of drainage details (surface water and foul drainage)*
7. *Submission of boundary treatments*
8. *HY16 Parking, turning and manoeuvring in accordance with plan, and retained as such thereafter*

Informatives

6.2 *It is recommended that the following informatives are added:*

1. *The Environment Agency has advised that from April 2008 it is a legal requirement to have a site waste management plan for all new construction projects over £300,000. The applicant is advised to contact the Environment Agency or go to www.netregs-swmp.co.uk for more details.*
2. *The Council's Environmental Protection Team has advised that if it is anticipated that more than 100,000 litres of petrol per annum will be sold, the petrol filling station will require a permit under the Pollution Prevention and*

Control Act 2000. The applicant is advised to contact the Environmental Protection Team at the Council for more details.

- 3. Thames Water has recommended that petrol/oil interceptors are fitted to 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.*
- 4. The County Engineer is of the opinion that the site would be best served by an 'in and out' access system, with the entrance taken from the access adjacent to Southfield Drive.*
- 5. The applicant is advised that planning permission would be required for a car sales business to be operated at the site.*