



**Application No:** 160608

**Location:** Eastwood Service Station, Ipswich Road, Colchester

**Scale (approx):** 1:1250

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**7.4 Case Officer: Carl Allen**

**MINOR**

**Site: Eastwood Service Station, Ipswich Road, Colchester**

**Application No: 160608**

**Date Received: 17 March 2016**

**Agent: Mrs Hannah Thomas-Davies**

**Applicant: Malthurst Anglia Limited**

**Development: Redevelopment of the existing petrol filling station to include new sales building, canopy, fuel pumps, car wash, boundary treatments, service compound, hard and soft landscaping and ancillary rearrangements to the forecourt.**

**Ward: Highwoods**

**Summary of Recommendation: Conditional Approval**

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This matter is referred to the Planning Committee because Cllr Beverley Oxford has called-in the application due to the loss of trees, obtrusive on the street scene, visual amenity, overdevelopment, light pollution to residents and proximity to residents.

## **2.0 Synopsis**

- 2.1 The key issues explored below are those of amenity, design and highways. In these regards the proposal is considered acceptable and approval – with conditions – is recommended.

## **3.0 Site Description and Context**

- 3.1 Eastwood Service Station is a petrol station which is located on the western side of Ipswich Road. The station consists of a high canopy above the petrol pumps, a shop, a drive-in car wash and parking areas. To the north of the site is a grassed area with some pollarded trees and a wooden fence that forms a boundary with the dwelling of 366 (a bungalow) beyond. To the east is a strip of grass, a footpath and wide grassed verge with various telegraph poles and telecoms masts and then the highway of Ipswich Road – with dwellings on the opposite side of the road.
- 3.2 To the south of the site a footpath/cycleway/vehicle access leads to the dwellings of Myland Hall Chase. To the west is an area that is separated from the petrol station but is in its ownership; this has a variety of trees and shrubs and a small pond. Beyond the boundary is the neighbouring property 'Thuya'.

#### **4.0 Description of the Proposal**

- 4.1 The proposal is to demolish the existing petrol station and the associated structures and to redevelop the site with a new petrol station, a larger shop area, car wash, hardstanding and vehicle parking areas.

#### **5.0 Land Use Allocation**

- 5.1 Predominantly residential.

#### **6.0 Relevant Planning History**

- 6.1 There have been many planning applications over the years for various adverts, telecoms masts and so on, but the approval of COL/96/0332 'Proposed new sales building' is relevant as the then applicant Appealed the hours condition (7am – 11pm) attached to the approval, but the Appeal was dismissed.

#### **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP19 Parking Standards

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A.

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

N/A

#### **8.0 Consultations**

- 8.1 Landscape Planner – No objection subject to conditions.

- 8.2 Tree Officer – No objection subject to the replacement planting of the area to the boundary with 366.
- 8.3 Highway Authority – No objection.
- 8.4 Natural England – No comments to make.
- 8.5 Colchester Cycling Campaign – Ensure that the entrance/exit met the latest Department for Transport cycle proofing specifications. Vehicles should give way to cyclists and pedestrians. Want S106 to fund local improvements to the cycle network.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

## **9.0 Parish Council Response**

- 9.1 N/A.

## **10.0 Representations**

- 10.1 Sixteen objections. Object due to:

- the type of building is only suitable for motorways/dual carriageways not residential areas
- cladding and metal sheet roofing totally inappropriate for the area
- needs to be brick built
- the shop is three times larger than the existing and out of keeping with the area
- overdevelopment of the site
- shop will mean people stay there longer
- size of the redevelopment totally unsuitable for the area
- new build is too close to the boundary need sound insulation
- forecourt is not large enough to accommodate what is being planned and will raise health and safety issues
- why are parking bays included?
- more cars will mean more collisions
- cycleway across the front will be an accident waiting to happen
- more traffic will mean it will be harder to leave their driveway
- owner needs to start showing some respect to residents
- all trees need to be replaced on the greensward
- need trees to reduce pollution
- homes were built before the original garage was built in 1955
- more noise, light and air pollution
- noise from the car wash
- rear of the site floods
- should be closed between 11pm and 7am as per existing
- no design details of the pole, canopy and pumps
- why are the adverts not included?
- current pole has not been illuminated for 10 years
- proposed pole is 2m higher and unacceptable
- no adverts on the Ipswich Road elevation
- previous planning inspectors have kept adverts and illumination to a minimum

- staff cannot control customers shouting, slamming doors etc.
- no overnight pumps, no internet collections, no ATM use out of hours and light surround should be turned off, no setting up of outside stands etc. prior to opening, no deliveries outside opening hours
- mistakes in the Design and Access Statement confuse the site with Bingley
- no pre-app discussions with the Council or residents
- hot food sales would be unacceptable
- will result in more customers
- old, disused tanks should be removed
- have had 27 applications at this site over the years
- have problems with litter, dog fouling and abusive cyclists
- will impact on property values
- amending plans is disrespectful to both resident and the Council
- already have a Tesco, Waitrose, St John's stores near-by
- Lime trees give a shield against the building
- will lose light and sun to their dwelling
- fencing should be higher than 1.8m
- why is the consultation process different to telecoms and planning application?
- the best vapour capture systems are needed
- no need to expand
- will lose their view
- the existing is out of the character with the area, the proposal more so

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 There would be 15 dedicated car parking spaces including four staff spaces and one disabled space. There would also be eight spaces available by the pumps whilst in use.

## **12.0 Open Space Provisions**

- 12.1 None.

## **13.0 Air Quality**

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## 15.0 Report

15.1 The site is in a residential area but the petrol station is a long established use and the principle of redevelopment of the site for another petrol station could not be objected to. However, the matters that need further consideration are those of the impact on amenity, street-scene, design and highways matters.

### 15.2 Amenity.

Comment has been made that the proposed new shop building would cause overshadowing to the nearest neighbour. Whilst the new building would indeed be closer to the neighbour (366, a bungalow) there would still be 5.5m between the structures and the new building would be 4.3m high. Given these measurements and the orientation of the proposed building to the south of the neighbour, there would be no overshadowing issues. It also has to be remembered that the existing pollarded trees are closer to the neighbour and higher than the proposed so even when the replacement trees are planted there should be no greater shadow to this neighbour.

A great deal of concern has been raised regarding the opening hours of the replacement petrol station and shop. Given the Planning Inspector's comments in dismissing the Appeal against the hours condition of COL/96/0332, there would not appear to be any reason to allow any change to the hours for a replacement petrol station/shop. Therefore the opening hours should remain 6am to 11pm and this is also the recommendation of Environmental Protection. All external lighting – including the ATM – should be only be in use during the approved hours and switched off at all other times. Environmental Protection has also requested that deliveries do not take place between midnight and 6am, apart from Light Goods Vehicles between 5am and 6am.

The issue of noise has been raised. Whilst the shop would be increased in size from the existing, all of the elements of the proposal are replacements to existing features and with the hours condition there is no reason why neighbours should experience any significant increases in noise disturbance. It also has to be remembered that Ipswich Road itself is a busy and noisy feature. However, it would be prudent to condition noise from plant, air-conditioning units and the car wash. It would also be wise to condition that all tannoy's are directed into the site and located on the pump islands as a measure to prevent noise from escaping from the site.

The applicant has, on the advice of Environmental Protection, amended the position of vents/flues to be further away from neighbours and there are now no odour concerns from Environmental Protection. It is noted that the current flues have one of the highest levels of vapour containment that can be achieved. Therefore, the replacement structures should also be equipped with Stage II PVR.

At the moment the site benefits from screening provided by the trees on the site which are on the verge to the highway, to the north between the site and the neighbour at 366 and to the rear of the site to the west. The trees on the verge are not in the application red line and so are not in the ownership or control of the applicant, however the remaining trees are. Of these trees, it is those to the north which have a high amenity value due to their screening properties to the immediate neighbour. Whilst the Council's Arboricultural Officer does not consider these pollarded trees to be of high enough quality of themselves to retain, they are considered to play a significant role in helping to screen the existing garage from its closest neighbour.

These trees would be lost as part of the proposal and the Arboricultural Officer has recommended that large, semi-mature trees are planted along the boundary so that the benefit of trees in this location can be continued. The applicant has agreed to this request and other landscaping at the site.

The proposal would see the development extend within its site and increase hardstanding at the site. It is noted that there appears to be a small pond at the rear of the site close to the boundary and neighbours have commented about flooding in the area. It is also noted that the site is not in a Flood Zone, and that photographs provided by objectors show large puddles in their driveways/gardens there is no evidence that the water comes from the site. However, given the amount of hard surfacing and the potential for petrol to be spilt and to be carried into near-by water courses, a drainage strategy should be conditioned.

With all of these considerations and conditions there would be no detrimental impact on residential amenity and the proposal would accord with DP1.

### 15.3 Design

The site is in a predominately residential area, although all along Ipswich Road there are the occasional other uses present. Whilst the current brick exterior of the petrol shop building does reflect the surrounding materials found in the area, the canopy by its very nature is alien. The proposed exterior of the new building would have a composite steel cladding exterior in white and dark grey panels. Whilst these materials are not found locally, petrol stations are very different to residential properties by virtue of their high canopies and general character, so there will always be some degree of being alien to a residential area. For this proposal it is the external materials to the shop which are considered inappropriate by objectors. The majority of the cladding that would be seen on the road elevation would be white and this is a colour that is found on many dwellings in the area, either on render or windows. Given this and that a garage shop is fundamentally a different type of structure with a different use - when compared to a dwelling – the proposed design and materials are acceptable.

Whilst the new shop would increase the floorspace from 90 sq.m to 275 sq.m. (an increase of 185sq.m.) the proposal would not appear cramped on the site or as an overdevelopment of the site. The heights of the canopy and the shop are not excessive, although the canopy would be 0.5m higher than the existing. The height of the proposed shop would actually be 1.5m lower than the existing shop building. The totem (pole) is shown to be higher than the existing totem and higher than the proposed canopy and would appear excessively high in comparison and should be no higher than the canopy.

However, as this is an advertisement, it is not covered by a Planning application and as such will be excluded from any permission.

### 15.4 Highways

No new entrances or exits are proposed at the site and the Highway Authority at Essex County Council has not raised any objection to the proposal as it does not view the additional customers as being significant in scale and would not result in any highway safety or efficiency issues. Although objectors have raised concern over the cycleway crossing the entrance/exit, it has to be considered that there would be no change to this existing arrangement.

With regards to parking, the standard for shops is a maximum so the proposal would not be contrary to DP19. However, cycle parking should be provided for both staff and customers for the shop and this should be conditioned.

15.5 Issues that have been raised, but are not planning considerations, are the impact on property value, the loss of a view, the owner's disrespect for residents, dog fouling and abusive cyclists. Whilst applicants would be advised that it would be desirable for them to engage with residents and the Council before making a planning application, the lack of pre-application discussion is not a reason to refuse an application. That amended plans have been submitted is not disrespectful of the applicant, as amending plans during the application process as a reaction to comments is common practice.

15.6 Adverts require Advertisement Consent - which is separate from Planning Permission – which is why they have not been included in this application. That the proposal is a replacement for an existing garage complex, the request for a S106 to provide cycle improvements in the area is unnecessary and disproportionate.

## **16.0 Conclusion**

16.1 The proposed redevelopment of Eastwood Service Station is acceptable in regards to amenity, design and Highways.

## **17.0 Recommendation**

APPROVE subject to the following conditions

## **18.0 Positivity Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **19.0 Conditions**

### **1 - Non-Standard Condition/Reason**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2 - Non-Standard Condition/Reason**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 272/182/1\_SLP01, 15198-20E, 15198-23B and 15198-42 Rev B unless otherwise subsequently agreed, in writing, by the Local Planning Authority. Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.



### 3 - Non-Standard Condition/Reason

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality.

### 4 - Non-Standard Condition/Reason

There shall be no commencement on the hereby approved car wash until noise levels generated by the car wash process have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and the protection of the local environment.

### 5 - Non-Standard Condition/Reason

There shall be no installation of tannoy or any other type of public address systems until full and precise details of their location, direction, height, volume and hours of use have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be installed and maintained in the approved form.

Reason: In the interests of amenity and the protection of the local environment.

### 6 - Non-Standard Condition/Reason

The use (including ATM) hereby permitted shall not operate/be open to customers outside of the following times:

Weekdays: 6am to 11pm

Saturdays: 6am to 11pm

Sundays and Public Holidays: 6am to 11pm.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

### 7 -Non-Standard Condition/Reason

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 6am to 11pm

Saturdays: 6am to 11pm

Sundays and Public Holidays: 6am to 11pm

Unless between the hours of 5am and 6am where deliveries are made by light goods vehicles.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

#### 8 - Non-Standard Condition/Reason

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note (EZ2 rural, small village or dark urban areas).

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

#### 9 - Non-Standard Condition/Reason

The development (including ATM) permitted by this planning permission shall only be illuminated during the opening hours of the premises.

Reason: This is an area where illumination is not common and where unlimited or excessive use of lighting could be detrimental.

#### 10 - Non-Standard Condition/Reason

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

#### 11 - Non-Standard Condition/Reason

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls where the volume of the bund compound shall be at least equivalent to 110% of the capacity of the tank. If there is a multiple tankage, the compound volume shall be at least equivalent to 110% of the capacity of the largest tank or 110% of the combined capacity of any interconnected tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent unnecessary pollution of the groundwater or nearby water courses.

#### 12 - Non-Standard Condition/Reason

There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage in order to prevent pollution of the water environment and to protect the groundwater quality in the area in the interests of Health and Safety.

#### 13 - Non-Standard Condition/Reason

No external lighting fixtures shall be constructed, installed or illuminated at any time unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution.

#### 14 - Non-Standard Condition/Reason

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

#### 15 - Non-Standard Condition/Reason

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

### 20.0 Informatives

#### (1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

#### (3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(4) This planning permission does not give consent to any adverts (including totem) or any associated illumination.