PLANNING APPLICATION NUMBER:P12/0118

Type of approval sought		Full Planning Permission	
Ward		Upper Gornal & Woodsetton	
Applicant		Shell UK Retail	
Location:	SHELL WOODSETTON, SEDGLEY ROAD, WOODSETTON, DUDLEY, WEST MIDLANDS, DY1 4LQ		
Proposal	RELOCATION AND REPLACEMENT OF EXISTING FUEL STORAGE TANKS. CONSTRUCTION OF NEW TANK VENTS, AND PETROL INCEPTOR. ALTERATIONS AND REFURBISHMENT INCLUDING NEW CANOPY ROOF, SAFETY BOLLARDS, AND RETAINING WALL. (RESUBMISSION OF PREVIOUSLY WITHDRAWN APPLICATION P11/1405)		
Recommendation Summary:	APPROVE SU	JBJECT TO CONDITIONS	

SITE AND SURROUNDINGS

- 1. The application site occupies a prominent location fronting the Southern side of Sedgley Road and is occupied by a fuel filling station which was granted planning consent in the 1970's. The site is bounded by a one way traffic system to the East, South and West which serves the surrounding residential estate whilst to the North is located the classified Sedgley Road (A457) which runs East to West with further residential properties located beyond.
- 2. Vehicular access to the service station is gained via the eastern vehicular footway cross over from Sedgley Road whilst egress from the site is gained via the western vehicular footway cross over to correspond with the surrounding highway one-way system in operation around the site. The site is screened, in part, by mature tree planting whilst the site itself comprises of a central four-square fuel pump island forecourt arrangement with a canopy over to cover the dispensing area of the forecourt, which in turn is linked to the low level facing brickwork sales building to the west of the site. To the south of the site is located a low level brickwork car wash.

PROPOSAL

- 3. The application proposes the replacement of the existing fuel storage system and forecourt surfacing to provide a continued fuel filling station use. The existing washing and shop facilities would be retained. The scheme also proposes the installation of new double skin tanks with a leakage detection system to prevent ground contamination.
- 4. A new and enlarged canopy would also be erected but would remain at the same height as the existing, some 4.5 metres. The proposed canopy would be fitted with energy saving LED fittings which would form part of the Applicants' green energy programme.
- 5. The application is accompanied by a Design and Access Statement and a Coal Mining Risk Assessment Report.

HISTORY

6. Application Site

APPLICATION	PROPOSAL	DECISION	DATE
DB/71/8178	Outline planning permission for a petrol	permission for a petrol	
	filling station	Conditions	
DB/72/1508/SM1	Advertisement Consent for Pole and		22/11/72
	Fascia Sign	Conditions	
DB/72/10701	Full planning permission for the erection	Approved with	27/11/72
	of a petrol fillings station and car wash	Conditions	
DB/74/13822	Full planning permission for the erection	Refused	26/07/74
	of petrol service station		
CC/74/987	Full planning permission for a petrol	Approved with	22/11/74
	station, car wash, ancillary sales building	conditions	
	and lubrication bay		
DB/73/12620	Full planning for a petrol station shop,	Approved with	03/09/75
	ancillary storage and automatic car wash	Conditions	
DB/73/11948	Full planning permission for a petrol filling	Refused	05/06/75
	station with shop and ancillary storage		

	and automatic car wash with drying unit		
CB/78/2223	Full planning permission for the erection	Approved with	27/11/78
	of a self service petrol station	Conditions	
CS/79/46/S	Advertisement consent for 5 illuminated	Approved with	26/03/80
	and 1 illuminated pole sign and 3	Conditions	
	illuminated box signs		
80/52016	Full planning permission for the erection		01/09/80
	of a car wash	Conditions	
82/50097	Full planning permission for the	Approved with	05/04/82
	construction of car wash pad and	Conditions	
	screens		
82/51683	Advertisement consent for illuminated	Refused	22/11/82
	directional signage		
83/50187	Advertisement consent for the display of	Approved with	28/03/83
	advertisement signs	Conditions	
84/50172	Advertisement consent for the display of	Refused	26/04/84
	2 non-illuminated signs and 1 illuminated		
	sign		
87/51147	Advertisement consent for the display of	Approved with	12/10/87
	an illuminated free standing sign	Conditions	
89/52121	Full planning permission for the	Approved with	23/11/89
	construction of an extension to the	conditions	
	existing sales building and canopy,		
	replacement of car wash screen wall		
90/50374	Advertisement consent for the display of	Refused	24/05/90
	illuminated signs		
90/51047	Display of illuminated canopy signs, car	Refused	17/10/90
	wash sign menu board, sales building		
	sign, credit card sign		
99/50373	Full planning permission to re-build filling	Refused	22/04/99
	station, sales building, car wash plant		
	room and refurbishment works		
P00/50861	Full planning permission for the erection	Approved with	25/08/00
	of an extension to sales building and new	conditions	
	fire escape door		

P08/0214	Advertisement consent for the display of	Refused	09/04/08
	2 No. internally illuminated single sided		
	free standing display units		
P11/1405	Full planning permission for the	Withdrawn	05/01/12
	relocation and replacement of existing		
	fuel storage tanks with construction of		
	new tank vents, and petrol inceptor.		
	Alterations and refurbishment including		
	new canopy roof, safety bollards and		
	retaining wall.		

7. The most recent planning application P11/1405 was withdrawn as the Coal Authority raised objection given that a Coal Mining Risk Assessment Report had not been submitted with the application.

PUBLIC CONSULTATION

8. The application was advertised by way of neighbour notification letters being sent to the occupiers of twenty-seven properties within close proximity to the site and by the display of a site notice. The final period for comment expired on 23 February 2012.

In response to the consultation exercise, one written representation has been received stating that the existing petrol filling station causes problems on the adjoining estate.

OTHER CONSULTATION

- Group Engineer (Development): No objection raised subject to a condition requiring details of the site's traffic management proposals to be submitted and agreed in writing.
- 10. <u>Head of Environmental Health and Trading Standards:</u> No adverse comments to noise and no objection raised relating to land contamination and remediation subject to conditions.

- 11. <u>Environment Agency:</u> No objection raised subject to a condition to ensure that the development does not prejudice controlled waters
- 12. <u>Coal Authority:</u> No objection raised

RELEVANT PLANNING POLICY

- 13. <u>National Planning Guidance</u>
 - PPS1 Delivering Sustainable Development
 - PPS10 Planning for Sustainable Waste Management
 - PPS11 Regional Spatial Strategies
 - PPS12 Local Development Frameworks
 - PPG13 Transport
 - PPG14 Development on Unstable Land
 - PPS23 Planning and Pollution Control
 - PPG24 Planning and Noise
 - PPS25 Development and Flood Risk
- 14. The Draft National Planning Policy Framework (NPPF) was published for consultation on 25 July 2011. It is a consultation document and therefore subject to potential amendment; however, the Planning Inspectorate have issued guidance which makes it clear that the NPPF is capable of being a material consideration and therefore regard has to be had for the document. However, given the early stage of development that the document is in, the weight to be given to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
- 15. Black Country Core Strategy
 - CSP3 Environmental Infrastructure
 - CSP5 Transport Strategy
 - DEL1 Infrastructure Provision
 - TRAN2 Managing Transport Impacts of New Development
 - ENV 3 Design Quality

- ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV 8 Air Quality

16. Saved Unitary Development Plan Policies

- DD1 Urban Design
- DD2 Mixed Use
- DD3 Design of Retail Development
- DD4 Development in Residential Areas
- UR9 Contaminated Land
- UR10 Unstable Land
- EP3 Water Protection
- EP6 Light Pollution
- EP7 Noise Pollution

17. <u>Supplementary Planning Guidance</u>

Parking Standards and Travel Plans

18. <u>Supplementary Planning Documents</u>

- PGN7. The development of derelict, contaminated and unstable land
- PGN 16. Canopies and signs at petrol filling stations
- PGN 23. Retail sales from petrol filling stations

ASSESSMENT

- 19. The main issues are;
 - Principle
 - Design
 - Neighbour Amenity
 - Access and Parking

<u>Principle</u>

20. The application relates to an existing service station which is in need of modernisation and as such the replacement of the existing fuel storage system, forecourt surfacing and the erection of a new enlarged canopy at the site is acceptable in principle, subject to all other material planning considerations including design, amenity and parking / access.

<u>Design</u>

- 21. The application proposes the retention of the existing pump configuration comprising of four pump islands. The infrastructure required to achieve this comprises of vapour recovery for fuel deliveries by virtue of when tankers deliver fresh supplies of fuel, the vapour from the storage tank would be recycled to a chamber in the delivery tanker to prevent the dissipation of vapour into the atmosphere. The necessary pipe work would also be installed to facilitate the introduction of vapour recovery at the pump. Furthermore, new double skin tanks with a leakage detection system would be installed which are designed to prevent ground contamination.
- 22. In addition to the underground works, a new and enlarged canopy would also be erected but would remain at the same height as the existing, at some 4.5 metres. The proposed canopy would be fitted with energy saving LED fittings which would form part of the Applicants' green energy programme. The existing washing and shop facilities at the site would be retained and would not be enlarged as a result of this proposal.
- 23. The proposed works would, in the main, result in a similar layout and form to the existing development. The proposed scheme would not result in a significant change to the streetscene when compared to the existing site and in this regard the scheme would accord with the relevant Policy criteria.

Neighbour Amenity

- 24. The proposed development, set within a predominantly residential area and viewed against the backdrop of commercial uses would maintain an established use which does not undermine the function or amenity of the area. The site is framed by highway on all sides and mature tree planting to its northern and southern boundaries. Whilst the scheme would result in an enlarged canopy spread over the forecourt, the canopy would remain at 4.5 metres in height above ground level and would be only marginally larger in spread than the existing. It is therefore considered that the proposal would not prejudice the existing amenity levels of the occupiers of the surrounding residential properties and in this regard the scheme would accord with the relevant Policy criteria.
- 25. In respect of noise, the garage is a long established Use and is located within close proximity to residential properties. The Head of Environmental Health and Trading Standards raises no objection to the proposal as no harm to residential amenity would occur as a result of this proposal. The scheme would therefore accord with Saved Policies EP7 (Noise Pollution) and DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan.

Access and parking

26. The retention of the existing pump configuration comprising of four pump islands with all fuel grades available from all dispensers is recognised as an efficient way of servicing users whilst preventing forecourt tailbacks. To ensure the safe circulation of the one-way system the submitted scheme includes plans indicating 'Entry' and 'No Entry' signage to be displayed on the garage forecourt. Road markings have also been added reading 'STOP LOOK LEFT'. The Group Engineer (Development) raises no objection to the scheme subject to a condition requiring further details of the site's traffic management proposals to be submitted and agreed in writing.

CONCLUSION

27. The proposed development ensures the retention of the existing use and is therefore acceptable in principle. The scheme would make a positive contribution to the character and appearance of the area, with no adverse impact on residential amenity. The layout would provide a legible form of development that has addressed the movement of people and vehicles through the site. The development is appropriate in scale to the existing transportation infrastructure of the immediate area and would not prejudice highway safety. The scheme as proposed therefore accords with the relevant Policy criteria.

RECOMMENDATION

28. It is recommended that the application be approved subject to the following conditions:

Reason for approval

The proposed development ensures the retention of the existing use and is therefore acceptable in principle. The scheme would make a positive contribution to the character and appearance of the area, with no adverse impact on residential amenity. The layout would provide a legible form of development that has addressed the movement of people and vehicles through the site. The development is appropriate in scale to the existing transportation infrastructure of the immediate area and would not prejudice highway safety. The scheme as proposed therefore accords with the relevant Policy criteria.

The decision to grant planning permission has been taken with regard to the Adopted Black Country Core Strategy, the Saved Dudley Unitary Development Plan policies, and to all relevant material considerations including Supplementary Planning Guidance.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Informative

General Information for the Applicant

The applicant should be aware that any signage to be erected or displayed upon the premises would be subject to further planning applications.

The application should also be aware that the that the installations meets the Environment Agency's guidance Pollution Prevention Guidance Document 27 on underground storage tank, pollution prevention. The tank must be double skinned with interspace leakage detection/monitoring. The associated pipework should also be twin walled and non-corrosive.

The applicant is also required to follow the oil industry best practice for underground fuel storage and distribution.

The sides and bases of the excavations should be validated following the removal of the existing tanks and associated pipeworks. Any contamination encountered must be chased out and remediated.

If during construction/excavation works any contaminated material is revealed then the movement of such material either on or off site should be in consultation with the Environment Agency.

The Environment Agency recommend that the Applicant adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. On going maintenance of the interceptor shall be provided in accordance with the manufacturers instructions.

A closure valve should be installed at the oil separator outlet to contain any polluting material in the event of an emergency.

Surface water drainage from under canopy forecourt areas and refuelling/delivery points, must pass through a full retention oil/ petrol separator, (with a minimum capacity which is adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol/diesel to the filling station), prior to being discharged to any watercourse, surface water sewer, soakaway or foul sewerage system.

If detergents are to be used for degreasing cars, the effluent should be discharged to sewer and not via the surface water system.

Detergents entering oil interceptors may render them ineffective.

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

Facilities should be provided within the site drainage systems for the interception and storage of contaminated water used in fire fighting. Advice on suitable means will be given by the Agency in conjunction with the Fire Authority.

Please refer to the Environment Agency's Pollution Prevention Guidance Document 27 for the Applicant to consider.

Conditions and/or reasons:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- The development hereby permitted shall be carried out in accordance with the following approved plans: [Drawing No's: '12038648 PLNG-1 11 (Dated 17 October 2011)', '12038648 PLNG-2 11 (Dated 17 October 2011)', '12038648 PLNG-3 11 Revision A (Dated 23 December 2011)' and '12038648 PLNG-4 11 (Dated 17 October 2011)].
- 3. The development hereby permitted shall only be constructed using the materials referred to in the approved plans or other such schedule or details submitted as part of the planning application.
- 4. CL01a: Risk assessment No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

CL01b: Submission of remediation scheme

Where the approved risk assessment (required by CL01a) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority.

CL01c: Implementation of approved remediation scheme
Unless otherwise agreed in writing with the LPA, the approved scheme (required by CL01b) shall be implemented and a verification report submitted to and approved by the LPA, before the development (or relevant phase of the development) is first occupied/brought into use.

5. The development hereby approved shall not be first commenced until details of the site's traffic management proposals (signs and white lining) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the details approved

- and thereafter be retained and maintained for the life of the development unless otherwise agreed in writing.
- 6. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by the local planning authority

The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.









