

Application Number:	2019/0433	Application Type:	Full
Proposal:	Proposed coffee shop with drive thru	Location:	Rising Bridge Service Station Blackburn Road Rising Bridge
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	21 July 2020
Applicant:	Euro Garages Ltd	Determination Expiry Date:	24 July 2020
Agent:	Alistair Flatman Planning		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Planning Permission be granted subject to the conditions set out in Section 10.

2. SITE

The Rising Bridge Service Station occupies a broadly triangular site just to the N of the large roundabout at the junction of Blackburn Road (A680) with the A56. On the frontage to Blackburn Road are presently to be seen a Shell petrol filling station and a Mcdonalds. Prior to 2013, when the drive-thru facility and car park at Mcdonalds were extended, there was also a Little Chef on this frontage.

This application proposes use of the extended car park to the SE side of the Mcdonalds building to access development proposed on an un-developed part of the Service Station site which runs to the rear of both the Mcdonalds building and the petrol filling station.

To its E side the application site stops 10m-15m short of the belt of mature trees/shrubs on the embankment rising up to the A56, and to the NW side it stops 7m-21m from the side-boundary of two houses at a significantly higher level than front Roundhill View.

Of approximately 0.25ha in area, the application site slopes generally down from its NE corner to the level of the Mcdonalds car park - a fall of approximately 4m - and is for the most part grassed, with a few self-seeded trees/shrubs.

On the Proposals Map accompanying the Core Strategy, the Urban Boundary does not at this point follow any feature visible on the ground, approximately 10% of the application site lying within Green Belt. On the Proposals Map accompanying the Emerging Local Plan, the Urban Boundary has been regularized to run at the foot of the belt of mature trees/shrubs on the embankment rising up to the A56, the application site thereby to be entirely within the Urban Boundary of Rising Bridge and 10+m from the proposed Green Belt boundary.

Running to the opposite side of the A56 to the application site is the West Helmshore-Altham High Pressure Gas Pipeline - the Health & Safety Executive has designated a 16m wide 'High Risk' Consultation Zone for the pipeline, and Middle and Outer Risk Zones of 95m and 110m respectively. No part of the 'High Risk' Consultation Zone extends to the W side of the A56 in the vicinity of the application site. Whilst the NE corner of the building lies just within the Middle Risk Zone, the greater part of the proposed building will be within the Outer Risk Zone.

3. PROPOSAL

Permission is sought for a coffee shop with drive-thru, entailing:

- Construction of a building with its rear elevation 15+m from the side-boundary of the house at 31 Roundhill View. It will have a footprint of 9.1m x 16.7m, with a front elevation that is largely glazed and faces towards the Mcdonalds building, with other elevations a combination of grey-coloured composite panel and timber-effect cladding. It will have a mono-pitch roof covered with light-grey coloured cladding, of 4.2m in height at the front and 3.2m in height to the rear, with a brick fin of 3m in height projecting above it.
- The drive-thru lane will run to the rear of the building, the order-point to the W side of the building and the collection-point in the rear elevation of the building.
- The car parking area to the front of the building will have 28 spaces (including 2 spaces for the disabled) and 2 cycle stands.

In order that the building, drive-thru lane and car park are at broadly the level of the Mcdonalds site and the petrol filling station it is intended to excavate the N end of the site and construct a

gabion retaining-wall rising from a height of 1.1m behind the building to the 3.25m in height to the E side. Boundary fencing and planting is intended.

The Application Form indicated an intention to operate 24hours a day, as is the case with the Mcdonalds and petrol filling station. However, upon being made aware of concerns of neighbours about noise associated with the tannoy system of the drive-thru the Agent has advised:

“...comments regarding tannoy could be addressed through controlling hours of operation for the drive through - we would propose hours of operation to be 0600 – 2300.”

It is envisaged that the proposal will create 5FT and 15PT jobs.

The application is also accompanied by a Sequential Assessment, Transport Statement, Lighting Scheme, Flood Risk Assessment, Ecological Assessment and Tree Survey. Signage will be the subject of a separate application.

4. PLANNING HISTORY

1993/625 Erection of 36-bedroomed 2-storey Hotel - site of the current application
Outline Permission granted on 28/03/94.
Reserved Matters Approval never sought.

2013/236 Re-configuration of existing grounds to provide amended drive-through facility and demolition of adjacent restaurant to provide additional car parking - site of Mcdonalds & Little Chef
Approved 23/07/13 and implemented.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2 Achieving Sustainable Development
Section 6 Building a Strong, Competitive Economy
Section 7 Ensuring the Vitality of Town Centres
Section 9 Promoting Sustainable Transport
Section 11 Making Effective Use of Land
Section 12 Achieving Well-Designed Places
Section 13 Protecting Green Belt Land
Section 16 Conserving & Enhancing the Natural Environment

Development Plan Policies

RBC Core Strategy (2011)

AVP6 Area Vision for Haslingden & Rising Bridge
Policy 1 General Development Locations and Principles
Policy 8 Transport
Policy 9 Accessibility
Policy 11 Retail & Other Town Centre Uses
Policy 18 Biodiversity, Geodiversity & Landscape Conservation
Policy 23 Promoting High Quality Design and Spaces
Policy 24 Planning Application Requirements

6. CONSULTATION RESPONSES

RBC Environmental Health

No objection, subject to a condition.

RBC Tree Consultant

No objection, subject to conditions.

Highways England

No objection, subject to a condition to maintain the safety and integrity of the A56 Trunk Road.

HE is of the view that these proposals would be unlikely to result in there being a severe impact upon traffic conditions or safety of the A56 Trunk Road. However, given that the site shares a boundary with the trunk road, HE recommends a condition that development not commence until a Construction Method Statement relating to site development earthworks and drainage alongside the A56 Trunk Road has been submitted to and accepted by Highways England and the Local Planning Authority. Furthermore, that there be no direct vehicular or pedestrian access of any kind between the site and the A56 Trunk Road, and no drainage connection or run-off to it or its drainage system.

LCC Highways

No objection, subject to conditions.

United Utilities

No objection, subject to conditions to ensure provision of a sustainable drainage system and its future management & maintenance for the lifetime of the development.

Cadent Gas

No objection.

Cadent Gas has a major accident hazard pipeline in the vicinity. From the information provided, it does not appear the proposed works will directly affect this pipeline.

Health & Safety Executive

HSE does not advise against the granting of planning permission.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order neighbours were notified by letter and a site notice was posted.

The following comments have been received :

29 Roundhill View

Object:

- Too close to residential properties and we already have too much noise, litter, traffic, antisocial behaviour associated with two other 24hr businesses in the area. This would cause even more chaos to the surrounding area.

31 Roundhill View (Cllr A Kenyon)

Object:

- Near junction to 2 local by-passes.
- Excessive traffic - already a busy area and a primary school with difficulties for children to cross to the estate.
- Unacceptable noise - Mcdonalds already using all-night tannoy. Garage also has a tannoy as well as noisy vehicles 24 hrs a day, particularly noticeable during the hours of darkness.

36 Roundhill View (x 2)

Object:

- 1) Need - This coffee shop is unnecessary. McDonalds sell their own hot drinks and Shell serve Costa coffee.
- 2) Anti-Social Behaviour - Increase in antisocial behaviour from youths that tend to visit these places.
- 3) Noise - The increased noise from the proposal will aggravate my son's autism. The fuel station and McDonalds already cause problems with noise 24/7.
- 4) Traffic - The roundabout already struggles with traffic and many accidents have been caused since the traffic lights have been installed. Rush hour traffic is a complete nightmare in the morning and this would cause even more trouble.
- 5) Pollution - The increased traffic will add to pollution and have a negative effect on the local community's health and well-being.
- 6) Parking - This is simply overdevelopment. The McDonalds car park is already under-strain.
- 7) Construction - Will put a strain on local residents as during the construction large vehicles will need access to the site.

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking

Principle

Section 13 of the National Planning Policy Framework (NPPF) expresses the great importance which Government attaches to Green Belt, and indicates the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are states to be their openness and their permanence.

In this instance, approximately 10% of the application site is shown as being within Green Belt on the Proposals Map accompanying the adopted Core Strategy and the rest of the site to be within the Urban Boundary of Rising Bridge. However, this boundary does not reflect any feature visible on the ground, nor the Outline Planning Permission granted in 1994 for erection on the site of a 36-bedroomed 2-storey Hotel. On the Proposals Map accompanying the Emerging Local Plan the Urban Boundary has been regularized to run at the foot of the belt of mature trees/shrubs on the embankment rising up to the A56, the application site thereby to be entirely within the Urban Boundary of Rising Bridge and 10+m from the Green Belt boundary. Accordingly, development of the site will not set a precedent for development of neighbouring Green Belt land or conflict with the purposes for its inclusion within it.

Section 7 of the NPPF, entitled 'Ensuring the Vitality of Town Centres', states that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered...When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre."

The application proposes a coffee shop - a Town Centre use - far from a Town Centre. Accordingly, the Applicant has submitted a Sequential Assessment.

It is considered that the proposed development will not result in significant harm to either Haslingden Town Centre or Accrington Town Centre. Sited at the Service Station by the junction of the A56 - like the petrol filling station and Mcdonalds - it is likely to draw a significant proportion of its custom from traffic on the A56. As has previously been stated, the applicant wishes to make use of an un-used part of the Service Station (for which Outline Permission was granted in 1994 for erection of a hotel). Furthermore, this development will bring the number of food/drink outlets at the Service Area back up to 2, a Little Chef having been demolished in 2013/2014.

Accordingly, there is considered to be no objection in principle to the proposal.

Visual Amenity

The proposed development will not be visible from the A56 or from the end of Roundhill View due to mature trees/shrubs, which are to be undisturbed.

Nor will it form an unduly prominent feature in the street-scene of Blackburn Road. From Blackburn Road the proposed 1-storey building will be viewable through the petrol filling station site to a modest degree. The proposed building will go some way towards hiding from public view the gabions to retain the land to its N and E sides, which will range between 1.1m & 3.25m in height and will be topped by mature trees/shrubs rising up the embankment to the A56.

The Council's Tree Consultant is satisfied that the trees on the site to be removed to facilitate the development are of low quality and their removal is acceptable. Conditions are recommended to ensure:

- tree protection fencing is in place for the duration of construction works to safeguard trees on the embankment which separates and screens the site from the A56 and other trees the submitted Tree Survey identifies for retention; &
- fuller details are provided of the intended planting, with provision for replacement of any that die, are removed, etc

Neighbour Amenity

The application site stops 7m-21m from the side-boundary of the two houses at the end of Roundhill View. They are at a significantly higher level and the height of the boundary hedges and the intervening mature shrubs/trees will ensure that the proposed development does not result in any loss of privacy for neighbours, unacceptable visual intrusion or spillage of light from the intended system of external lighting.

Objectors have expressed concern that the proposed development will exacerbate existing problems with noise disturbance from the 24-hour operation of the petrol filling station and Mcdonalds, most particularly arising from their tannoy systems. Upon being made aware of concerns of neighbours about noise associated with the tannoy system of the drive-thru, the Agent advised:

"...comments regarding the tannoy could be addressed through controlling hours of operation for the drive through - we would propose hours of operation to be 0600 – 2300."

A Condition to this effect is recommended, together with a requirement that its tannoy system not be audible at the boundary of 31 Roundhill View (the nearest dwelling) at any time.

The Council's Environmental Health Unit has no objection to the proposal, subject to Conditions to avoid noise disturbance and to ensure the external lighting scheme is does not to cause nuisance to neighbours.

Access/Parking

In respect of the initially submitted scheme, LCC Highways advised that the principle of the development is acceptable and the site as proposed displays sufficient parking and servicing facilities. However, it expressed a concern about the cumulative effect of traffic from the petrol filling station, Mcdonalds and the proposed Coffee Shop & drive-thru - there may be occasions when vehicles exiting the PFS queue across the site access lane to the Mcdonalds and proposed coffee shop & drive-thru, with consequent impact on through traffic on Blackburn Road.

Following further submissions from the Applicant's Traffic Consultant LCC Highways accepts that this concern is not sufficient to justify an objection to the development but recommends a Condition be attached to the permission requiring that the site access be monitored during the am, pm and lunchtime periods over or after a period of 6 months to assess the impact and propose mitigation measures to overcome any issues that may arise.

In accordance with LCC Highways wishes:

- An amended drawing has also been submitted to show a safe, segregated route for pedestrians to move between the Mcdonalds building and the proposed coffee shop, and a Plan to show how, at the commencement of construction, an area for construction traffic/workers would be created immediately beyond the Mcdonalds car park.
- The Applicant has confirmed its acceptance of Conditions requiring submission & approval of a Construction Traffic Management Plan prior to commencement and the provision of two electric-vehicle charging spaces prior to opening of the coffee shop.

On this basis the proposal is considered acceptable in terms of Access/Parking.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle and, subject to the conditions, will not unduly affect the openness of Green Belt, visual & neighbour amenity or public & highway safety. The development is therefore considered to accord with the National Planning Policy Framework and Policies AVP6 / 1 / 8 / 9 / 11 / 18 / 23 of the Council's adopted Core Strategy (2011).

10. RECOMMENDATION

Permission is granted

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following drawings/documents, unless otherwise required by the conditions below:

Title	Drwg/Doc No	Date Recd
Location Plan	1662 – 1b	14 / 10 / 19
Topographical Survey	EG345 / T00	30 / 09 / 19
Overall Site	1662 – 4c	10 / 12 / 19
Planning	1662 – 5d	10 / 12 / 19
Site Elevations	1662 – 7a	10 / 12 / 19

Coffee Shop Plans & Elevations	1662 – 6	10 / 12 / 19
Planning Statement (inc D&AS)	-	15 / 10 / 19
Sequential Assessment	-	27 / 01 / 20
Transport Statement	3702619	30 / 09 / 19
Transport Technical Note 1	3702619	02 / 12 / 19
Outdoor Lighting Report	-	19 / 11 / 19
Flood Risk Assessment	2019-069	30 / 09 / 19
Ecological Assessment	-	30 / 09 / 19
Tree Survey Report	MG/6093/TSR/AUG19	30 / 09 / 19

Reason: To ensure the development complies with the approved plans and submitted details.

- The drive-through hereby permitted shall not operate other than between the hours of 0600 to 2300, and at no time shall its tannoy-system be audible at the boundary of 31 Roundhill View.

Reason: To protect the amenities of residential neighbours.

- Prior to the use first use of the proposed tannoy, details of its method of operation and associated noise levels shall be submitted to and approved in writing, by the Local Planning Authority.

Reason: To protect the amenities of residential neighbours.

- Tree protection fencing in accordance with BS 5837 (2012) must be erected before any work commences on site, and maintained for the duration of the development, in accordance with a Plan (informed by the tree survey data) showing the location of the fences which has first been submitted to and approved in writing by the Local Planning Authority. No construction work or storage of materials etc is to be undertaken within the areas so fenced.

Reason: To ensure the health and viability of trees being retained on the site, in the interests of amenity.

- All tree work must be in accordance with BS 3998 (2010).

Reason: To ensure the health and viability of trees being retained on the site and health and safety.

- Prior to first use of the coffee shop or drive-through hereby permitted a detailed planting scheme (relating to the land edged-red & land edged-blue on Drwg No 1662 – 5d) shall be submitted to and approved in writing by the Local Planning Authority, to include plant species, sizes, numbers, spacing, mulch, pest protection, soil depths, cultivation, planting technique, staking etc. Any plants which are removed, die or become seriously damaged or diseased within five years of practical completion of the development shall be replaced with plants of the same species/size/siting, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity.

- The development shall be undertaken in accordance with the Recommendations of the Ecological Assessment, prepared by Living Ecosystems, and it shall be used to inform the planting scheme required by the preceding condition.

Reason: To preserve and enhance the ecological interest of the site and its surrounds.

- No works shall take place on land in the ownership of the Highways England Company Limited held under Title LA780222, and no drainage from the proposed

development shall connect into the A56 Trunk Road drainage system, nor shall any drainage from the site run-off onto the A56 Trunk Road.

Reason: To protect highway land from construction activities.

10. No development pursuant to this application shall commence until a detailed construction plan working method statement relating to site development earthworks and drainage alongside the A56 Trunk Road has been submitted to and accepted by Highways England and the Local Planning Authority. This shall include full constructional details together including for site earthworks and drainage operations.

Reason: To protect highway land from construction activities.

11. There shall be no direct vehicular or pedestrian access of any kind between the site and the A56 Trunk Road.

Reason: To prevent any access between the site and strategic road network for safety reasons.

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in Flood Risk Assessment 2019-069, prepared by Flood Risk and Drainage Solutions. Any variation to the discharge of surface water or foul water shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

13. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

14. No development shall take place, including any groundworks (other than site investigations), 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. It shall provide for :

- a) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Details of working hours
- f) HGV delivery times and routeing to / from the site
- g) Contact details for the site manager

Reason: In the interests of highway safety and neighbour amenity.

15. Not less than 2 months and not more than 6 months after the coffee shop and drive-through first open for business the Applicant shall undertake a review of the operation of the site access off Blackburn Road during the morning, lunchtime and afternoon peak periods, the timing and manner of observation to first be agreed in writing with LCC Highways. Subject to the findings of the review, and an evaluation of the data presented, the Applicant shall submit for approval by the Local Planning Authority (in consultation with the highway authority) a scheme to mitigate any issues with operation of the site access which have been identified. The approved scheme shall be implemented in accordance with a programme submitted to and approved in writing by the Local Planning Authority (in consultation with the highway authority).

Reason: In the interests of highway safety.