

Application Number:	2022/0361	Application Type:	Full
Proposal:	Demolition of buildings and the formation of an extended and reconfigured car park to the existing SPAR store and petrol filling station	Location:	Holmefield Service Station Burnley Road Rawtenstall Rossendale BB4 8EW
Report of:	Planning Manager	Status:	Publication
Report to:	Development Control Committee	Date:	December 2022
Applicant:	Mr A Bangs James Hall & Company Limited	Determination Expiry Date:	09/09/22 Extension of Time
Agent:	Ms Sonja Swift Smith and Love Planning Consultants		

Contact Officer:	Caroline Callow	Telephone:	01706 252432
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	Yes
Other (please state):	No

1. RECOMMENDATION

Approval subject to the conditions set out in this report.

2. THE SITE

The application concerns an existing petrol station forecourt with a Spar retail unit. Adjoining the retail unit is a brick built garage for servicing of vehicles and with an MOT testing station which is now vacant. At the rear of both the Spar and vacant building is a large area which can be used for parking and deliveries, although is not currently available for customer use. Parking is provided currently fronting Burnley Road, to the north of the forecourt of the service station. To the north are 3 stone built buildings Nos 97-101 Burnley Road.

Nos 97-101 Burnley Road are currently vacant but business rates records indicate that Nos 97 and 99 are rated as shop and premises. No 99 appears to have been formerly used as a fish and chip shop. Council tax records indicate No 97 also has a residential use. There are no records for No.101.

Opposite the site on the west side of Burnley Road are residential properties and the white Lion Public house. To the north is a medical centre with pharmacy and to the south Holmfield House, a residential property.

The Site is located within the Urban Boundary.

3. RELEVANT PLANNING HISTORY

X1991/050 93-95 & 4 Waterside Change of use of land to garage forecourt Approved 01.03.91.

X/1993/282 Proposed demolition of 101 Burnley Road to facilitate widening of existing access onto classified road Refused 10.12.93.

X2001/444 Conversion of showroom and part of garage servicing area into self contained convenience store with petrol sales and demolition of existing fuel sales kiosk. Approved 12.03.02.

X2003/004 Proposed installation of underground fuel tank and associated pipework for existing petrol filling station. Approved 07.02.2003

X/2003/132 Conversion of showroom & part of garage servicing areas into self contained Convenience Store, with petrol sales. Demolition of spray bay, fuel kiosk, rear extension construction. (Re-submission of Planning Application 2001/444) Approved 08.09.03

X/2007/142 Installation of security lighting and forecourt lighting Approved 24.08.07

4. PROPOSAL

The application concerns the demolition of Nos 97-101 Burnley Road and the enlargement and laying out of the car parking area which serves the petrol station and the Spar retail store including Subway. The new car park area is to be resurfaced and 20 customer parking spaces will be provided including 3 for mobility impaired users. The existing low stone wall at the front of the site will be extended across the front of the demolished buildings and extended down the side boundary.

5. POLICY CONTEXT

National Planning Policy Framework

- Section 2 Achieving sustainable development
- Section 6 Building a strong, competitive economy
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well-designed places

Development Plan

Rossendale Local Plan 2019-2036

SS Spatial Strategy
ENV1 High Quality Development in the Borough

ENV6 Environmental Protection
R1 Retail and other town centre uses
TR4 Parking

Other material considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Lancashire County Council Highways- Following receipt of amended plans would not raise any objections to the application.

Environmental Health- Recommend the standard hours of working for the demolition and resurfacing works to the amenity of nearby residents

Lancashire Fire and Rescue- It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service' and the proposal is provided with suitable provision of Fire Fighting water.

7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 19.08.22 and a site notice was posted near the site on 23.08.22.

Six objections and a petition with 14 names has been received raising the following issues:

- The application has failed to reduce the impact of pollution from the petrol station, evaporated fuels, car emissions and poor air quality and impact on health
- Failure to plan for a more healthy environment.
- Should plan for a more environmentally healthy environment that would enhance the surrounding environment.
- Public Health England and Rossendale Environmental Strategy identify air pollution as detrimental to health.
- Doesn't enhance the surrounding environment.
- Creating concrete island.
- Pedestrian safety to the Spar shop.
- Should replace brick wall with hedges and trees to absorb toxic pollutants.
- Stone wall is an eyesore
- Development should reduce its carbon footprint.
- No of disabled parking spaces would allow more cars to be parked.
- Traffic increasing from proposed development and other large developments in the area.
- Congestion currently being experienced from the main central roundabout and the Spar.
- Following receipt of revised plans a further comment has been received welcoming the planting but stating it does not indicate the height of the hedges.
Research by The Royal Horticultural Society has shown that, '... Must grow large and dense hedges to get the maximum surface to trap pollution... Aim for at least 1.5m High and 1m deep.

8. ASSESSMENT

The main considerations for this application are:

1. Principle of the proposed use.
2. Visual Amenity
3. Residential amenity
4. Parking and Highway Safety

Principle of use

The proposal is to extend the parking area serving the Spar store by demolishing the existing terrace of 3 buildings. Nos 97-101 Burnley Road are currently vacant but business rates records indicate that Nos 97 and 99 are rated as shop and premises. No 99 appears to have been formerly used as a fish and chip shop. Council tax records indicate No 97 also has a residential use. There are no records for No.101. As the site is within the Urban boundary and the 3 properties have already largely had a commercial use. It is considered that the principle of the development is acceptable.

Visual amenity

Policy ENV1 of the Local Plan advises that proposals should provide landscaping as an integral part of the development and that proposals should safeguard and enhance the built environment. It also advises that the Council will seek biodiversity net gain consistent with current national policy.

Policy ENV4 states *that "All development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains"*

The applicant has submitted a landscaping scheme to provide a hedge behind the front wall comprising native species of blackthorn, hawthorn and field Rose. There will also be a bed of hardy lavender, rosmerinus, ceanothus and hebe at the northern end of the site. A rowan tree will be planted central to the bed.

Visually the loss of the terrace will impact negatively on the street scene, however the site is not within a Conservation Area. Also the current view of the site from Burnley Road is largely one of an open hard surfaced area used for car parking in association with the petrol station/shop and a visually unattractive brick/render building behind. It is considered that the landscaping will provide a degree of screening and overall result in an improvement to the appearance of the site. The proposed landscaping will also enhance the biodiversity of the site.

A request was made to the applicant to show the height of the proposed planting. They have responded that they consider this does not need noting on the plans because they will need to be maintained at a safe height and width to allow safe parking and visibility.

Residential amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Paragraph 130 of the NPPF seeks to:

create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy ENV1 of the Rossendale Local Plan requires that all proposals for new development in the Borough will be expected to be:

sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.

The use immediately to the north of the proposed parking area is a surgery and pharmacy. There are residential properties on the opposite side of Burnley Road but these are facing a busy road and the current parking area. Representations received raise the issue of pollution from the petrol station and vehicles visiting the site. The proposal does not however extend the petrol station use and will have minimal impact on the number of cars visiting the site as the area is largely already used for the parking of vehicles and the buildings to be demolished would also have generated vehicular movements and parking when occupied. It is also noted that the petrol station is outside of the red edged site. Planting as discussed above is proposed which will assist in reducing any pollution emanating from the site. It is therefore considered that the proposal will have minimal impact on the pollution experienced by residential properties in the vicinity of the site. The proposal does not increase the retail floor space available and would not therefore be expected to increase the level of activity or cause additional noise and disturbance.

The Council's Environmental Health team has not objected to the proposals.

Highways

LCC Highways have advised that the demolition of the buildings causes some concern as they are adjacent to a controlled crossing point, consideration as to their operation, measures taken to ensure they are not damaged, and the security of the electrical supply will be required. Additionally, the safety of the pedestrians during the demolition and potentially the provision of a temporary pedestrian crossing point during the period of demolition. These concerns can be dealt with as part of the wider construction management plan. Earlier concerns regarding the mobility parking and the provision of electric vehicle charging points have been addressed.

It is noted that a significant section of the building which was used for the servicing of vehicles and an MOT station remains vacant. There is a large area at the rear of the building and the SPAR store that can be used for both parking and servicing. This building and area to the rear remains outside the site boundary for this application.

The proposal is therefore considered acceptable on the grounds of highway safety.

LCC Highways have recommended conditions regarding a Construction Management Plan, hours of deliveries, wheel washing and the surfacing of the car parking area. The Construction Management Plan as agreed with the applicant would cover the hours of deliveries and wheel washing such that it is considered that separate conditions are not required.

LCC Highways have also advised that a grant of planning permission would also require the developer to obtain the appropriate permits to work on, or immediately adjacent to the adopted highway network and this would take a minimum of 12 weeks.

9. CONCLUSION

The proposal is considered acceptable in principle being located within the Urban boundary and concerning a site largely in use as a petrol station/commercial use. Although the loss of

the terrace impacts on the street scene the buildings are not located in a Conservation Area. The proposed landscaping scheme will enhance the appearance of the site by providing screening of the existing hard surfaced area and building behind and will enhance biodiversity. The proposal is also considered acceptable on grounds of Highway Safety. It is therefore considered that the application should be approved.

10. RECOMMENDATION

That planning permission be granted subject to:

- a) The Conditions set out below.

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, unless otherwise required by the conditions below:

Drawing Title	Drwg No	Date Rec'd
Location Plan	PL 002 rev A	14/07/2022
Landscape Plan	PL-002 rev P2	01/11/2022
Demolition of Terrace and alterations to Car park	PL-001 rev P7	08/11/2022

Reason: To define the permission and in the interests of the proper development of the site.

3. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan/statement shall provide:

- 24 hour emergency contact number
- Details of the parking of vehicles of site operatives and visitors
- Details of the loading and unloading of plant and materials
- Arrangements for turning of vehicles within the site
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures
- Measures to protect vulnerable road users (pedestrians and cyclists)
- The erection and maintenance of security fencing/hoardings
- Wheel washing facilities and measures to deal with the prevention of dirt, debris, mud or loose material on the highway during construction
- Measures to control the emission of dust and dirt during construction
- Details of a scheme for recycling/disposing of waste arising from demolition and construction works
- Construction vehicle routing

- Construction and demolition working hours including construction deliveries
The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: - In the interests of the safe operation of the adopted highway during the demolition and construction phases and amenity of the area.

4. The use of the area for parking shall not be commenced until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas.

5. The landscaping scheme shown on drawing PL-002 Rev P2 submitted on 1st November 2022 shall be carried out in accordance with the approved details within the first planting season following the demolition of 97-101 Burnley Road. Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

Informatives

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
2. The applicant should note in respect of the Construction Management Statement that:
 - There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
 - There must be no storage of materials in the public highway at any time. • There must be no standing or waiting of machinery or vehicles in the public highway at any time. • Vehicles must only access the site using a designated vehicular access point.
 - There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
 - A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
 - All references to public highway include footway, carriageway, and verge.

3. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433. 4 Should you wish to discuss the matter further, please do not hesitate to contact me by email or by telephone on 0300 1236780.