

Application No: 2006/530

Application Type: Full

Proposal: Erection of petrol filling station and kiosk

Location: Tesco, Haslingden Road, Haslingden

Report of: Head of Planning, Legal and Democratic Services

Status: For Publication

Report to: Development Control Committee

Date: 6 March 2007

Applicant:
Tesco Stores Ltd

Determination Expiry Date:
15 December 2006

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received

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.

INTRODUCTION

At its meeting on 6 February 2007 Committee deferred consideration of this application as LCC (Highways) had indicated that there was still information outstanding in respect of the submitted Transport Assessment, without which it would have to recommend refusal. Its full comments on the traffic implications of the proposal have now been received and have been incorporated into the report below.

APPLICATION DETAILS

1. The Proposal and the Site

The application site, approximately 0.45 hectares, forms part of the existing staff car parking area located to the western side of the existing Tesco Store, off Haslingden Road, Haslingden. The site is located in an elevated position compared with the wider site incorporating the Tesco Store and customer's split-level park to the east. To the immediate east of the site is the service yard area for the Tesco Store which is approximately 4 metres lower than the application site.

The application site is situated between the A56 dual carriageway to the south and two-lane eastbound A56 off-slip road to the north. Beyond the A56 to the south is a large industrial estate and to the north beyond the A56 slip road is a residential area. There are some mature trees located along both sides of the A56 slip road to the north.

The proposal involves the construction of a petrol filling station and a payment kiosk. The petrol filling station will provide a facility with 8 pumps arranged on 4 x double sided islands laid out in two rows providing four lanes through the service station. A vehicle release lane is proposed on either side of the two rows of pump to prevent vehicles being parked and avoiding unnecessary queuing.

The kiosk will be located to the west of the petrol service area and will provide a very limited range of goods typically found at a garage forecourt. A night-pay kiosk is proposed to the front of the forecourt. It is proposed that the forecourt including the pumps and walkways to the kiosk will be covered with a 5.4 metre high canopy and that the petrol filling station will operate on a 24-hour basis in line with the existing store opening hours.

Currently, access to the existing Tesco Store is via the roundabout at the A56 junction to the northeast. The staff car parking area comprising the application site is reached via an existing internal access road from the main car park access in the form of a widened T-junction. It is proposed that the existing access road to the site will be modified in recognition of the need for tanker access to the petrol filling station.

Although details concerning signage including luminance to the proposed canopy and the position of a gantry sign are provided in the application, however, these are for information and illustration purposes only and do not form part of this application.

2. Relevant Planning History

No relevant planning history

3. Policy Context

Rossendale District Local Plan
Policy DS1 – Urban Boundary
Policy DC1 – Development Criteria
Policy DC2 - Landscaping

Policy DC4 – Materials
Policy T4 – Car Parking
Policy T8 – Access for Disabled People
Policy J3 – Existing Employment Areas

Joint Lancashire Structure Plan

Policy 1 – General Policy

Other Material Planning Considerations

PPS1 – Delivering Sustainable Development

PPG13 – Transport

PPG24 – Planning and Noise

4. CONSULTATIONS

LCC(Planning) – The application does not raise any matters of strategic significance. No comments.

LCC (Highways) – The applicant’s Transport Assessment Study in respect of the proposed development has been examined and, although there are some minor concerns, the Authority do not wish to raise objection to the proposal.

Highways Agency – Following the submission of a detailed analysis of the traffic likely to be generated by the proposed development, the Agency is now satisfied that the traffic generated by the proposed development should not lead to a material impact on the A56 southbound off-slip during the peak periods and that the existing site access roundabout junction should cater adequately with the predicted increased traffic generation. The Highways Agency would not therefore wish to raise any objection to the proposed development.

RBC (Drainage) – No objection subject to conditions requiring the submission of details of a scheme for the diversion of any culvert.

RBC (Environmental Health) – No objection

Police – No objection but would like to make the make the following comments:

1. Security and safety would be enhanced by the installation of a recognised quality CCTV system that covers the forecourt including the entrance and kiosk.
2. The customer entrance door to the kiosk should be fitted with a lock capable of remote operation by the cashier.
3. All windows and doors in the kiosk should comply with enhanced security mechanism.
4. A remote signalling fixed personal attach alarm should be installed in any office or staff room.

5. REPRESENTATIONS

Five letters raising objection to the proposal have been received from the residents of the area. The residents have raised the following concerns:

- The proposed development will have a detrimental effect on the existing petrol filling stations in Haslingden and Rawtenstall Town Centres.
- The area of Rossendale as a whole is sufficiently served by petrol stations.
- The proposed entrance and exit to the filling station will cause congestion and potential danger due to its merging with the existing access road to the existing store. The current situation is already chaotic and potentially dangerous to pedestrians.
- Due to close proximity of the site, the proposed development would have a detrimental effect on the desirability of the houses in the area. The Tesco PLC operates on a 24-hours basis and as such the residents would be adversely affected by the noise, fumes, illumination and other lighting features.
- If planning permission is granted, will the developer plant mature trees (confers) at the side of the A56 carriageway and or the site boundary which would help reduce impact of the development in terms of noise, luminance etc.
- The proposed filling station would be on an elevated section of land which would intrude on the privacy of many houses in the immediate area.
- What procedures are to be put in place if the traffic backs up to the roundabout due to congestion or to reduce the risk of accidents.

6. ASSESSMENT

Principle

The location for the proposed development is within the Urban Boundary and the proposed development therefore accords with Policy DS1 of the Rossendale District Local Plan. The site is situated within an industrial area identified as “Existing Employment Area” within the District Local Plan. Policy J3 (Existing Employment Areas) of the Rossendale District Local Plan emphasises the need for commerce and industrial development within the Employment Areas. Due to the nature of the proposed development and that it would generate additional employment in the area, it is considered that the proposal accords with Policy J3 of the Rossendale District Local Plan.

Residential amenity

Whilst it is clear that the proposed canopy, due to its height, would be visible from the surrounding area, it is considered that its visual impact would be greatly reduced due to the lowered ground level of the site by 1.5m. Similarly it is considered that the visibility of the 3.6 metres high kiosk from outside would

be considerably reduced due to the finished floor level of the proposed forecourt.

The site is surrounded by the existing Tesco store and a network of highways on three sides and residential development to the north. The nearest residential properties to the north would be situated approximately between 50 to 60 metres away from the proposed canopy. Due to the separation distance involved and the orientation of the houses, it is not considered that the proposed development would have a significant detrimental impact on the visual amenities of the residents of the area. Moreover, it is considered that the visual impact of the proposed development would be further reduced due to the existing trees on both sides of the A56 carriageway and the proposed trees on the north and north-westerly boundary of the site.

The application is accompanied with a Noise Assessment Report which concludes that the predicted noise levels from the site would be below the existing noise levels caused by the existing highways activities in the vicinity and would not therefore adversely affect the amenities of the adjacent residents. In this respect, it should be pointed out the Environmental Health Officer raises no objection to the proposal. In view of these considerations, it is considered that the proposed development would not significantly affect the amenities of the adjacent residents both in terms of the noise and overlooking. As such, it is considered that the comments made by the residents in this respect, are not justified. It is therefore considered that the proposed development is in accordance with the development criteria of Policy DC1 of the Rossendale District Local Plan.

With regard to the residents concerns in respect of the signage/ illumination, it should be pointed out that the signage details shown in the application are for illustration purposes only and would be subject of a separate advertisement application in the future.

Design/appearance

The forecourt will be covered with a canopy with a curved fascia finished in painted red gloss with white letters. The kiosk will have a flat roof and constructed in a white panel finish and powder coated steel reinforced aluminium window and door frames. In terms of its design and materials, it is considered that the proposed development is typical of its type and is sympathetic in character with the adjoining development. It is therefore considered that the proposed development is in accordance with Policy DC4 and development criteria of Policy DC1 of the Rossendale District Local Plan.

Car parking

The site forms part of the existing staff car park and the proposed development would result in the loss of 69 car parking spaces out of the 109 spaces currently available. This will leave 44 car parking spaces to be used by the staff. The applicants believe that the staff car park is rarely used to one-third full capacity and that there are no restrictions on staff utilising the parking spaces

available on the upper and lower main car parking areas should demand exceed available spaces. The applicants believe that the loss of staff parking spaces will not compromise the operation of the Store and the available car parking space at the Store site accords with the maximum parking standards principle set in PPG13. It should be pointed out that both the Highways Agency and LCC (Highways) are satisfied with regard to the car parking provision at the site and have not therefore raised any concern in this respect. It is considered that the proposed development, in terms of the car parking provision, accords with the development criteria of Policy DC1 of the Rossendale District Local Plan.

Highways Issues

Initially, the Highway Agency was concerned that due to the high levels of traffic on the slip road on to the A56, the proposed development could result in such an increase in traffic on the trunk road that the proposal would be incompatible with the use of the trunk road in accordance with Section 10(2) of the Highways Act 1980 and with safety of traffic on the trunk road. However, on the consideration of the additional information provided in the applicants Transport Assessment, the Agency is now satisfied that the traffic generated by the proposed filling station should not lead to a material impact on the A56 southbound off-slip during the peak periods and that the existing site access roundabout junction should cater adequately with the predicted increased traffic generation. The Highways Agency therefore raises no objection to the proposal. Nor does LCC(Highways).

Landscape

The submitted layout for the scheme includes two additional areas of landscaping. It is proposed that a thick row of trees would be planted along the access loop road adjoining the remaining car parking area to the south and west and along the north and north – westerly boundary of the proposed petrol filling station. Trees would also be planted on a strip of land along the north-westerly boundary of the forecourt. Furthermore the area between the existing service yard of the Store and the easterly boundary of the petrol filling station would be planted with shrub/hedging. These areas will be planted with different species of trees which, it is considered, would not only help enhance the visual amenity of the area but also in providing a degree of additional screening from the surrounding land, particularly the residential development to the north. Although the submitted landscape scheme is satisfactory, the applicant is willing to submit a revised scheme which may help provide still further effective screening from the surrounding area. In this case, a condition requiring the submission of a further landscape scheme would be necessary.

7. CONCLUSION

The proposed development is located within the Urban Boundary and is not considered likely to have a significant detrimental impact upon highway safety, the amenities of neighbours, nor look out of place within the locality. Therefore, it is considered that the proposed development is in accordance with Policies DS1, DC1, DC2, DC4 and T4 of the Rossendale District Local Plan.

8. RECOMMENDATION

That permission be granted, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act
2. The development shall be carried out in accordance with drawings no. 768606/01, 6358/PO1 (Revision A), 6358/PO2 (Revision A), ASP4 (Planting Plan Rev. A) and accompanying statements including the Design and Access Statement and Noise Assessment received on 20 September 2006, drawings no. ASP1 and ASP1 (Revision A) received on 18 December 2006, drawing no. 6358/PO4 received on 8 January 2007, Transport Assessment dated 23 November 2006 and letters dated 14th December 2006 and 12th January 2007, forming part of the planning application ref. 2006/530.
REASON: To ensure the development complies with the approved plans and for the avoidance of doubt.
3. All materials to be used in the construction of the canopy and kiosk hereby approved, shall be as stated on the application forms, supporting statements and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.
Reason: To ensure that the development will be of satisfactory appearance.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and details of the proposed trees/shrubs including a full planting schedule specifying the number and types of the proposed species. The scheme shall be implemented not later than 12 months from the date the approved development becoming operational; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local planning Authority.
REASON: To secure the satisfactory development of the site and in the interests of the visual amenity.
5. Before any development is commenced, details of a scheme for the diversion of any culvert and for implementing culvert remedial works and of foundation details adjacent to the culvert shall be submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory form of development and in the interests of land drainage.

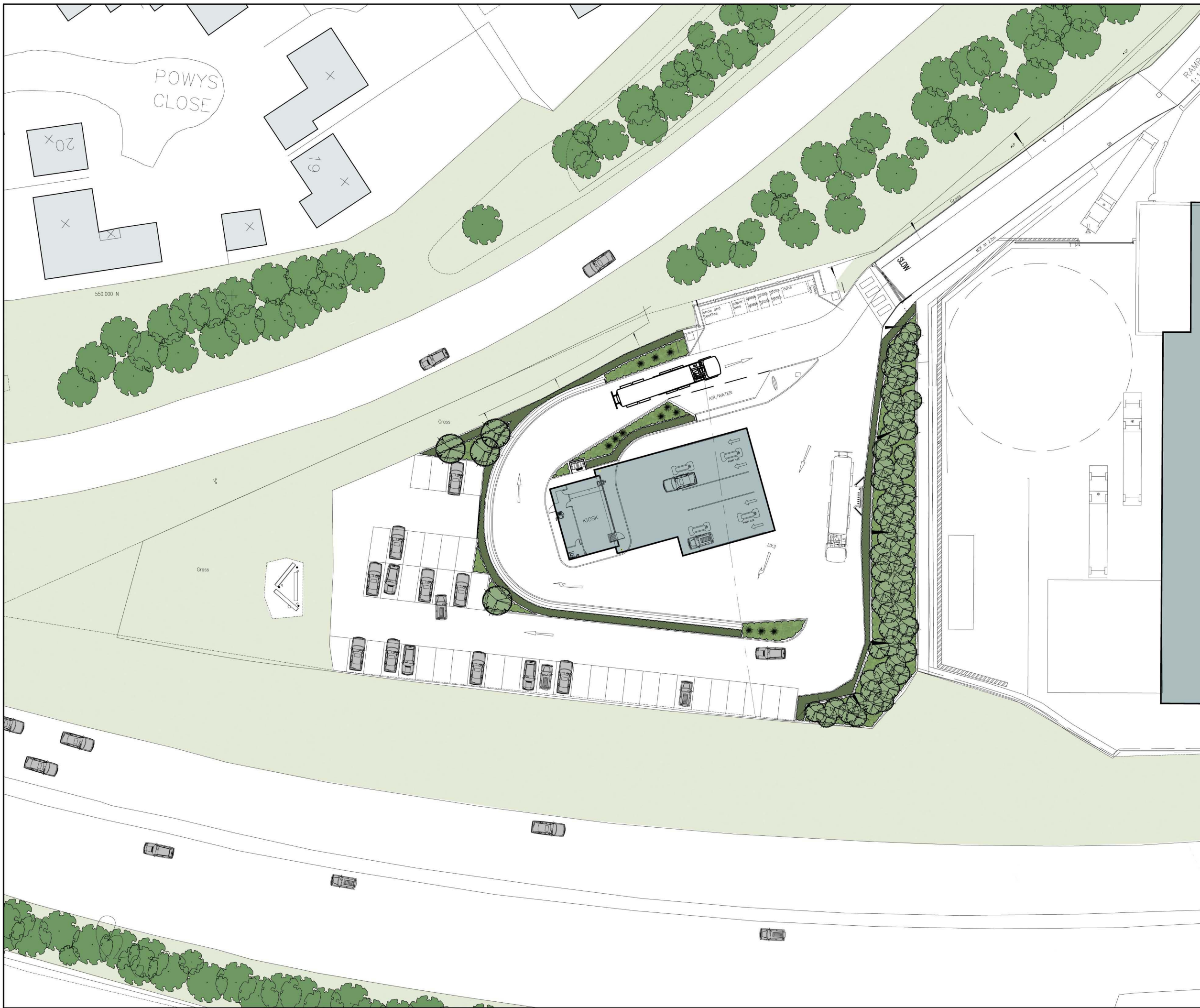
6. Details of crime prevention measures to be carried out as part of the development shall be submitted to and approved in writing by the Local Planning Authority before development hereby approved commences. The details submitted shall include the installation of a system of CCTV, security mechanism to windows and doors in the kiosk and remote signalling fixed personal attach alarm in any office or staff room. The approved measures shall be implemented and thereafter retained at all times.

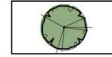





REASON: In the interests of designing out crime in accordance with Policy DC1 of the Rossendale District Local Plan.

NOTES FOR APPLICANT:

For the avoidance of doubt, the applicant is advised that this permission does not imply approval for any advertising matters shown in the application and the supporting statements submitted for the proposed development. These could require separate approval under the Town and Country Planning (Control of Advertisements) Regulations 1992.

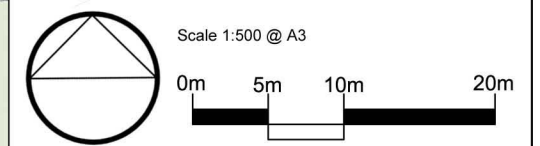
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- KEY:
-  PROPOSED TREES
 -  EXISTING TREES
 -  EXISTING SHRUBS
 -  PROPOSED SHRUBS
 -  SITE BOUNDARY
 -  GRASS

DRAFT

DATE	REV	NOTE	DWN	CHK



4217: TESCO STORES LTD
HASLINGDEN

ASP1: Landscape Masterplan
Rev. A