

**Petrol filling station, Shell Four Went Ways, Newmarket Road, LITTLE ABINGTON, CB21 6AP**

**Replacement sales building and additional customer parking. New bin store and 2no new charge points.**

**Site Constraints**

Shell Four Went Ways is situated outside the Development Framework of Little Abington and is therefore considered to be in the countryside. It is situated on Potentially Contaminated Land.

**RELEVANT PLANNING HISTORY**

S/1412/93/A – Advertisements – approved

S/1758/94/F – Satellite Dish - approved

S/0242/86/F – Redevelopment of filling station comprising shop and canopy – approved

S/1205/04/F – Installation of Automatic Teller Machine - approved

S/1482/05/F – Installation of three underground petrol storage tanks and above ground offset fill point together with relocation of existing pump away from new offset fills - approved

S/2057/14/AD – Shop fascia sign and replacement free standing sign - approved

S/2058/14/FL – Demolition of existing single storey sales building and construction of replacement sales building with delivery bay, bin store and floodlight - approved

S/1403/16/FL – Installation of above ground Adblue tank and 2 no dispensers – approved

**POLICIES**

**South Cambridgeshire District Council, Local Development Framework, Development Control Policies, Adopted July 2007**

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/7 – Development Frameworks

NE/9 – Water and Drainage Infrastructure

**South Cambridgeshire District Council, Local Development Framework, Supplementary Planning Documents**

District Design Guide SPD – Adopted March 2010

**Local Plan Proposed Submission – July 2013**

S/7 – Development Frameworks

HQ/1 – Design Principles

E/16 – Expansion of Existing Businesses in the Countryside

CC/8 – Sustainable Drainage Systems

**CONSULTATIONS AND REPRESENTATIONS**

Parish Council – Little Abington Parish Council has no recommendation and requests that the application is referred to the District Council Planning Committee for the following reasons: road safety, design and layout of the site, environment and litter/public health.

**The application was discussed at the Scheme of Delegation Meeting with the Head of Development Management and Chair of Planning Committee and it was decided to determine the application under delegated powers for the following reasons:**

- In regards to highway safety, both the Local Highways Authority and Highways England have been consulted and neither have any objections to the application or any conditions to recommend. It is considered that the proposed application is unlikely to cause an increase in traffic to the site and the proposed parking may help to alleviate some of the traffic from the roundabout. In respect of the hazardous parking, only the Police can enforce against obstruction of the highway. The Local Highways Authority have responded directly to your concerns via email and have noted in full their assessment of the application and the reasons that they are unable to request any mitigation for existing problems.
- It would be unreasonable to request conditions to mitigate existing problems. It is considered that the proposed development within this application would not exacerbate the existing problem sufficiently for a condition to be imposed in relation to litter. Much of the area that concerns have been raised about is outside the red line boundary and therefore is outside of the scope of this application.
- In regards to the public health concerns raised, the Parish Council have requested that Shell provide free of charge, 24/7 toilet and washroom facilities, due to drivers using the bank and 'scrubby area' as a toilet. Shell already provides toilet facilities at the application site and they are included in the submitted application. It is considered that it would not be reasonable to impose a condition for the implementation of free toilets as it is considered that the proposal would not exacerbate the existing problem.
- The removal of the trees is to facilitate the additional customer parking. The Parish Council have commented that the woodland area would benefit from being tidied up and better managed and that this application may be an opportunity to provide a picnic area, with litter bins, where refreshments could be consumed, to improve the ambience of the site. It is considered that this request is outside the scope of this application and would not be necessary to make the development acceptable.

**Neighbours – None received**

**Contaminated Land – made the following comments:**

**'Whilst the proposed use is not one which is particularly sensitive to the presence of contamination, the above site comprises a current petrol filling station which has the potential for contamination to be present. Therefore I recommend that no development approved by this permission shall be commenced, unless otherwise agreed, until:**

**a) The application site has been subject to a detailed desk study, including site walkover and preliminary Conceptual Site Model, to be submitted to and approved by the Local Planning Authority.**

**b) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.**

**c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.**

**d) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.**

**e) If, during remediation and/or construction works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.**

**Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007'**

**Environmental Health – have no objections and requested the following conditions:**

**No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.**

***Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.***

**There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.**

***Reason: To ensure nuisance is not caused to local residents***

#### **Informatives**

**Before the existing buildings are demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working**

**Highways England – offer no objection to the application**

**Local Highways Authority – made the following comments:**

**'No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission'.**

**Sustainable Drainage Engineer – made the following comments:**

**'The development proposed is acceptable subject to the imposition of the condition outlined below. There is an increase in impermeable areas and the proposals have not demonstrated a suitable surface water drainage provision for the proposed development and therefore the following condition is required:**

**Prior to the commencement of development a scheme for the disposals of surface water shall be provided to and agreed in writing with the Local Planning Authority'**

**Trees Officer – made the following comments:**

'I have no arboricultural or hedgerow objections to this application. There are protected trees adjacent to the site which will be affected by the proposals – TPO 0001 (1958) A1 (various). Two significant trees are highlighted for removal but these trees have structural issues which would make their retention unjustifiable. Should this application be approved please ensure the Arboricultural Impact Assessment Report (ref 04283 AIA 28.2.18), Tree Protection Plan (dated 05/03/2018) and the Landscape Plan (dated 05/03/2018) are listed as approved documents'.

## **PLANNING ASSESSMENT**

The key issues to be assessed in determining the application are the impact of the principle of development, impact on the character of the site and the surrounding area, the amenity of neighbouring uses, highway safety and parking, the impact on trees and any other matters.

### Principle of Development:

The application site is a Shell Petrol Station with a shop facility located at Four Went Ways, to the east of the A11 and to the north west of Little Abington. The proposal seeks a replacement sales building, additional car parking and 2 charge points.

Paragraph 18 of the National Planning Policy Framework (NPPF) states that 'The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths and to meeting the twin challenges of global competition and of a low carbon future'.

Paragraph 19 of the NPPF states that 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

Application S/2058/14/FL for the construction of a replacement sales building with delivery bay, bin store and floodlight considered that the principle of development in this location was acceptable. The petrol station forms part of a larger service area and it is considered that the development proposed is appropriate to the location it is proposed in.

The principle of development is considered to be acceptable, subject to all other material considerations.

### Impact on the Countryside and Character of the Area:

The proposed building would be larger in scale but would be similar in design to the existing. The proposed building would be the same height as the existing, and would remain below the height of the canopy over the petrol station forecourt and as such would not have an overbearing impact on the character of the site.

The replacement building would have a functional appearance and it is proposed to construct the proposed building in matching materials to the existing. It is considered that the proposed building would not be detrimental to the character of the area given that the development would be viewed in the context of the commercial units and the commercial character of the locality.

The additional customer parking will be located partly where the existing delivery bay is sited and partly on a piece of fenced off land. There is a tree boundary at present around this part of the site. There are trees highlighted for removal, however a number of trees on the boundary are to be retained and it is considered that on approach from the south east, the existing view will largely be retained. It is considered that the additional parking would not be out of keeping with the character of the area given the commercial use of the area.

The new bin store will be located to the rear of the proposed parking area and new charging points would be situated to the west of the proposed parking. It is considered that these elements would be in keeping with the commercial nature of the area and would not have a significant impact on the character and appearance of the countryside.

#### Amenity of Neighbouring Uses:

The buildings situated at the service area are Burger King, Little Chef and Travelodge. It is considered that the proposed works are appropriate development in relation to the petrol station and would not have a detrimental impact on the amenity of neighbouring uses.

#### Highway Safety:

The Parish Council have objected to the application on the grounds of Highway Safety. This is in relation to HGV's parking around the roundabout which presents a hazard as HGV's at times obstruct the road. They have also commented that cars and vans also park there. The roundabout at Four Went Ways is not within the applicant's ownership and is not part of this application and therefore cannot be considered under this application. In relation to this application, the Local Highways Authority and Highways England have been consulted and neither have raised any objections or requested any conditions.

#### Parking:

The application proposes additional customer parking. Petrol filling stations are classed under Use Classes Order A (Sui Generis). Policy TR/2, appendix 1 states that there should be 1 space per 20m<sup>2</sup> of retail floor area, which would require the provision of 6.25 spaces. 9 spaces are proposed, which is in excess of the number of spaces required. It is considered that the slight increase in parking provision would not be detrimental to the use of the area or the character and appearance of the site. It is considered that the proposal is acceptable as the parking standard has been met and complies with policy TR/2 of the adopted Local Development Framework.

#### Other Matters:

##### Impact on Trees:

The application will see trees being felled. The Trees Officer has no arboricultural objections to the application. There are protected trees adjacent to the site which will be affected by the proposals – TPO 0001 (1958) A1 (various). Two significant trees are highlighted for removal but these trees have structural issues which would make their retention unjustifiable. The Trees Officer has requested that the submitted Trees related documents are included as approved plans should planning permission be granted.

### Contaminated Land:

The Contaminated Land Officer made the following comments: 'whilst the proposed use is not one which is particularly sensitive to the presence of contamination, the above site comprises a current petrol filling station which has the potential for contamination to be present'. Given that there is the existing sales building on site and the replacement building will require some groundworks it would only be reasonable to add a condition that if contamination is found this can be addressed in accordance with DP/1 of the adopted LDF 2007.

### Drainage:

The Sustainable Drainage Engineer has commented that the development proposed is acceptable subject to the imposition of the condition for the provision of surface water drainage. It is considered that it would be reasonable to add this condition to any permission granted given that there is an increase in impermeable areas and the proposals have not demonstrated a suitable surface water drainage provision for the proposed development in accordance with policy NE/9 of the adopted LDF 2007.

### Environmental Health:

The Environmental Health Officer has recommended a condition for the restriction of working to protect the amenity of the locality, especially for people living and/or working nearby. This condition is considered to be reasonable, particularly in respect of the nearby hotel and will be added to any permission granted.

### Conclusion:

The proposed development is considered to have no adverse impact upon the character or appearance of the area, nor upon the amenities of neighbouring properties, and is therefore considered to comply with policies DP/1, DP/2, DP/3 and DP/7 of the Local Development Framework, Development Control Policies.

Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

### **Recommendation**

**APPROVE**

**Subject to the following conditions:**

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 10019190 PLG-05, 10019190 PLG-06, 10019190 PLG-08, 04283 AIA 28.2.18 (Arboricultural Impact Assessment Report), 04283 TPP 05-03-18 and 04283 LSP 05-03-18. Received 8th March 2018.  
(Reason - To facilitate any future application to the Local Planning Authority**

under Section 73 of the Town and Country Planning Act 1990.)

3. **Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage in accordance with Policy NE/9 of the adopted Local Development Framework 2007.)**
  
4. **No construction site machinery or plant shall be operated and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)**
  
5. **The materials to be used in the construction of the external surfaces of the replacement sales building hereby permitted shall be as described in the application form or shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Where materials are approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.  
(Reason - To ensure the rural appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007).**
  
6. **If during the demolition and/or construction of the proposed development hereby permitted contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.  
(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).**

#### **Informatives**

1. **There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department**

2. Before the existing buildings are demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working.

**Signature of Delegation Officer**

*LP*

**Rachael Forbes**  
Planning Officer

**Date**

*14/05/18*