

Application Recommended for Approval
Gawthorpe Ward

APP/2018/0397

Full Planning Application

Proposed new petrol filling station, shop, forecourt parking, service bay/wash bay and community garden at

FORMER PADIHAM COUNTY PRIMARY SCHOOL VICTORIA ROAD PADIHAM

Background:

The proposal is to erect a petrol filling station (PFS) with associated shop, forecourt parking and service bay/wash bay and community garden on the cleared but former site of the Padiham Primary School which amounts to approximately 0.4ha. The site is located approximately 118m to the south side of the edge of Padiham town centre. View of site from Back Victoria Road



The site remains hard surfaced in large areas and is bound by Burnley Road on its north side and Victoria Road to its south side. Stockbridge Lodge which stands at the entrance to Gawthorpe Hall is a Grade II listed building and is situated opposite to the site. The site is bound on its western side by Stockbridge House which is a Grade II* listed building which also has a number of protected trees close to the site's boundary.



Site's frontage to Burnley Road



Vehicular access to the site would be from an in and out arrangement on Burnley Road either side of a canopy measuring approximately 19.8 m x 17.0m over 4no.pump islands. Two large sections of the existing stone frontage wall would need to be removed (9.4m at the entry and 13.6m at the exit) and a smaller section (2m) for a pedestrian access and the remaining sections (amounting to 37m) would be retained. In addition to the PFS canopy, a single service bay and wash bay are proposed and forecourt parking for 20 cars. A retail shop measuring approximately 23m x 17m is proposed to operate in association with the petrol filling station and would be located proposed towards the south side of the site. The proposed PFS would be set in landscaped surroundings with screen planting to the rear of Victoria Street and Spencer Street properties. Part of the application site also fronts Victoria Road where 2no. mature trees sit behind a stone wall with railings.

Frontage to Victoria Road

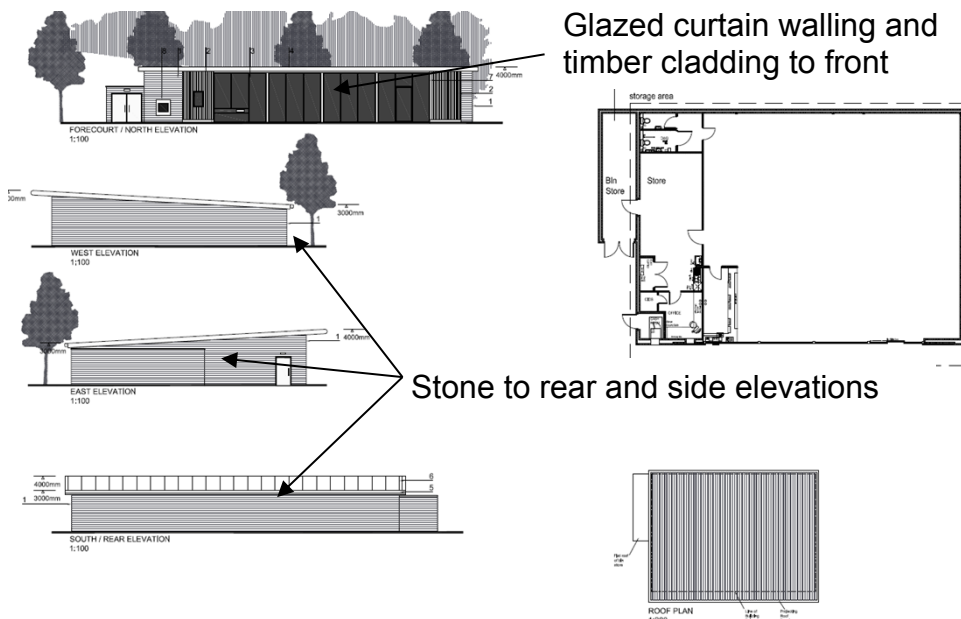


The proposal indicates that these trees would be retained and the two existing gates re-opened into a new community garden which would be landscaped and have paths connecting to Burnley Road.

Proposed site layout



The proposed retail shop would be for the sale of convenience goods ancillary to the main activity of fuel retail such as newspapers, magazines, cigarettes, snacks, cold drinks, dairy products and associated car accessories.



The design of the retail shop has been altered since first submitted to reduce its roof height and provide better spacing with the rear of properties on Spenser Street and Victoria Road. The proposed canopy height is approximately 5m.

A lighting study, noise assessment, heritage statement, transport statement and design and access statement have been submitted with the application. Visual impressions have also been received which will be presented at Committee.

Relevant Policies:

Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- TC1 – Retail hierarchy
- TC2 – Development within Burnley and Padiham town centres
- HE2 – Designated heritage assets
- NE1 – Biodiversity and ecological networks
- NE4 – Trees, hedgerows and woodland
- NE5 – Environmental protection
- CC4 – Development and flood risk
- IC1 – Sustainable travel
- IC2 – Managing transport and travel impacts
- IC3 – Car parking standards

The National Planning Policy Framework (2019)

Site History:

Former school was demolished in 2013. No relevant application history.

Consultation Responses:

LCC Highways

No objections following the revision of plans but states that the provision of low level lighting bollards as a standalone lighting scheme for the community garden poses some issues, in respect the adequacy of the level of lighting to give facial recognition [a condition would be required to provide an improved lighting design]. Conditions are recommended relating to the construction of the site access and off-site works of highway improvement; to require any external source of lighting to be screened from drivers and pedestrians; to prohibit deliveries between 08:00 and 09:00 and between 15:00 and 17:30 hours; and to require a Construction Method Statement.

Environmental Health

No objections. Noise mitigation measures should be implemented for each potential noise source associated with the operation of the development in accordance with the Noise Impact Assessment report. A full proposal of mitigation measures should be submitted. Other conditions are recommended relating to the hours of construction and a Construction Method Statement.

United Utilities

Recommend conditions to require foul and surface water to be drained on separate systems, a surface water drainage scheme and a sustainable drainage management and maintenance plan.

Padiham Town Council

Whilst the amendments to the scheme are welcomed, there are still concerns with the amount of traffic that will be entering and leaving Burnley Road in close proximity to the school. Also want to ensure that any retail outlets would abide by restricted sales policies due to the proximity of the school.

Designing Out Crime Officer

Petrol filling stations are vulnerable to various crimes including driving off where fuel was not paid for, criminal damage and burglary of business premises. Adequate security measure must be implemented to reduce the opportunity for these types of crimes. Advise on security measures including lighting, CCTV, use of ANPR.

Publicity

Neighbours have been notified of amended plans since the original application was made. A total of 32 letters of objection have been received from a total of 17no. properties on Victoria Road, Burnley Road, South Drive and Valley Drive. A summary of the points of objection is provided below:-

- Increase in traffic will exacerbate traffic problems
- There is already traffic mayhem at a complicated and congested junction, particularly with the single width access to Gawthorpe Hall and the Burnley FC training ground which results in vehicles reversing into the main road
- Too many exits and entrances to this part of Burnley Road
- Cars and bike speeding on Burnley Road has been increasing
- Safety issues with increased traffic next to a primary school and near to Shuttleworth College and opposite a home for the elderly
- Cars will need to cross a cycle lane to enter the site
- Will lead to increased traffic on Victoria Road
- Will lead to parking on Victoria Road where customers walk through to the retail shop which will remove parking for residents
- Will have a severe impact on living standards, health and well-being of neighbours
- Increased vehicle noise
- Pollution from exhaust fumes
- Noise from the revving of engines, doors slamming, car wash, air conditioning units, refrigeration equipment and human activity
- Impact of noise on a daily basis
- There are residential properties to three sides of the site and a home for the elderly
- Will increase noise and anti-social behaviour from groups of young people congregating by the site
- Community garden would also lead to anti-social behaviour
- Impact of light pollution on residents
- Bedroom windows face onto the site
- Loss of light and overshadowing from buildings and tree planting
- Impact on privacy
- Deliveries would further increase noise and disturbance at unspecified times

- Object to the initially proposed 24 hour opening – will cause noise day and night [the applicant has amended opening hours to 6am -11pm every day for the PFS including shop and 9am – 8pm every day for the car wash bay]
- Excessive canopy height
- Health effects from the proposal.
- Fumes of petrol/diesel would constantly affect neighbours
- Additional fumes from tanker spills
- Excessive canopy height
- Inappropriate design next to Victorian housing and two listed buildings, Stockbridge House (Grade II*) and Stockbridge Lodge (Grade II)
- Would appear incongruous to its surroundings
- Impact on historic buildings and their settings
- Would irreversibly erode the significance of Stockbridge House
- The cumulative impact and degradation to the setting of the listed buildings has not been assessed
- Main windows face into the proposed site and garden area adjoins it. Windows cannot be changed to mitigate against noise. The views from the listed building also form part of the impact on the listed building
- Impact of vibration (from construction phase and from lorries/traffic using the PFS) on the foundations of a 17th Century house
- Concern over protected trees with the garden of Stockbridge House close to the site and lack of survey [a condition can require a survey and adequate protection]
- The proposal offers little public benefit
- Housing would be more suitable for the site or an area of open space
- Impact on ecological features
- Bats frequently fly over the site
- Already enough retail, impact on high street and small shops
- Outside of Padiham town centre, contrary to planning policies. Sequential assessment required
- No need for PFS's in the future due to electric cars
- Impact on the Townscape Heritage Initiative (THI) project to regenerate Padiham
- Effect on sale of property [not a planning consideration]
- No need for the development – effect on the existing PFS within half a mile of the proposed site

Planning and Environmental Considerations:

Principle of proposal

The site is within the development boundary as identified in the Policies Map of Burnley's Local Plan (July 2018). It sits on the main road (A671) between Burnley and Padiham, approximately 118m from the edge of the Padiham town centre defined boundary. The site is without an allocation in the new local plan but represents a sustainable location and a development opportunity.

The site is at a prominent roadside position at the edge of the town centre which in principle would make it suitable and a convenient location for drivers to refuel. There are no specific policies relating to a petrol filling station which are a 'sui generis' use and as such a proposal should be considered on its merits, having regard to the suitability of the location and its impacts on highway safety and its surroundings. The

proposed associated retail shop has a retail area of 290sqm which is a main town centre use and would in accordance with Policy TC2 and the National Planning Policy Framework (NPPF) require sequential assessment in order to assess whether there is an alternative available and suitable site for the proposal in the town centre. In this case, it is accepted that the primary purpose of the proposed shop is to provide kiosk services associated with a PFS. Its size is similar to other service station shops and is likely to generate only a low level of convenience goods sales, primarily by PFS customers. In these circumstances, the proposed PFS shop would not have a significant deviation from or impact on the retail hierarchy set out in Policy TC1 and would satisfy the tests on sequential assessment. As long as, therefore, the shop is operated and remains ancillary to the main use of the site as a PFS, then the proposal would not significantly affect the viability or vitality of Padiham town centre or deviate from the objectives of Policy TC2.

The main considerations relate to the impact of the proposal on highway conditions and safety, its impact on residential amenities, its visual impact and effect on the setting of two listed buildings.

Impact on highway conditions and traffic

The National Planning Policy Framework (2018) states that proposals should provide appropriate opportunities to promote sustainable transport modes, provide safe and suitable access to the site and mitigate against any significant impacts in a cost effective manner to an acceptable degree. It also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy IC1 requires, amongst other things, for development to promote sustainable travel by locating in areas well served by walking, public transport and cycling; to provide safe pedestrian, cycle and vehicular access; to secure adequate delivery, servicing and drop-off facilities; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute towards the provision or improvement of on or off-site infrastructure [as necessary for highway safety/efficiency purposes].

A Transport Statement submitted with the application, based on TRICS data base sources, indicates that the development as a whole would generate up to a maximum of 150 movements (total of arrivals and departures) during the peak hours of the day ((between 8am to 9am and 5pm to 6pm) which equates to up to five vehicle movements vehicles every two minutes.

The proposals include works within the highway to provide a right turn lane into the site and changes to road markings to cater for the development. A swept path analysis has also been submitted to demonstrate that service vehicles can safely enter and leave the site. Notably, petrol filling stations normally attract passing traffic rather than being a destination for traffic and LCC Highways is satisfied that the amount of traffic entering and leaving the site can be accommodated at this location without a significant impact on the highway network. Some movements in and out of the site may be to use the proposed retail shop but the proportion of these trips is likely to be significantly lower than the main use as a PFS. There are a number of junctions with Burnley Road, including access to Gawthorpe Hall the Burnley FC training ground and a primary school nearby; notwithstanding this, LCC Highways is

also satisfied that the changes to the internal layout and the off-site works to allow for turning into and exiting the site, would be adequate to maintain traffic flow and highway safety.

Some residents on Victoria Road are concerned that customers to the PFS shop would park on Victoria Road and use the pedestrian access through the proposed community garden. The proposal does however provide 20no. convenient on-site spaces for customers which is sufficient in number to attract customers to park on-site.

The proposal is unlikely therefore to have an unacceptable impact on traffic or highway safety. Conditions are necessary to deal with off-site improvement works and for electric charging points and the provision of cycle parking to ensure the development achieves some sustainable features.

Impact on residential amenities

Policy SP5 requires development to ensure there is no unacceptable impact on the amenity of neighbouring occupants or adjacent land users. The site is surrounded by residential properties on Spenser Street, Victoria Road and on Burnley Road. A substantial level of objection has been received from these neighbouring properties, a summary of which is listed earlier in the report.

Changes have been made to the scheme since it was first submitted as an attempt to address concerns and mitigate against adverse impacts on these properties. The main objections relating to amenity are the amount and level of noise, disturbance, lighting and fumes and the overshadowing from the proposed buildings and tree planting.

Most of the anticipated noise would be from traffic entering and leaving the site. A noise assessment has been submitted with the application. This demonstrates that the level of noise and activity would not significantly increase existing background noise levels. The Council's Environmental Health Officer accepts these findings subject to the implementation of mitigation measures which should be imposed as a condition.

The amended layout has removed a proposed standalone car wash near to the garden boundary with Stockbridge House and removed jet wash bays close to 126b Burnley Road (leaving a service bay and wash bay which are screened from the rear of 126b Burnley Road and the rear of Spenser Street by a high stone wall). A broad strip of landscaping has been provided around the proposed forecourt and shop to provide relief from the comings and goings of vehicles and activity within the site. This would also give visual separation between windows and the forecourt and the proposed canopy. There would be a minimum distance of 31m between the nearest windows at 126b Burnley Road and the proposed canopy. The distance between the single wash bay and the nearest property on Spenser Street would be 10.7m. The proposed retail shop has been reduced in height and re-sited to improve the spacing with the rear of properties on Victoria Road and Spenser Street. The amended height at the rear of the proposed shop is 3.0m which rises to the front of the building up to 3.8m. The minimum distance from the rear yard boundary on Victoria Road and the proposed building would be 10.0m. The minimum distance between the rear of the yard walls on Spenser Street and the side elevation of the proposed building would also be 10.m. A high stone wall (approximately 1.9m) comes within this separation distance and screen planting is indicated within a landscaped area around the

proposed building. A landscaping scheme can be secured by condition to ensure the type and height of planting would be suitable. At these separation distances, the proposed structures on the site would satisfactorily safeguard the daylight/sunlight and amenities of neighbouring properties.

Neighbour objections are concerned with levels of lighting, particularly through the night. A lighting study was submitted with the application and amended to take into account some of the lux levels that would affect neighbouring properties. LCC Highways has commented that the low level of lighting proposed in the community garden may be inadequate. A new lighting plan is capable of taking this into account and ensuring that light elsewhere has minimal spillage into surrounding areas.

Whilst mitigation against noise and lighting is possible, it is also recognised that continued levels of noise and large areas of external lighting throughout the night is likely to have an adverse effect on amenity. These more sensitive times of the day should be reflected in the hours of operation. The applicant first sought opening on a 24 hour basis but as amended hours to between 6am and 11pm for the proposed PFS (including shop) and 9am to 8pm for the service bay/car wash. Whilst the amended hours are more reasonable, it is recommended that a slightly shorter opening period of between 7am and 10pm would be necessary in this instance due to the proximity of neighbours.

In respect of fumes, there is no evidence of smells and fumes around the forecourt of PFS's. The PFS would be constructed to comply with British Standards and there is no reason to expect any fumes or smells that would adversely affect neighbouring properties.

Subject to conditions, therefore, the proposal, as amended, would have an acceptable impact on neighbouring properties.

Impact on heritage assets

Policy HE2 of Burnley's Local Plan seeks to protect the character and historic interest of listed buildings and their settings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers upon local planning authorities a duty to have special regard to the desirability of preserving the interest of a listed building or its setting. The NPPF states that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations. Where development would lead to substantial harm, the NPPF indicates that it should be refused, whilst where the proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Stockbridge House is a Grade II* listed building that bounds the north side of the site and Stockbridge Lodge which is a Grade II listed building and is a lodge at the entrance to Gawthorpe Hall is opposite the site on Burnley Road. The landscape surrounding these buildings has been substantially changed over time. The 17th Century farmhouse would have been surrounded by fields. Victorian houses and a Victorian school formerly on the site marked a changed to the farmhouse surroundings. A redevelopment of this is likely to have some effect on the farmhouse and to the listed lodge due to their proximity and era of construction. The proposed

PFS has been amended since it was submitted to take into account the sensitive nature of its surroundings. The removal of the car wash and parking close to Stockbridge House and their replacement with landscaping and an attractive community garden would provide a greater level of space for the setting and enjoyment of Stockbridge House. There would be views of the proposed PFS from the windows of Stockbridge House but this would be mitigated by its generous spacing and landscaping. The type of use that is proposed for the site relies on a relatively small coverage of buildings and in many ways provides more opportunity to retain spacing and landscaping within the immediate setting of the listed building. The impact on Stockbridge Lodge is likely to be less, given that its key setting is its approach to Gawthorpe Hall.

To conclude, the proposed PFS is likely to have an impact on the setting of the two named listed buildings but the level of harm would be less than substantial. The benefits from redeveloping the site and providing a community garden would outweigh the harm that in this case would be caused.

Other issues

The site is located within an area of low flood risk and the development would not pose a risk to flooding subject to conditions recommended by United Utilities to require a drainage scheme. The site is within an ecological network for grassland. Given the amount of hard surfacing on the existing site, the amount of landscaping that is proposed is likely to enhance the ecological credentials of the site.

Conclusions

The proposal would occupy a main road position close to Padiham town centre where the proposed use would provide an acceptable redevelopment of the site subject to conditions to include, amongst other things, opening hours. Objections from neighbours have been taken into account but the changes that have been made to the scheme are sufficient to adequately address these. The proposal would also lead to a public benefit by the provision of a new community garden.

Recommendation: Approve with conditions

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1490/1a (1:1250 location plan), 1490/8 and 1490/7, received on 17 August 2018; and, 1490/5g, 3515/2 and 1490/3c, received on 11 March 2019.
3. No development shall be commenced unless and until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be carried out and completed prior to any part of the site being first open for business.
4. The retail shop hereby approved shall operate as a shop in association with and ancillary to the approved Petrol Filling Station only and shall not at any time function as an independent unit.

5. The approved Petrol Filling Station and ancillary retail shop shall not be open for business apart from between 07:00 and 22:00 hours on any day.
6. The approved service and wash bay shall not be available for use apart from between 09:00 and 20:00 hours on any day.
7. Prior to the commencement of development, a scheme for the management and maintenance and public use of the proposed community garden shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety at all times and the community garden shall remain available for use by members of the public in perpetuity in accordance with the approved scheme.
8. No development shall take place 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. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) wheel washing facilities;
 - vii) details of working hour; and,
 - viii) contact details for the site manager.
9. Prior to the commencement of the construction of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.
10. Prior to the commencement of development, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be carried out and completed during the course of the development. The approved boundary treatment shall be retained at all times.
11. During the construction phase of the development, no construction work or use of machinery or deliveries to the site shall take place on Sundays and Bank/Public Holidays or outside the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays.
12. No later than six months prior to any part of the development being first open for business, details of the frequency and hours of deliveries and servicing, including details of how these will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing to the site shall thereafter only take place in accordance with the approved hours and details of management.

13. Prior to the commencement of construction, a scheme for the provision of external lighting, including lighting within the proposed community garden and details of lighting levels outside of opening times, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, completed and operated at all times in accordance with the approved scheme.
14. Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.
15. No part of the development hereby approved shall be first open for business until details of a management and maintenance plan for the sustainable drainage system required by condition 9 which shall cover the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall thereafter be managed and maintained in accordance with the approved details in perpetuity.
16. The approved Petrol Filling Station shall not be first open for use until a minimum of two electric car charging points have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the Petrol Filling Station opening hours.
17. Prior to the commencement of development, a set of noise mitigation measures in accordance with the Noise Assessment submitted with the application (report by Cole Jarmin report ref 18/0311/R1) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented and be retained at all times in perpetuity.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure an adequate access and manage the traffic and highway safety impacts of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.
4. To ensure the satisfactory implementation of the proposal, having regard to the sequential test for locating retail development outside of town centres, in

accordance with Policies TC1 and TC2 of Burnley's Local Plan and the National Planning Policy Framework.

5. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
6. To safeguard the occupiers of neighbouring properties from late night and early morning noise and disturbance, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
7. To ensure the satisfactory implementation of the proposal and to ensure the landscape and public benefits of the scheme are fully realised, having regard to the setting of the adjacent Stockbridge House Grade II* listed building and the visual amenities of the site, in accordance with Policies HE2 and SP5 of Burnley's Local Plan. The scheme is required prior to the commencement of development to ensure that the required works can be carried out at the appropriate stage of the development.
8. To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The Construction Management Plan is required prior to the commencement of development to ensure that the measures contained therein can be carried out at the appropriate phases of the construction period.
9. To ensure a satisfactory appearance to the development, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
10. To ensure an appropriate edge to the boundaries of the site and to take into account the risks associated with the railway embankment, in accordance with SP5 of Burnley's Local Plan (July 2018).
11. To protect the amenities of local residents, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
12. To ensure that deliveries and servicing has adequate regard to traffic, site safety and residential amenities, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).
13. To ensure appropriate and not excessive lighting, having regard to the amenity of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).
14. To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.
15. To ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in

order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policy CC4 of Burnley's Local Plan (July 2018).

16. To allow for the charging of electric cars, in the interests of sustainable travel, in accordance with the National Planning Policy Framework.

17. To mitigate against the noise impacts of the development, having regard to the amenities of neighbouring properties, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

JF
21/5/19