

**COMMITTEE REPORT
ITEM NUMBER:**

APPLICATION NO.

21/00151/FUL

LOCATION

**Co-operative Retail Services Ltd 13 Reading Road
Yateley Hampshire GU46 7UH**

PROPOSAL

Replacement petrol station, including pumps, canopy and shop

APPLICANT

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CONSULTATIONS EXPIRY

19 May 2021

APPLICATION EXPIRY

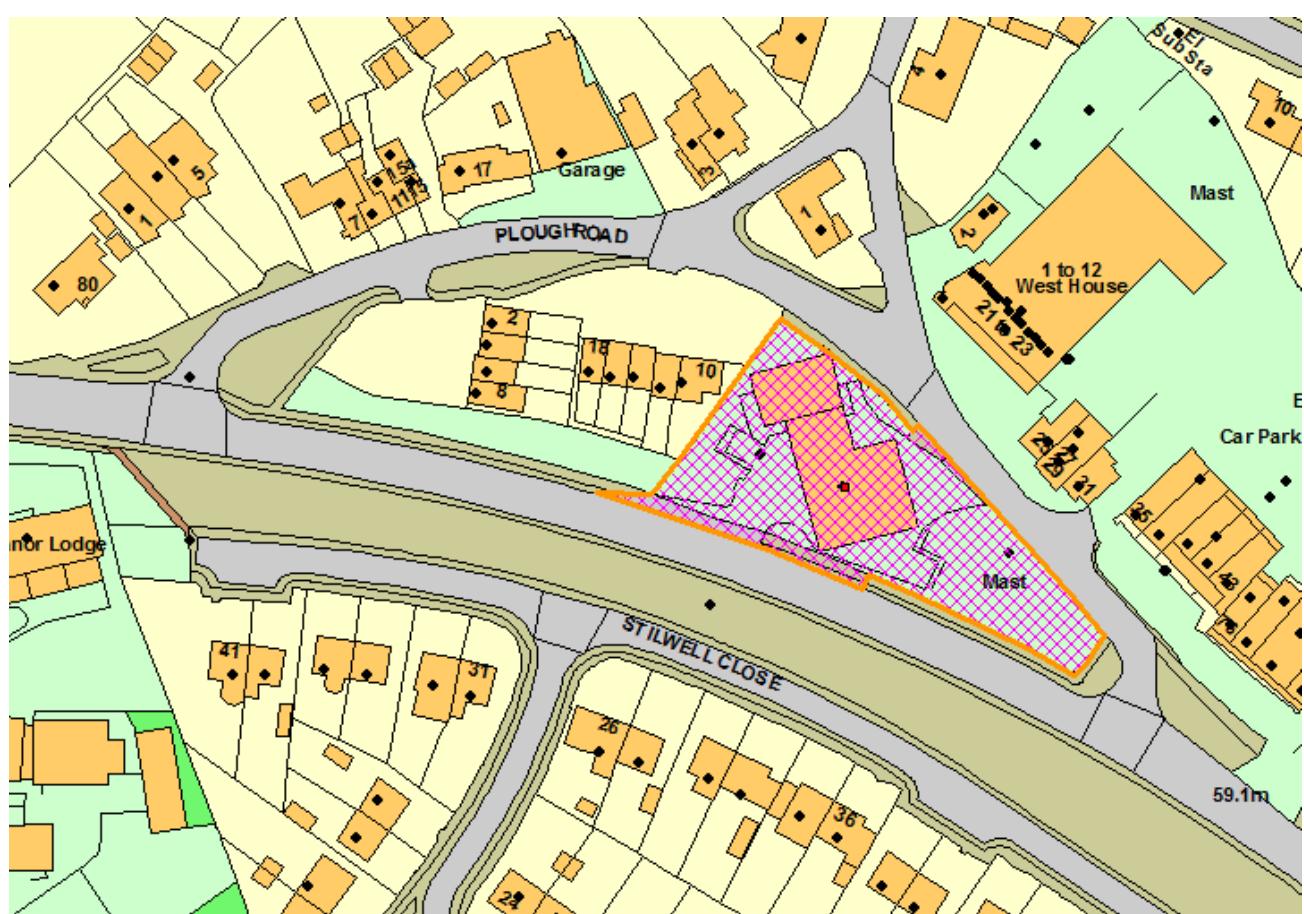
18 March 2021

WARD

East Yateley

RECOMMENDATION

Grant, subject to conditions.



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BACKGROUND

This application is brought before the Planning Committee at the discretion of the Head of Place as a result of the number of public representations received.

THE SITE

The application site comprises 13 Reading Road, Yateley. It has a stated area of 0.23 hectares and is a roughly triangular shaped site situated between Reading Road (B3272) and Plough Road.

The site is occupied by a petrol filling station that comprises a forecourt area with eight pumps underneath a canopy, associated single storey convenience retail store, a vehicular washing facility and vehicular air pumps. There are two points of vehicular access/egress, from Reading Road to the south and from Plough Road to the north.

There are a number of existing land uses within the vicinity of the site. Principally, these include the commercial uses within Yateley District Centre to the north and east and the residential dwellings of Fry's Lane, Plough Road and Stilwell Close to the north (also), west and south of the site. There is a commercial garage to the north-west on Plough Road.

PROPOSAL

The application seeks full planning permission for a replacement petrol filling station, including pumps, canopy and shop.

The existing petrol filling station and associated development would be removed and replaced by a new realigned forecourt, larger convenience retail store (400sqm from the existing 149sqm) and twelve parking spaces. The proposed opening hours are 07:00 - 23:00. The accesses would be reconfigured such that entry (only) would be from Reading Road and egress (only) to Plough Road. The proposed site layout is shown on drawing no. 190508-03-11.

Petrol filing stations are a Sui Generis use under the terms of The Town and Country Planning (Use Classes) Order 1987 (as amended).

During the Local Planning Authority's (LPA) assessment of the application, minor amendments to the application were received from the applicant and accepted as part of the application submission by the LPA. These comprise the introduction of an extended footway from Reading Road to the proposed shop and confirmation that passive provision for two electric vehicle charging points would be provided. These are relatively minor changes that result in a betterment to the proposal and as a result, have not been separately consulted upon. Further information in relation to arboricultural matters was also received, there were no outstanding objections from the Council's Tree or Landscape Officer at this stage. It provides further clarification and does not seek to amend the proposed. This Council's Tree and Landscape Officers were consulted for any further comments.

PLANNING HISTORY

Relevant planning history for the application site comprises:

20/02850/FUL - Replacement petrol station, including pumps, canopy and shop. Withdrawn 15.01.2021.

07/02716/FUL - Works to access road to improve vehicular access to petrol filling station. Approved 13.12.2007.

93/22551/FUL - Petrol station redevelopment. Approved 18.05.1993. The submitted plans and on-site observations indicate that this permission, as opposed to 92/21653/FUL below, was implemented.

92/21653/FUL - Petrol station redevelopment including car wash. Approved 23.11.1992.

More recent applications (2008 - 2017) relate to advertisements at the site.

CONSULTEES RESPONSES

Summary of comments:

Yateley Town Council

Objection: Members strongly object to the proposal on the following grounds:

1. The proposal will generate significant additional footfall and vehicular traffic, at a location where it is already difficult for pedestrians to cross the road due to the speed and volume of traffic. It is strongly felt that the safe pedestrian access to the proposed convenience shop can only be addressed by installing a pedestrian crossing.
2. The proposed parking area would remove existing soft landscaping, creating a stark and negative impact to the street scene.
3. The proposal misses the opportunity to provide charging points to meet the growing demands of electric cars and to enable the Government's target for all new cars to be electric powered by 2030.

Additionally, Members are concerned that this proposal will facilitate closure of the main Co-Operative store, resulting in a loss of retail provision at this end of the town. There is concern that a unit of this size would not be taken up by another retailer in the present economic climate, resulting in the negative impact of a large vacant unit, potentially for several years.

Local Highway Authority

The highway authority previously provided a consultation response for planning application 20/02850/FUL, recommending no objection subject to conditions, for which the proposals submitted under application 21/00151/FUL are very similar. It has since been communicated that this site is a known encroachment onto highway land.

The highway authority is satisfied that the same recommendation of no objection can be made for application 21/00151/FUL subject to the applicant obtaining extinguishment of highway rights through the relevant Planning Act.

Construction method statement requested by condition.

Environment Agency

The previous use of the proposed development site as a petrol filling station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

The application's preliminary risk assessment (PRA) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.

Natural England

No comments.

Farnborough Airport

No objection.

HDC Environmental Health

Reviewing the extant consents, 92/21653/FUL and 93/02251/FUL, I note that the only condition relating to the control of noise refers to operational times for the use of the car wash. The submitted drawing for the new proposed development does not show a car wash and so I conclude that it is not necessary to retain this control. I have also checked the Environmental Health database and there are no complaints relating to noise issues associated with the existing use.

Consequently, I will consider the application before you, in respect of changes that might pose a risk that the impact of the new proposal could be significantly worse than is currently the case.

I do not consider that the increased retail space would pose a significant additional risk of impact upon residential amenity, except in respect of noise from deliveries and the collection of waste taking account of the proposed location. However, considering the context, a satisfactory resolution could be achieved through the administrative control of the permitted hours.

The proposed location for fixed plant and equipment could pose risks of impact from noise emission. I also note the reference to removal of a close boarded fence and replacement with a paladin fence which could increase the risk of noise transmission from this location. This is a matter that is resolvable by careful acoustic design and maintenance.

It is not entirely clear what is proposed in respect of the replacement lighting scheme for the site. Lighting schemes if poorly designed can cause excessive illumination or glare to neighbouring residential uses and so I would recommend that you require that the design of the scheme prevents these problems arising.

With regard to the replacement of petrol tanks I note the recommendation for further investigation to explore any risks association with possible historic tank leakage. I understand that Hart DC would wish to apply the full standard contaminated land condition to any consent in this case.

Noise, dust, and odour emission from the re-development phase could impact temporarily upon residential amenity and I would advise that construction hours are limited, and that

appropriate methodology is used to mitigate these risks so far as practicable.

The applicant should be informed of the need to obtain a variation to the existing LAPC permit for the site. Application should be made in good time to Environmental Health to preserve expected opening dates.

Conditions and an informative recommended (as above). No objections raised.

HDC Tree Officer

Both the Tree Protection Plan and new Arboricultural Method Statement provide additional information that, if followed, addresses the concerns previously raised. As such I now raise no objection to the application subject to the conditioning of the Arboricultural Method Statement and Tree Protection Plan.

HDC Landscape Officer

I have no objections to the proposals in principle. However, amendments to the Arboricultural Impact Assessment (AIA) are needed and, if granted consent, a condition is needed requiring an Arboricultural Method Statement (AMS).

The AIA needs to take proper account of the remaining RPAs of the adjacent line of off-site Cypress trees. Special ground protection is required, and some form of protective fencing can be accommodated.

An AMS is required to ensure that the issues coming out of the AIA are followed through to the end of construction. The AMS should also include on-site arboricultural supervision for construction works in or near the remaining RPAs of the off-site Cypress trees, as well as a pruning specification.

Clarity is required regarding the symbol/hatch to the west side of the proposed structure. Apart from this, the landscape details appear acceptable.

HDC Conservation Officer

This proposal will not cause any further harm to the setting of the designated heritage assets in the vicinity. No objection.

HDC Joint Client Waste Team

No comments.

NEIGHBOUR COMMENTS

A total of ten neighbour representations objecting to the application have been received. The following material planning considerations are raised in the objections:

- Site layout and design
- Adverse impact on residential amenity through development and proposed opening hours
- Traffic generation and highway safety
- Need for a pedestrian crossing over Reading Road and pedestrian access to the site
- Insufficient car parking

- Waste management
- Noise impacts
- Impact on off-site trees
- Impact on retail provision
- Impact on climate change, including absence of electric vehicle charging points

Objections have also been raised in relation to rights to light and a potential adverse impact upon residential property values, these are not material planning considerations.

CONSIDERATIONS

The following have been identified as the key planning considerations for the proposed development and are assessed in this report:

- Planning policy and guidance
- Principle of development
- Design
- Heritage impact
- Residential amenity
- Contamination
- Highways, servicing and parking
- Landscaping and trees
- Flood risk and drainage
- Climate Change
- Equality

PLANNING POLICY AND GUIDANCE

The Development Plan for the site and relevant policies are as follows:

Hart Local Plan (Strategy and Sites) 2032 (HLP32):

SD1 Sustainable Development
 SS1 Spatial Strategy and Distribution of Growth
 ED4 Town, District and Local Centres
 ED6 District and Local Centres
 NBE5 Managing Flood Risk
 NBE9 Design
 NBE11 Pollution
 INF1 Infrastructure
 INF3 Transport

The HLP32 identifies the site to fall within Yateley District Centre within the Yateley Settlement Boundary.

Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated 01.05.2020) (HLP06):

GEN1 General Policy for Development

The following policy and guidance have also informed this assessment:

National Planning Policy Framework (NPPF, 2019)

Planning Practice Guidance (PPG)

Hart District Council Parking Provision Interim Guidance (PPIG, 2008)

Yateley Village Design Framework Supplementary Planning Document (YVDF, 2009)

PRINCIPLE OF DEVELOPMENT

The application proposes a replacement petrol filling station and associated development including a replacement convenience store 251sqm larger than that existing. The petrol filling station would be a Sui Generis use and no change of use is proposed.

There are no specific development plan policies relating to petrol filling stations. The proposed replacement convenience store would increase the range of goods on offer.

HLP32 Policy SS1 seeks to direct and focus growth within settlements. Policy ED4 encourages town centre uses within district centres where they are appropriate to the scale, function and character of the centre and protection of the retail and local service function of local neighbourhood facilities. Policy ED6 relates to changes of use and new uses within district centres, this is not sought in the subject application.

The NPPF (Section 7) seeks to ensure the vitality of town centres and encourages planning decisions to take a positive approach to their growth, management and adaption.

In line with the HLP and NPPF, there is not a requirement for a sequential test or retail impact assessment for the proposed increase of 251sqm of sui generis floorspace within a District Centre. This would also be the case if it were retail floorspace.

In this instance, the application is for a replacement of an existing established facility. The proposed increase of 251sqm of convenience floorspace, whilst not a defined town centre use, would be akin to it and there is no objection to this within the District Centre. The proposed (expanded) convenience store would cater for both motorists and the local community.

It is recognised that the intended convenience store operator has an existing larger retail store within the District Centre and the future intention is that this would be vacated. This is a market decision, and that retail unit is not part of the subject application. There is no application to change the use of that retail unit before the Council and the subject application would not result in the loss of any existing retail floorspace.

With due regard to the above policy and guidance there is no objection to the principle of the development in this instance.

DESIGN

The application would involve the redevelopment of the existing petrol filling station. The pumps and canopy would be sited centrally but more squarely within the site. The convenience store would remain to the west of the pumps but would cover a greater footprint, extending further south adjacent to the boundary with 10 Plough Road. On the east side of the site, twelve vehicular parking spaces would be provided, extending the hardstanding area further east within the site. Vehicular access/egress points would remain from Reading Road and Plough Lane, the former would be entry only and latter exit only.

Some alterations are indicated to the footpath (to Reading Road) and kerb line (to Reading Road and Plough Lane). The existing footpath to Reading Road would extend into the site,

providing access to the convenience store.

The proposed replacement building would measure 27.1m (length) x 15.6m (width) x 4.9m (height). The forecourt canopy would be at 4.5m in height.

The general arrangement of the site would remain largely as existing, but the convenience store would increase in size and be more prominent within the street scene. The existing appearance of the west end of the site to Reading Road consists of a car wash and largely blank elevations; these are functional in appearance and do not make a positive contribution to the senescence. The proposed convenience store building, whilst larger, would be a modern building featuring fenestration.

There would be some encroachment into the soft landscaping on the east part of the site to facilitate the parking area. Soft landscaping would be retained on the east part of the site. No objection has been raised by the Council's Landscape Officer.

The existing development on the site makes a limited contribution to the street scene or area and there is no objection to its demolition in design terms.

The size and form of the proposed development has been designed to reflect and accommodate the proposed uses. The replacement building and other development (including the replacement canopy) would be modern in appearance. The building would be finished in grey composite panels. There is a variety of materials and architectural styles existing within the local area and there is no overriding positive prevailing architectural style or appearance that should necessarily be followed.

The YVDF is a material consideration. It identifies an indicative urban design framework for areas with possible development potential. This subject site is identified for a possible village green. This is not proposed in the subject application, which is for a replacement facility and has been considered against relevant development plan design policies. Notwithstanding, there is conflict with the indicative vision in the YVDF.

Overall, the proposal development would replace an existing petrol filling station in an urban environment and would result in a more modern development that would not be out of keeping with the commercial uses of Yateley District Centre. The development therefore meets the design requirements of HLP32 Policy NBE9, HLP06 Policy GEN1 and the NPPF (paragraph 130), notwithstanding the conflict with the indicative vision in the YVDF.

HERITAGE IMPACT

There are no designated heritage assets on or adjacent to the application site. Yew Tree Cottages are approximately 30m to the north-west of the site and Knellers Cottage approximately 70m to the west, both are Grade II listed. Yateley Green Conservation Area is approximately 100m to the west.

There is intervening built form between the site and these designated heritage assets. The Council's Conservation Officer has advised that the proposal will not cause any further harm to the setting of any designated heritage assets and raises no objection.

With due regard to the above, the proposal would not affect any designated heritage assets and does not engage the heritage tests in the NPPF or Development Plan.

RESIDENTIAL AMENITY

The proposal is for a replacement petrol filling station, as such there are existing impacts from this use. The proposed development would introduce some additional potential impacts, and these are assessed in this report.

The proposal would introduce a larger building adjacent to the boundary with no. 10 Plough Road to the immediate west of the site. The building would measure 4.9m in height and be approximately 2.1m from the nearest point of the single storey attached garage and 4.1m from the corner of the two-storey living accommodation. The north-east (rear) elevation of the proposed building would be parallel to the south-east boundary of the rear garden.

There would be no overlooking from the proposed development, but it would affect the rear outlook from 10 Plough Road and neighbouring properties in the terrace to the west. This will be mitigated, in part, by the existing fencing and soft landscaping, the latter of which is significant. There is existing, albeit smaller, built form on this part of the application site and a car wash.

With due regard to the existing site situation, orientation of the proposed building and existing boundary treatments, the built form proposed would not result in a material loss of amenity to adjoining residential users through loss of privacy or overlooking in accordance with HLP06 Saved Policy GEN1(iii) or result in an overbearing impact such that planning permission should be refused on this basis.

The proposed opening hours are 07:00 - 23:00, this would result in an additional one hour opening in the evening (between 22:00 - 23:00) to the current opening hours, although the planning history does not indicate any current restrictions on opening hours.

The Council's Environmental Health Officer (EHO) has reviewed and commented on the application. The EHO has advised:

The increased retail space would not pose a significant additional risk of impact upon residential amenity, except in respect of noise from deliveries and the collection of waste taking account of the proposed location. However, considering the context, a satisfactory resolution could be achieved through the administrative control of the permitted hours.

The proposed location for fixed plant and equipment could pose risks of impact from noise emission. The removal of a close boarded fence and replacement with a paladin fence could increase the risk of noise transmission from this location. This is a matter that is resolvable by careful acoustic design and maintenance.

Lighting schemes if poorly designed can cause excessive illumination or glare to neighbouring residential uses. Recommended that the design of the scheme prevents these problems arising.

Noise, dust, and odour emission from the re-development phase could impact temporarily upon residential amenity. Construction hours should be limited, and an appropriate methodology used to mitigate these risks so far as practicable.

No objection is raised by the EHO subject to conditions restricting hours of construction and demolition activity, works being carried out in accordance with the submitted Demolition and Construction Method Statement, restrictions on deliveries and waste collection, details of any fixed plant or machinery and details of any external lighting. Such conditions are reasonable and necessary to ensure a satisfactory living environment for nearby residents, as would a

condition restricting opening hours.

The submitted Demolition and Construction Method Statement refers to specific dates for demolition and construction activities (para. 3.2). A short Addendum has been provided that updates this reference to a construction period of approximately six months.

With due regard to the submitted information, proposed mitigation and comments of the EHO, whilst the proposed development could potentially give rise to some additional pollution, such impacts are not considered to be likely to result in unacceptable levels of pollution and any adverse impacts could be adequately mitigated or minimised to an acceptable level by appropriate planning conditions, as required by HLP32 Policy NBE11 and HLP06 Saved Policy GEN1(ii). For these reasons, the development would also meet the requirements of the NPPF which advises that development should provide a high standard of amenity for existing users (para. 127), be appropriate for its setting and mitigate or reduce potential adverse impacts resulting from noise and limit light pollution (para. 180).

CONTAMINATION

The existing and proposed use of the site as a petrol filling station presents a risk of contamination. A Phase One Environmental Risk Assessment Report (Preliminary Risk Assessment) (PRA) has been submitted.

The Environment Agency (EA) have been consulted and have advised that there is a risk of contamination being mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

The EA has advised that the PRA demonstrates that it will be possible to manage the risks posed to controlled waters by this development but recommends that further detailed information is required before built development is undertaken. A planning condition requiring a further investigation and a remediation strategy is recommended by the EA.

The Council's EHO has noted the recommendation for further investigation of contamination matters and also recommends a planning condition in this respect.

With due regard to the submitted information and comments of the EA and EHO, any contamination risks can be mitigated to acceptable levels in accordance with HLP32 Policy NBE11 and the NPPF (para. 178). This is subject to a planning condition securing further investigation and a remediation strategy.

HIGHWAYS, SERVICING AND PARKING

The existing access and egress would alter so that entry would be from Reading Road and egress onto Plough Road. There are existing accesses in these locations, but they would be reconfigured. A new pedestrian route into the site from Reading Road to the convenience store would be provided. In addition to the parking for the eight petrol pumps, vehicular parking spaces would be provided on the east part of the site. Parking for six cycles would also be provided. Waste storage would be provided within the proposed building and externally within a dedicated area to the north (as per the existing arrangement).

The Local Highway Authority (LHA) have raised no objection to the proposed development. The LHA response makes reference to a known encroachment onto highway land, however this would be a land ownership matter and not material to the subject application. The LHA response recommends a condition to secure a construction method statement. However,

such a statement has been submitted with the current application and the LHA has subsequently advised the LPA that the submitted Demolition and Construction Method Statement is acceptable.

The NPPF (para. 109) is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No such adverse impacts have been identified and the application meets the requirements of the NPPF, HLP32 Policy INF3 and HLP06 Saved Policy GEN1 in respect of highways matters.

A number of representations have made reference to the provision of a pedestrian crossing over Reading Road. Whilst such a crossing may be desirable to improve pedestrian access to the site and Yateley District Centre, it would be off-site infrastructure that would need to meet the requirements of the Community Infrastructure Regulations 2010 (as amended) (Regulation 122), NPPF (para. 56) and HLP32 Policy INF1. These are that they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this instance, the provision of a new pedestrian crossing for an application that would result in a net increase of 251sqm of convenience store floorspace at a replacement petrol filing station is not considered fairly and reasonably related in scale and kind to the development proposed. Furthermore, the proposal is not considered otherwise unacceptable such that a pedestrian crossing would make it acceptable. The LHA view has been sought and they have advised the LPA that the level of additional trips would appear unlikely to necessitate the installation of a pedestrian crossing.

The PPIG identifies the site to be in Parking Zone 2 but does not specify any parking standards for petrol filing stations. The proposal includes a convenience store of 400sqm and the PPIG seeks a maximum of 1 space per 14sqm for food retail. As an indicative indication, this would equate to 29 spaces.

In addition to the twelve dedicated parking spaces, vehicles would utilise the eight spaces adjacent to pumps when fuelling. One of the twelve spaces would be a disabled bay. A vehicle tracking drawing has been provided to demonstrate that the proposed spaces can be accessed safely. Following discussions with the LPA, the applicant has proposed to provide infrastructure for the future provision of two electric vehicle spaces (passive provision). This is supported and could be secured by planning condition.

Whilst the application is for a replacement petrol filing station and would, by its nature, attract car-based movements, the application site is in a sustainable location within Yateley District Centre such that the enlarged convenience store would be accessible to pedestrians and cyclists. The provision of a pedestrian footway into the site from Reading Road is an improvement on the existing situation and supported.

It is stated the no separate refuse collections will be undertaken. Rubbish collection takes place via delivery lorries on which waste is loaded for the return journey. As per the existing arrangement on the site, a storage area is proposed to north of the convenience store. Deliveries would take place within the site and no objection has been raised by the LHA or Council's Joint Client Waste Team.

With due regard to the above, the proposed parking and servicing arrangements are considered acceptable and meet the requirements of HLP32 Policies NBE9 and INF3 and HLP06 Saved Policy GEN1(vii).

LANDSCAPING AND TREES

The proposed development would result in the loss of one tree, a category C horse chestnut. There is an existing row of off-site Cypress trees adjacent to the east boundary of the site. Concern has been raised from a neighbour regarding the impact on these trees. No objection has been raised by the Council's Tree Officer. Following the submission of a revised Arboricultural Method Statement (AMS) and Tree Protection Plan, the Council's Tree Officer has further confirmed that, subject to the implementation of the proposed arboricultural measures, there remains no objection. This can be secured by condition.

The AMS includes a pruning specification as sought by the Council's Landscape Officer and a Tree Protection Plan has been provided.

Further to the comments of the Landscape Officer, the applicant has confirmed that the symbol/hatch to the west side of the proposed structure represents gravel surfacing. The Landscape Officer has advised that the landscaping proposals are otherwise acceptable and raises no objection.

It should also be noted that the application is for a replacement petrol filling station in an urban environment.

Subject to a condition requiring implementation of arboricultural measures, there is no conflict with HLP32 Policy NBE9 in relation to trees and landscaping.

FLOOD RISK AND DRAINAGE

The application site lies within Flood Zone 1. It is not identified as being within a surface water and groundwater flooding indicative flood problem area (IFPA), although Reading Road and parts of Plough Road adjacent to the site are identified surface water IFPA. The site is an identified causal flood area.

The proposed development would result in a relatively minor increase in impermeable area on the site with the introduction of a larger car parking area.

The application form confirms that a soak-away will be used.

No objection has been raised by the EA, but they have recommended a condition requiring that no drainage systems for the infiltration of surface water to the ground are permitted other than with the written approval of the LPA.

Full details of a surface water drainage strategy should be secured by condition to ensure that the proposed development would not increase the risk of flooding elsewhere and be safe from flooding as required by HLP32 Policy NBE5 and the NPPF (Section 14).

CLIMATE CHANGE

On 29.04.2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District.

HLP32 Policy NBE9 requires developments to be resilient and aims to reduce energy

requirements through carbon reduction and utilisation of energy generating technologies. Whilst the application is for the replacement of a petrol filling station, efficiencies would be achieved through the requirement to meet modern building regulations requirements. Passive provision for electric vehicle charging points would also be provided.

An informative is recommended on any permission given to encourage the applicant to explore all opportunities to minimise impact on climate change.

EQUALITY IMPACT

The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act. The public sector Equality Duty came into force on 05.04.2011 In Section 149 of the Equality Act. It means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

Due regard is given to the aims of the general Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not share it.

CONCLUSION

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Planning and Compulsory Purchase Act 2004 38(6) and NPPF paras. 2 and 47).

The application has been assessed against the development plan and relevant material considerations. There is no objection to the principle of the development and the proposal complies with the relevant development plan policies in relation to: design; heritage impact; residential amenity; contamination; highways, servicing and parking; landscaping and trees, and flood risk and drainage. This is subject to the planning conditions identified.

One pre-commencement planning condition is recommended in relation to the requirement for further land contamination investigation and a remediation strategy. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990 (as amended), the applicant has agreed in writing to the terms of this pre-commencement condition.

RECOMMENDATION – Grant, subject to conditions.

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following plans:

Proposed Site Layout 190508-03J
Proposed Site Layout (1:200 Scale) 190508-03-1I
Proposed Building Details 190508-05B
Tracking Layout 190508-06E
Landscape Plan 4630 01 Rev C

Reason

To ensure that the development is carried out in accordance with the approved plans and particulars.

- 3 No development shall commence until a Remediation Strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include:
 - a. A site investigation scheme, based on the Phase One Environmental Risk Assessment Report (Preliminary Risk Assessment) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall take place in accordance with the approved Remediation Strategy.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and the National Planning Policy Framework.

- 4 No construction shall take place until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority.

Any proposed drainage system for the infiltration of surface water to the ground must be supported by an assessment of the risks to controlled waters.

The development shall take place in accordance with the approved Surface Water Drainage Scheme.

REASON

To ensure that the proposed development would not increase the risk of flooding elsewhere, be safe from flooding and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE5 and the National Planning Policy Framework.

- 5 Prior to the installation of any external fixed plant or machinery, details of such plant

and machinery shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

1. Proposed location(s)
2. Specific manufacturer's details
3. Expected noise emissions
4. An assessment of the expected cumulative noise impact of all fixed plant and equipment for which approval is sought under this condition
5. Specifications for any noise mitigation measures proposed.

The development shall take place in accordance with the approved external fixed plant details and plant and equipment shall be maintained so as to operate in accordance with the submitted details.

Reason

To ensure a satisfactory noise environment and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11, saved Policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the National Planning Policy Framework.

- 6 Prior to the installation of any external lighting, an External Lighting Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall include details of locations, direction, Lux levels, hours of operation and maintenance.

External lighting shall only be installed, operated and maintained in accordance with the approved External Lighting Scheme.

Reason

To protect the amenity of nearby residential occupiers and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE11 and Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 7 Prior to the occupation and use of the development herby approved details of two passive electric vehicle charging points shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include the location and necessary infrastructure. The passive electric vehicle charging points shall be installed and maintained in accordance with the approved details.

Reason

To contribute to the reduction of climate change and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE9.

- 8 The development shall take place in accordance with Arboricultural Method Statement (Version 2).

Reason

To safeguard off-site trees and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policy NBE9.

- 9 The approved parking facilities for vehicles and cycles as identified on drawing no. Proposed Site Layout 190508-03J shall not be used for any purpose other than the parking of vehicles and cycles and access shall be maintained at all times to allow them to be used as such.

Reason

To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking and to satisfy Hart Local Plan (Strategy and Sites) 2032 Policies NBE9 and INF3 and Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 10 The development shall take place in accordance with the Demolition and Construction Method Statement (January 2021) and Addendum (22.04.21).

Reason

To protect the amenity of nearby residential occupiers and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 11 Notwithstanding Condition 10, no demolition, construction or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No demolition, construction or delivery of materials shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

To protect the amenity of nearby residential occupiers and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1.

- 12 The development hereby approved shall only be open for customers between 07:00 hours and 23:00 hours.

Reason

To protect the amenities of the area and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1

- 13 Deliveries to, and waste collection from, the convenience store shall only take place between 07:30 and 18:00 hours Monday to Saturday. No deliveries or waste collection shall take place on Sundays, Bank Holidays or Public Holidays.

Reason

To protect the amenity of nearby residential occupiers and to satisfy Hart District Local Plan (Replacement) 1996-2006 Saved Policy GEN1. D

INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.
- 2 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.

