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| REFERENCE NO - 18/505607/FULL | | |
| APPLICATION PROPOSAL Demolition of existing buildings and reconfiguration/redevelopment of Iden Park Service Station incorporating; the construction of a replacement car showroom and MOT building (230 m2) and a replacement forecourt shop and sales building (207 m2) associated with the existing petrol filling station (PFS). | | |
| ADDRESS Iden Park Service Station Cranbrook Road Staplehurst TN12 0EJ | | |
| RECOMMENDATION Grant Permission subject to conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • The proposals are in keeping with the existing use and would result in economic and social benefits in supporting the expansion of a rural business in an appropriate location. • The proposal is found acceptable in relation to impact on residential amenity due to the proposed development being separated from neighbouring properties by a classified road, Cranbrook Road A229 and the existing site operations. • The visual impact of the proposed development is not significant due to it being a redevelopment of the application site with similar use, the scale of the proposed buildings have justified operational needs, and the buildings are sufficiently set back and screened from public view points. | | |
| REASON FOR REFERRAL TO COMMITTEE Cllr Louise Brice requested the application to be reported to the Planning Committee due to concerns about an MOT testing centre being opened in a quiet area, and the design appears to be industrial in nature. | | |
| WARD Staplehurst | PARISH/TOWN COUNCIL Staplehurst | APPLICANT Rontec Service Stations 1A Limited AGENT Rapleys |
| TARGET DECISION DATE 01/02/19 | | PUBLICITY EXPIRY DATE 09/01/19 |

Relevant Planning History

18/500075/LDCEX: Lawful Development Certificate (Existing) for use as a petrol filling station without restriction on hours of operation – APPROVED

15/508655/REM: Approval of reserved matters for residential development of 8 dwellings (Appearance, Layout, Scale and Landscaping being sought) Pursuant to APP/U2235/A/12/2184356 – APPROVED

MA/12/0922: Outline for 8 dwellings with access – REFUSED, ALLOWED AT APPEAL

MA/00/0635: Elevation of existing petrol filling station canopy to give clear height to underside of 4.5m – APPROVED

MA/96/1533 - Advertisement Consent – APPROVED

MA/96/1078 - Alterations & extension of forecourt sales building for add hot food sales – APPROVED

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site covers an area of some 0.4ha and is currently occupied by an Esso petrol filling and service station with 24-hour use. The service station includes a Costa Express and an off licence. The site includes a car washing facility, and a single building providing a forecourt retail shop, sales offices, showroom and MOT facility. The existing building has a gross external area of 434 sq.m. A substantial external parking and vehicle sales area is located to the north of the site which is the location for the new building currently proposed.
- 1.02 The site is located on the east side of the main A229 Cranbrook Road which is a Roman Road that becomes the High Street just to the north of the application site.
- 1.03 The site falls within an area of open countryside as designated in the adopted Local Plan. The site is bounded to the south and east by an area designated as Landscape of Local Value. There are a number of trees which sit outside of the boundary of the site. The site is relatively level and almost the entire site is currently covered in hardstanding or buildings with some landscaping area and trees at the south-eastern edge of the site.
- 1.04 The houses on the opposite (west) side of Cranbrook Road are within the Local Plan designated Rural Service Centre of Staplehurst. To the north of the site at the junction with Frittenden Road is a single residential property called Cricket Lodge. Staplehurst Cricket and Tennis club is on land to the north east and east of the site with the Rural Service Centre found again to the north of Frittenden Road.
- 1.05 The site has separate access and egress arrangement directly linking with the A229 Cranbrook Road.

2. PROPOSAL

- 2.01 The application proposes demolition of existing buildings and reconfiguration and redevelopment of the service station. The works include the erection of a replacement car showroom and MOT building and a replacement forecourt shop and sales building associated with the existing petrol filling station.
- 2.02 The proposed new forecourt shop and sales building has a 14m x 19m footprint and incorporates a chamfered roof with an overall roof height of 4.5m. The existing building has a footprint of some 23m x 15m with an overall height of 4m.

- 2.03 The proposed building has elevations constructed of grey flat faced composite panels with a grey composite roof. The entrance to the shop would be provided on the front elevation facing the petrol pumps and Cranbrook Road. The front elevation consists of glass panels, sliding doors, and an ATM machine. The building will be set back from the highway by approximately 22m separated by the petrol pumps. Thirteen new parking spaces and cycle stand serving the building would be situated to the immediate north.
- 2.04 The proposed new detached showroom and MOT building is sited to the north of the site and has a 15m x 20m footprint with a gently sloping roof and a maximum height of 6.4m. The proposed building also has matching grey flat faced composite panels elevations with a grey composite roof as the new shop building. The front elevation facing Cranbrook Road includes three roller shutter doors to the MOT unit, and glass door entrance to the office. The building will be set back from the highway by approximately 26m separated by the new parking bays and proposed relocation of a sliding gate.
- 2.05 The proposed business hours of the MOT use are 08:00-18:00 Monday to Friday and 09:00-18:00 on Saturday. The two new buildings would provide a combined gross internal area of 437 sq.m, (replacement car showroom and MOT building of 230 sq.m and a replacement forecourt shop and sales building of 207 sq.m). The proposed buildings would have a combined external gross floor area of some 466 sq.m, which is an increase of some 32 sq.m from the existing building.
- 2.06 The proposed development also includes the reconfiguration of the existing car washing facility at the southern end of the site with the provision of additional vacuum and air-water bay, and two staff parking bays.
- 2.07 New floodlights on 5 metre high galvanised columns would be provided to cover the external parts of the site including the MOT and forecourt shop parking area and car washing area. There are 4 existing floodlights at 5m in height serving the site.

POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: SP5, SP10, SP17, SP21, DM1, DM3, DM8, DM23 and DM37

Supplementary Planning Documents: Staplehurst Neighbourhood Plan 2017

3. LOCAL REPRESENTATIONS

Local Residents:

- 3.01 3 representations received from local residents raising the following (summarised) issues:
- The proposed industrial buildings would have visual impact on entrance to Staplehurst
 - The proposed MOT building fronting the highway would result in significant noise and light impact to neighbouring residential properties
 - The scale of the MOT building is excessive

- There is no MOT use on site at present, and there are sufficient MOT stations in Staplehurst
- The proposed floodlights would result light pollution to the area
- The proposal is likely to attract large scale national/ market chain type of company, resulting a greater intensification of the site and out of keeping with the aesthetics of the area.

4. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Cllr Louise Brice

- 4.01 Concerns about an MOT testing centre being opened in a quiet area, and the design appears to be industrial in nature. Requested the application to be considered by the Planning Committee.

Staplehurst Parish Council

- 4.02 Recommend approval of the application subject to appropriate control of working hours and noise levels. They would like to see the proposed 5m high lighting columns reduced in height. They also sought clarification of the statement in para 11.3 of the Design & Access Statement: They existing access arrangement will be retained and it has been established that no intensification will be uncured post construction.

Environmental Health

- 4.03 Raise no objection subject to condition on business hours and lighting.

KCC Highways

- 4.04 The Highways Officer is satisfied with the proposal in terms of access and traffic impact as they would be similar to the existing use. There are concerns over the provision of adequate customer and staff parking spaces. The Applicant has addressed on amended plans that adequate parking spaces would be provided which is awaiting re-consultation response from the Highway Officer.

5. APPRAISAL

Main Issues

- 5.01 The key issues for consideration relate to:
- Principle of Development
 - Visual Impact
 - Residential Amenity
 - Highway safety and parking
 - Other considerations

Principle of Development

Location

- 5.02 The Local Plan advises that outside of the town centre and urban area, rural service centres are the most sustainable settlements in Maidstone's settlement hierarchy. The settlement hierarchy directs development towards rural settlements as they are best placed to act as service centres for their local population and surrounding rural communities. Rural service

centres act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.

- 5.03 Whilst the application site is in the open countryside where new development is generally restrained under Central Government Guidance and Development Plan Policy, the site is also situated adjacent to the Staplehurst Rural Service Centre. The proposed uses currently operate from the application site and in context of the Local Plan there is general policy support for the improved facilities that are proposed in this location.
- 5.04 The NPPF also lends strong support to the rural economy and seeks to promote rural businesses and supports a prosperous rural economy. To promote a strong economy support should be given to sustainable growth and expansion of all types of businesses and enterprises in rural areas.
- 5.05 It is necessary to balance the needs for expansion of existing businesses in rural areas against the visual impact, impact upon residential amenity and highways impacts. Adopted policy DM37 states that expansion of existing businesses in rural areas will be permitted where they meet criteria relating to potential harm from visual impact, harm to amenity and traffic impacts and these matters are considered below.

Visual Impact

- 5.06 Local Plan policy DM37 states that the expansion of rural business will be permitted where new buildings are small in scale and the resultant development is appropriate in scale for the location and integrated into the local landscape. The policy states that no open storage of materials will be permitted unless adequately screened from public view.
- 5.07 The design and appearance of the showroom and MOT building and shop and sales building are typical of such uses and to my mind their form and materials are acceptable within the context of the existing service station.
- 5.08 The shop and sales building would replace the existing building with a similar footprint (increase of some 32 sq.m) and is located behind the petrol filling station canopy, therefore, it is not considered to result in significant visual impact. The proposed shop and sales building is 4.5 metres high with the petrol filling station canopy at a height of 5.6 metres and the existing advert at the front of the site 4.8 metres high, with the vent pipes at similar height.
- 5.09 The proposed showroom and MOT building is to the north of the site, set back from the A229 Cranbrook Road by some 24m, and screened by mature trees to the north and east from the Landscape of Local Value and the approach to the site from the north. In the absence of these trees and in views from the south the new building at a maximum height of 6.4m will be seen in the context of the established petrol filling station use. In this setting the relatively compact form of the proposed development within an existing service station would not appear out of character.
- 5.10 The trees and hedges surrounding the site, whilst not located within the site, act as important features in providing screening to the site and to the value of the adjacent Landscape of Local Value. Given the proximity of the

proposed buildings to these landscape features, it is important to ensure the health of these trees would not be compromised by the proposed development and to improve the landscape within the site in particular to the existing landscape area and screening along the highway for the MOT building. It is reasonable to request the submission of landscape scheme to safeguard a satisfactory appearance to the development.

- 5.11 The size and scale of the proposed showroom and MOT building is designed according to operational requirements to ensure that the building can accommodate the full range of vehicles including HGV's and lorries. It also ensures that all the lifting machinery inside the building can be replaced or serviced without the need for them to be dismantled. On this basis, it is considered the size and scale of the building has an operational need.
- 5.12 Policy DM37 states that no open storage of materials will be permitted unless adequately screened from public view. A condition is recommended restricting open storage on the application site.

Residential Amenity

- 5.13 Local Plan policy DM37 states that the expansion of rural business will be permitted where the overall development will not result in an unacceptable loss in the amenity of the area, in particular the impact on nearby properties.
- 5.14 Representations have been received in regards to noise and light disturbance. I have visited the site and the residential premises that are likely to be impacted on are the properties directly opposite the site fronting Iden Crescent. These properties are approximately a distance of 35m from the proposal and separated by A229 Cranbrook Road. The A229 is a busy classified 'A' road and is likely to be the main source of noise and light for much of the time to these properties.
- 5.15 Whilst the applicant has stated that there is existing MOT use at the site, it is integrated within the car showroom building at a much smaller scale than the proposed standalone building.
- 5.16 Whilst the new MOT facility would be larger, the use would be located in a purpose built building constructed to modern standards. The operation of the use is likely to be during normal business hours and can be restricted by planning condition. Given the proposal is separated from the nearest residential properties by a classified A road and the associated noise and activity, Environmental Health are satisfied that any potential noise disturbance can be controlled by planning conditions. I do not consider the MOT building would result in significant noise nuisance to nearby dwellings.
- 5.17 There is no current restriction on the opening hours of the existing petrol filling station, which is currently operating at 24-hour. I do not consider the shop and sales building would be any worse than the existing use in terms of noise and disturbance.
- 5.18 In terms of potential light nuisance, four 5m tall new floodlights are proposed for the external parking and manoeuvring space for the new MOT building.

- 5.19 Staplehurst Parish Council whilst raising no objection to the proposal suggested the possibility of lowering the height of these lights. This has been discussed with the applicant who has said that the height is needed for the safety and security of the operation of the MOT building. In addition the floodlights are the same height as those currently on the site.
- 5.20 I do not consider the height or number of the proposed floodlights would result in significant visual impact or light pollution subject to conditions restricting the hours of operation in line with the business hour of the MOT and submission of lighting details.

Five new floodlights are proposed to the parking area serving the sales and shop building and the car washing area with existing lighting in these areas of the site at present operating on a 24 hour basis. The new lighting in this area will be seen in the context of the illuminated petrol station canopy including internally illuminated signage and new floodlighting proposed for Staplehurst Tennis and Cricket club which is to the rear of the application site. The permission under reference 18/505818/FULL included new floodlighting on 6.7 metre high columns as part of improvement works to the site. A planning condition is therefore recommended seeking further details of the lighting in this part of the site.

- 5.21 Due to the distances between the proposed development and neighbouring properties, the presence of the main road and existing buildings, structures and external lighting the proposal is considered acceptable in relation to impact on residential amenity.
- 5.22 Highway Safety and Parking Local Plan policy DM37 states that the expansion of rural business will be permitted where the increase in floorspace would not result in unacceptable traffic levels on nearby roads.
- 5.23 The site has a dual access arrangement directly off A229 Cranbrook Road serving the existing petrol filling station and associated facility. KCC Highways has commented that the proposals are essentially a replacement facility for the existing services. As no additional vehicle movements are anticipated above those generated by the lawful use, the use of the existing access arrangements are considered acceptable.
- 5.24 In terms of traffic impact, KCC Highways consider that whilst there is a small increase in overall floorspace, it will not generate a significant level of traffic over and above its extant use.
- 5.25 The applicant has confirmed that a car sales operator of this nature would not use a transporter, as the majority of the vehicles would be part used or second hand purchase.
- 5.26 KCC Highways has commented that based on the proposed land use schedule and floorspace a total of 26 customer parking spaces are required, excluding any car parking provision for employees. The Applicant has provided an amended plan (received 7 February 2019) that show the provision of 26 customer parking spaces and 6 staff parking spaces. KCC

Highways have been re-consulted on this revised plan and their comment will be provided at a later date.

Other Matters

- 5.27 The representations received have raised concerns the redevelopment of the site is likely to attract a large scale national/ market chain type of company, and that there are already sufficient MOT stations in the area. With the existing MOT facility on the site the development plan is in general support of rural business expansion in appropriate locations.
- 5.28 The competitiveness of individual business uses such as MOT services is not something that the planning system can control. It is left to the market to ensure that there are sufficient services to meet demand and there is not considered to be any cumulative impact here.
- 5.29 In addressing the Staplehurst Parish Council request on the clarification of the statement in para 11.3 of the Design & Access Statement: "*The existing access arrangement will be retained and it has been established that no intensification will be incurred post construction*". The applicant has confirmed that no alterations are proposed to the existing site access points and the development will not generate a significant level of traffic over and above that associated with the extant facility.
- 5.30 Whilst the code for sustainable homes for new housing has been abolished and is now considered as part of Building Regulation, the equivalent standard for non residential accommodation is still in place. Policy DM2 states that non-residential development, where technically feasible and viable, should meet BREEAM (Building Research Establishment Environmental Assessment Method) 'Very Good' standard. It has been established elsewhere that meeting this standard would only be viable if over 500 sq m of new floorspace is provided, with the current application providing less than this figure, a BREEAM standard of 'very good' is not sought in this case.

6. CONCLUSION

- 6.01 The proposals are in keeping with the existing use and would result in economic and social benefits in supporting the expansion of a rural business in an appropriate location adjacent to a designated rural service centre.
- 6.02 The proposal is found acceptable in relation to impact on residential amenity including due a classified road, Cranbrook Road A229 separating the site from neighbouring properties by Cranbrook Road A229 and the existing site operations.
- 6.03 The visual impact of the proposed development is not significant due to it being a redevelopment of the application site with similar use, the scale of the proposed buildings are sufficiently set back and screened from public view points with the operational needs outlined.

7. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Site Plan, No. 170813_PL3 Rev A received on 7 February 2019
Proposed Site Elevations, No. 170813_PL4 received on 26 October 2018
Proposed Building Elevations –PFS received on 26 October 2018
Proposed Building Elevations – MOT received on 26 October 2018

Reason: To clarify which plans have been approved.

- 3) No activity in connection with the MOT service and MOT building hereby permitted shall be carried out outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1800 hours on Saturdays; and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by occupiers of residential properties in the area.

- 4) With the exception of parking of vehicles, no open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

Reason: To safeguard the character and appearance of the area.

- 5) Notwithstanding the submitted plans details of any new external lighting installed on the site (whether permanent or temporary) shall be submitted to and approved in writing by Local Planning Authority. The proposed lighting to the parking area adjacent to the shop and sales building and car washing area should be low-level lighting. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and hours of operation. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

- 6) The development hereby approved shall not commence above ground level until a landscape scheme and tree protection to the trees surrounding and within the site in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically address the need for the maintenance of the existing trees within and surrounding the site, and provision of landscaping along A229 to screen the development. The landscape scheme shall also show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 7) Prior to the first use of the buildings hereby permitted, bat and bird boxes shall be installed in the eaves, the details of which shall first be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

INFORMATIVES

1) Environmental Protection

As the development involves demolition and/or construction, Environmental Protection would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

2) KCC Highways

- It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by the Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Michelle Kwok