

SECTION '2' – Applications meriting special consideration

Application No : 11/01176/FULL1

Ward:
**Bromley Common And
Keston**

Address : Bromley Service Station 116 Hastings
Road Bromley BR2 8NJ

OS Grid Ref: E: 542387 N: 165927

Applicant : Mr Alex Shattock

Objections : YES

Description of Development:

Installation of 2 underground fuel tanks, 4 petrol pump islands, resurfacing of forecourt and new forecourt canopy

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding

Proposal

The proposal seeks permission to carry out the following procedures:

- Demolish the existing canopy and pump islands so that 4 pump islands can be installed. By redesigning the layout of the pump islands, this will allow for space for vehicles to pass either side which is designed in order to reduce the congestion sometimes experienced when high levels of traffic enter the site. The new 8 hose pump dispensers will emit less noise, and will also include a system which removes most airborne vapours from the fuel during customer refuelling;
- Installing a replacement weather protective canopy of 4.5 metres in height;
- Replacing the current below ground offset fill chambers with above ground fills which would be located on the new island closest to the roadside;
- Removal of the existing below ground fuel tanks and fuel infrastructure and replacement by two new 70,000 litre steel double-skinned underground storage tanks. These would have constantly monitored interstitial space that would identify any leak or malfunction within the system;
- The existing forecourt will be replaced and laid with impermeable surfacing which will include petroleum resistant seals provided to all expansion joints to ensure leak tightness;
- The existing shop plant will be retained and will comprise of air conditioning and refrigeration equipment, located to the rear of the sales building. The

floodlighting will be retained or upgraded like-for-like where necessary, on 5 metre high lamp standards, they will be upgraded to low energy units whilst providing safe illumination;

- The drainage system will be replaced with a dedicated containment system which will drain into an existing Environment Agency approved Class 1 fuel interceptor with minimum 9000 litre capacity before discharging into the mains sewers.

Location

The application site is located on the western side of Hastings Road (A21). At present the site is occupied by a petrol filling station with 3 island 3 pump dispenser, a single storey sales building to the rear of the pump islands, a secure area to the side of the sales building for storage of bins and plant material, and a service yard to the left hand side and rear. There is also a two storey building to the right hand side of the sales building but this is separate to the petrol station.

Comments from Local Residents

A number of responses were received from local residents, including from the Keston Mark and Bromley Common Village Residents' Association, raising the following concerns:

- application seems reasonable in principal, however have concerns regarding some of the terminology – will the plant machinery to be located to the rear of the site (immediately adjacent to residential properties) have any health implications;
- if this application is approved, will it then lead on to an application for 24 hour trading;
- this has previously been applied for and refused;
- new design is unlikely to have any impact upon nearby residents, provided trading hours remain the same;
- however if possible could a white fascia be used to clad the rear of the new canopy facing Cherry Orchard Road;
- this would reduce visual impact on these houses but cause no issues for Shell's business;
- measurements of the canopy at each of the 4 corners varies;
- plans do not accurately show the relationship of the canopy with adjacent properties;
- no level is shown for the forecourt so it is difficult to assess the height of the canopy;
- the residents have a right to know maximum canopy levels;
- have previously experienced the breaking up of the forecourt concrete slab at the filling station, where the noise was horrendous;
- a method statement should be submitted to the Council in order to ensure the work undertaken is done in a manner that minimises disturbance to neighbours;
- if the contractor temporarily positions plant and equipment on land to the south of the site, can measures be taken to protect the trees;

- whilst a similar pump arrangement was approved in 2002, the dimensions of kerb to the northern boundary was greater;
- the turning facility for vehicles parked at the air-water facility will be reduced;
- no mention is made of pedestrian or disabled access across the site;
- the canopy was last raised in 2002 by 240mm. The constant raising of the canopy makes the filling station dominate the nearby dwellings and results in far greater light spillage from the soffit;
- no good reason to raise the height of the canopy since large vehicles will be unable to negotiate between the pump islands, vehicles parked at the air/water facility and the northern boundary.

Members should note that full copies of all correspondence received can be viewed on the file.

Any further objections raised since the submission of revised plans will be reported verbally.

Comments from Consultees

No objections were raised by Environmental Health (Scientific Services).

The Council Highways Drainage Consultant stated that the Environment Agency should be consulted.

The Council Highway Engineers stated that Transport for London should be consulted, and that as there is no increase in the size of the shop or change to the parking areas or access arrangements, no objection is raised.

Waste Services stated that refuse collection and arrangements should be carried out as existing.

Transport for London (TfL) is the highway authority for the A21 Hastings Road, which is part of the Transport for London Road Network (TLRN) who are concerned with any development that could affect the safety or performance of the TLRN. The view was taken by TfL that the proposal is unlikely to have an adverse impact upon the TLRN and no objections were raised, provided that the footway and carriageway is not blocked during the construction and maintenance of the proposal. Temporary obstructions should be kept to a minimum, should not encroach onto the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic. All vehicles associated with the proposal must only park, stop or load and unload at permitted locations and within the periods permitted by existing on-street restrictions. No skips or construction materials shall be kept on the footway or carriageway of the A21, Hastings Road.

Thames Water stated that the applicant should contact them prior to development to ensure the proper provisions are made to protect the water courses.

The Crime Prevention Officer stated that it is disappointing that little thought has been given to measures that should be employed to reduce the risk of crime and

criminality at the location. Secured by Design conditions and conditions relating to CCTV should be imposed should permission be granted.

The Environment Agency initially raised objection to the proposal however following additional information being submitted which addressed their concerns relating to groundwater and contaminated land, they were able to remove their objections, subject to conditions being imposed should permission be granted.

Planning Considerations

The proposal falls to be considered under Policies BE1, ER6, ER7, ER14, S5, S7 and S8 of the Unitary Development Plan.

Planning History

There has been a high number of planning applications in the past, and in terms of the most relevant planning history, this can be summarised as follows:

1987	Permitted	87/00144/FUL	Raising of existing canopy and installation of new canopy equipment
1988	Refused	88/04000/OTH	Variation of condition 99 of 87/0144 to allow for 24 hour opening
1991	Permitted	91/01903/FUL	Single storey rear extension, alterations to canopy, 4 pump islands and 2 underground petrol storage tanks
1994	Permitted	94/00509/FUL	Alterations to forecourt pump layout and canopy, shopfront and underground petrol storage tanks
2001	Permitted	01/02637/FULL1	Single storey replacement sales building, installation of 2 new petrol pump islands, replacement canopy and alterations to the layout of the forecourt
2005	Consent	05/01584/ADV	Continued display of non-illuminated fascia sign on office building

Conclusions

This site has been in use as a petrol filling station for many years. This proposal seeks to re-develop the site with the installation of 2 replacement underground fuel tanks, 4 petrol pump islands, resurfacing of the existing forecourt and a new forecourt canopy. The principal users of the site will be passing motorists. Other shop users would be from the local area usually within walking distance of the site. It is considered therefore that the site can be regarded as a sustainable location for a top-up retail facility in terms of by-pass trade, linked trips and accessibility to the local community.

Policy S8 of the Unitary Development Plan states in effect that alterations to and the redevelopment of existing petrol filling stations will generally be acceptable provided that there would be no unacceptable effect on the surrounding environment and amenity of adjoining uses; the proposal would not create an unacceptable impact on the vitality or viability of the local parade or neighbourhood centre; adequate servicing, parking and access arrangements are included; and the proposal would not have an unacceptable effect on traffic flow or safety.

Members may consider that these issues have been discussed within the report and supporting information submitted as part of the application, with each criterion being met and confirmed by various consultations carried out.

With regard to the policies within the Unitary Development Plan relating to environmental resources, Policies ER6, ER7 and ER14, it is considered that each of these policies have been considered at length through discussions with the Environment Agency and the Environmental Health Officers at the Council, and Members may consider that the information submitted is on balance acceptable subject to ongoing requirements.

The proposal utilises existing vehicular access/egress points and no technical objections were received from the Council Highways Engineers nor Transport for London (TfL) as it is not considered likely that the proposed development would adversely affect the free flow of traffic or conditions of safety on the adjacent TLRN.

The design of the shop unit appears similar to the existing shop unit with the exception of an increase in width of the unit, and the existing company pole sign will be replaced by a new sign of 5 metres high from ground level, which will be located in the same position. The existing boundary treatment will be retained. The canopy over the petrol forecourt is being raised in height, however Members may consider that the appearance of the petrol filling station as a whole will be improved.

In considering the impact of the proposal upon the residential amenity of neighbouring residential dwellings Members should note that no technical environmental health objections were raised in respect of the development as proposed. In addition the Environment Agency have raised no objection to the scheme subject to stringent conditions and ongoing investigations both during and after the redevelopment has taken place relating to the prevention of groundwater pollution.

While it is accepted that the development may result in an increased intensity of use of the site, the impact on residential amenity would not be so adverse as to warrant refusal of planning permission, particularly given the previous planning approval in 1991 of alterations to the canopy, installation of 4 pump islands and 2 underground petrol storage tanks which Members may consider have set a principle for this current proposal.

Whilst concerns have been raised by local residents concerning noise levels during construction, this is something that can be controlled by way of construction methods and in any case is not enough to warrant refusal of planning permission.

On balance, Members may therefore consider that the application is acceptable and worthy of planning permission being granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 87/00144, 88/04000, 91/01903, 94/00509, 01/02637, 05/01584 and 11/01176, excluding exempt information.

as amended by documents received on 27.06.2011

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACC01 Satisfactory materials (ext'nl surfaces)
ACC01R Reason C01
- 3 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 4 ACI21 Secured By Design
ACI21R I21 reason
- 5 ACJ02 No dis. of vehicles (Petrol filling st.)
ACJ02R J02 reason
- 6 ACJ04 Provision of window display
ACJ04R J04 reason
- 7 ACK01 Compliance with submitted plan

Reason: In order to protect the amenities of the nearby residential dwellinghouses and to comply with Policy BE1 of the Unitary Development Plan.

- 8 ACK21 Details of CCTV scheme
ACK21R Reason K21
- 9 ACK26 Removal of Industrial PD rights (noise p

Reason: In the interest of the amenities of the occupiers of adjacent residential dwellings and to comply with Policy BE1 of the Unitary Development Plan.

- 10 No deliveries shall be made to the premises hereby permitted outside the hours of 0700 and 2300 on any day.

Reason: In the interest of the amenities of the occupiers of adjacent residential dwellings and to comply with Policy BE1 of the Unitary Development Plan.

- 11 The use shall not operate before 0700 and after 2300 on any day.

Reason: In the interest of the amenities of the occupiers of adjacent residential dwellings and to comply with Policy BE1 of the Unitary Development Plan.

- 12 The premises shall have an approved, effective and well managed CCTV system installed by an NSI - Nacoss Gold Standard / SSAIB registered installer in accordance with NACP 20 and shall be capable of supplying images in all lighting conditions. The installed system shall be compliant with the requirements of the Data Protection Act 1998 and the licensee shall be the data controller for any images caught on the system and register and notify the ICO.

The system installed shall be subject to a regular maintenance contract as stipulated by the installer, have the capability to download images on request of a lawful, relevant authority by a responsible staff member. A responsible staff member must be present at all times to be able to provide to any relevant authority on request images necessary for investigating or preventing crime or apprehending or prosecuting an offender.

All images shall be kept on a secure data base for a minimum of 31 days.

Reason: In the interest of security and crime prevention and to accord with Policy BE1 of the Unitary Development Plan.

13 Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) 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.
4. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

14 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect vulnerable groundwater resources and ensure compliance with Planning Policy Statement 23.

Reasons for granting permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- ER6 Potentially-Polluting Development
- ER7 Contaminated Land
- ER14 Surface and Groundwater Quality

- S5 Local Neighbourhood Centres, Parades and Individual Shops
- S7 Retail and Leisure Development – outside existing centres
- S8 Petrol Filling Stations

The development is considered to be satisfactory in relation to the following:

- (a) the character of development in the surrounding area;
- (b) the relationship of the proposal to the adjacent properties;
- (c) protection of groundwater surrounding the site;

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 The Environment Agency state that the letters dated 24th June 2011, from URS, and 27th June 2011, from RLDM Ltd, confirm that the existing tanks are to be removed and that the excavations will be fully validated. The applicant is therefore advised that the Environment Agency look forward to receiving the validation report relating to this work in due course.
- 2 The applicant is advised that the Environment Agency expect to receive the revised DQRA following the recent groundwater monitoring. Considering how varied the results from March 2010 and April 2011 were, in addition to the monitoring undertaken in June 2011 it is likely that further groundwater monitoring will be required at this site.
- 3 With regards the proposed tanks, whilst the Environment Agency (EA) acknowledge that based on the submitted information the tanks should be located above the water table, the depth to the water table in the north western corner of the tank farm is still considered to be highly limited. Therefore, whilst the EA have removed the holding objection, the applicant is informed that the EA will expect the following to be ensured:

A thorough pollution prevention monitoring and maintenance schedule is to be implemented at this site.

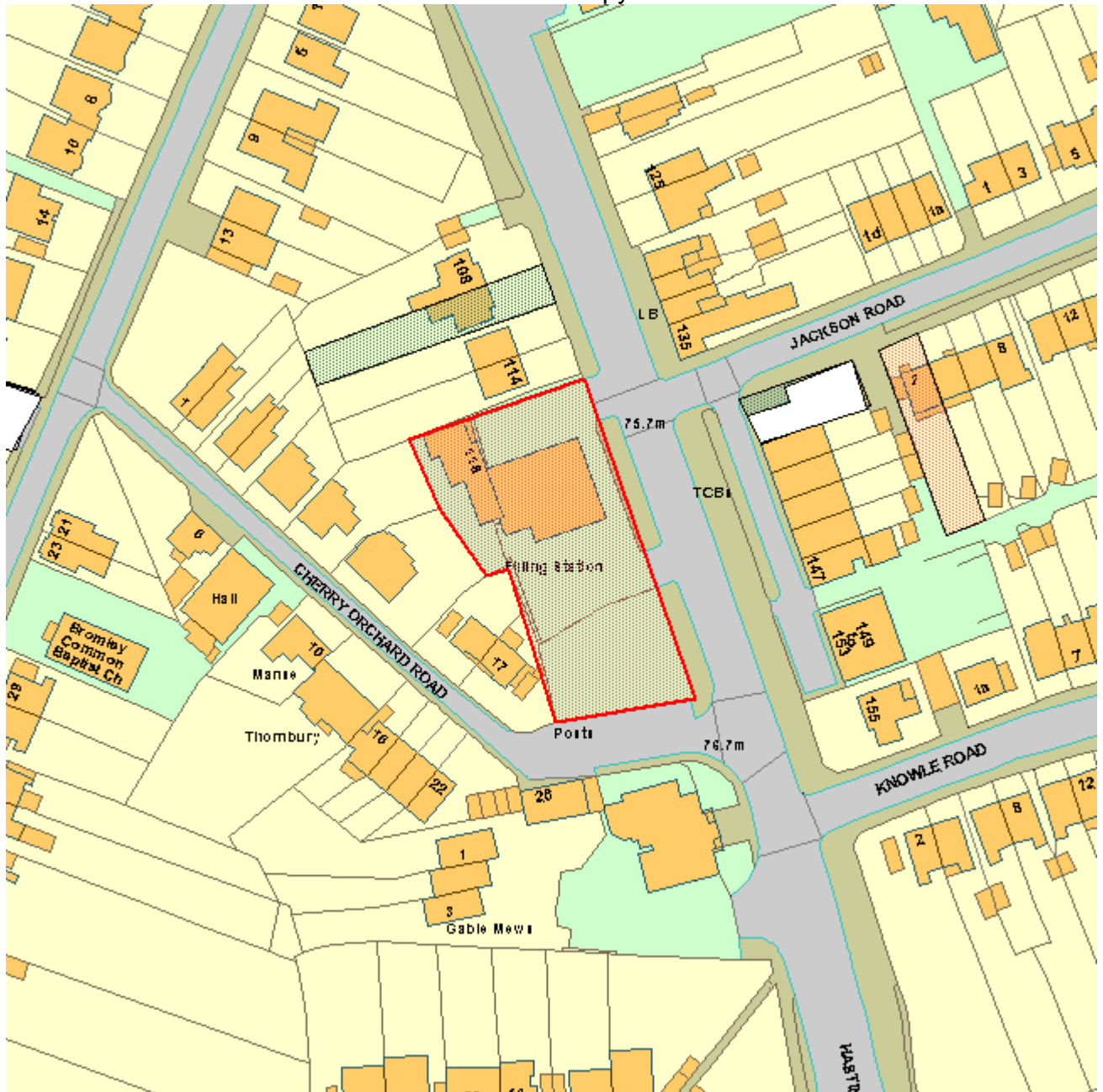
All staff are to be made fully aware of the environmental risk posed by this particular site due to the high groundwater table.

The staff training manual specific to this site (i.e. with reference to the above point) will need to be submitted to the Environment Agency for our records. At least one down groundwater gradient monitoring well should be retained following the sites development works. In particular MW7. This will enable immediate monitoring of the groundwater in the event of any potential incident.

Reference: 11/01176/FULL1

Address: Bromley Service Station 116 Hastings Road Bromley BR2 8NJ

Proposal: Installation of 2 underground fuel tanks, 4 petrol pump islands, resurfacing of forecourt and new forecourt canopy



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