

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 29 May 2012
Planning Application Report of the Planning and Development Manager

Application address: 21-35 St Denys Road			
Proposed development: Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 pumps with canopy.			
Application number	11/01856/FUL	Application type	FUL
Case officer	Stephen Harrison	Public speaking time	5 minutes
Last date for determination:	20.01.2012	Ward	Portswood
Reason for Panel Referral:	Planning & Development Manager's request	Ward Councillors	Cllr Claisse Cllr Norris Cllr Vinson

Applicant: Sainsbury's Supermarkets Ltd.	Agent: Wyg Planning and Design
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Recommendation Summary	Refuse
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Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

REFUSE for the reasons set out at the end of this report

Background

An application for a similar proposal was refused planning permission under delegated authority in November 2011 (LPA 10/01213/FUL refers). The current application seeks to address the previous reasons for refusal.

1. The site and its context

- 1.1 The application site is located at the junction of St Deny's Road and Thomas Lewis Way (A335) in Portswood. The site is neighboured by residential property of various architectural styles and form to the north, west and south.
- 1.2 The site slopes upwards in a westerly direction and is currently operated as a car sales (sui generis) use, with the majority of the site given to open storage of cars for sale. The existing operation includes a showroom building and an ancillary workshop/servicing area. The site has previously been used as a petrol filling station.

2. Proposal

- 2.1 Full planning permission is sought for the redevelopment of the existing car sales site with a six dual aspect pumps (ie. 12 pumps in total) and petrol filling station

kiosk. No car wash is proposed, but the site will be partly filled (by up to 1.4 metres) and levelled to facilitate easier access from St Deny's Road.

2.2 The existing site access from St Deny's Road will be closed and replaced with a new access approximately 30 metres along towards the District Centre.

2.3 Since the refusal of application 10/01213/FUL the applicants have made the following changes to the proposal:

- Additional (indicative) landscaping, including green walls to the kiosk, has been provided to screen the development and soften its impact on neighbours and pedestrians;
- The tanker standing location has been moved away from 72c Belmont Road and is now located between the pumps;
- A 2 metre high acoustic fence replaces the boundary fencing to the most sensitive locations;
- The retaining walls along St Deny's Road have been lowered and stepped and a railing added to the top; and
- A full Transport Assessment accompanies the planning application.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. Having regard to paragraph 214 of the NPPF the local policies and saved policies listed in this report retain their full material weight for decision making purposes.

4.0 Relevant Planning History

4.1 The relevant planning history for this site is summarised at **Appendix 2** of this report. Of particular relevance was the recent refusal of a similar scheme for a petrol filling station for the following reasons (10/01213/FUL refers):

4.2 **01.REFUSAL REASON - Scale, Level of Activity and Impact on Neighbours**
The increased activity associated with the use of the site as a petrol filling station of this scale with associated facilities will result in an increase in disturbance to the occupiers of residential occupiers both adjacent to and opposite the site in particular by means of noise and also from vehicle headlights entering and leaving the site. The proposals would be detrimental to the level of amenity currently enjoyed by the occupiers of those properties contrary to "saved" policy SDP1(i) of the adopted City of Southampton Local Plan Review 2006.

4.3 **02.REFUSAL REASON - Visual Appearance**
The proposals require significant re-engineering of the site levels resulting in the kiosk structure being raised above the ground levels for adjacent residential properties in Osborne Road South and the need to introduce retaining walls and other structures to the site boundary's and also within the site to mitigate the impact from car headlights. The resulting development would appear visually dominant an overly engineered when viewed from adjacent residential properties and the public highway to the detriment of residential amenity and the character of the area contrary to "saved" policies SDP1, SDP7 and SDP9 of the adopted City of Southampton Local Plan Review 2006.

4.4 **03.REFUSAL REASON - Highway Safety**

The proposals will introduce additional traffic movements close to existing busy traffic controlled junctions and given the configuration of St Denys' Road requires vehicles turning right into or out of the site to cross the carriageway is likely to result in disruption to traffic flows and add to congestion in the immediate vicinity of the site to the detriment of highway safety contrary to "saved" policies SDP1 and SDP3 of the adopted City of Southampton Local Plan Review 2006.

4.5 The applicants have revised their scheme in an attempt to address these reasons for refusal.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners and erecting a site notice (15.12.2011). At the time of writing the report **39** representations have been received from surrounding residents. The following planning related comments have been made and are dealt with in the following report and/or the proposed reasons for refusal:

- 5.2
- No need in the area for another petrol filling station
 - There has been little material change from the previous scheme
 - Highways safety concerns raised by proximity to the junction
 - Traffic generation and existing congestion problems exacerbated
 - Interferes with the servicing of the existing Sainsbury's store
 - Transport Assessment fails to provide up-to-date data
 - Traffic congestion will affect emergency vehicles access
 - Pollution arising from noise and light spill – loss of amenity
 - Inappropriate use within a residential area
 - Affects an existing sewer

5.3 **Ward Cllr Vinson** has requested a Panel determination of this application (if minded to approve). The modifications made are too minor to override the 'in principle' objection previously made. Concerned about the implications for traffic and especially right turns into and exiting the site. Petrol fumes are a health and safety issue.

5.4 Consultee Response

5.5 **SCC Highways** – Objection raised. Historically this site was a petrol filling station, but this was before Thomas Lewis Way was constructed, and it is noted that there are 4 other petrol filling stations within a 2km radius, and a further 3 within a 3.5m radius. Thomas Lewis Way is the A335, a principle arterial route to the city centre. The site is located just off of the A335, adjacent to the traffic light controlled junction with St Denys Road, the A3035, a principle link road running between Bitterne Triangle and Portswood, and places beyond.

5.6 The proposed access to the site is located on the south side of St Denys Road, approximately 70m west of the traffic lights with Thomas Lewis Way and 50m east of the Belmont Road traffic signals. The carriageway past the site is regularly subject to queuing traffic due particularly to the traffic lights on Thomas Lewis Way, and the sheer volumes of traffic using these roads.

5.7 The new Sainsburys store in Portswood is now open, and is drawing customers in from all directions, as would be expected. The store will likely offer discounted fuel to their own shoppers, encouraging use of their petrol filling station. Traffic passing the site when exiting Sainsburys will not result in additional traffic,

although there will be additional turning traffic, vehicles turning right into and right out of the site, the most disruptive and dangerous traffic manoeuvre at such a junction. However, traffic which would normally exit Sainsburys and leave in other directions will be encouraged to use this section of St Denys Road to get to the filling station, before returning back to their normal routes away from the area.

5.8 The result of this development will, therefore, not just be the introduction of turning traffic on a busy section of highway, but increasing the volume, and resulting in traffic delays which could interfere with the flow of traffic on Thomas Lewis Way. The previous highway safety reason for refusal in my opinion has not been overcome. I therefore recommend refusal on the following grounds

- The development will result in large numbers of turning vehicles on a busy section of carriageway, close to the junction with an arterial route, which may interfere with the flow of traffic resulting in the backing up of traffic causing the risk to highway safety and flow of traffic on an arterial route.
- The development itself does not allow for sufficient arrival, and waiting space for vehicles waiting to use the pumps, which could result in vehicles tailing back onto the highway, interrupting the flow of traffic on St Denys Road.
- The introduction of a new access in this location, causing traffic to make large numbers of right turns will result in risks to highway safety.

5.9 **SCC Environmental Health Officer** - Does not consider that statutory nuisance will occur as a result of the proposals, but does consider that the amenity of those residents close to the site will be affected as is reflected in the suggested reasons for refusal.

5.10 **Southern Water** – No objection

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Additional activity and the impact on residential amenity.
- Impact on the character and appearance of the area.
- Traffic generation and impact on the local highway network and safety.
- Whether or not the revised scheme has overcome the previous reasons for refusal

6.2 Residential Amenity

The impact of the proposed intensification of use on the residential amenity of immediate neighbours is, again, a material consideration.

Despite the introduction of a new acoustic fence to mitigate some of the impact it is considered that the likely increased activity, when compared to the relatively static car sales that currently exists, will generate additional noise and lighting issues for these nearby neighbours. A further impact to visual amenity will also result due to the nature of the site levelling works, the necessary retaining walls and acoustic fencing which are required as part of the re-grading of the site, and the introduction of the kiosk building on raised land adjacent to 97 Osborne Road South.

The change in levels across the site also means that vehicles leaving the petrol filling station will have headlights directly facing towards the front of houses in St Deny's Road (namely 20-26 St Deny's Road) as they leave the site. This loss of local residential amenity is sufficient to warrant a planning refusal.

6.3 Character & Appearance

The proposal requires further engineering works to re-grade the levels on the site to provide the new tanks and access routes to and from the filling station. The effect is for the eastern end of the site (closest to Thomas Lewis Way) to be raised up effectively creating a plinth for the shop and sales kiosk to sit upon with a series of retaining structures around the perimeter. This amendment, in contrast to the relatively open nature of the existing site, is considered to be over-engineered and harmful to the character of the area and the visual amenities of the area.

A smaller scale facility may be able to address these issues by reducing the level of activity and amount of site coverage. However, despite the introduction of additional landscape screening, the proposals as submitted are considered to represent too great an impact on the character of the area to overcome the previous concerns.

6.4 Highway Safety

The principle of a petrol station on this site may be acceptable. The site was operated from the 1950's for nearly 40 years as a garage and small scale petrol station with ancillary workshop and staff parking. The nature of the site changed in the early 1990's to a more static car sales place with workshop.

The currently proposed petrol filling station is larger in terms of number of pumps and capacity than that which operated from the site previously, and is likely to generate more activity and vehicles trips. There will be significantly more vehicle movements compared to what is effectively a static car sales premises at the present time. The likely increase in car-borne trips to and from the site has led to a highway objection to the proposals.

There is genuine concern that the proposed scale of the operation will lead to the potential for obstructing further the flow of traffic in St Deny's Road along what is already a busy section of road, and which acts as a primary west to east link across the city.

Vehicles turning right into and out of the site will have to cross a busy and, at peak hours, very congested section of road. This arrangement is likely to exacerbate the current congestion. There is also the potential for a high number of customers to undertake linked trips with the approved nearby Sainsbury's superstore all of whom would need to make this right turn manoeuvre into the site. Furthermore, If problems arise with vehicles attempting a right turn out from the site there could be congestion problems within the site as vehicles back up leading to further congestion and inconvenience for users.

In light of the scale of the proposal, and the requirement for significant right hand turns into and exiting the site, the proposed development is not considered to have addressed the previous highway safety objection.

7.0 Summary

The proposed revisions to the scheme are not sufficient to overcome the previous concerns raised to a similar application on this site for a petrol filling station. As such, the same objections still stand.

8.0 Conclusion

This application has failed to address the previous planning and highway objections raised to the introduction of a 12 pump petrol filling station on the site. The application is recommended for refusal.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1a, b, c, d, 2b, d, 7a, 9a and b

AA for 29/05/11 PROW Panel

REASONS FOR REFUSAL

01.REFUSAL REASON - Scale, Level of Activity and Impact on Neighbours

Notwithstanding the introduction of an acoustic fence to parts of the common boundary the increased activity associated with the use of the site as a petrol filling station of this scale with associated facilities will result in an increase in disturbance to the occupiers of residential occupiers both adjacent to and opposite the site in particular by means of noise and also from vehicle headlights entering and leaving the site. The proposals would be detrimental to the level of amenity currently enjoyed by the occupiers of those properties contrary to "saved" policy SDP1(i) of the adopted City of Southampton Local Plan Review 2006.

02.REFUSAL REASON - Visual Appearance

Notwithstanding the additional landscaping and remodelling of the site proposed the proposals require significant re-engineering of the site levels resulting in the kiosk structure being raised above the ground levels for adjacent residential properties in Osborne Road South and the need to introduce retaining walls and other structures to the site boundary's and also within the site to mitigate the impact from car headlights. The resulting development would appear visually dominant an overly engineered when viewed from adjacent residential properties and the public highway to the detriment of residential amenity and the character of the area contrary to "saved" policies SDP1, SDP7 and SDP9 of the adopted City of Southampton Local Plan Review 2006..

03.REFUSAL REASON - Highway Safety

The proposals will introduce additional traffic movements close to existing busy traffic controlled junctions and given the configuration of St Denys' Road requires vehicles turning right into or out of the site to cross the carriageway is likely to result in disruption to traffic flows and add to congestion in the immediate vicinity of the site to the detriment of highway safety contrary to "saved" policies SDP1 and SDP3 of the adopted City of Southampton Local Plan Review 2006.

POLICY CONTEXT

Core Strategy - (January 2010)

CS6	Economic Growth
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS24	Access to Jobs

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP15	Air Quality
SDP16	Noise
SDP17	Lighting
REI5	District Centres
TI2	Vehicular Access

Other Relevant Guidance

National Planning Policy Framework

Relevant Planning History

The first recorded planning records for the site date back to 1952 when planning permission was granted for a garage and workshop.

In 1953 planning permission was twice refused to use the site for car sales. In 1954 planning permission was granted for a 'garage and petrol station'. In 1960 planning permission was granted for the use of the land for car sales.

Throughout the 1960's it is clear the commercial activity on the site expanded. In 1961 permission was granted to use part of the rear garden of 74 Belmont Road for car sales, and during this period additional consents were given for enlarged petrol tanks (6 000 gallon), a canopy and lighting.

The 1970's saw a continuation of the establishment of the commercial activity with office structures, sales office, new showroom and further enlarged petrol tanks (8000 gallon) all being approved. During this period, to the west of the site, the new relief road known as Thomas Lewis Way was constructed resulting in the re-alignment of road systems and the loss of houses.

In 1982 consent was given for a new canopy, a new pump island and two new underground fuel tanks. In 1988 an appeal was allowed allowing the existing rear workshop and a re-organisation of the forecourt area.

In the late 1980's a series of applications were submitted seeking 'extensions and alterations to form (a) new workshop plus alterations to (the) facade fronting Osborne Road and revised forecourt arrangements'. The revised forecourt arrangements included the proposed removal of the petrol pumps and the introduction of a frontage area of car sales. The schemes were initially resisted by the Council on the grounds of increased intensification of use and the resultant impact on the amenity of neighbours. However, the scheme was allowed on appeal. A slightly revised scheme to that allowed on appeal was approved by the Council on 30 January 1991.

09/01243/FUL – Withdrawn (26.01.10)

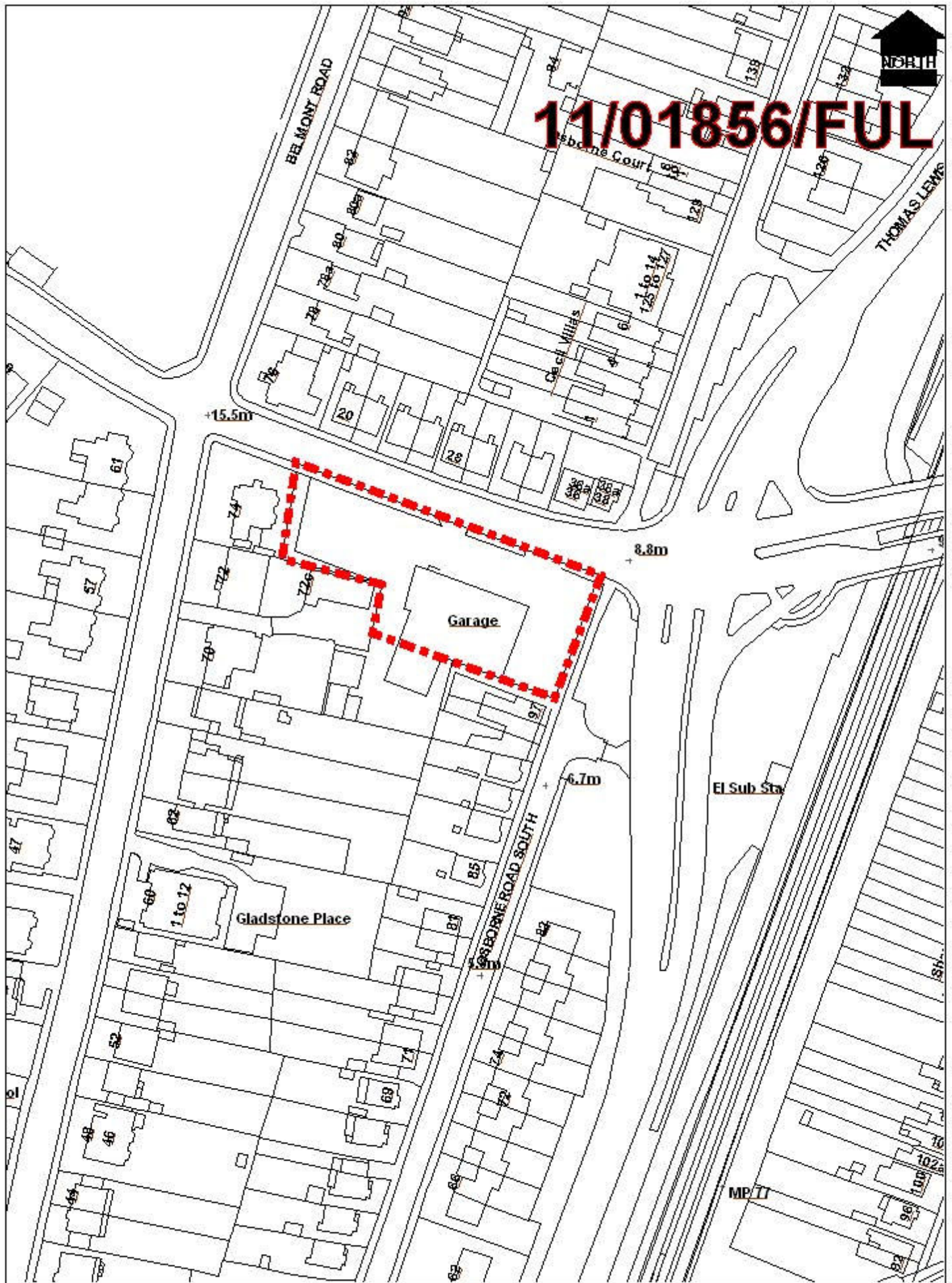
Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk, installation of 6 twin sided pumps with canopy and a car wash (after removal of existing building)

10/01213/FUL – Refused (26.01.2011)

Redevelopment of the site for use as a petrol station. Erection of a single storey sales kiosk and installation of 6 twin sided pumps with canopy.



11/01856/FUL



Scale : 1:1250

Date : 17 May 2012

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