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| Planning Committee Report | |
| Planning Ref: | PL/2023/0001089/FUL |
| Site: | Texaco Garage, 143 Hinckley Road Coventry. CV2 2QN |
| Ward: | Henley |
| Proposal: | Existing canopy to be raised from 3.6m to 4.5m (to soffit). |
| Case Officer: | Tom Cox |

SUMMARY

This application being considered before planning committee is for the raising of the canopy of the existing petrol filling station from 3.6m to 4.5m, an increase in height of 0.9m. The existing layout of the petrol filling station will remain unaltered and the only alteration will be raising of the canopy.

BACKGROUND

The applicant previously applied for the raising of the canopy to 5m under application reference: FUL/2022/0688. This application was refused due to insufficient information being provided to indicate, that by virtue of the increased height, there would not be a detrimental impact upon adjoining neighbours along Mapperley Close. Further information has now been provided as part of this application.

It is also worth noting that there is an ongoing application for the installation of jet wash bays, being considered at the same time as this application (PL/2023/0001483/FUL). This is a separate matter which does not directly impact this application as the works are in different locations within the service station.

KEY FACTS

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| Reason for report to committee: | The application has been called in by Councillor Seaman raising the following material planning considerations: <ul style="list-style-type: none"> Impact on neighbouring amenity due to increased light pollution and possibility of increased traffic movements, specifically HGVs |
| Current use of site: | Petrol Filling Station (Sui Generis) |
| Proposed use of site: | Petrol Filling Station (Sui Generis) |
| Parking provision | Unchanged |
| Open space provision | Unchanged |

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions for the reasons laid out below.

REASON FOR DECISION

- The principle of a petrol filling station in this location has been established, the station already operates 24/7 and the proposed works would not change this operation.
- The proposal will not adversely impact upon highway safety.
- The impact upon neighbouring amenity will not be significant based on the information submitted as part of the proposal.
- The proposal accords with Policies: DE1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

SITE DESCRIPTION

The application site is a petrol filling station located on the junction of Hinckley Road and Wigston Road to the east of the city. The site is located on a busy highway which connects the national highway network to Coventry City Centre. The site is set off from the main highway by an area of grass, there is also an area of landscaping which separates the site from adjoining residential properties which surround the northern boundary of the site.

The petrol filling station is located in proximity to several residential dwelling houses to the west along Mapperley Close. These properties are predominantly bungalows with the odd exception. Two other petrol filling stations are located on the opposite side of the junction. There are no other known site constraints which would restrict the site's development.

APPLICATION PROPOSAL

Under this application, the applicant is seeking to raise the canopy from an existing 3.6m to 4.5m (to the soffit), an increase of 0.9m. No other alterations are proposed as part of this application, the existing underlighting will remain the same and the layout of the petrol filling station will remain unaltered.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

| Application Number | Description of Development | Decision and Date |
|---------------------------|--|---|
| PL/2022/0000139/ADV | Installation of new 7m EV Pole Sign | Granted (27.01.2023) |
| FUL/2022/0688 | Existing canopy to be raised from 3.6m to 5m | Refused (17.05.2022) Insufficient information was provided to demonstrate that the intensity and location of lights would be acceptable. |
| FUL/2021/3567 | Change of use from Class E to Sui Generis, installation of 3 no. jet washes with canopies, 3m high acoustic fence, electric vehicle charging hub and ancillary works including the erection of a new | Refused (28.04.2022) Jet wash was unacceptable in the location proposed, and concerns existed over light spill and the |

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| | substation, boundary fence and associated landscaping. | height of jet wash bays. |
| FUL/2021/2785 | Change of use of site from Class E to Sui Generis, including the removal of existing temporary office buildings and installation of Electric Vehicle charging hub and ancillary works including the erection of a new substation, boundary fence and associated landscaping. | Granted (04.11.2021) |

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve."

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy DE1 Ensuring High Quality Design

Policy AC2: Road Network

CONSULTATION

No Objections received from the following consultees:

- Environmental Protection
- Ecology
- Highways

Neighbour consultation

Immediate neighbours and local councillors have been notified; a site notice was posted on 29.06.2023.

4no. letters of objection have been received including one from Councillor Seaman, raising the following material planning considerations:

- a) The proposed development would significantly impact neighbouring amenity, by way of blocking sunlight during the day and increased light pollution during the evening.
- b) Increased movement of vehicles using the petrol filling station due to the raised height allowing more HGVs to use the station and increase noise, disturbance and air pollution.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the principle of development, the impact upon neighbouring amenity with particular reference to noise and light pollution as a result of the proposed development and highways considerations.

Principle of development

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” Footnote 8 to paragraph 11 confirms that this includes situations where the local authority cannot demonstrate a five-year supply of deliverable housing sites.

The principle of development relates solely to the increased height of the canopy and any potential implications of this. The existing 3.6m high canopy (to the soffit) on site has been subject to several vehicular impacts and near misses due to its relatively restricted height compared to modern canopies at filling stations including those nearby (for example, the BP filling station immediately opposite the site is 4.2m to soffit). The alteration to the height is therefore proposed in order to improve customer experience and safety when using the station (specifically drivers of larger vehicles).

In this assessment, it is important to consider why a higher canopy is required and what the potential implications of this would/could be. One of the main reasons for this alteration would be to allow for more vehicles to access the site more easily and to increase the safety of users. The use of a petrol filling station is for vehicles and highway users, which includes both domestic and commercial vehicles. As such, a modern canopy would be in the best interests of commercial activity on site and bring the petrol filling station to a modern standard. This will improve the safety and accessibility of the site and will ultimately result in a better customer experience and the operation of the station.

Therefore, provided that the proposal does not result in significant or detrimental harm to neighbouring amenity, the principle of development would be acceptable.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

The applicant has previously applied to raise the canopy to 5m, this application was refused due to insufficient information provided. It therefore could not be demonstrated that the proposed works would not result in a detrimental impact upon neighbouring/visual amenity. As such planning permission was refused. Within this application, the applicant has provided additional information, including a lighting assessment, a light illuminance plan, and an ancillary planning statement. As the reason for refusal was due to insufficient information provided, should this information be deemed sufficient to ensure that the work would not result in an unacceptable impact upon neighbouring amenity, the reason for refusal would be considered to have been overcome. The reduction in height of the canopy also contributes to overcoming this reason for refusal.

The raising of the canopy will result in a slight increase in the prominence of the petrol filling station within the street scene of Hinckley Road, and along Mapperley Close. Having been to view the canopy from those properties in Mapperley Close, which directly overlook the petrol filling station, it is noted that the existing canopy is already visible from the rear gardens of these properties. Given the length of time that this petrol station has been in place, views of the canopy from the rear, along Mapperley Close have been established.

The increased height will result in a slight alteration and increased significance in the view of the canopy from these properties. However, this is not considered to be visually detrimental to the outlook of neighbouring properties, given that the view will be similar to what is presently seen. The impact upon visual amenity as a result of these works is therefore considered to be minor. This is also aided by the layout of the street and the positioning of the dwellings, which will be considered in greater detail in the proceeding section of this report.

Impact on neighbouring amenity

The petrol filling station is located in proximity to several residential properties with the closest rear elevation approximately 20m away from the rear side of the canopy. The visibility of the canopy is obscured somewhat by a 2m boundary wall which surrounds the rear gardens of properties along Mapperley Close. The layout of the street means that the outlook of these properties does not directly overlook the canopy, two sets of semi-detached bungalows instead face away from the canopy at an angle. At present, the canopy is visible from the rear garden of some properties within Mapperley Close.

With respect to the proposed development, we can treat the height of the canopy as having a similar impact as a two-storey rear extension. In the LPA's recently adopted Householder Design Guide SPD it states: '*A minimum rear to rear windows distance of at least 20m should be retained*'. Whilst this is a commercial development, in terms of visual amenity, some comparison can be made, it is worth noting that at least 20m separate the rear windows of the properties on Mapperley Close and the nearest side of the canopy. Given that the canopy is not within the direct line of vision for these properties, it is not considered that the proposed increase will have a significant impact on visual amenity.

Whilst it is not considered that the increased height of the canopy will have a significant impact upon visual amenity, it will lead to increased light spill which does have the potential to impact neighbouring amenity. The previous application (FUL/2022/0688) was refused as it could not be demonstrated that the proposal would not result in a detrimental impact on neighbouring amenity. Within this application, the applicant has provided additional information, including a lighting assessment, a light illuminance plan, and an ancillary planning statement.

As outlined in the assessment provided, the light spill will inevitably increase as a result of the raised canopy; however, the levels will be at or below 1 lux outside of the forecourt for the petrol station. The lighting assessment indicates that the boundary walls will help to alleviate any light spills into residential properties. The vertical light spill is shown to be at or below 1 lux, as shown on the light illuminance plan provided, this is not considered to have an inappropriate impact upon neighbouring amenity. The application has been considered by the LPA's Environmental Protection, Highways and Ecology consults, and no objections have been raised. It is therefore considered that the overall light spill is considered to be acceptable and as such there will not be a significant impact upon neighbouring amenity.

Concerns regarding neighbouring amenity have also been raised with respect to noise pollution as a result of increased vehicle movements, particularly HGVs. Whilst these are noted, the principle of a petrol filling station in this location is established and the only alteration being considered for this proposal is an increased height. Given the minor

nature of the proposal and the established use of the petrol station, particularly on a major road such as this, it would be inappropriate to assume that the raising of the canopy would generate higher levels of noise or increased traffic movements.

Overall, it is therefore considered that the proposed development will not have a significant impact upon neighbouring amenity. This is considered to accord with Policy DE1.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Whilst there might be an assumption that the increased height may lead to increased HGV movements, it would still be inappropriate for long vehicles to use filling stations under the canopy due to the existing layout which will remain unaltered. An additional filling station would remain uncovered adjacent to the canopy for other vehicles to use. It is understood this pump is located closer to the dwelling house than those under the canopies which means the majority of HGVs Park closer to the dwelling houses than domestic vehicles. However, the existing layout is established and as such this is not something that can be considered under this planning application.

The filling station is also licensed to operate 24 hours a day and the main function of the site generates vehicle movements. No additional filling stations are proposed, and the only measure of accessibility that will change is the clearance height which would change by less than a metre. It would therefore be inappropriate to assume that the increased height of the canopy would have a significant impact on the highway.

The only assumption that could be made is that the increased height of the canopy will make those pumps under the canopy more accessible than can currently do so. If anything, this can only reduce the use of the pump closest to the dwelling houses, as more drivers may choose to fill up under the canopy.

Overall, it is therefore not considered that the proposed works will have a significant impact upon the highway, the Local Highways Authority have also raised no objection to the proposed increase in height.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development is considered to be acceptable and will not result in any adverse impacts upon the highway or visual and neighbouring amenity, as such the principle of development is acceptable. It will accord with Policy DE1 of the local plan, it is therefore recommended that planning permission is granted, subject to suitable conditions.

CONDITIONS/REASONS

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| 1. | The development hereby permitted shall begin not later than 3 years from the date of this decision. |
| Reason | <i>To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)</i> |
| 2. | The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Elevations DWG 13664-P06-286 B; Planning Statement Rev A (received 26.07.2023); Lighting Assessment (dated 23.08.2022); Walsgrave-Canopy-Lighting-Illuminance-Plan (received 26.06.2023); |
| Reason | <i>For the avoidance of doubt and in the interests of proper planning</i> |