

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 is being considered before planning committee for the raising of the canopy of an existing petrol filling station from 3.6m to 4.5m, an increase in height of 0.9m to the soffit. The existing layout of the petrol filling station will remain unaltered, and the only alteration will be raising of the canopy. In addition to this amendment the applicant has also submitted a landscaping plan which intends to act as a natural barrier between the petrol filling station and the residential properties along Mapperley Close.

The application was previously considered by Planning Committee on 14.09.2023 where the resolution was to defer the application to consider the matters of light and noise pollution to nearby residents. Members requested information on mitigation measures in terms of planting and directing light to minimise the impact, and whether the red light surround fascia could be dimmed. These matters are now being considered.

BACKGROUND

The application site has an extensive planning history which will be laid out in full within this report, and various permissions have been sought for alterations to the site. 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, that there would not be a detrimental impact upon adjoining neighbours along Mapperley Close. This further information required has been provided as part of this application and will be considered further in this report.

The initial application was considered by Planning Committee at the request of Councillor Seaman due to objections raised by neighbours, but the Councillor had concerns regarding the impact upon neighbouring amenity and the potential for increased HGV movements within the site, which could potentially increase noise pollution.

The application was previously considered before planning committee on the 14th September 2023, however, the making of the decision was deferred by members as further information was requested to allay concerns that Members had regarding the impact that raising the canopy could have on the residents of the adjacent Mapperley Close. This included an agreement to a condition for the illumination of the canopy not to include the side of the canopy facing the residents, and the provision of landscaping for the purposes of screening views and assisting in reducing noise pollution for neighbouring properties along Mapperley Close. The application is therefore presented before committee with these matters having been addressed, these will be discussed further in this report.

KEY FACTS

Reason for report to committee:	The application has been called in by a local councillor because of 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 significantly 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 applicant has agreed to additional measures to mitigate the impact upon residential amenity which will help to improve the residential environment for occupants on Mapperley Close.
- The proposal accords with Policy 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 rear along Mapperley Close. These properties are considered to be sheltered housing, and all of those adjacent to the site are bungalows apart from the dwelling at the bottom of Wigston Road, whose view of the site is obscured by a group of trees. 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. The applicant is also seeking to install additional landscaping to the west of the canopy creating a natural barrier between the petrol station and dwellinghouses along Mapperley Close. The proposed landscaping will have a minimum height of approximately 4.5m, which should aid in screening views of the canopy.

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)
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 substation, boundary fence and associated landscaping.	Refused (28.04.2022)
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

As reported to Planning Committee in September, immediate neighbours and local councillors have been notified; a site notice was posted on 29.06.2023. Neighbours have been reconsulted based on the proposed landscaping plan being submitted.

At the time of writing 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.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining the application were considered by Planning Committee at the meeting on 14th September 2023. The matters deferred at that meeting are now for consideration. Officers were asked to address the impact on the amenities of Mapperley Close from light from the signage and noise from the existing operations.

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 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).

At the meeting in September it was set out 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 of the site and will ultimately result in a better customer experience and the operation of the station.

Given that the proposed works are in the interest of safety, there is considered to be an appropriate need for the increased height. Therefore, provided that the proposed development would not have a significant or detrimental level of harm and is in accordance with other material planning considerations, the principle of development is considered to 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 sought permission to raise the canopy to 5m, this application was refused due to the provision of insufficient information. The revised application presented to Committee in September sought to address this with a reduced height of the canopy. The Officer report in September advised that it was not considered that the proposals would result in a detrimental impact upon neighbouring/visual amenity. Within this resubmitted application, the applicant has provided additional information, including a lighting assessment, a light illuminance plan, and an ancillary planning statement, together with a planting scheme.

As previously advised, 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. However, from site visits it was 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 are established. Whilst it was not considered that the increased height of the canopy would be visually detrimental to the outlook of neighbouring properties, officers were asked to consider the lighting on the side elevation towards these neighbours and the provision of planting to their rear boundaries.

The applicant has provided a landscaping plan to create a natural barrier between the petrol filling station and the adjacent residential properties. The plan submitted indicates the height of the shrubbery will be 4.5m, and the species type proposed will be Thuja Plicata, planted as a hedgerow which will be maintained at a minimum height, a mix of shrubbery underplanting is also proposed to supplement this. This will aid in screening

views of the canopy, and this is therefore considered to improve the outlook of these residential properties in accordance with Policy DE1 of the Local Plan.

In addition to this, the applicant has also indicated that they agree to a condition which would ensure that there would no illumination along the west elevation of the canopy, which faces Mapperley Close. This will reduce the potential for any light pollution to impact the visual outlook of residents, this is in addition to the proposed screening along the site boundary, in accordance with Policy DE1.

It is therefore considered that the additional measures will not only mitigate any impact of the increased height of the canopy but will also seek to mitigate the existing issues that the residents have with noise.

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

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);Landscape Plan V2 DWG 13664.
Reason	<i>For the avoidance of doubt and in the interests of proper planning</i>
3.	Prior to the commencement of the development, the proposed planting shall be fully installed in strict accordance with the approved details (Canopy-Uplift-Landscape-V2) and thereafter shall be retained and shall not be removed or altered in any way.
Reason	<i>To ensure that the development does not result in any significant impacts upon residential amenity in accordance with Policy DE1 of the Coventry Local Plan 2016 and the advice contained within the NPPF.</i>
4.	The raised canopy shall not include any illumination on the canopy surround along the western elevation.
Reason	<i>In the interests of visual and neighbouring amenity to prevent any additional disturbance to residents along Mapperley Close, in accordance with Policy DE1.</i>