

BP OIL UK LIMITED

Demolition of buildings and redevelopment of petrol filling station to include the erection of a sales building, replacement of underground tanks, installation of 4 No. pump islands, erection of canopy with 2 No. jet wash bays, alterations to the forecourt, car parking, soft landscaping and boundary treatments at Cross Keys Car Sales, Norton Fitzwarren

Location: CROSS KEYS CAR SALES, MINEHEAD ROAD, NORTON
FITZWARREN, TAUNTON, TA2 6NR

Grid Reference: 320415.126447 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The applicant has failed to demonstrate that there are no sequentially preferable sites for the proposed development. In the absence of a Sequential Test, the proposal conflicts with Paragraph 24 of the National Planning Policy Framework, Policy CP3 of the Taunton Deane Core Strategy adopted 2012 and Policies TC3 and TC4 of the Taunton Deane Site Allocations & Development Management Plan adopted December 2016.
- 2 The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policies CP6 and DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- 3 The proposal would generate a significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policies CP6 and DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- 4 Insufficient information has been submitted to enable a full assessment of the future flood risk to the development. This conflicts with Paragraph 100 of the National Planning Policy Framework and Policies CP1 and CP8 of the Taunton Deane Core Strategy adopted in 2012.

Recommended Conditions (if applicable)

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Planning permission is sought to redevelop an existing car dealership and former petrol station to provide a new petrol filling station and new retail sales building. The proposal involves the total demolition of all buildings on the site. The redevelopment will comprise:

- A new retail sales building and café with a gross floor area of 290 sq.m;
- Removal of the existing 3 petrol pumps and erection of a new canopy with 4 no. pump islands (8 pumps in total);
- Installation of 2 no. new jet wash bays;
- Installation of 2 no. air/water bays;
- Installation of 2 no. new underground storage tanks;
- Provision of an ATM;
- Alterations to the existing ingress and egress onto the A358;
- Provision of 27 customer car parking spaces;
- Provision of 4 no. cycle hoops;
- Erection of 10 no. 3 metre high floodlights.

The proposed new retail sales building will be sited in the southern part of the site, adjacent to the boundary with the Cross Keys Public House car park. It will be rectangular in shape and clad in composite steel cladding panels coloured white with a black base. The aluminium shopfront will face out onto the new central forecourt area. The pump islands will be located in the central part of the site beneath a new canopy. The jet wash bays will be located at the rear in north west part of the site, adjacent to the pub garden and away from the nearest dwellings. The customer parking will be arranged along the northern boundary of the site, adjacent to a residential property. Further car parking will be provided in front of the retail store.

The existing access into the site will be slightly modified to provide a separate ingress and exit for vehicles, and a separate pedestrian access.

The plans show a 5.5 metre high Major Identification Sign (MIS) on the street frontage. However, all signage will be subject to a separate advertisement consent application.

The application is supported by a Flood Risk Assessment; an Environmental Site Assessment; a Design & Access Statement and a Transport Technical Note.

Site Description

The application site comprises a car dealership occupying a former petrol filling station and garage. It lies in a prominent road side location on the west side of the A358 Minehead Road, some 40 metres from the Cross Keys roundabout junction. The site lies 0.5 miles to the west of the edge of Norton Fitzwarren, within the open countryside. It also lies 2 miles to the north west of Taunton. The Cross Keys pub is located directly to the south of the site. Access to the pub car park lies immediately adjacent to the existing open forecourt serving the car dealership.

There are a number of buildings on the site comprising a car showroom in the southern corner of the site, a small retail kiosk, petrol pumps set beneath a canopy at the front of the site and garage workshop buildings at the rear. The open areas of the site to the side and rear are used for the display and sale of motor vehicles. At present, the whole of the site frontage is open onto the main road with no defined ingress or egress.

There are a number of residential properties which are located to the north and west of the site. One property in particular, known as Sunnymede, is located in very close proximity within 3 metres of the site boundary.

To the west of the site lie agricultural fields and a small river known as Back Stream.

Relevant Planning History

None relevant.

Consultation Responses

ECONOMIC DEVELOPMENT: - No objection

- NORTON FITZWARREN PARISH COUNCIL* - 1. Concerns have been raised about the access and egress from the site onto the very busy A358 and recommend that "Keep Clear" boxes or a middle lane installed to enable drivers to turn right.
2. Could oil interceptors be put in place on main and surface drainage to prevent the nearby stream becoming contaminated.
 3. The pedestrian crossing appear to be in the wrong place, it should be nearer to the front of the site, if it is installed where stated it is not likely that pedestrians will use it.
 4. Is it intended that HGV's can use the site, if so the statement should amended.

STAPLEGROVE PARISH COUNCIL - No objections.

WALES & WEST UTILITIES - Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully

chargeable.

You must not build over any of our plant or enclose our apparatus.

ENVIRONMENT AGENCY - OBJECTS to the proposed development, as submitted, on the following grounds:

FLOOD RISK

Although overall the proposed development will include betterment as the foot print of the building is reducing, the Flood Risk Assessment does not include the finished floor levels for the petrol station. We therefore cannot make an assessment of the future flood risk to the development. From a flood risk point of view it would be best if the development was built at the current ground level to prevent water egress in the petrol tanks and pumps. The proposed escape route is via the Cross Keys roundabout which is at risk of river and surface water flooding. We would recommend the applicant looks at alternative escape routes.

To overcome our flood risk objection we require confirmation of the finished floor levels and details of flood measure prevention to protect the pumps, tank and shop.

GROUNDWATER PROTECTION

With reference to the proposed new underground fuel storage tanks, the applicant is referred to "Groundwater protection: principles and practice GP3" Position Statements D1, D2 and D3 where we state that we will object in principle to the underground storage of hazardous substances below the water table in a Secondary A Aquifer.

GP3 advises how the applicant may seek to overcome the objection through appropriate risk assessment and the implementation of agreed mitigation measures.

With reference to the existing underground fuel tanks, we recommend the removal of all underground storage tanks that are unlikely to be reused. Once the tanks and associated pipelines have been removed, samples of soil and groundwater should be taken to check for subsurface contamination. If soil or groundwater contamination is found, additional investigations (possibly including a risk assessment) should be carried out to determine the need for remediation.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Regarding potential contamination.

As the site is a petrol station, with underground fuel tanks, there is the potential for contamination to be present, which could affect the development of the site. A report has been submitted with the application (Environmental Site Assessment, Arcadis, September 2016). This provides details on the history and condition of the site, including an intrusive investigation. The investigation and sampling did not identify any areas of concern, however, it did state that it had not been possible to collect soil and ground water in the vicinity of the fuel distribution infrastructure, and it recommend that if the site was developed further investigation should be carried out.

The report is acceptable in providing an initial assessment of the site, however, the applicant should carry out further site investigations in the area of the fuel distribution system when they have access to this area of the site. A suggested condition is given below.

Re. Noise.

The application includes proposals for a jet wash, which has the potential to generate noise that could disturb nearby residents. There are no details of the noise levels of any equipment so it is not possible to give an objective comment on the potential for disturbance. One way to reduce any disturbance would be to limit the hours of use of the jet wash.

SCC - TRANSPORT DEVELOPMENT GROUP

(Original Comments) - The proposal is for the redevelopment of an existing car sales and petrol station, situated adjacent to a public house. The site is accessed from the A358, Minehead Road and is within 100 metres of the roundabout junction with the B3227 Wiveliscombe Road.

The highways network around the site is considered to be very sensitive to any changes in traffic movements. In terms of traffic generation, using the TRICS traffic data, it is likely that the car sales generated in the region of 21 trips per day and the 6 pumps at the petrol station is likely to have generated up to 162 trips per day, with a total of 183 trips per day. The redevelopment proposes 8 pumps and a retail floorspace of 276m² the TRICS data indicates up to 288 vehicle movements per day and generating a 50% increase in traffic movements. Due to the sensitive nature of the surrounding highways network and significant increase in traffic, a Transport Assessment will be required for the Highway Authority to understand the full implications of how the proposal will affect the existing network.

After reviewing the recorded Personal Injury Accidents (PIA's) there is a history of injury accidents within the vicinity of the site. One was recorded on the A358 at the location of the petrol filling station and two further accidents recorded at the Cross Keys roundabout junction of the A358 with the B6227. Any increase in conflicting movements could lead to an increase in accidents which is unacceptable.

The applicant has provided a proposed site layout, drawing number 30070-22 Revision E however, it is difficult for the Highway Authority to understand how larger vehicles are going to access and manoeuvre around the site i.e. Petrol tankers, refuse and delivery vehicles. The applicant has proposed a Major Identification Sign 'M.I.D' presumably to display the fuel prices in front of the petrol forecourt, and this will need to be placed outside the visibility splay and not be too bright so that it distracts users of the highway compromising safety.

The applicant has proposed 27 parking spaces and the provision for a 'Service Station' is considered on a case by case basis under the Somerset Parking Strategy and this will need to be decided depending on the Transport Assessment.

A Flood Risk Assessment dated January 2017 was submitted as part of the application as the site lies within a flood zone. Our records show that the public highway extends up to the linear drainage channel that runs along the entire

forecourt frontage and that this channel was installed to intercept surface water from the forecourt to prevent the discharge onto the highway. Whilst it is therefore imperative that a drainage channel remains along this line post development, as it appears to be of a relatively light duty specification, the designer may wish to consider upgrading it so that it is more suitable to accommodate the concentrated traffic at the proposed access and egress. It would also be prudent to ensure that it is operating effectively prior to any works commencing as the directions of the outlet pipework may be located under the proposed redevelopment.

The proposal as currently submitted is considered to be unacceptable from a highway safety viewpoint for the reasons I have outlined above. As such I have no alternative than to recommend refusal of this application on the following grounds:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network therefore the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).
- The proposal would generate an assumed significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).

(Further Comments dated 23 May 2017) –

Further to previous comments this response is supplemental and deals with the additional information received on 25th April 2017. Having reviewed the Transport Technical Note produced by Markides Associates, in response to previous comments from the Highway Authority regarding the Cross Keys Garage, Taunton, I have the following comments:-

Further information has been provided, however unfortunately no existing information with regard to the petrol station and associated shop with regard to traffic generation and origin / destination data has been supplied. In fact no distribution data has been provided at all. At present in its current form the petrol station can be entered and exited from both access points which allows vehicles to enter from either direction and fuel and exit "in line" with their direction of travel. The proposal appears to formalise an entrance and exit, as tracking only indicates southbound traffic entering from the A358 north. All movements will need to be shown.

The traffic generation of the existing uses on site which include four petrol pumps, an associated shop (small) and a used car sales show room and forecourt have all been extracted from TRICS. As detailed above no existing site data has been collected, therefore the TRICS database has been utilised. The comparison in terms of TRICS examples and the existing land uses are not considered like for like, the Car Show Room data has extracted specific 'brand' Ford and Honda which is likely to overestimate traffic demand. It is also unclear the size of all associated car sales at present.

TRICS does give an advice note which highlights that trips to showrooms can be associated to the following which can attribute to overestimated generation, however the existing car sales are a mix of both generic and luxury brand “second hand” car sales:

- Linked to a specific make of car
- Independent showroom

A similar concern is raised regarding the Trip rates extracted from trips for the existing petrol station with a retail use. The trip rates extracted from TRICS assesses sites in incomparable areas and also the associated shops and type of petrol station are more in line with what is proposed rather than what is existing, which is likely to overestimate the existing situation which only offered parking at the pumps rather than an associated car park.

The data that has been extracted is not considered to be a “like for like” comparison and is likely to overestimate the generation of the existing use; therefore the proposed site is not considered to reduce traffic on the Highway Network, but rather lead to an increase.

Based on the proposed traffic levels in line with associated uses (the car wash facility does not appear to be assessed in the Technical Note) the proposed use on site would be likely to require a right turning lane on the A358 in line with daily and mainline flows anticipated.

As there is considered to be an uplift in traffic associated to the site, further work may be required to assess impacts on the surrounding network of which a large scale urban extension is proposed. In its current form Technical Note is not considered to be a true and robust representation of the existing use and potential future traffic impact.

In addition to the above given the likely increase in traffic, pedestrian and cycle access to the development is an area for concern as movements have not been fully considered. A proposed area of tactile paving at the end of the footpath from the retail unit does not link to any tactile paving on the adjacent side of the A358 and at this location would intersect through a bus stop which is not acceptable; therefore the point of crossing would need to be relocated. An existing shared footpath and cycleway is located outside the Cross Keys Public house and the applicant should consider extending the current proposed footpath to link from the site to the existing network in the interests of pedestrian and cycle safety visiting the site from the south.

The proposal therefore remains unacceptable from a highway safety viewpoint for the reasons I have outlined above and in my previous response. As such I have no alternative than to recommend refusal of this application on the following grounds:-

- The submitted supporting documents are insufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal on the surrounding highway network therefore the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted

2011).

- The proposal would generate a significant increase in traffic which would have a severe effect on the surrounding highway network which would be considered detrimental to highway safety. The proposal is therefore contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Taunton Deane Borough Council Core Strategy (adopted 2011).

Representations Received

Three letters of OBJECTION have been received and summarised below:

- Clarification is sought on the opening hours and delivery times. The previous petrol station opened from 7am until 7pm seven days a week. Any significant increase in the hours of opening will adversely affect local residents;
- what are the proposed hours of operation for the jet washes as they could cause a noise disturbance;
- the open gravel area at the front of the site should be retained as local residents use it as a footway to the bus stops and pub;
- the removal of the hedgerow at the rear of the site has made the site very visible from the east. A hedgerow should be reinstated;
- the floodlighting and the canopy lighting should be directional so that it does not overspill into adjoining dwellings;
- assurances are sought that the redevelopment of the site will not increase flood risk in the area;
- an area at the rear of the site is marked off as for future use, but no indication is given as to what this might be. This should be restricted to storage only.

Twelve letters of SUPPORT have been received:

- the closure of the previous petrol station has been missed as it is in a convenient location and avoids having to drive into Taunton town centre;
- having a decent food shop will be fantastic;
- the current buildings are in a dilapidated state and need redevelopment to visually improve the site.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
CP3 - Town centre and other uses,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
DM4 - Design,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A1 - Parking requirements,
D2 - Approach routes to Taunton and Wellington,
D3 - Outdoor advertisements and signs,
D7 - Design quality,
SB1 - Settlement boundaries,
TC4 - Primary Shopping Areas (PSA),
TC5 - Out-of-centre proposals,

This takes into account the recent adoption of the SADMP.

Determining issues and considerations

THE PRINCIPLE OF A RETAIL USE IN AN OUT OF CENTRE LOCATION

Petrol filling stations normally fall within the *sui generis* use class. However, officers are of the opinion that this proposal is a mainly retail focused development associated with a re-formatted petrol filling station. The existing car dealership/petrol station has a small retail kiosk that amounts to about 50 sq.m gross floor area. This is to be replaced with an M&S Simply Food retail unit and Wild Bean café amounting to 290 sq.m gross floor area. The net retail floorspace will be 170 sq.m. This will result in a significant increase in the extent of retail floor space which goes beyond what could reasonably be termed as being ancillary to the petrol station function. In addition to the 8 petrol filling spaces, 27 separate parking spaces are proposed for vehicles that are not using the petrol filling element of the proposal. This also indicates that the proposal is a predominately retail store development rather than a petrol filling station with ancillary and associated retail sales.

This application is therefore being assessed as a predominantly retail use. The National Planning Policy Framework (NPPF) provides the framework for considering whether a proposal is acceptable in terms of retail policy. In Paragraph 23, local planning authorities are advised to adopt policies that promote town centre environments. The main thrust of the NPPF is to promote a “town centre first” approach. New development should therefore be focused on promoting competitive town centres and local centres.

The application site is located in an out of centre location, some distance from Taunton town centre and the local centres of Norton Fitzwarren and Staplegrove. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to retail developments that are not within existing designated local centres.

Policy TC4 of the Site Allocations Management Plan (SADM) states that “a sequential test will be required for all retail proposals falling beyond the Primary Shopping Area boundaries for Taunton...”

SADMP Policy TC5 states that main town centre uses outside of town centres will only be acceptable in certain limited circumstances including;

“No sequentially preferable site is available, including consideration of alternative formats for the proposed uses;

It would not have a significant adverse impact on the vitality, viability and diversity of an existing or allocated centre.....”

The applicant has not provided a Sequential Test to justify the current application, in spite of numerous requests from officers. Government guidance in “Ensuring the Vitality of Town Centres” states emphatically that **“It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing planning permission)”**

Officers have concerns that a supermarket of the size currently proposed will have an adverse effect on the vitality and viability of the existing Co-op in Norton Fitzwarren. It may also effect the deliverability of the new mixed-use local centre at Staplegrove, which includes the provision of a convenience store of up to 500 sq.m gross.

Officers note the recent letters of support who would welcome a new convenience store and petrol station in this part of the district. However, the size of the proposed retail unit is considered too large in relation to the petrol filling station element of the scheme and not ancillary to that use. The applicant has failed to provide a Sequential Test to demonstrate that this site is sequentially preferable to any other available sites within the local area.

In the absence of a Sequential Test, the proposal conflicts with Paragraph 24 of the NPPF and SADM Policies TC3 and TC4. Planning permission should be refused on these grounds.

HIGHWAY IMPACT

The site is located on a major route in and out of Taunton which currently experiences high volumes of traffic. The proposal will provide 27 parking spaces which indicates that a high number of car-borne shoppers are anticipated. This is exacerbated by the fact that the site is not easily accessible to pedestrians coming from the Norton Fitzwarren direction. It is likely that a high number of customers will be attracted to the retail store due to the perceived quality of its offer. Somerset County Council Highways (SCCH) state that the existing highway network in this location is very sensitive to a change in vehicle movements. They estimate that the redevelopment of the site will result in a 50% increase in traffic movements. This would have a severe effect on the highway network to the detriment of highway safety.

The application, as originally submitted, lacked a Transport Assessment. In addition, there were no detailed highways drawings to demonstrate how large vehicles could safely manoeuvre into and out of the site. A Transport Technical Note (TN) was subsequently submitted to try to overcome SCCH's initial objection. This TN was supported by technical drawings showing swept path analyses and visibility splays and a TRICS analysis. The report concluded that the proposal would only result in a 10% increase in new trips. This conclusion is strongly disputed by SCCH on the grounds that it does not accurately or robustly represent existing levels of traffic generation from the site. This is because no existing data from the existing operations on the site have been provided. The use of TRICS data based on a branded car dealership such as Ford cannot be used as a comparison with a local business. No comparison has been made on a like for like basis. This has resulted in the TN overstating the level of traffic generation from the existing car dealership. SCCH remain of the view that the proposal will result in a significant increase in traffic generation to the detriment of highway safety.

In addition, concerns remain about the treatment of the access into the site. In particular there is a need for a better pedestrian path and cycleway across the site frontage with connectivity to the existing network. It is also likely that a right hand turning lane on the A358 is required.

In conclusion, the technical information submitted to date is insufficient to satisfactorily address SCCH's significant objections regarding highway safety. The proposal should also be recommended for refusal on highway grounds.

FLOOD RISK

The site lies within Flood Zones 2 and 3a; with Zone 3 being defined as areas of highest risk of flood. The main source of flood risk is from the Back Stream, located 30 metres to the east of the site. There is also a risk of pluvial runoff from overland flows on adjacent land. According to the submitted Flood risk assessment (FRA), there is no record of historic flooding on this site according to Environment Agency records. Their records also show that the site falls within an area at "low risk" of surface water flooding. However, there is local evidence of the road and petrol filling pumps as being underwater in November 2012

Guidance within the NPPF states that new development should be avoided in areas of highest risk. However, where the development is necessary, it should be made safe without increasing flood risk elsewhere. It is necessary for a Sequential Test to be carried out for a development of this nature. The purpose of this test is to focus new development to areas with the lowest risk of flooding. According to technical guidance appended to the NPPF, the proposed development falls within the "less vulnerable" category of development in terms of flood risk. This category includes buildings for shops, other services, offices, industrial and storage and distribution uses. Development within the "less vulnerable" classification within Flood Zone 3a will not require an Exceptions Test. On this basis, the development is considered acceptable provided it passes the sequential test.

The Flood Risk Assessment submitted in support of this application has carried out a limited sequential test. It concludes that *“there are no other sites reasonably available within Zones 1 or 2 nearby that would suit a petrol station due to size, services and/or transport links.”* No evidence has been given of any alternative sites that have been considered. However, the FRA notes that the existing site is developed and that the proposal will result in a 67% reduction in the building footprint on the site. This means that less flood waters will be displaced from the site. Also in mitigation, a SUDS system will be used. The drainage strategy will also discharge key areas such as the jet wash, hardstanding, canopy and shop roof to Class 1 interceptors which will connect to the mains sewer.

It is proposed to include flood resilient construction techniques within the building and for the applicant to adopt a Flood Response Plan, although more detail is required.

The Environment Agency has objected to the application due to a lack of detail on finished floor levels and further information required on flood prevention measures. Officers consider that this matter can be satisfactorily resolved, however the applicant has not provided this information to date. The lack of this information and the continuing EA objection constitutes a further reason for refusal.

IMPACT ON RESIDENTIAL AMENITY

As described earlier, the site is located in very close proximity to residential properties. The nearest dwelling at Sunnymede has velux bedroom windows which will be located just 5 metres away from the proposed shoppers' car park and a 3 metre tall floodlight. Neighbours have raised concerns about potential light pollution from the floodlights and illumination within the forecourt canopy. No details on illumination levels and direction of lighting have been provided. This is a detail that could be controlled by a planning condition, if the application was acceptable in all other material planning considerations.

It is understood from local residents that the former petrol station was open seven days week between 0700 – 1900 hours. Concerns have been raised about potential noise nuisance if the site was to be operated late in the evening. No details on the proposed hours of operation have been provided. This is could be controlled by a planning condition, if the application was acceptable in all other material planning considerations.

Similarly, no details have been given as to the proposed hours of use for the jet washes. It is acknowledged that these are to be located at the rear of the site, as far as possible from the nearest residential neighbour. However, there is still potential for noise nuisance. Once again, this could be controlled by planning conditions such as restricting hours of operation and imposing noise restrictions.

CONCLUSION

The main issue is that the size of the proposed retail unit is considered too large in relation to the petrol filling station element of the scheme. This means that it does not fall within a *sui generis* use class and should be treated as a retail application.

The applicant has failed to provide a Sequential Test to demonstrate that this site is sequentially preferable to any other available sites within the local area. On this basis, the proposal clearly conflicts with national planning policy in the NPPF and also newly adopted policies within the Site Allocations Development Management Plan.

The applicant has also provided insufficient information to demonstrate that the proposal will not result in a significant impact in traffic generation, to the detriment of highway safety.

Finally, in view of the outstanding objection from the Environment Agency, there are concerns that the proposal may increase future flood risk to the development and the wider area.

It is therefore recommended that planning permission is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Ms A Penn