

LOCATION: CHOBHAM SERVICE STATION, STATION ROAD,
CHOBHAM, WOKING, GU24 8AJ

PROPOSAL: Variation of Condition 1 of planning permission
SU/13/0367 so as to allow the petrol station to remain
open 24 hours a day, 7 days a week.

TYPE: Relaxation/Modification

APPLICANT: Mr Rupert Ainsworth
Rontec Watford Ltd

OFFICER: Emma Pearman

This application would normally be determined under the Council's Scheme of Delegation, however, at the request of Cllr Tedder it has been called in for determination by the Planning Applications Committee.

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The application relates to the Esso Service Station in Chobham, on the corner of Station Road, Scotts Grove Road and the High Street. The petrol station lies within the settlement area of Chobham and within the Conservation Area. It is currently open from 6am – midnight daily, and this proposal seeks to extend the opening hours such that it would be open 24 hours a day, 7 days a week. No changes to the built form of the petrol station are proposed and the additional facilities such as the car wash, jet wash, cash machine, and air and vacuum facilities are not proposed to be open during the extended hours. The timing of tanker deliveries is also controlled by condition and this is not proposed to be changed.
- 1.2 While there have been a number of objections from residents, there have been no objections from statutory consultees nor any evidence submitted to demonstrate that harm to amenities would arise. As such it is considered that the proposal is acceptable in terms of its impacts upon character, residential amenity and highways. Conditions are proposed in terms of lighting and restriction of the air and vacuum facilities which are not currently restricted by any other permission.

2.0 SITE DESCRIPTION

- 2.1 The application site is an operating petrol filling station and shop, located on the mini roundabout on the junction of Station Road, Scotts Grove Road and High Street, Chobham. The entrance is on Station Road and the exit on Scotts Grove Road. It is located within the settlement area of Chobham and within the Chobham Conservation Area. The filling station accommodates a shop, cash machine, car wash, jet wash and air and vacuum facilities.

- 2.2 The petrol filling station adjoins residential properties on either side to the east and south, and on the opposite side of Scotts Grove Road. There are a mixture of commercial and residential properties on the opposite side of Station Road. Behind the garage is the recreation ground and pavilion.

3.0 RELEVANT PLANNING HISTORY

- 3.1 SU13/0367 – Application for variation of Condition 8 of planning permission SU90/0324 to allow opening hours of the petrol station between the hours of 0600-2400 Monday to Sunday.

Granted 21/08/2013.

Condition 1 of this permission restricted the opening hours to between 0600-2400 hours Mondays to Sundays, which is the condition sought to be varied by this application. Condition 2 restricts deliveries to the site to between 0700-2300 hours Mondays to Saturdays and 0800-2300 hours on Sundays.

If permission is granted for this application it would replace this permission, and as such Condition 2 would be repeated. Conditions covered by separate permissions detailed below would remain and are not necessary to repeat.

- 3.2 SU03/0053 – Variation of Condition 8 of planning permission SU90/0324 to allow opening hours from 0600-2300 hours Monday to Friday, 0700-2300 hours on Saturdays and 0800-2300 hours on Sundays.

Granted 11/03/2003.

This permission was effectively replaced by SU13/0367 above as it was a later variation to the same condition.

- 3.3 SU96/0035 – Installation of an automatic telling machine and alterations to relocate existing customer toilet.

Granted 20/03/1996.

Condition 3 of this permission restricted the operating hours of the machine to between 0700-2300 hours Mondays to Saturdays and 0800-2200 hours on Sundays.

- 3.4 SU91/0899 – Installation of jet wash

Granted 26/03/1992.

Condition 3 of this permission restricts the jet wash to operation between 0800-2100 hours Mondays to Saturdays and 0900-2100 hours on Sundays.

- 3.5 SU90/0324 – Erection of a new petrol filling station, shop, stores and car wash following the demolition of the existing petrol filling station, car showroom, workshop and spray shop.

Granted 03/08/1990

Condition 8 restricted the opening hours to 0700-2300 hours Monday to Saturdays and 0800-2200 hours on Sundays. This condition was varied by application SU13/0367 above. Condition 9 restricts the car wash to 0800-2100 hours Monday to Saturdays and 0900-2100 hours on Sundays.

4.0 THE PROPOSAL

- 4.1 This proposal is for the variation of Condition 1 of planning permission SU13/0367 so as to allow the petrol station to remain open 24 hours a day, 7 days a week, from its current opening hours of 0600-2400 hours Monday to Sunday. It does not propose to extend the hours of the car wash, jet wash, air and vacuum facilities or tanker deliveries, which are, with the exception of the air and vacuum facilities, already controlled by various conditions (see section 2 above). No change to the built form of the petrol station is proposed.

5.0 CONSULTATION RESPONSES

- | | | |
|-----|---------------------------------|--|
| 5.1 | Surrey County Highway Authority | No objection. |
| 5.2 | Head of Environmental Services | No objection. |
| 5.3 | Council's Heritage Officer | No objection, subject to control of lighting (verbal). |
| 5.4 | Surrey Police | No response received. |
| 5.5 | Chobham Parish Council | Objection – inappropriate in a conservation area, light and noise pollution together with increased traffic. |

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report 23 letters of objection have been received, some from a considerable distance from Chobham, which raise the following issues:
- Increase in noise including vehicles accelerating away, car stereos, loud voices, slamming of car doors, motorbikes revving engines, using jet wash or vacuum facilities *[see paragraphs 7.5.2-7.5.5]*
 - Increase in vibration in close proximity to listed properties *[see paragraphs 7.5.4-7.5.5]*
 - Light pollution including headlights *[see paragraphs 7.5.6-7.5.7]*

- Planning statement does not acknowledge/address nearest residential neighbours [*Officer comment: the nearest residential neighbours have been fully taken into account*]
- Location plan is out of date and doesn'tt correctly show boundaries [*Officer comment: this has now been updated to show accurate boundaries*]
- Increase in traffic and delivery vehicles which park inconsiderately [*see section 7.6; Officer comment: no changes to parking of vehicles are proposed and inconsiderate parking is not something that can be taken into account as part of this planning application*]
- Shop now has alcohol licence so will increase late night drinkers [*see paragraphs 7.5.8-7.5.9*]
- Increase in anti-social behaviour/crime at night/cannot control customers' behaviour [*see paragraphs 7.5.8-7.5.9*]
- Applicant has not demonstrated need and puts profit above people/other petrol stations nearby are open late/local shops not open beyond midnight so no disadvantage for this petrol station [*see section 7.3*].

7.0 PLANNING CONSIDERATION

7.1 The application proposed is considered against the policies within the Surrey Heath Core Strategy and Development Management Policies Document 2012, and in this case the relevant policies are Policies CP2 (Sustainable Development and Design), CP8 (Employment), DM9 (Design Principles), Policy DM11 (Traffic Management and Highway Safety) and DM17 (Heritage). The National Planning Policy Framework (NPPF) is also a relevant consideration.

7.2 The issues to be considered are:

- Principle of the development;
- Impact on character and the Conservation Area;
- Residential amenity; and,
- Highways, parking and access.

7.3 Principle of the development

7.3.1 The NPPF in paragraph 17 supports sustainable economic development to deliver thriving local places, and in paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and planning should operate to encourage and not act as an impediment to sustainable growth. It goes on to say that significant weight should be placed on the need to support economic growth through the planning system. Policy CP2 of the CSDMP requires development to promote smart economic growth and Policy CP8 supports the creation of jobs in Surrey Heath.

- 7.3.2 The applicant has stated that the change is required to enhance the viability and functionality of the site, to the benefit of motorists and local residents. They have stated that the development will create additional working hours for the existing employees and therefore can be recognised as economic development, and that it will enable them to operate a facility that meets the expectations of customers, reflecting other local facilities and to retain a competitive trading position.
- 7.3.3 There is no policy requirement for the applicant to demonstrate that there is a need for the facilities by providing any further information, and the above policies indicate that the principle of the development in economic terms is acceptable. The application should therefore be considered in terms of whether it is acceptable in respect of its impacts upon character, residential amenity and highways, as discussed below.

7.4 Impact on character and the Conservation Area

- 7.4.1 The application does not propose any changes to the built form of the petrol station. The Council's Heritage Officer has not raised an objection, stating that he is satisfied that the principle of extended opening hours would not harm the Conservation Area. The extension of hours under SU13/0367 was previously considered acceptable in this regard, with the Officer noting that paragraph 1.2 of the Conservation Area Character Appraisal 2001 stated that "*the purpose of designation [of a Conservation Area] is to help to retain the character and appearance and prevent unsympathetic alterations which would harm the area or its setting*".
- 7.4.2 It is therefore considered that the extended hours would not have a significant adverse impact on the integrity of the Conservation Area or local character, subject to controls in respect of lighting (see section 7.6) in accordance with Policies DM9 and DM17 of the CSDMP.

7.5 Residential amenity including noise and light pollution

- 7.5.1 Paragraph 17 of the NPPF states that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 states that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses and that development should be designed to reduce the potential for crime and the fear of crime.
- 7.5.2 The extension of hours could have the potential for noise disturbance, especially taking into account the close proximity of local residents. No.1 Rowell End Villas is 1.5m away from the boundary of the petrol station to the east, and 1 Oakdene approximately 2-3m from the southern boundary. There are also two Grade II listed properties opposite on the High Street and a locally listed property opposite, all between 20-25m away. It should be noted, however, that the hours of operation of the car wash, jet wash, cash machine and tanker deliveries are not proposed to be extended as a result of this application and are already controlled by various conditions.

The air and vacuum facilities are not controlled by condition, however, a condition would be imposed on this permission to restrict their use to the current opening hours.

- 7.5.3 The applicant has submitted a noise assessment which concludes that the extension of hours would not result in undue impacts on amenity for the local neighbours. This assessment has been considered by the Environmental Health Officer, who has stated the following:

“The report details both short and longer term impact of noise associated with the proposed extension of hours on the nearest residential properties. Existing controls on the car wash facilities and upon deliveries remain unaffected by this application. The noise levels from petrol filling station operations has been assessed against relevant noise criteria as defined by BS 4142:97 and BS 8233:14. These are appropriate and relevant standards to assess against. Tables 7.1, 2 and 3 detail that the proposed operations present a marginal or less than marginal significance under BS 4142 assessment and that the standard achieved within the bed and living rooms of nearest residential property remain as good under BS 8233. Tables 7.5 to 7.7 determine that expected changes to the noise climate are predicted to be below a level whereby occupants would notice any change. In conclusion the report demonstrates that there are no significant issues to local residents relating to noise associated with the proposed change of trading hours and I therefore have no objection to the application.”

- 7.5.4 A large number of objections have cited noise as a concern and as a consequence the Environmental Health Officer was asked to specifically comment on the points being raised. His further comments in this regard are given below.

The noise assessment considered all of those activities you mention in determining the impact of petrol filling station noise. These include;

- *Use of the fuel pumps and fuel pump noise;*
- *Vehicle movements;*
- *Car doors open/ closing; and,*
- *Other irregular noise sources (car stereos, patrons talking, movement of people around the site etc).*

In respect of deliveries and car wash facilities the proposed changes would not entail any changes in layout or operational practices at the site inclusive of the additional controls put on the car wash facilities by Condition 9 of the original 1990 planning permission or deliveries controlled under condition 2 of the 2003 Relaxation/modification. Vibration is not a subject normally associated with late night petrol forecourt activity and we would not require an assessment of it.

- 7.5.5 In light of the above and in the absence of any evidence to the contrary it is not considered an objection on the grounds of noise and vibration could be sustained.

- 7.5.6 The application does not seek to change the existing lighting arrangements and it is noted that Environmental Health has no records of light pollution complaints.

Moreover, the EHO has advised that for a light pollution complaint to be actionable it would need, for example, to seriously affect a person's ability to sleep (an example of a flood light shining directly into a bedroom window has been given).

- 7.5.7 Concerns regarding light pollution from car headlights have also been raised, however as the extended opening hours would not, in itself, change the patterns of light spill from vehicles entering and leaving the site, it cannot reasonably be concluded that these would result in light pollution so harmful as to be disruptive to residents sleep patterns. Therefore, and in the absence of evidence to demonstrate that harm would arise, it is considered an objection on light pollution cannot be sustained.
- 7.5.8 Paragraph 69 of the NPPF states that planning decisions should aim to achieve places that promote safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion. Objections have been raised in respect of the potential of the extended opening hours to result in increased anti-social behaviour. It should also be noted that the shop has a licence to serve alcohol during its current opening hours of 6am – midnight daily. Any extension to these hours is not proposed at present and would be a matter for the Council's Licensing Committee if it was in the future.
- 7.5.9 Surrey Police have been consulted on the application, however, no response has been received at the time of writing this report. A check of the police data available to the public shows that in the last year, five incidents of anti-social behaviour were reported within the vicinity of the petrol station, and three of criminal damage however it is not clear whether any of these related to the petrol station itself. A total of 698 incidents of anti-social behaviour were recorded in the Six Villages policing area in total which appears to indicate that this type of crime is not a particular problem for this part of Chobham. Given also that the licensing hours do not coincide with the extended hours, it is not considered that the proposal is likely to result in any significant adverse effects on amenity resulting from anti-social behaviour.
- 7.5.1 It is therefore considered that, given the advice from the EHO, that subject to a condition in respect of lighting, the proposal is not likely to generate any significant adverse effects on residential amenity.

7.6 Highways, Parking and Access

- 7.6.1 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policy DM11 states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce such impacts to acceptable levels can be implemented.
- 7.6.2 The proposal will not change existing parking or delivery arrangements. Deliveries by tanker would not occur during the extended hours as stated above and the applicant anticipates that there would be one additional tanker delivery per week as a result of the extended hours. The County Highway Authority have undertaken an assessment in terms of the likely net additional traffic generation,

access arrangements and parking provision and are satisfied that the proposal would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore have no highway requirements. In conclusion it is envisaged that the proposal would not conflict with Policy DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 and it is considered that the proposal is acceptable in this regard.

8.0 CONCLUSION

- 8.1 It is therefore considered that the proposal is acceptable in principle and in terms of its impact on character, residential amenity and highways. It is therefore considered that permission can be granted, subject to conditions.

9.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included the following:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- d) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. No deliveries shall be taken or dispatched from this site outside of the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 08:00 and 23:00 hours on Sundays.

Reason: In the interests of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management

Policies 2012.

2. The air and vacuum facilities shall only be available for use between the hours of 6am - midnight Monday to Sunday unless the prior written approval has been obtained from the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

Informative(s)

1. Decision Notice to be kept DS1
2. The applicant is reminded that there are conditions setting out limitations on the hours of opening/operation of the jet wash facility [Condition 3 of planning permission SU/91/0899], the automatic teller machine [Condition 3 of planning permission SU/96/0035], and the car wash [Condition 9 of SU90/0324] which also remain in place.