

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/06/2016

APPLICATION No. **16/00746/MNR** APPLICATION DATE: 13/04/2016

ED: **PONTRENNAU/ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: Williams

LOCATION: ST MELLONS SERVICE STATION, NEWPORT ROAD, OLD ST MELLONS, CARDIFF, CF3 5TZ

PROPOSAL: EXTENSIONS AT REAR AND FIRST FLOOR TO CREATE TWO STOREY BUILDING WITH NEW OFFICE ACCOMMODATION AT FIRST FLOOR

RECOMMENDATION 1 : That planning permission be **REFUSED** for the following reasons :

1. The application proposes offices on a site not identified in the Local Development Plan for Employment Use and no evidence has been submitted to demonstrate that the proposal cannot reasonably be accommodated on existing employment land or in the Central Enterprise Zone or Central and Bay Business Areas, contrary to policy EC7 of the Cardiff Local Development Plan.
2. The proposed building would dominate the adjoining service station canopy and car wash and would appear as an incongruous and obtrusive development, out of scale and out of character with surrounding development, to the detriment of visual amenity and the character of the area and contrary to policy KP5 of the Cardiff Local Development Plan and paragraph 4.11.9 of Planning Policy Wales 8th edition (January 2016).
3. No evidence has been provided to demonstrate that the proposed development would not have an unacceptable impact on trees. The proposal is, therefore, contrary to policy EN8 of the Cardiff Local Development Plan and paragraphs 4.4.3 and 5.2.9 of Planning Policy Wales (January 2016).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks full planning permission for the erection of an extension to an existing petrol filling station, comprising the addition of a second storey and a rear extension to the existing single storey flat roofed shop/kiosk building. The second storey would have a pitched roof with a maximum height of approximately 8m. The rear extension would project around 3.4m from the main building and would also have a pitched roof, to a height of around 7m.

Overall, the footprint of the main part of the building would increase from 8.5m x 10m to 11.6m x 13m with a 6m x 5m rear extension. The building would be finished in brick with a tile roof and Upvc window/door frames.

- 1.2 The ground floor would continue to be used as a shop and kiosk with associated office, kitchen, w/c and storage space. The first floor would contain 5 offices and 3 w/c's and would be accessed via stairs from the ground floor and a fire escape stair at the rear. There would also be access from one of the offices via patio doors onto a flat roof at the front (south west facing) side of the building.
- 1.3 8 parking spaces would be formed to the side of the existing car wash, 3 would be located adjacent to the extended building and another 4 would be formed at the south western corner of the site. The existing vehicular access points would be utilised.
- 1.4 The resulting development would increase the number of full time employees at the site from 2 to 3 and part time employees from 5 to 7. Opening hours would be 06:00 to 23:00 on all days.

2. **DESCRIPTION OF SITE**

- 2.1 The site is an existing service station comprising a canopy above fuel pumps, a single storey 10m x 8.5m kiosk/grocery shop and a separate single storey car wash.
- 2.2 The service station is located adjacent to Newport Road, at its junction with Old Newport Road and the entrance to the Eastern Business Park, approximately 200m from the roundabout at Eastern Avenue/Newport Road/Cypress Drive. There are two storey, detached houses to the north and north east and an area of open space opposite the site to the south east.

3. **SITE HISTORY**

- 3.1 A/09/00246 – Illuminated fascia sign
- 3.2 A/09/00065 – Rebranding of existing illuminated image on forecourt canopy, forecourt stanchions and pole sign.
- 3.3 A/10/0007 – Retention of pole sign.
- 3.4 A/03/00028 – 1 x free standing advertising panel – double sided.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
EC7 (Employment Proposals on Land Not Identified for Employment Use);
EN8 (Trees, Woodlands and Hedgerows);
T5 (Managing Transport Impacts);

W2 (Provision for Waste Management Facilities in Development).

4.2 *Planning Policy Wales (January 2016):*

3.1.8: While the substance of local views must be considered, the duty is to decide each case on its planning merits. Local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission. The Courts have held that the perceived fears of the public are a material planning consideration.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness
- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.
- Promote quality, lasting, environmentally-sound and flexible employment opportunities.
- Respect and encourage diversity in the local economy.
- Locate developments so as to minimise the demand for travel, especially by private car

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence.

7.6.3 Employment and residential uses can be compatible and local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to

ensure that both amenity and economic development opportunities are not unduly compromised.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

4.3 *Technical Advice Note 12 - Design (March 2016):*

5.12.4 Where situated in proximity to other uses, smaller employment premises especially, will need to be more closely related in terms of scale and appearance to their context. This should not mean concealing their purpose but expressing it in a way which reflects or complements the setting.

4.4 *Technical Advice Note 23 – Economic Development (Feb 2014).*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* No objection in principal, subject to at least 2 of the parking bays being made suitable for disabled users and the provision of cycle parking if there is space on the property.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Welsh Water:* No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network the applicant may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. 6 individual objections and a petition of 75 signatures opposing the application have been received. The petition does not give any reasons for objecting to the application. The objections received can be summarised as follows-

1. Loss of privacy: first floor windows will overlook neighbouring houses;
2. Negative impact on the value of houses in the area;
3. Parking spaces close to houses will lead to increased noise and air pollution;
4. The description of the development does not include the side extension;
5. Every other property on Newport Road is set well back: this proposal will be totally out of character with the current streetscene;
6. Risk of litter overflowing into neighbouring streets;
7. Increased parking in the neighbouring streets which will obstruct Old Newport Road and block emergency access to Eastern Business Park;
8. Offices above a service station will not be a healthy working environment due to toxic fumes and risk of fire and explosions;
9. Design and scale are out of keeping and will appear overbearing;
10. Locating offices in a residential area is contrary to the Local Development Plan;
11. Loss of winter sunlight to property to the north;
12. Light pollution;

13. Customers will urinate in the hedge/fence;
14. There are errors and omissions in the design and access statement;
15. The application doesn't take into consideration the difference in levels between the Service Station and Old Newport Road;
16. Parking spaces are inaccessible without 'shuffling' of vehicles;
17. There are too many parking spaces in this era of sustainability. There is a bus stop within 50 yards. There are no facilities for cycle storage;
18. There is no provision for disabled access to the offices nor toilet facilities;
19. The vehicle swept path analysis does not take into account the size of delivery vehicles and tankers;
20. The tree screen at the rear has been felled in the past by the Service Station so is not guaranteed (and is inadequate for the proposed height).

7.2 Councillor Dianne Rees objects to the application and requests that a site visit to be conducted so that committee can see the likely visual impact of the proposal. Her objections are :

1. The likely visual impact of doubling the height of the building;
2. Likely increase of night time light pollution affecting residents.

8. **ANALYSIS**

8.1 The application proposes new office accommodation above an extended shop at a petrol filling station. The existing building is a modestly sized kiosk/small shop set back from Newport Road at a lower height than the petrol station canopy. The proposal increases the size of the building to such an extent that it would dominate the site and would no longer be subservient to the main feature of the site which is the filling station canopy. It would also result in a much bulkier building, closer to the highway, in this prominent location on a main route into the city. For these reasons, I consider that the development would be visually obtrusive and out of keeping with its surroundings.

8.2 Also, the proposed use of the upper floor as 5 offices is considered to be contrary to policy EC7 of the Local Development Plan (Employment Proposals on Land Not Identified for Employment Use), which states that:

Proposals for employment use (B Use Class) on unallocated sites will be permitted provided that:-

- i. The proposal cannot reasonably be accommodated on existing employment land and in the case of offices in the Central Enterprise Zone (Policy KP2) and the Central and Bay Business Areas (Policy EC4);*
- ii. The site falls within the settlement boundary and has no specific policy designation;*
- iii. The use is compatible with uses in the surrounding area and;*
- iv. The proposal is well related to the primary highway network and accessible to sustainable modes of transport*

There is no evidence to suggest that the proposed office use could not be accommodated within an existing, allocated employment site or within the

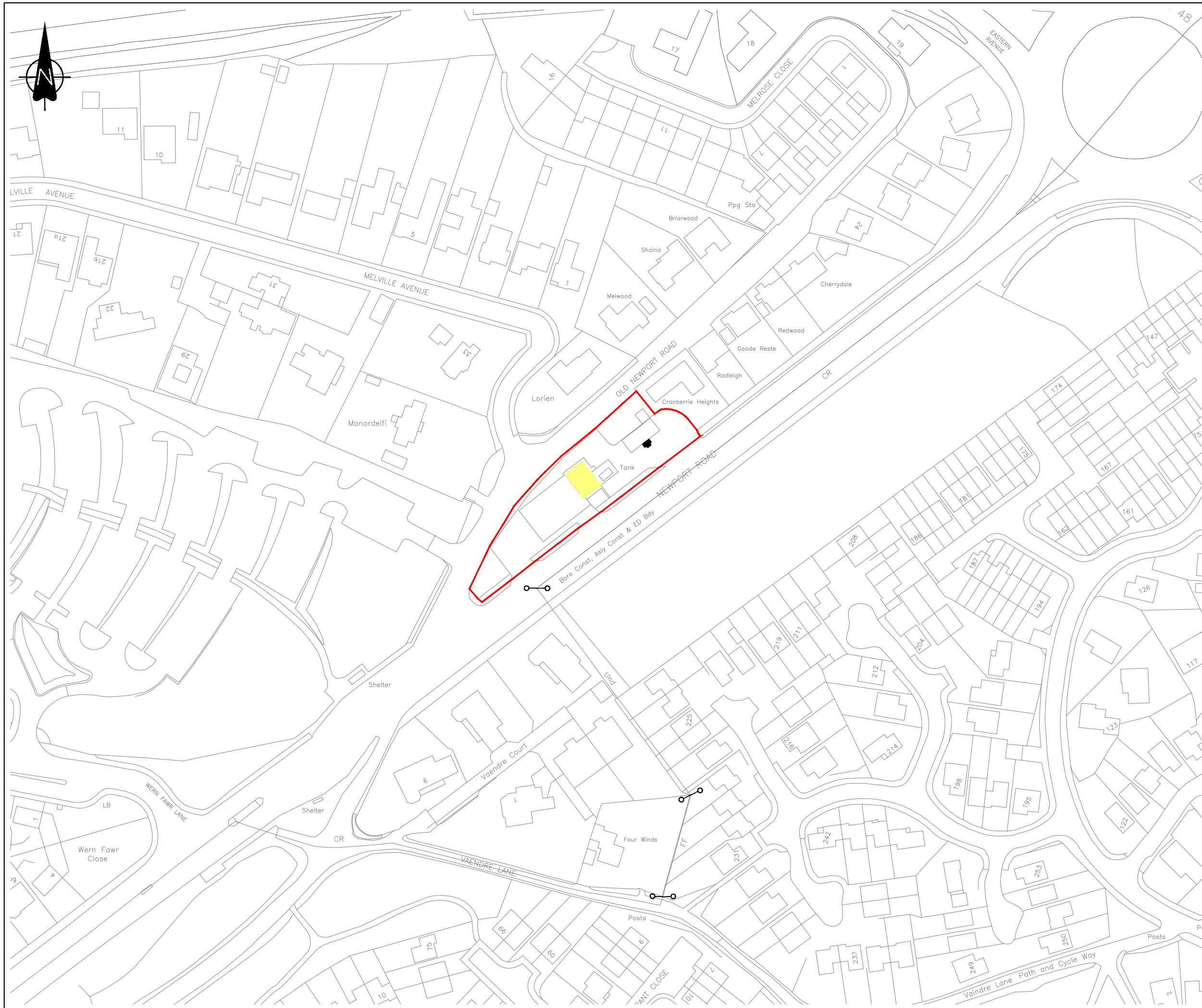
Central Enterprise Zone or Central and Bay Business Areas. The purpose of policy EC7 is to steer employment uses to the most appropriate locations, consistent with national policy.

- 8.3 There are also concerns with regard to the possibility that the development could result in harm to trees. Whilst largely unaffected, the construction of car-parking spaces in the northern corner of the site could result in harm to adjacent trees and therefore the applicant has been asked to submit an appropriate tree assessment. No such assessment has been forthcoming. Also, there is evidence that an ash tree that was subject to a Tree Preservation Order has been removed from the southern part of the site at some time in the past. Whilst no information has been found concerning its removal, the provision of a new tree here would improve the environmental and visual amenity credentials of the proposed development, whether or not the removal of the ash was authorised. The development proposes the construction of x2 car-parking spaces on part of the existing soft-scape, close to where the ash tree was. The planting of a tree close to these spaces would help to offset the harm to soil functionality caused by the construction of and use of car-parking spaces. The applicant has been asked to provide details of landscaping, including a replacement tree, but no such details have been submitted.
- 8.4 A large number of objections (including a petition) have been received, which are outlined in paragraph 7.1 above. I would respond to these as follows:
1. The windows of the building will be more than 21m from existing windows of adjacent houses, therefore loss of privacy would not form a valid reason for refusal of the application;
 2. Impact on property values is not a material planning consideration;
 3. There are already parking spaces and hardstanding areas within the site in the same locations as those proposed. There would not be a significant increase in noise or air pollution as a result of the development;
 4. The description given on the application form does not have to include all aspects of the proposal as these are shown clearly on the submitted plans;
 5. This issue is considered above;
 6. Litter is controllable under other legislation and the possibility that people using a new development might drop litter in the street is not a valid reason for the refusal of planning permission. Adequate refuse and recycling containers could be accommodated within the site;
 7. Transportation officers have raised no concerns regarding parking;
 8. This is covered by Health and safety legislation;
 - 9 & 10. These issues are discussed above;
 11. The building would not be so tall as to block a significant amount of light from neighbouring properties. Any loss of direct sunlight would be restricted to a small area for a short amount of time and would not constitute grounds for refusal of planning permission;
 12. The site is already well lit. Any new lighting, e.g. on signage, could be controlled by a planning condition;

13. The service station currently has no public toilets and there is no reason to assume that demand for such facilities would increase as a result of the development;
14. This is not relevant as the contents of design and access statements are not a part of planning applications that are approved if planning permission is granted;
15. The difference in levels is not so large as to have any significant implications for the proposals;
- 16 & 17. Transportation officers have raised no concerns regarding parking, and cycle parking spaces could be secured via a planning condition;
18. The provision of facilities within the building would be covered by other legislation. Access into the building would be suitable for disabled people and suitable parking spaces could be secured via a planning condition;
19. Transportation officers have raised no concerns regarding these details;
20. Issues relating to trees and landscaping are considered above.

8.5 The objections submitted by Councillor Dianne Rees are addressed in the comments above.

8.6 In conclusion, the proposal is considered to be contrary to LDP policy which seeks to steer office development towards more appropriate, allocated locations, and there are concerns regarding the visual impact of the building and the possible adverse impact on trees, which would not be compensated for by a suitable landscaping scheme. For the above reasons, it is recommended that the application be refused.



DRAWING NUMBER	REVISION
GBW/1510/KW/100	-

- KEY:**
- PETROL FILLING STATION
 - APPLICATION / OWNERSHIP BOUNDARY

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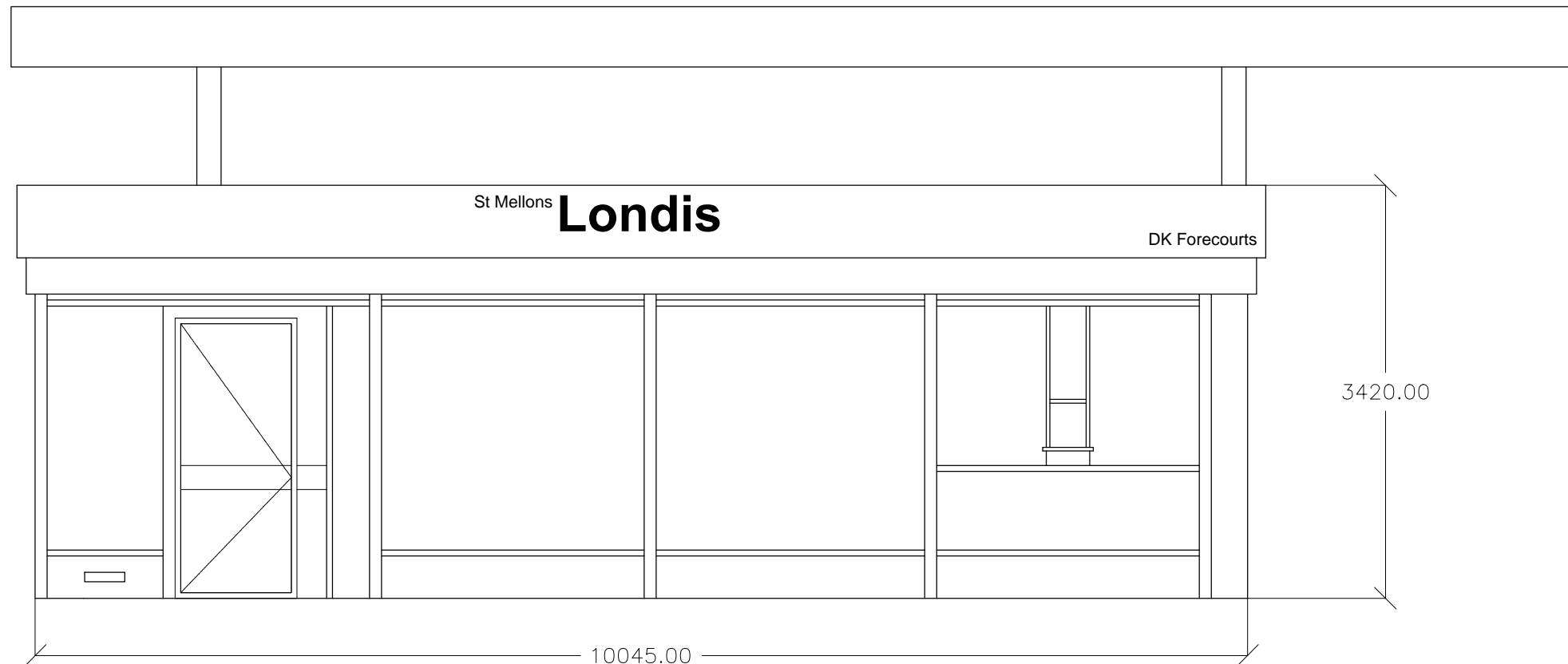
STATUS **PLANNING APPLICATION**

CLIENT **D. K. FORECOURTS**

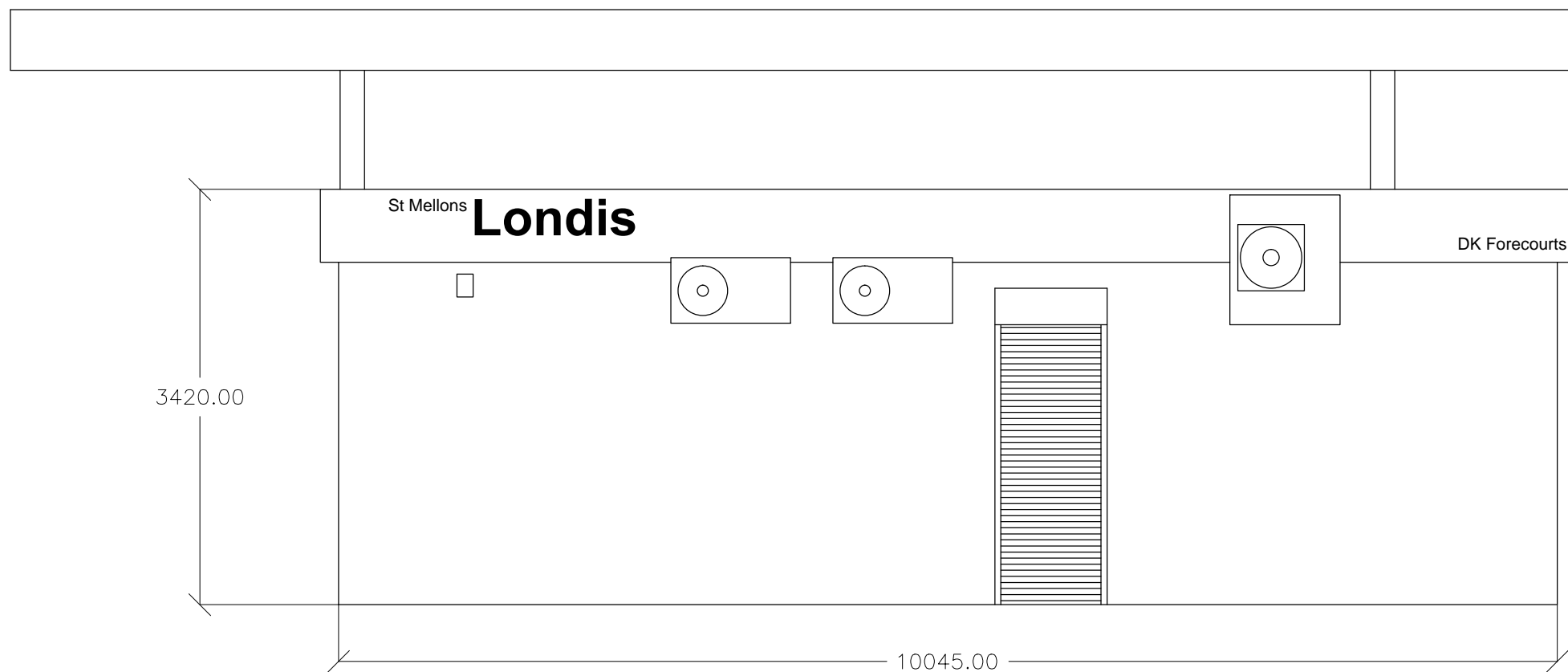
PROJECT **PROPOSED EXTENSION WORKS TO NEWPORT ROAD PETROL FILLING STATION**

TITLE **LOCATION / BLOCK PLAN**

SCALE	DESIGNED
1 : 1250 @ A3	G. WILLIAMS
PROJECT NUMBER	DRAWN
GBW/79/15/10/01	G. WILLIAMS
DATE	CHECKED
NOVEMBER 2015	G. WILLIAMS
DRAWING NUMBER	REVISION
GBW/1510/KW/100	-



FRONT ELEVATION VIEW



REAR ELEVATION VIEW

REV	DATE	DESCRIPTION	DRWN	CHKD
REVISIONS				
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STATUS
PLANNING APPLICATION

CLIENT
D. K. FORECOURTS

PROJECT
PROPOSED EXTENSION WORKS TO NEWPORT ROAD PETROL FILLING STATION

TITLE
EXISTING FRONT / REAR ELEVATIONS

SCALE
1 : 50 @ A3

DESIGNED
G. WILLIAMS

PROJECT NUMBER
GBW/79/15/10/01

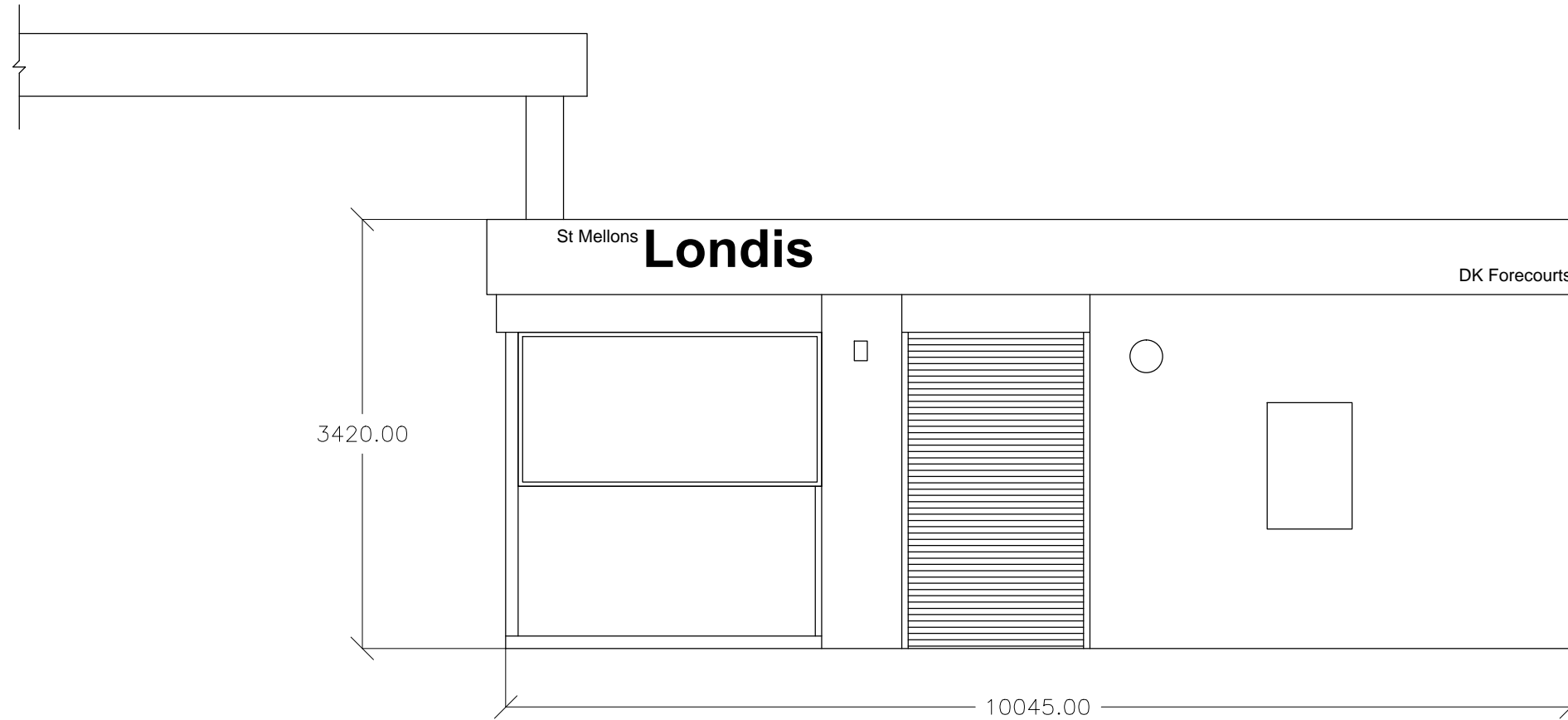
DRAWN
G. WILLIAMS

DATE
OCTOBER 2015

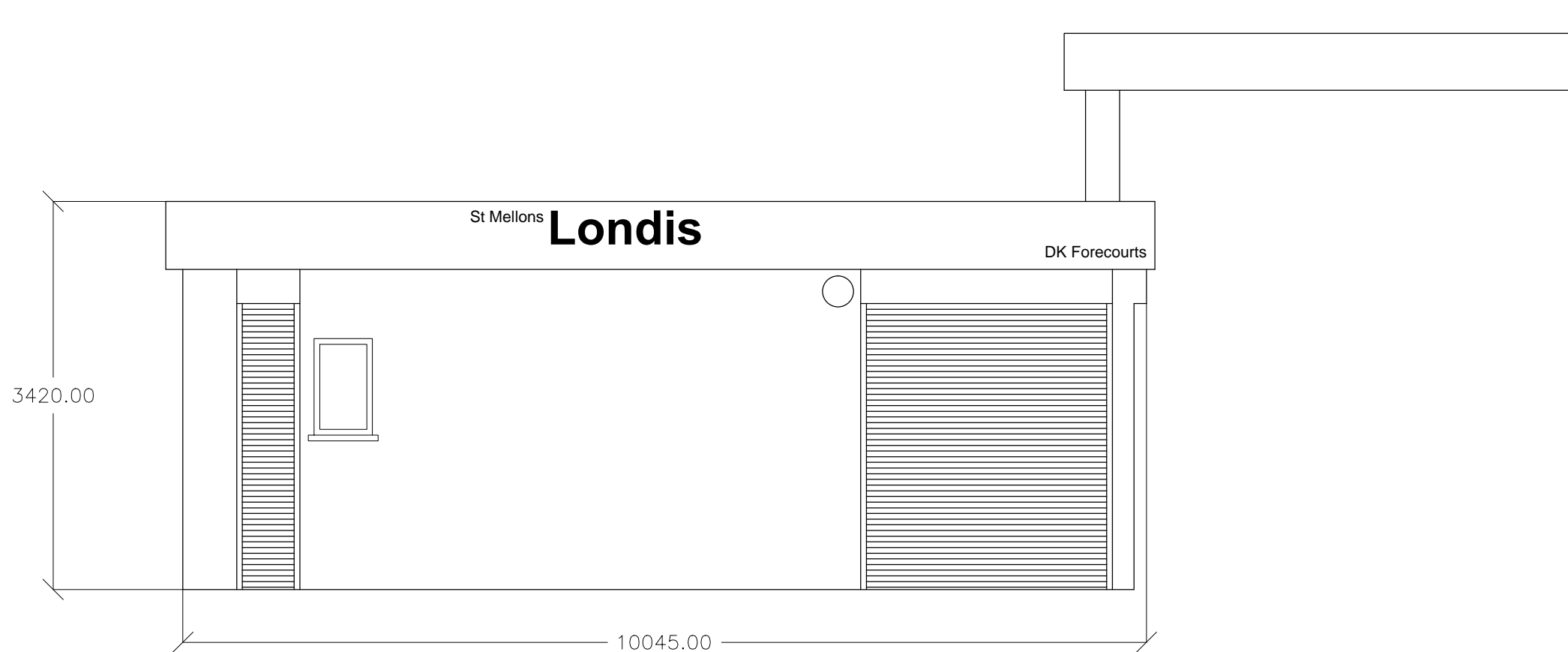
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G. WILLIAMS

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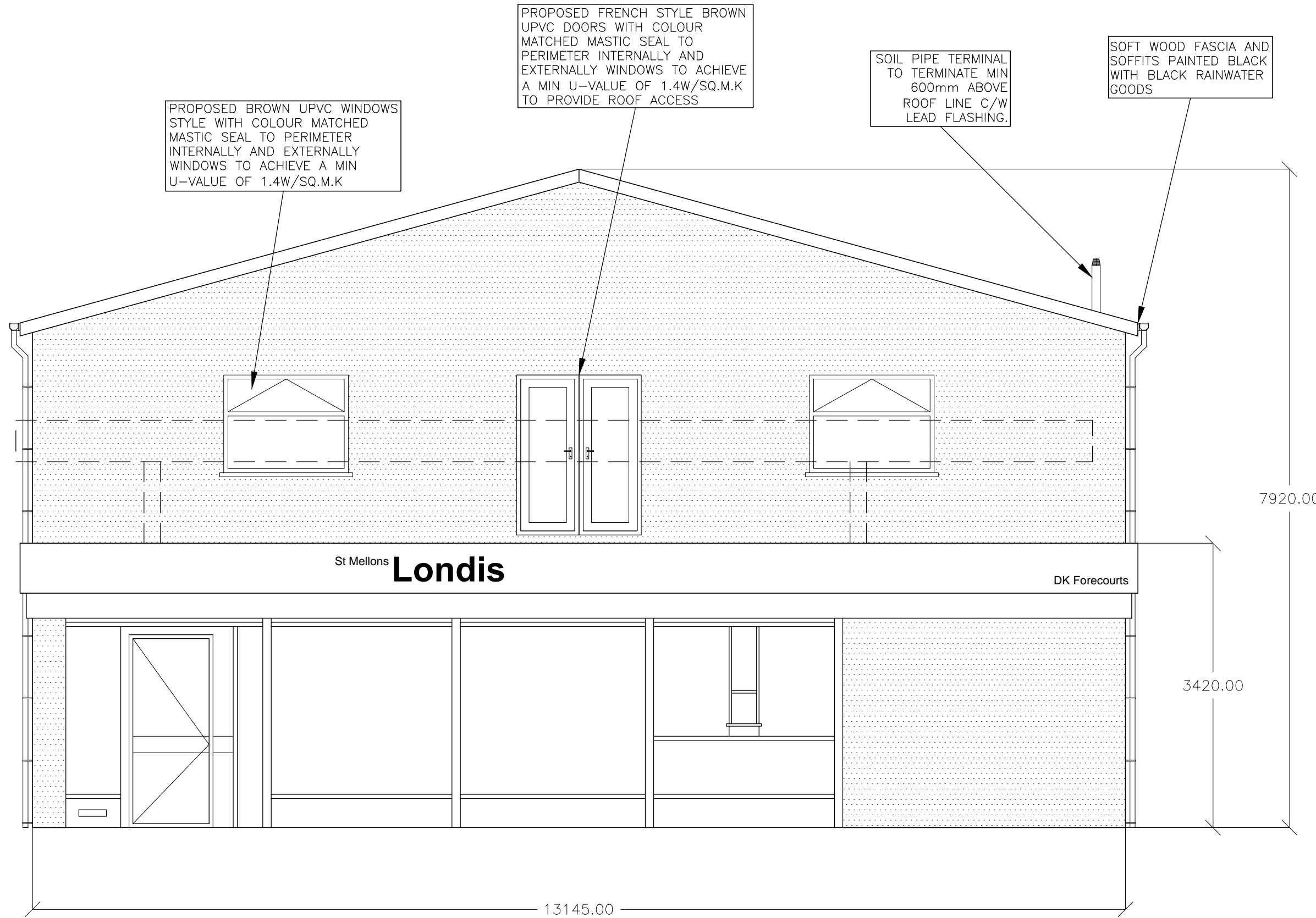


SIDE ELEVATION VIEW (SOUTHEAST)



SIDE ELEVATION VIEW (NORTHWEST)

REV	DATE	DESCRIPTION	DRWN	CHKD
REVISIONS				
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STATUS				
PLANNING APPLICATION				
CLIENT				
D. K. FORECOURTS				
PROJECT				
PROPOSED EXTENSION WORKS TO NEWPORT ROAD PETROL FILLING STATION				
TITLE				
EXISTING SIDE ELEVATIONS				
SCALE			DESIGNED	
1 : 50 @ A3			G. WILLIAMS	
PROJECT NUMBER			DRAWN	
GBW/79/15/10/01			G. WILLIAMS	
DATE			CHECKED	
OCTOBER 2015			G. WILLIAMS	
DRAWING NUMBER			REVISION	
GBW/1510/KW/102			-	



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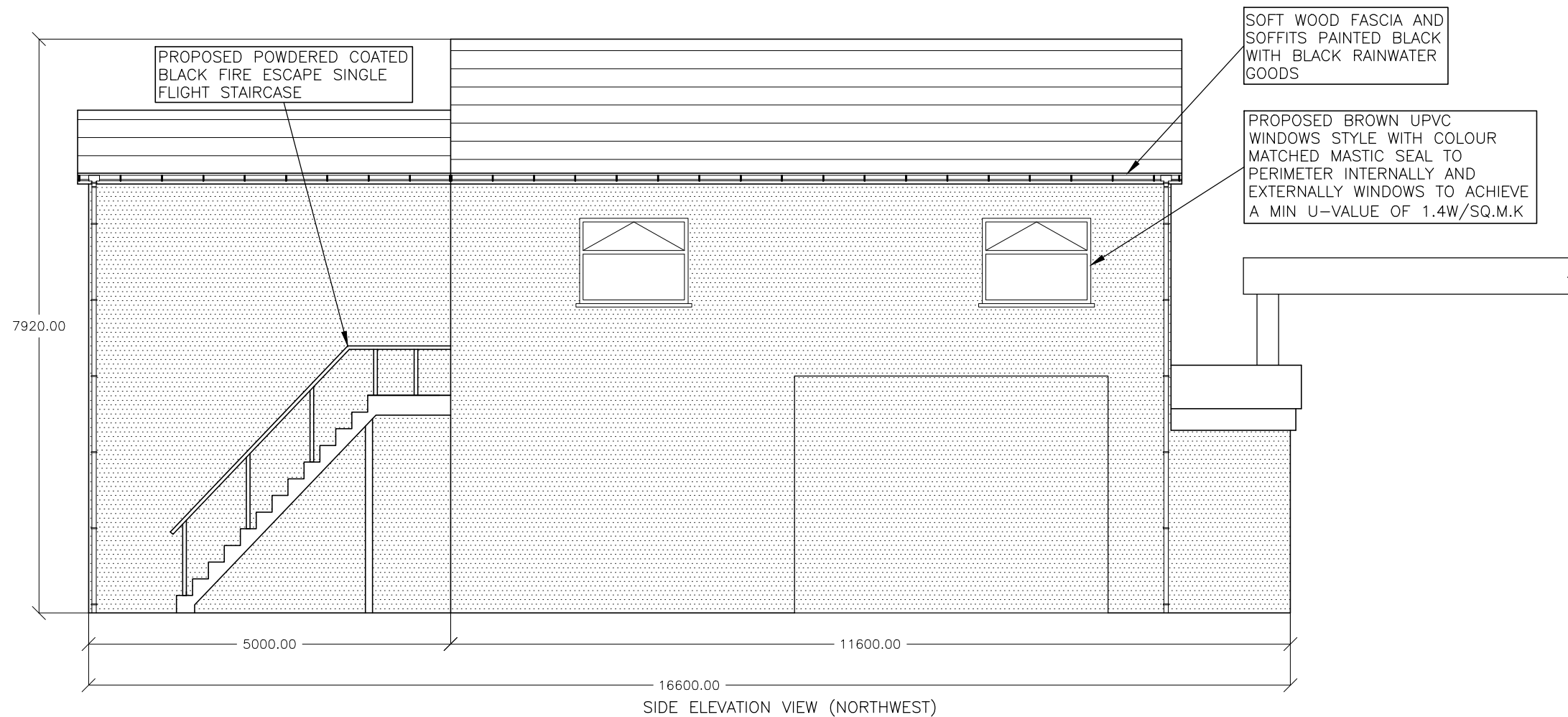
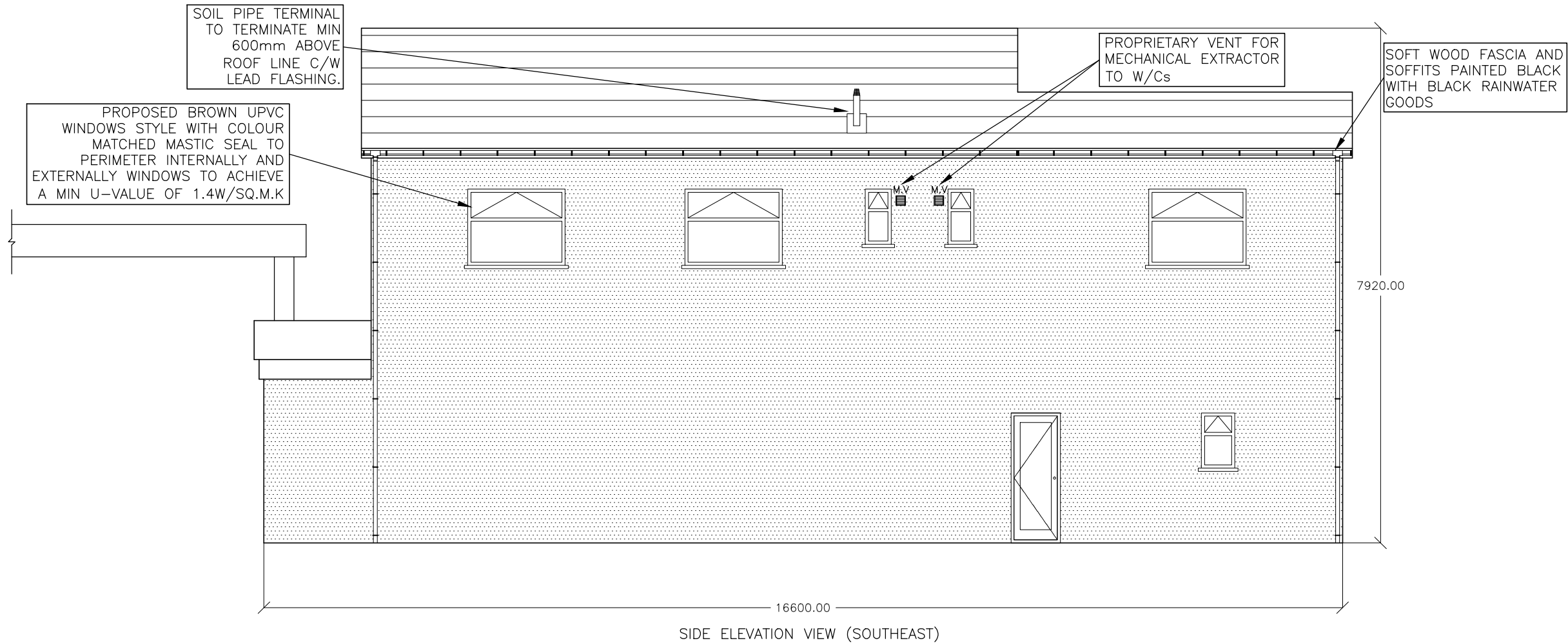
STATUS
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PROJECT
PROPOSED EXTENSION WORKS TO NEWPORT ROAD PETROL FILLING STATION

TITLE
PROPOSED FRONT ELEVATION

SCALE 1 : 50 @ A3	DESIGNED G. WILLIAMS
PROJECT NUMBER GBW/79/15/10/01	DRAWN G. WILLIAMS
DATE NOVEMBER 2015	CHECKED G. WILLIAMS
DRAWING NUMBER GBW/1510/KW/105	REVISION -



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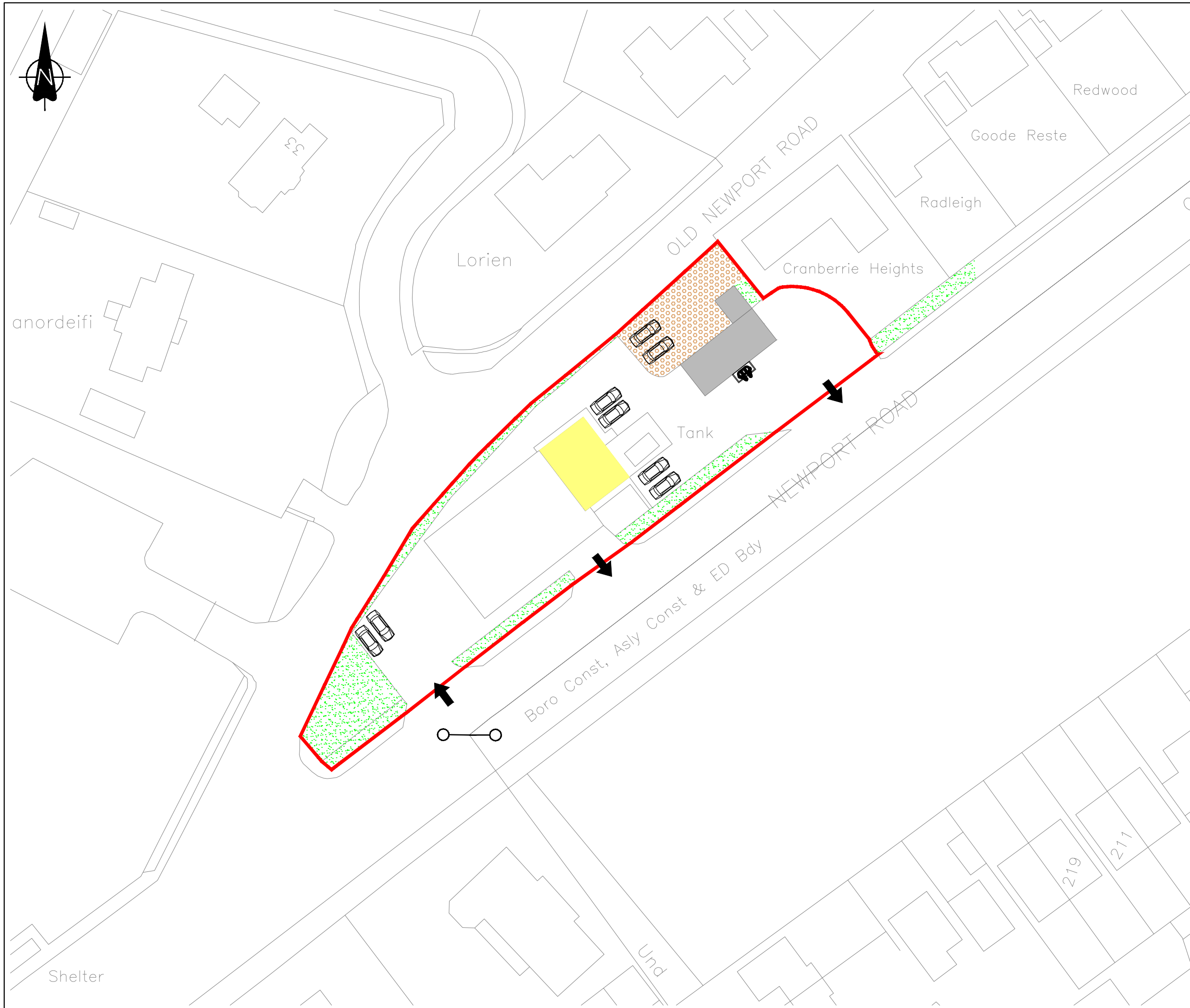
STATUS **PLANNING APPLICATION**

CLIENT **D. K. FORECOURTS**

PROJECT **PROPOSED EXTENSION WORKS TO NEWPORT ROAD PETROL FILLING STATION**

TITLE **PROPOSED SIDE ELEVATIONS**

SCALE	DESIGNED
1 : 75 @ A3	G. WILLIAMS
PROJECT NUMBER	DRAWN
GBW/79/15/10/01	G. WILLIAMS
DATE	CHECKED
NOVEMBER 2015	G. WILLIAMS
DRAWING NUMBER	REVISION
GBW/1510/KW/107	-



DRAWING NUMBER
GBW/1510/KW/111

REVISION
-

- KEY:**
- PETROL FILLING STATION
 - GARAGE CAR WASH
 - GRASS CRATE AREAS / PARKING
 - GRASS / VERGE AREAS
 - APPLICATION / OWNERSHIP BOUNDARY
 - EXISTING CAR PARKING
 - ENTRANCE / EXIT

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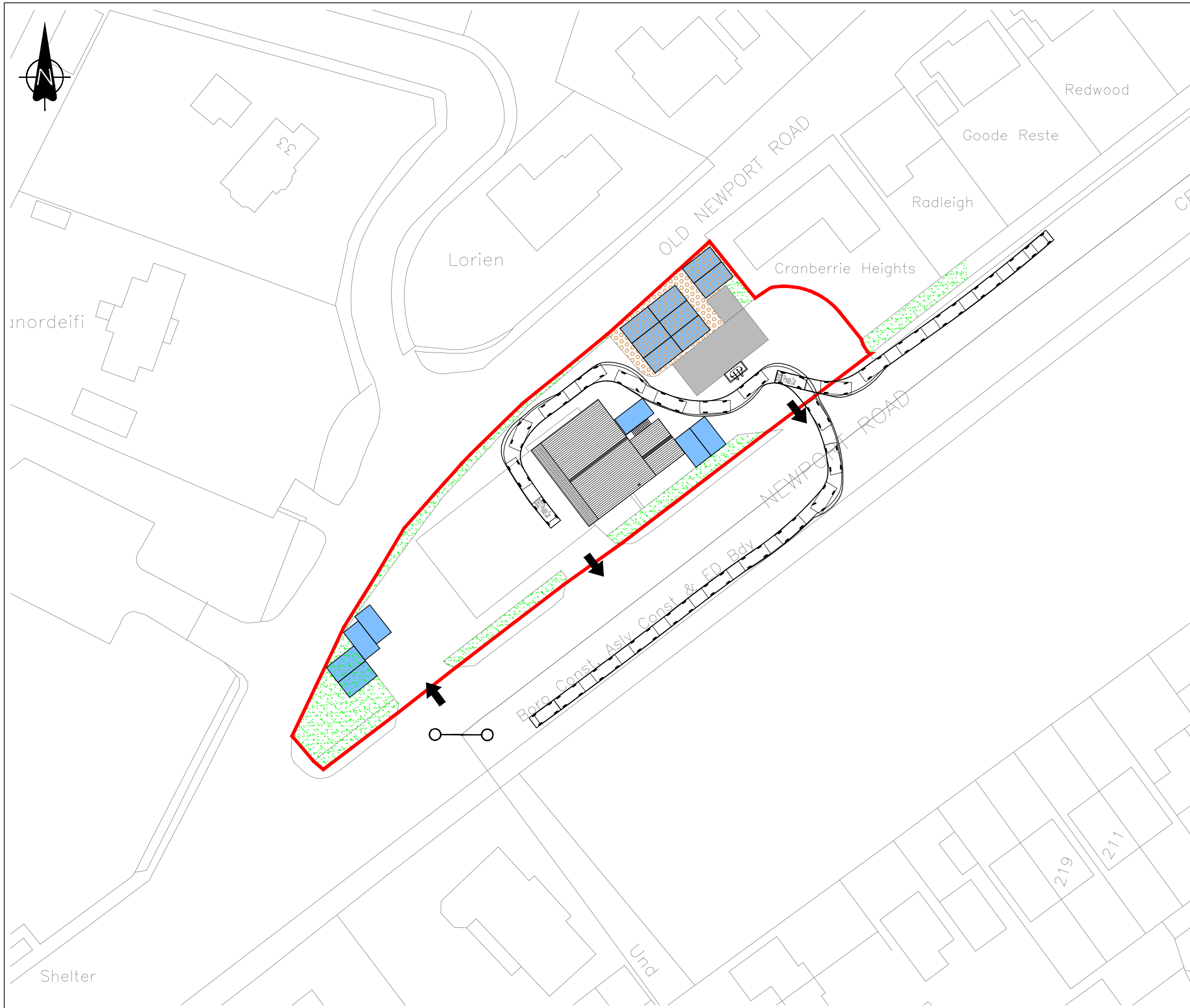
STATUS
PLANNING APPLICATION

CLIENT
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PROJECT
PROPOSED EXTENSION WORKS TO NEWPORT ROAD PETROL FILLING STATION

TITLE
EXISTING ARRANGEMENTS

SCALE 1 : 500 @ A3	DESIGNED G. WILLIAMS
PROJECT NUMBER GBW/79/15/10/01	DRAWN G. WILLIAMS
DATE FEBRUARY 2016	CHECKED G. WILLIAMS
DRAWING NUMBER GBW/1510/KW/111	REVISION -



DRAWING NUMBER
GBW/1510/KW/112

REVISION
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- KEY:**
- PETROL FILLING STATION
 - GARAGE CAR WASH
 - GRASS CRATE AREAS / PARKING
 - GRASS / VERGE AREAS
 - APPLICATION / OWNERSHIP BOUNDARY
 - VEHICLE SWEEP PATH ANALYSIS
 - PROPOSED CAR PARKING
 - ENTRANCE / EXIT

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PROJECT
PROPOSED EXTENSION WORKS TO NEWPORT ROAD PETROL FILLING STATION

TITLE
PROPOSED ARRANGEMENTS

SCALE 1 : 500 @ A3	DESIGNED G. WILLIAMS
PROJECT NUMBER GBW/79/15/10/01	DRAWN G. WILLIAMS
DATE FEBRUARY 2016	CHECKED G. WILLIAMS
DRAWING NUMBER GBW/1510/KW/112	REVISION -





