

**ITEM NO: 5**

Application No.  
**17/01327/FUL**  
Site Address:

Ward:  
Crowthorne

Date Registered:  
13 December 2017

Target Decision Date:  
7 February 2018

**Petrol Filling Station Bracknell Road Crowthorne  
Berkshire RG45 6ST**

Proposal:

**Replacement petrol filling station (including new pumps, forecourt canopy and underground storage tanks) and kiosk, surface level car park, access, servicing and associated works following demolition of existing petrol filling station and car workshop.**

Applicant:

Mr Dominic David

Agent:

Mr Arfon Hughes

Case Officer:

Michael Ruddock, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto:development.control@bracknell-forest.gov.uk)**Site Location Plan** (for identification purposes only, not to scale)

## **OFFICER REPORT**

### **1. SUMMARY**

1.1 The proposed development is for a replacement petrol filling station which would include new pumps, forecourt canopy and underground storage tanks. The redeveloped site would also include a new building forming an ancillary kiosk, car parking, access, servicing and other associated works.

1.2 The proposed development relates to a site within the settlement boundary. It is not considered that the development would result in an adverse impact on the streetscene or the character and appearance of the area. The relationship with adjoining properties is acceptable and it is not considered that the development would result in an unacceptable impact on highway safety or trees, subject to the recommended conditions. The contamination impacts of the development are acceptable.

<b>RECOMMENDATION</b>
-----------------------

Planning permission be granted subject to conditions in Section 11 of this report
---

### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application is reported to the Planning Committee as more than five objections have been received.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
------------------------

Within Defined Settlement
---------------------------

Within 400m of the SPA
------------------------

3.1 The application site is situated on land between Bracknell Road and Upper Broadmoor Road to the north east of Crowthorne High Street. As existing it comprises of the former Lightfoots filling station and kiosk fronting onto Bracknell Road and vacant workshops which are located centrally in the site. The kiosk was located within the workshop building. The rear of the site is currently vacant and it is noted that a dwelling known as No.7 Upper Broadmoor Road was in this location. This dwelling was demolished prior to the application being submitted.

3.2 The site as it previously existed had access off both Bracknell Road and Upper Broadmoor Road. The petrol station use was accessed from Bracknell Road with the workshop and residential uses accessed from Upper Broadmoor Road although it is noted that there was an access within the site between the front and the rear. The site is located in a predominantly residential area and is bordered to the west and east by residential properties. To the west it is bordered by four apartments known as The Pines, and to the east it is bordered by No.9 Upper Broadmoor Road.

3.3 The site also includes land that was formerly under the ownership of neighbouring properties, such as land to the rear of The Pines and land to the rear of No.9 Upper Broadmoor Road. This land also includes four trees that are protected by TPO 1017B.

3.4 The site is located within 400m of the Thames Basin Heath SPA.

### **4. RELEVANT SITE HISTORY**

4.1 Relevant planning history for the site is summarised as follows:

Application 7652 - Demolition of existing garage and workshops and re-erection of brick garage workshop, office, store and conveniences – APPROVED 1962

Application 8572 - Erection of commercial garage with pump forecourt – APPROVED 1963

Application 12898 - Application for erection of canopy over petrol pump area – APPROVED 1967

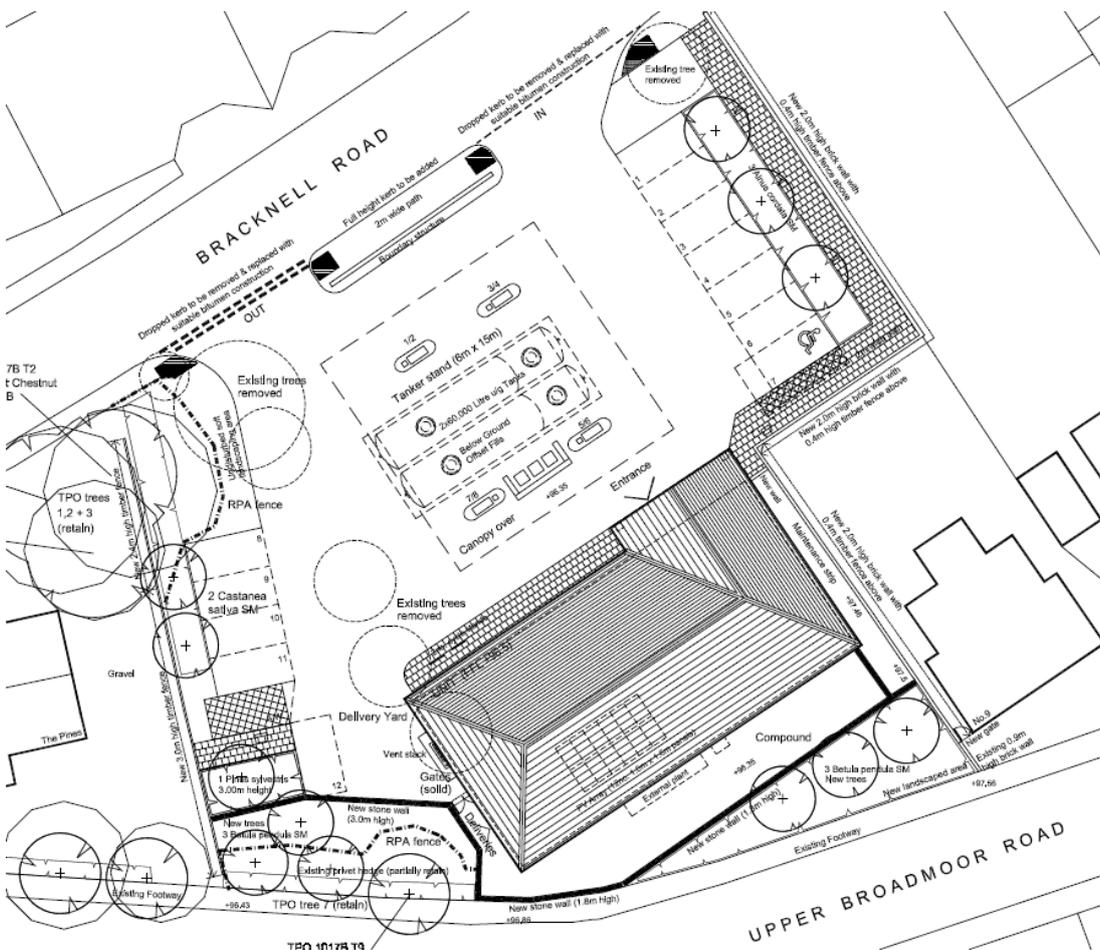
Application 602491 - Extension to existing workshop to be used as MOT Test Bay – APPROVED 1977

Application 05/00393/OUT - Outline application (including siting and means of access) for the erection of 10no. three bedroom houses and petrol filling station following demolition of existing 4no. dwellings and petrol filling station – REFUSED 2005.

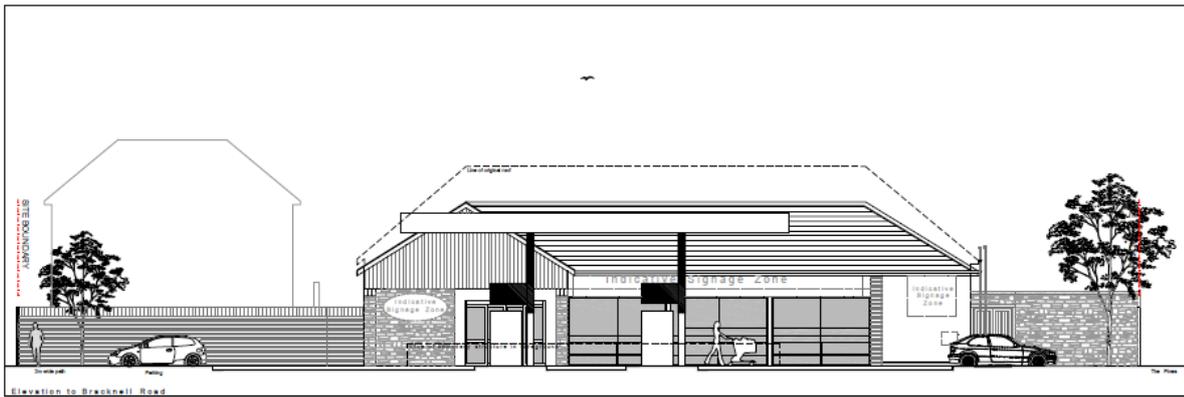
Application 17/01066/DEM - Application for prior approval for the demolition of existing dwelling – GRANTED

## 5. THE PROPOSAL

5.1 The proposed development is for a replacement petrol station and ancillary building following demolition of the existing petrol station and workshop building. As noted above, a residential dwelling that was previously sited to the rear of the site fronting Upper Broadmoor Road was demolished prior to the application being submitted.



5.2 The petrol station that was previously at the site, known as Lightfoots Garage, ceased trading in April 2017. The new petrol station forecourt would consist of eight pumps under a 6.2m high canopy with four underground storage tanks. The building would be located to the south of the forecourt and would have an external width of 24.4m. The building itself would have an external depth of 12.7m with a canopy projecting an additional 2m forward. The building would have a maximum height of 6.8m with a hipped roof design. It would have an internal floor area of approximately 288sqm, consisting of a 175sqm retail sales area along with staff-only areas such as a walk in chiller, store, office and WC. The site would be operated by BP Connect with M&S Simply Food operating the ancillary building.



5.3 The site would be accessed from Bracknell Road only, with the entrance from the east and the exit to the west. Twelve parking spaces are proposed within the site, both along the side boundaries and also to the side of the building. Three protected trees are required to be removed to accommodate the development.

5.4 Various amendments have been made during the course of the application. The ridge height of the building has been reduced from 8m to 6.7m. It was originally proposed to operate the site 24 hours a day, seven days a week and this has been reduced to between 6am and midnight. A footpath was originally proposed to run through the site to Upper Broadmoor Road which could have enhanced accessibility for local residents to walk to the shop, however this has been removed in response to resident's concerns regarding noise and privacy. Finally, the parking layout has been amended to move spaces further away from the retained TPO trees on the land to the west of the site.

## 6. REPRESENTATIONS RECEIVED

### Crowthorne Parish Council:

6.1 Recommend approval of the application subject to the following conditions:

- Restrict opening hours of the kiosk to 7am to 10pm including deliveries;
- Reduce size of the kiosk by 50%;
- Lighting to be turned off at 10pm;
- Implement no right turn into garage;
- Reduce speed limit on Bracknell Road to 20mph;
- Lower height of site to the rear, thereby reducing visibility and reducing noise.

*[OFFICER COMMENT: With the exception of the opening hours and lighting it would not be reasonable for these concerns to be secured through the use of conditions. The application has been considered on its own merits.]*

### Other representations:

6.2 154 letters of representation have been received in response to the planning application 52 of these are objecting to the application, 94 are in support of the development and 8 are neutral.

6.3 The reasons for objection can be summarised as follows:

- A shop would be out of keeping with the character of the area and is in the wrong location. No justification for such development as there are other shops nearby. Shop will be a destination in its own right rather than ancillary.
- Development as a whole too large for this site within a residential area. Previous uses on the site were lower key and this is an intensification of the site. Development would not be allowed if it was not for the previous use.
- Concerns over highway safety due to the traffic impacts of the development and the access. Previous petrol station resulted in queues on the highway.
- Potential for overspill parking on nearby residential roads. 12 spaces not enough for visitors and employees.
- Demolished house should be replaced with another. Concerns with regard to the size of the shop building.
- Impact on residential amenity due to the opening times of the shop, deliveries, light pollution and noise levels. Proposal is overbearing.
- Impact on air pollution, Crowthorne High Street already exceeds the national quality standard.
- Concerns regarding removal of trees.
- Most of the comments in support of the development do not come from residents that live close to it.

6.4 It is noted that a number of neighbour letters raised concerns with regard to 24 hour opening, the size of the building and the footpath access to Upper Broadmoor Road. The opening hours have been reduced, the size of the building reduced and the footpath removed since these comments were made.

6.5 The reasons for support can be summarised as follows:

- There is a need for the development as there is no petrol station in Crowthorne following the closure of the previous site. A petrol station is essential due to the continued expansion of Crowthorne and many people of struggled since the previous station closed.
- New petrol station will save people money and time through unnecessary travelling to the nearest station. Also has environmental benefits of people have to travel less far to refill their cars.
- Redevelopment represents an improvement to services available in a growing village.
- Having eight pumps rather than four should increase throughput and reduce the previous problem of traffic backing up onto Bracknell Road.
- Noted that fuel sales generate a low profit margin and having a convenience store on site is normally a commercial necessity.

## **7. SUMMARY OF CONSULTATION RESPONSES**

### 7.1 Highways Officer

Recommend conditional approval.

### 7.2 Tree Officer

Recommend conditional approval.

### 7.3 Environmental Health Officer

Recommend conditional approval.

#### 7.4 Biodiversity Officer

No objection.

#### 7.5 Licensing Officer

No objection.

#### 7.6 Environment Agency

Recommend conditional approval.

### **8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

8.1 The key policies and associated guidance applying to the site are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	consistent
Residential Amenity	Saved policies EN20 and EN25 of BFBLP	consistent
Highway Safety	CS23 of CSDPD, Saved policy M9 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Trees and landscaping	Saved policies EN1, EN2 and EN20 of BFBLP	consistent
<b>Other publications</b>	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Design SPD, Character Area Assessments SPD, Parking Standards SPD, Thames Basin Heaths SPA Avoidance and Mitigation SPD, Planning Obligations SPD.	

9.1 The key issues for consideration are:

- i Principle of the Development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Effect on Trees
- vi Biodiversity Considerations
- vii Contamination
- viii Community Infrastructure Levy

#### **i. Principle of the development**

9.2 The site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. Development within the settlement boundary is acceptable in principle and in accordance with CSDPD CS1 (Sustainable Development), CS2 (Locational Principles) and the NPPF.

9.3 It is noted that the site previously had a dwelling to the rear which was demolished in accordance with application 17/01066/DEM. 'Saved' BFBLP Policy H12 restricts the loss of

dwellings, however there was no dwelling on site at the time the application was submitted. As such any new dwelling on the site would be considered a net increase in residential accommodation. The site is located within 400m of the Thames Basin Heath SPA and any net increase in residential units is unacceptable. The development is therefore not contrary to 'Saved' Policy H12.

9.4 The development would result in the demolition of the existing vacant workshops at the rear. Policy CS19 of the CSDPD seeks to protect small business units of under 500 square metres, stating that planning permission for the loss of such premises will only be granted if the proposal does not conflict with other elements of the CSDPD. However this policy refers to the location of employment development. This policy is more relevant to Bracknell Town Centre and the Borough's defined employment areas which are referred to, and set out on the Council's Policies Maps. As such it is not considered that this policy is relevant to this location. In any case Policy CS19 states 'Planning permission for the loss of such units will only be granted if the proposal does not conflict with other elements of this strategy.'

9.5 The application proposes a petrol filling station with an ancillary retail unit. The development is outside the 'town centre' of Crowthorne and as such CSDPD Policy CS22 is potentially relevant to this proposal. However it is noted that there is an ancillary retail element at the site as existing and as such there would not be a net increase in retail units. Furthermore the primary use of the site would be the petrol station, a sui generis use. As such it is not considered that the tests required under Policy CS22 are relevant to this proposal as the primary use of the site is not retail.

9.6 Paragraph 24 of the NPPF states 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan'. A petrol station is not considered to be a 'main town centre use' and as such the proposed development would not be in conflict with this.

9.7 As such the principle of development is considered acceptable. This is subject to no adverse impacts upon the character and appearance of the surrounding area, residential amenities of neighbouring properties, highway safety, trees, biodiversity etc. These matters are assessed below.

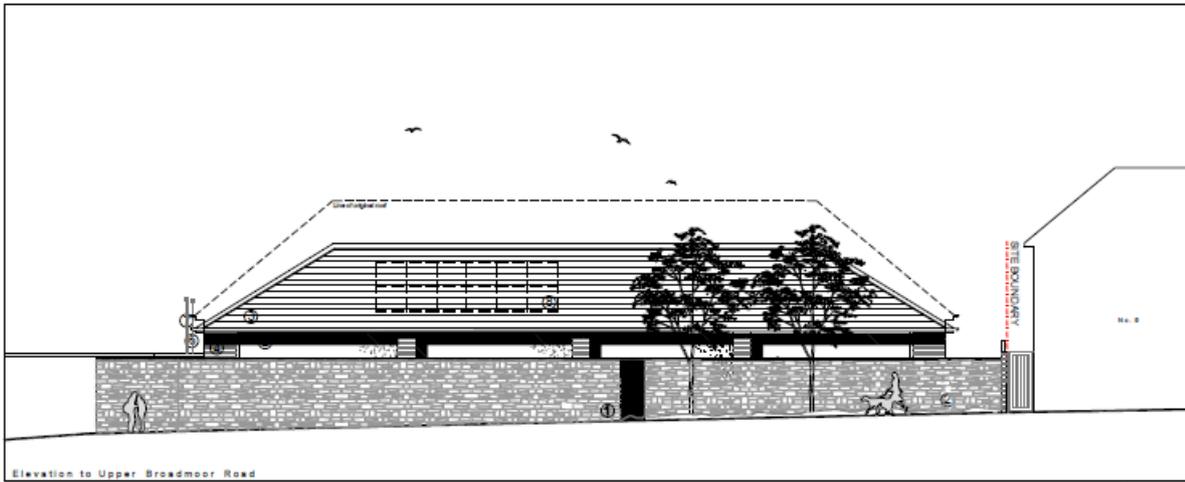
## **ii. Impact on the character and appearance of the area**

9.8 The site is within Crowthorne Area D (East Crowthorne) of the character areas SPD. This summarises that the area is diverse in terms of architecture and there is no prevailing design approach. Building should follow a consistent building line and front gardens should be bounded by high quality treatment, walls and/or hedges. The existing tree cover should remain, and landscape planting treatment to new frontages should be predominantly evergreen.

9.9 The surrounding area is residential in character with detached and semi detached properties with a mix of fencing and planting to front boundaries. Whilst a petrol station may be incongruous with this, a petrol station in this location is an established feature and existing characteristic of Bracknell Road. As such it is not considered that the redevelopment of the site to provide a new petrol station would significantly impact on the character and appearance of Bracknell Road. Whilst it is noted that trees would be removed to accommodate the development, replacement trees and landscaping are also proposed and this will be assessed further below. The existing building line at either the front or rear would not be affected and new walls are proposed to the side and rear.

9.10 The new shop building would be an additional feature in the streetscene, replacing the existing kiosk and workshop and sited to the rear of the site in place of the previous dwelling. As this building would be set to the rear of the site it would not be a prominent feature in the streetscene of Bracknell Road. However, it would also be visible from the rear of the site on Upper

Broadmoor Road. The building would be lower in height than the surrounding dwellings and set further back from Upper Broadmoor Road than the neighbouring dwelling at No.9, and as such it is not considered that it would be an overly prominent or incongruous feature in the streetscene. Furthermore the hipped roof would slope away from Upper Broadmoor Road, reducing its impact. Finally, the reduction in height of the roof has significantly reduced the bulk of the roof, as demonstrated by the proposed rear elevation.



9.11 Given the existing use of the site it is not considered that the redevelopment would be out of character with the area. Whilst it is acknowledged that the shop could be a destination in its own right as it is in easy walking distance of residential properties, it would support the primary use of the site as a petrol station. Whilst this could result in some intensification it is not considered that this would be so harmful to the character of the area that refusal of the application would be warranted, taking into account the previous (and extant) use of the site.

9.12 As such it is not considered that the development would result in an adverse impact on the character and appearance of the area. Furthermore it would not be contrary to the recommendations of the Character Area Assessments SPD, subject to the trees assessment below. The development would therefore not be contrary to CSDPD Policy CS7, BFBLP 'Saved' Policy EN20 or the NPPF.

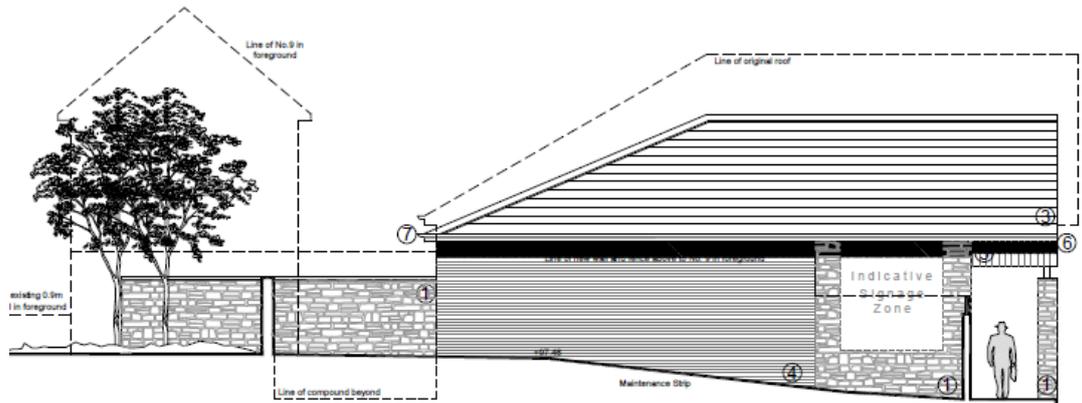
### **iii. Impact on residential amenity**

9.13 The site is surrounded by residential development and as such has the potential to have an impact on the amenities of the occupiers of the surrounding properties. The property is bordered by No.9 Upper Broadmoor Road to the east and four residential apartments known as The Pines to the west.

9.14 In respect of No.9 Upper Broadmoor Road the new building would be located close to the western boundary with the neighbouring property with a rear projection of approximately 11m beyond the rear elevation of that property. A 45 degree line drawn on the horizontal plane from the nearest rear facing window at No.9 would intersect the building, however a 45 degree line drawn on the vertical plane from the point of intersection would not overshadow more than 50% of any of the rear facing windows at the neighbouring property. It is therefore not considered that the development would result in an unacceptable loss of light to the rear facing windows of the neighbouring property.

9.15 It is acknowledged that a rear projection of 11m beyond the rear elevation of the neighbouring property is significant and there would be an element of overbearing as a result. However the building is single storey and the land slopes down away from the rear elevation of No.9 and as

such the area of building closest to the rear of the neighbouring property and its most private amenity area would be at a lower height. The design of the building means that it would slope up away from this area which would reduce its impact. Finally, the reduction in height of the building has also reduced its impact. As such it is not considered that the building would appear so unduly overbearing when viewed from the rear of the neighbouring property that refusal of the application would be warranted. No side facing windows are proposed and as such it is not considered that the development would result in a loss of privacy to the neighbouring property through overlooking.



9.16 In respect of The Pines, the rear elevation of the neighbouring property would not face directly towards the new building and in any case there would be a separation distance of over 19m between The Pines and this building. It is therefore not considered that it would result in an unacceptable loss of light to windows at this property. The building would be set over 13m off the boundary with the Pines and as such would not appear unduly overbearing when viewed from the neighbouring property. Finally it is not considered that the proposed boundary treatment would result in an unacceptable loss of light to the neighbouring property.

9.17 It is not considered that the petrol station canopy would result in an unacceptable impact on the neighbouring properties through loss of light or overbearing. The removal of the footpath along the eastern boundary has removed the potential for loss of privacy to neighbouring properties from this element. Although parking areas would be located close to the boundaries with the neighbouring properties including The Pines and No.11 Upper Broadmoor Road, the installation of new fencing along these boundaries would ensure that there would not be a loss of privacy to neighbouring properties through the use of these spaces.

9.18 Due to the location of the site within a residential area it has the potential to impact on neighbouring properties through noise and disturbance. Regard needs to be had to the extant use of the site as a petrol station, kiosk and workshop as there would have been an element of noise and disturbance from these elements. However it is also acknowledged that the site would include a larger petrol station and ancillary shop than existing and would also include parking areas. The intensity of the use of the site would therefore be likely to increase over the extant use.

9.19 The application has been accompanied by the Sharps Gayler Noise Assessment (dated 8 December 2017) which assesses noise potential from various sources – the forecourt and car park, deliveries and the mechanical plant. The Acoustic Assessment has been assessed by the Council's Environmental Health Officer. Noise arising from the use of the forecourt and car park has been assessed using WHO criteria. The noise levels predicated are well below the WHO criteria both during the day and night which would indicate that the site is suitable for its intended use. This assessment is reliant on appropriate noise mitigation measures being installed consisting of acoustic grade fencing and stone walls constructed at various heights. As such a condition is recommended requiring installation of the noise mitigation measures as stated prior to the development being brought into use.

9.20 In respect of deliveries, an assessment using guidance within BS4142:2014 has been carried out. This concludes that noise from deliveries during the night (23.00 – 07.00) would have a significant adverse impact on residents living within the vicinity. Further assessment concludes that the potential impact between 06.00 and 07.00 would not be quite so significant and recommends that there should be no deliveries to the site between 23.00 and 06.00. The deliveries to be restricted include deliveries to the kiosk and fuel tanker deliveries but exclude deliveries of newspapers and magazines. The Environmental Health Officer agrees with this assessment and recommends that delivery times are restricted to those recommended within the assessment.

9.21 In terms of opening times, it was originally proposed to operate the site 24 hours a day and it should be noted that the Council's Environmental Health Officer raised no objection to this, provided that the noise mitigation measures outlined above are implemented. However in view of the large number of neighbour objections to this element of the development the applicants have agreed to reduce the operational hours to between 06.00 and 00.00 (midnight). It is recommended that these hours are secured by condition.

9.22 Noise from mechanical plant associated with the kiosk (air conditioning and refrigeration plant) needs to be controlled so that it does not cause disturbance to local residents. A condition is recommended to ensure that this is the case. Further conditions with regard to environmental effects and lighting are also recommended, in view of the nature of the development and its proximity to neighbouring dwellings.

9.23 As such it is not considered that the development would result in an adverse impact on residential amenity either through loss of light, overbearing and overlooking or an unacceptable increase in noise and disturbance, subject to conditions. The development would therefore not be contrary to BFBLP 'Saved' Policy EN20 or the NPPF.

#### **iv. Transport implications**

##### **Access**

9.24 The development takes access off Bracknell Road, a local distributor road that is subject to a 30mph speed limit. An 'in and out' arrangement is proposed which is typical for a petrol station. The applicant's Transport Statement states that 'new high quality vehicle accesses will be built to replace the existing accesses on Bracknell Road' and these are shown on the proposed site plan. The new accesses shall be secured by condition.

9.25 The access at the front includes a 2m wide path to provide pedestrian access across the site frontage, and access to a 2m wide internal pedestrian path leading from the public highway to the new building. This should assist with visibility, which shall be secured by condition. Any off site highway works will be secured by condition and will also require a Section 278 agreement and the applicant will be advised of this by way of an informative. Vehicle tracking for an oil tanker has been provided which indicates that the accesses are wide enough to accommodate such vehicles. This also shows adequate turning in and out of the forecourt and generally such operations require the forecourt to be closed to customers. Vehicle tracking is also shown for a 12m long delivery vehicle to access and manoeuvre into the delivery yard and this is acceptable.

9.26 The proposals will remove the existing access off Upper Broadmoor Road which has restricted visibility, and the resulting reduction in vehicle movements onto Upper Broadmoor Road would be a highway safety benefit. The site plan shows a new stone wall and planting adjacent to Upper Broadmoor Road and these boundary treatments would not interfere with the public highway. The extended length of dropped kerb along the site boundary with Upper Broadmoor Road should be replaced with a full height kerb and these off-site highway works should be secured via planning condition and works carried out as part of the s278 Agreement.

## **Parking**

9.27 It is noted that the previous petrol station included a small kiosk with no dedicated parking, and this is similar to the situation at the nearest petrol station; the Shell petrol station on Yorktown Road in Sandhurst which includes a small Londis and has no dedicated parking. The proposed development includes a convenience store and 12 parking spaces are to be provided. This complies with the Council's Parking Standards SPD which requires one space per 20 square metres of retail floor space (9 spaces) plus once space per two staff members where it is envisaged that there would be a maximum of 6 staff at any time (3 spaces). One disabled space is proposed which complies with the Parking Standards.

9.28 The store is to be operated by Marks and Spencer, and it is noted that an existing site along Wokingham Road, Bracknell which may well be of similar size has 7 parking spaces overall. The Highway Authority are also aware of sites outside the Borough that are operated by Tesco which provide 15 parking spaces for circa 300sqm of retail floor area and this also equates to one parking space per 20sqm as per the Council's Parking Standards.

9.29 During the course of the application the parking area has been amended to move spaces away from the protected trees adjacent to the north west corner of the site. The Highway Authority are satisfied that this layout is acceptable, with the associated vehicle tracking demonstrating access to all spaces.

## **Trips**

9.30 The Transport Statement indicated that the proposal is likely to result in a net increase of 19 and 11 trips in the morning and evening peak periods respectively and 187 two way movements per day based on the additional trips generated by a larger convenience store than the previous kiosk and a reduction in trips from the vehicle repair/MOT garage which is to be removed. Similar levels of traffic are likely to be generated by the new petrol station in itself when compared with the previous petrol station and much of this traffic would already be passing the site.

9.31 There is a large residential catchment nearby with lit footways for pedestrian access by customers and staff. The site is well served by bus services and Crowthorne Railway Station is relatively close which could assist with reducing car trips by staff. Two cycle parking spaces are proposed which complies with the Parking Standards SPD and shall be secured by condition. The site is therefore considered to be accessible by non-car modes which will reduce some car trips.

9.32 It is therefore not considered that the development would result in an adverse impact on highway safety. As such it would not be contrary to CSDPD Policy CS23, BFBLP 'Saved' Policy M9 or the NPPF.

## **v. Effect on Trees**

9.33 Four trees on the application site are protected by TPO 1017B. These are T1 (Pine), T7 (Holly), T8 (Birch) and T9 (Holly). T2, T3 and T4 (Sweet Chestnuts) are located within The Pines and are also affected by the proposals. The trees are all considered to make a positive contribution to the character and appearance of the area, taking into account the low level of mature tree cover on the site.

9.34 As originally proposed, three parking spaces were to be located in the north west corner adjacent to T2, T3 and T4. Due to concerns that these spaces would result in an adverse impact on these trees, they have been removed from the scheme and an area of soft landscaping would remain. Silva Cell engineering is proposed under the parking to the south of this area which will allow for tree planting adjacent to these spaces. Tree protection is shown on the proposed site

plan but needs to be extended and as such will be secured by condition as will restrictions within the protected area.

9.35 Removal of three protected trees within the site (T1, T7 and T8) is required to accommodate the proposals. The Tree Service considers this acceptable provided that this is compensated by substantial semi mature tree planting. Additional planting is proposed on both the western and eastern boundaries of the site and to the south of the new building fronting Upper Broadmoor Road. An existing planting area which includes T9 would be enhanced. The Tree Service is satisfied that the proposed soft landscaping areas provide adequate mitigation for the loss of the TPO trees, and that T9 would be protected during development. The provision and long term protection of the soft landscaping shall be secured by condition.

9.36 It is considered that it would be beneficial for the long term protection of the trees if, as part of the hard landscaping element of the proposals, low knee rail fencing is provided around the landscaped areas to prevent vehicle access in the longer term. A condition is recommended to secure this.

9.37 It is therefore considered that the tree impacts of the development are acceptable, subject to the recommended conditions. Although protected trees are required to be removed to accommodate the development, acceptable planting would be provided to mitigate this. The development would not result in a significant long term impact on the remaining trees. As such it would not be contrary to BFBLP 'Saved' Policies EN1 and EN20 or the NPPF.

#### **vi. Biodiversity Considerations**

9.38 The application has been accompanied by a bat survey report which concludes that the risk of the works adversely affecting roosting bats is minimal. The buildings have been assessed as having negligible potential to host roosting bats.

9.39 As such it is considered unlikely that the works would adversely affect roosting bats or other protected species, and there are no objections to this application on ecological grounds. The development would therefore not be contrary to CSDPD Policies CS1 or CS7.

#### **vii. Contamination**

9.40 The previous use of the development site as a petrol station presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the development site is located upon a Secondary A aquifer. These comprise permeable layers that can support local water supplies and may form an important source of base flow to rivers.

9.41 The application has been accompanied by a Risk Assessment by HydroGeo (September 2017). This has been assessed by the Environment Agency which is satisfied that this demonstrated that it will be possible to suitably manage the risk posed to controlled waters by this development. This is subject to conditions requiring a remediation strategy and verification report to be submitted, and a restriction upon infiltration of surface water.

9.42 The contamination risks of the application have also been assessed by the Council's Environmental Health Officer who is also satisfied with the proposals subject to these conditions.

9.43 The details of this planning application state that site drainage will use the existing system.

## viii. Community Infrastructure Levy

9.44 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.45 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) including new build that involves the creation of additional dwellings. The development is not CIL liable.

## 10. CONCLUSIONS

10.1 The principle of development is acceptable, and it is not considered that it would result in an adverse impact on the character and appearance of the area, residential amenity, highway safety or biodiversity subject to the recommended conditions. Although protected trees are required to be removed to accommodate the proposals, it is considered that this can be adequately mitigated by replacement planting and it is not considered that the development would result in an unacceptable impact on the remaining trees. Finally, the contamination effects of the development are considered acceptable, subject to the recommended conditions.

10.2 As such the development would not be contrary to CSDPD Policies CS1, CS2, CS19, CS22 and CS23, BFBLP 'Saved' Policies EN20, M9 and H12 or the NPPF.

## 11. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990

02. The development hereby submitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 16 January 2018, 11 April 2018 and 15 May 2018:

SP293-P01(E), SP293-P02(A), SP293-P03(E), SP293-P04(E), SP293-P05(E), 2017/123/E, 2017/124(E), 2018/38, 2017/123/E

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. No construction works shall take place until brick and tile samples to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. The development shall be carried out in accordance with the finished floor levels set out on drawing SP293-P03(E) received by the Local Planning Authority on 15 May 2018.

REASON: In the interests of the character of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

05. The development shall not be brought into operation until the noise mitigation measures recommended in the submitted noise assessment (Sharps Gayler Acoustic Consultants Former Lightfoots Garage, Crowthorne - Noise Assessment for redevelopment of a petrol filling station

dated 8 December 2017) have been installed. The measures shall be maintained for the duration of the development hereby permitted.

REASON: In the interests of residential amenity.

[Relevant Policy BFBLP EN20]

06. Deliveries of goods to the kiosk (except for newspapers and magazines) and deliveries of fuel to the petrol filling station shall not take place between the hours of 2300 and 0600.

REASON: In the interests of residential amenity.

[Relevant Policy BFBLP EN20]

07. The development hereby permitted shall only be operational from 06:00 hours to 00:00 hours on any day.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policy: BFBLP EN20]

08. No fixed plant or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from all fixed plant and machinery shall not exceed 35dB nor at any time exceed the background noise level by more than 5dB when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurement and assessment shall be made according to BS4142:2104.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policy: BFBLP EN20, EN25]

09. The development hereby permitted (including any demolition) shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations
- (vi) construction and demolition working hours
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policy: BFBLP EN20, EN25]

10. No external lighting shall be installed until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenity of neighbouring property and the character of the area.

[Relevant Policies: BFBLP EN20 and EN25]

11. The development shall not be brought into operation until the vehicular accesses have been constructed in accordance with the approved plans

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

12. The development shall not be brought into operation until the associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

13. The development shall not be brought into operation until secure parking for bicycles has been provided in accordance with the approved drawings.

REASON: In order to ensure bicycle facilities are provided.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

14. The development hereby permitted shall not be brought into operation until a scheme has been submitted to and approved in writing by the Local Planning Authority for off site highway works including the provision of a pedestrian footway at the front of the site. The development shall not be brought into operation until the off site highway works have been completed in accordance with the scheme.

REASON: In the interests of highway safety.

[Relevant Policy: BFBLP M4]

15. The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority, to accommodate:

- (a) Parking of vehicles of site personnel, operatives and visitors
- (b) Loading and unloading of plant and vehicles
- (c) Storage of plant and materials used in constructing the development
- (d) Wheel cleaning facilities
- (e) Temporary portacabins and welfare for site operatives

and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (e) above without the prior written permission of the Local Planning Authority.

REASON: In the interests of amenity and road safety.

[Relevant Policy: BFBLP EN20, CSDPD CS23]

16. The development shall not be brought into operation until a plan showing visibility splays has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

17. No development (including initial site-clearance) shall commence until a detailed scheme for the protection of existing trees, hedgerows and groups of mature shrubs to be retained, in accordance with British Standard 5837 (2012) 'Trees In Relation To Construction Recommendations' (or any subsequent revision), has been submitted to and approved in writing by the Local Planning Authority. Protection measures shall be phased as necessary to take into account and provide protection during demolition/site clearance works - all construction works - hard landscaping works. Details shall include an approved development layout plan at a minimum scale of 1:200, showing the following:

- a) Accurate trunk positions and canopy spreads of all existing trees within the site and on adjoining land adjacent to the development.
- b) Positions and spreads of existing hedgerows and groups of mature shrubs.
- c) All proposed tree, hedge or shrub removal and retention.

- d) Proposed locations of 2m (minimum) welded mesh panels, supported by a metal scaffold framework, constructed as a minimum in accordance with Section 6.2 of BS 5837 (2012), to include appropriate weatherproof tree protection area signage (such as "Keep Out - Construction Exclusion Zone") securely fixed to the outside of the protective fencing structure at regular intervals.
- e) Illustration/s of the proposed protective barriers to be erected.
- f) Proposed location/s and illustration/s of site specific ground protection measures within the main root protection areas of retained trees, designed as necessary for pedestrian light traffic or heavy plant machinery, as necessary to prevent contamination and ground compaction.
- g) Annotated minimum distances between protective barriers and trunks of retained trees at regular intervals.
- h) All fenced off areas clearly annotated as Tree Protection Areas/Construction Exclusion Zones.
- i) Notes regarding restrictions which apply to Tree Protection Areas/Construction Exclusion Zones.

The development shall be carried out in full accordance with the approved scheme.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant policies: CSDPD CS7, BFBLP EN1, EN20]

18. The protective fencing and other protection measures specified by condition 17 shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected areas including but not restricted to the following: -

- a) No mixing of cement or any other materials.
- b) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
- c) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
- d) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
- e) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
- f) Parking/use of tracked or wheeled machinery or vehicles of any description.

In addition to the protection measures specified above,

- g) No fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained.
- h) No signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

19. No development (including initial site clearance) shall commence until a programme of supervision/monitoring for all arboricultural protection measures, has been submitted to and approved in writing by the Local Planning Authority. Details shall include: -

- a) Induction and personnel awareness of arboricultural matters.
- b) Identification of individual responsibilities and key personnel.
- c) Statement of delegated powers.
- d) Timing and methods of site visiting and record keeping.
- e) Procedures for dealing with variations and incidents.

The programme of arboricultural supervision/monitoring shall be undertaken in full compliance with the approved details. No variation of the approved monitoring program shall take place.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

20. All planting comprised in the approved soft landscaping scheme for the development (or any subsequent revision approved by the Council in writing), shall be carried out and completed in full accordance with the approved details, in the nearest planting season (1<sup>st</sup> October to 31<sup>st</sup> March inclusive) to the completion of the development or prior to the use of any part of the approved development, whichever is sooner, or as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees and other plants included within the approved details shall be healthy, well, formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1<sup>st</sup> October to 31<sup>st</sup> March inclusive) with others of the same size, species and quality as approved, unless the Local Planning Authority gives written consent to any variation. All landscaping shall also be maintained in full accordance with the approved maintenance schedule.

REASON: - In the interests of good landscape design and the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

21. Within a period of 5 years from the completion of the development: -

a) No retained tree, hedgerow or groups of shrubs (as specified as being retained on the approved details as part of this permission) shall be cut down, uprooted or destroyed without the prior written consent of the Local Planning Authority.

b) Any trees, hedgerows or groups of shrubs shown to be retained on the approved plans submitted in accordance with other conditions of this consent, which die are removed or irreparably damaged during the course of the development within a period of 5 years of the completion of the development, another tree, hedgerow or group of shrubs of the same species and size as that originally planted shall be planted at the same time.

REASON: - In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

22. The areas shown for soft landscaping purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose without the prior written permission of the Local Planning Authority. If within a 5 year period of the completion of the development any soft landscaped area which is removed, uprooted, or is destroyed or dies shall be replaced by plants of the same species and size as that originally planted at the same place.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

23. The development shall not be brought into operation until details of a low knee rail around retained soft landscape areas has been submitted to and approved in writing by the Local

Planning Authority. Details shall include the proposed design of the structure, approved layout plan showing the proposed location/s this is to be installed and timing and method of implementation. The development shall be implemented in accordance with the approved details.

REASON: - In the interests of the visual amenity of the area.

[Relevant Policies: BFBLP EN1 and EN20, CSDPD CS7]

24. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. The results of the site investigation and the detailed risk assessment should be used for an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the NPPF.

25. The development shall not be brought into operation until a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in line with paragraph 109 of the NPPF.

26. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

### Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

1. Time Limit
2. Approved Plans
4. Finished floor levels
5. Acoustic Report
6. Deliveries
7. Hours of operation
10. Lighting (unless proposed)

11. Access
12. Vehicle parking
13. Cycle parking
18. Tree protection
20. Landscaping
21. Retained trees
22. Retained landscaping
26. Infiltration/drainage

The applicant is advised that the following conditions require discharging prior to operation of the development:

8. Plant or machinery
14. Off site highway works
16. Visibility splays
23. Knee rail fence
25. Verification report

The applicant is advised that the following conditions require discharging prior to the commencement of construction works:

3. Materials

The applicant is advised that the following conditions require discharging prior to commencement of any development:

9. Method Statement
15. Site organisation
17. Tree Protection
19. Arboricultural monitoring
24. Remediation strategy

3. The applicant is advised of the need to enter into a Section 278 Agreement under the 1980 Highway Act before any work can be undertaken within the public highway.

4. Trees on and adjacent to this site are/may be protected by Tree Preservation Orders. In simple terms, detailed written consent must be therefore obtained from the Council's Tree Section before undertaking any form of work to such trees (including any work affecting their root systems), unless detailed works to such trees have been specifically approved in writing as a part of this planning permission. Any pruning or removal of trees without the necessary consent or any damage arising from non compliance with other conditions of this permission or otherwise may be liable to prosecution by the Council. This may be in addition to any enforcement action deemed appropriate for non compliance with relevant planning conditions. Property owners, developers and/ or any other relevant persons are therefore advised to take appropriate measures to ensure that all persons responsible for overseeing works approved under this permission are suitably briefed on this matter.

5. Please note that trees on and/or adjacent to this site are protected by Tree Preservation Orders. The legislation protecting these trees overrides any Permitted Development under the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification). Prior written consent must therefore be obtained from the Council's Tree Service before undertaking any works which require the removal and/or pruning of a protected tree or may affect/cause damage of any description to its canopy, trunk or root system and subsequent health, stability and survival in any way. Typically such works include but are not limited to the laying of hard surfaces of any description (parking bays, driveways footpath, patios etc.), foundations for garden structures, construction of retaining walls, topsoil stripping, excavation/ alterations to existing ground conditions of any other description, construction of outbuildings (sheds, greenhouses, summerhouses etc.) or building extensions not

requiring planning permission near trees. Any pruning, removal of a protected tree as a result of such works, without the necessary written consent or any damage caused above or below ground arising from non-compliance with this requirement can be liable to legal action by the Council which can include prosecution, a substantial fine and incur a criminal record.