

Report

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Report to:	Cambuslang/Rutherglen Area Committee
Date of Meeting:	1 December 2009
Report by:	Executive Director (Enterprise Resources)

Application No	CR/09/0175
Planning Proposal:	Extend and Raise Forecourt Canopy and Install Two Underground Fuel Tanks

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Shell UK Oil Products Ltd
- Location : Stonelaw Towers Service Station
Stonelaw Road
Rutherglen

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission – subject to conditions (based on the conditions attached)

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: AMCA Architecture and Design
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Plan**
Policy COM6 – Village/Neighbourhood Centre
Policy DM1 – Development Management

◆ Representation(s):

- ▶ 1 Objection Letter in the form of a petition with 24 signatures
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (North Division)

Planning Application Report

1 Application Site

- 1.1 The application site is located on the eastern side of Stonelaw Road, at the northern edge of the established Burnside commercial centre. The site is occupied by an existing petrol filling station which has a shared access with the neighbouring flats to the east at Stonelaw Towers.
- 1.2 There are 24 flats within the development and 18 of the flats are situated directly to the east of the site. The frontage of these flats is 15 metres away from the petrol filling station and separated by garden ground, trees and a wall just under 5 metres in height.
- 1.3 To the south of the site there is a 'Somerfield' supermarket, to the north another 6 flats of Stonelaw Towers (these flats are positioned closer to Stonelaw Road than the aforementioned block) and to the west, on the opposite side of Stonelaw Road, the gable elevation of 2 Viewpark Drive.

2 Proposal(s)

- 2.1 The applicant seeks planning permission to extend and raise the existing forecourt canopy, including the provision of two additional pumping stations as well as the installation of two replacement underground fuel tanks.
- 2.2 The petrol filling station has an existing consent to raise the forecourt canopy by one metre already (Planning Application No. CR/07/0031) however this consent does not include the proposed extension to the canopy to provide cover for the two new island points proposed or for the proposed replacement underground fuel tanks.
- 2.3 The forecourt canopy is being raised to protect it from vehicle strike and as the forecourt canopy would be approximately 0.5 metres higher than the wall between the site and the flats at Stonelaw Towers, in line with the previous planning consent, it is proposed to install a directional lighting and deflector plate along the eastern edge of the canopy, to curtail the breakout of light and noise towards the neighbouring flats.

3 Background

3.1 Local Plan Status

The application site is located within the Burnside Village/Neighbourhood Centre and is therefore affected by Policy COM6 of the adopted South Lanarkshire Local Plan. Within this area the Council seeks to protect existing retail floorspace and that of the amenity of the area.

In addition the proposed development also requires to be assessed in relation to Policy DM1 – Development Management whereby all new development is required to take account of the local context and built environment of the area in which it is located.

3.2 Relevant Government Advice/Policy

None of particular relevance in this instance.

3.3 Site History

Planning permission granted for the erection and display of 2 free standing internally illuminated single sided advertisement panels in March 2002 (Planning Application No. CR/02/0046) and planning permission granted for alterations to existing forecourt

canopy (increase in height by one metre) in April 2007 (Planning Application No. CR/07/0031).

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – have no objections to the proposed development and do not consider that the proposal would be detrimental to road safety.

Response: Noted.

- 4.2 **Environmental Services** – have no objections to the proposed development so long as conditions are imposed to ensure ground conditions are investigated and dust is controlled during construction and that appropriate advisory notes are imposed for the works in relation to drainage, noise and nuisance

Response: Noted. If planning permission is granted these conditions and advisory notes shall be attached.

5 Representations

- 5.1 Statutory neighbour notification was undertaken and a petition with 24 signatures objecting to the proposed development was lodged from the Stonelaw Towers Residents Association.

- 5.2 The grounds of concern are summarised below:

- (a) **Access and exit to the flats at Stonelaw Towers is already a problem due to cars queuing to get to the pumps at the station as they sit across the access road to the flats. There has been no co-operation from the garage on this matter.**

Response: This is an existing situation associated with the original development of the flats/filling station and the present planning application would not alter this access arrangement. However it is considered that as the proposal would provide two additional pumping stations that the existing queuing problem may be improved given the quicker through put of waiting customers.

- (b) **There is already a problem with noise due to varied daily deliveries at the station at all times of night and day, including loud music from cars and disturbance from teenagers that hang around the forecourt.**

Response: The filling station is an established land use and it is accepted that there will be noise and activity associated with its operation. The present application will not change the use of the site and any increase in activity resulting from the proposed works is not considered to be likely to be significant given the existing situation or unacceptable given the site's village/neighbourhood centre location. Furthermore in terms of noise impact it is noted that after consultation Environmental Services had no objections to the proposed development.

However notwithstanding given the proposal would result in the underside of the canopy being higher than the separating wall there is potential for both noise and light 'breakout' and this has been recognised by the applicant. It is therefore proposed to install, at an angle, a directional lighting deflector plate between the canopy and the existing boundary wall to address this. If planning permission is granted an appropriate condition shall be imposed to control this matter.

- (c) **Due to the amount of cars and people using the garage the amount of litter on a daily basis is very bad and the existing bins are not maintained properly.**

Response: Whilst the objectors' concerns are noted this application does not relate to a change of use of the site and litter is a matter that requires to be regulated by Environmental Services.

- (d) **The proposed works will mean it will overlook/overshadow the objectors' properties and affect their appearance as well as the view from the objectors' homes.**

Response: The right to a view is not a valid planning consideration. However it is noted that the proposal would result in the canopy being approximately 0.5 metres higher than the separating wall and whilst there would be no overlooking problem there is the potential for both noise and light 'breakout'. The applicant has therefore agreed to install a directional lighting deflector plate between the canopy and the existing boundary wall to address this and an appropriate planning condition shall be imposed to ensure this work is carried out if planning permission is granted.

In terms of the proposal's impact on the appearance of the flats it is noted that planning permission has already been granted for the existing canopy to be raised by a metre (Planning Application No. CR/07/0031). It is therefore considered that whilst it is now also proposed to extend the existing canopy as well as raise it by the approved metre that any additional impact would not be significant, particularly given the existing line of mature trees adjacent to the wall within the residents' communal garden.

This petition has been copied and is available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission to extend and raise the forecourt canopy, including the installation of two new pumping stations and two replacement underground fuel tanks. The main determining issues in assessing this planning application are compliance with local plan policy, site history, road safety, and impact on the residential amenity of the area.
- 6.2 In terms of the adopted South Lanarkshire Local Plan the application site is located within the Burnside Village/Neighbourhood Centre and Policy COM6 is applicable. The proposed development seeks to make alterations to an existing petrol filling station and would not affect the existing retail floor space provision within the village centre or its amenity. It is therefore considered that the proposed development would not be contrary to this policy.
- 6.3 With regard to Policy DM1 – Development Management of the adopted local plan all planning applications are required to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. Planning permission has already been granted to raise the existing forecourt canopy by one metre already and the applicant seeks consent to extend this area by approximately seven metres to provide cover for two other island pumps. The area of ground being given additional cover forms part of the petrol filling station's existing curtilage and given the site's location within the Burnside village centre and previous consent it is considered that the scale and mass of the proposal is in keeping with the local context of the area.

- 6.4 In terms of road safety after consultation Roads and Transportation Services had no objections to the proposed development. Whilst the objectors' concerns regarding the existing access arrangements for the Stonelaw Towers flats and the petrol filling station are noted this is an existing situation and Roads and Transportation Services are satisfied that the proposed development would not be detrimental to this level of access.
- 6.5 In terms of the proposed development's impact on the residential amenity of the area it is noted that there is potential for both noise and light 'breakout' above the dividing wall between the Stonelaw Towers flats and the petrol filling station and in line with the previous consent for the site to raise the canopy of the forecourt, if planning permission is granted an appropriate condition shall be imposed to ensure, a directional lighting deflector plate between the canopy and the existing boundary wall is still erected.
- 6.6 Whilst the residents of the flats at Stonelaw Towers have objected on grounds of environmental nuisance and road safety, after consultation no objections have been received from either Environmental Services or Roads and Transportation Services. It is therefore considered that subject to the conditions attached that the proposed development would not be significantly detrimental to the residential amenity of the area and that none of the concerns raised justify refusal of this planning application.
- 6.7 In light of the above it is therefore recommended that planning consent be granted for the proposal subject to the conditions attached.

7 Reasons for Decision

- 7.1 The proposed development accords with Policies COM6 and DM1 of the adopted South Lanarkshire Local Plan and would not have an adverse impact on road safety or that of the residential amenity of the area.

Colin McDowall
Executive Director (Enterprise Resources)

17 November 2009

Previous References

- ◆ CR/02/0046
- ◆ CR/07/0031

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Environmental Services

01/09/2009

Roads and Transportation Services

25/08/2009

- ▶ Representations

Representation from : Marion Mehigan, Stonelaw Towers Residents Association

2 Stonelaw Towers
Rutherglen, DATED 03/09/2009

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Gwen McCracken, Planning Team Leader, Royal Burgh House, 380 King Street,
Rutherglen, Glasgow G73 1DQ
Ext 5140 (Tel :0141 613 5140)
E-mail: Enterprise.cam-ruth@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers:
381066 OS-01 1
381066 PLNG-GSP 1
381066 EX-GSP 1
381066 EX-ELES 1
381066 PLNG-ELES 1
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 4 That further details of the proposed directional lighting and deflector plate, including its dimensions and noise insulation qualities, shall be submitted for the written approval of the Council as Planning Authority prior to work commencing on site and thereafter the approved details shall be installed and maintained in perpetuity to the satisfaction of the said Authority.
- 5 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 6 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No

works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

REASONS

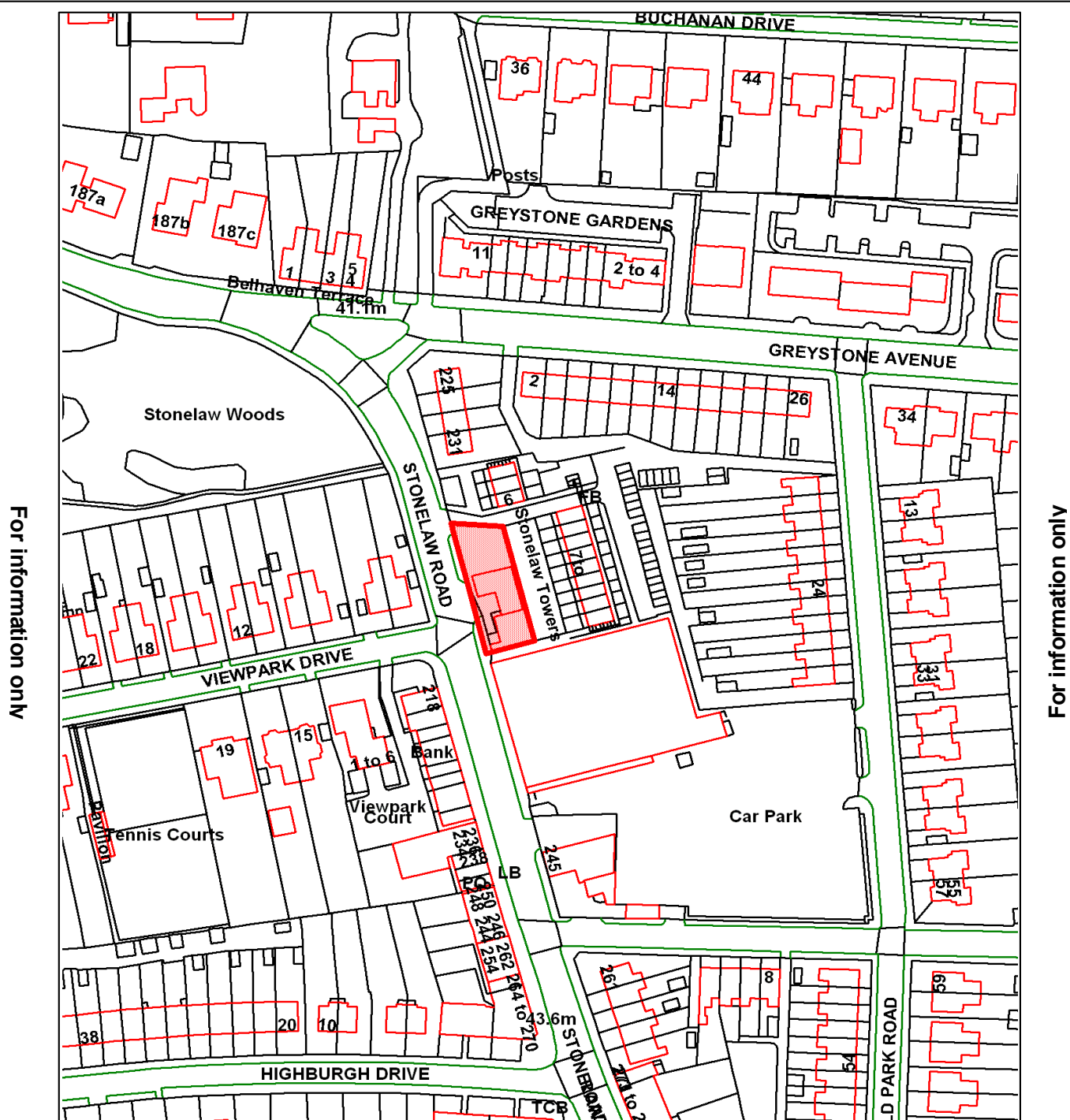
- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 To safeguard the residential amenity of the adjoining flats.
- 5 To minimise the risk of nuisance from dust to nearby occupants.
- 6 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.

CR/09/0175

Planning and Building Standards Services

Stonelaw Towers Service Station, Stonelaw Road,
Rutherglen

Not to Scale



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