

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

8 June, 2016

15/4960

SITE INFORMATION

RECEIVED: 12 November, 2015

WARD: Sudbury

PLANNING AREA: Sudbury Town Neighbourhood Forum

LOCATION: 154 Watford Road, Wembley, HA0 3HF

PROPOSAL: Removal of existing canopy and erection of new raised canopy to existing petrol filling station

APPLICANT: Park Garage Group

CONTACT: Smith Jenkins Ltd

PLAN NO'S: See condition 2.

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

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Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_125082

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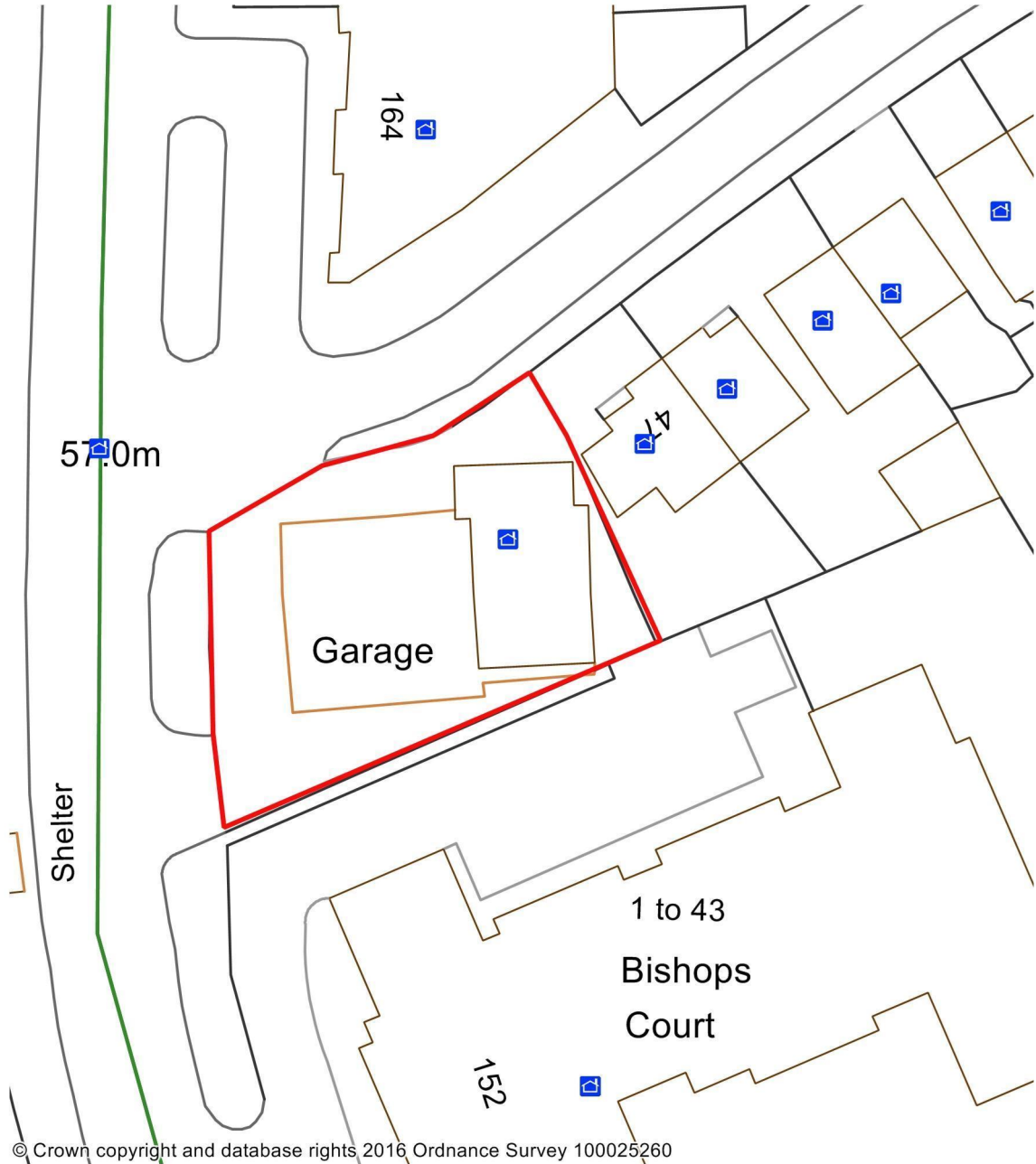
SITE MAP



Planning Committee Map

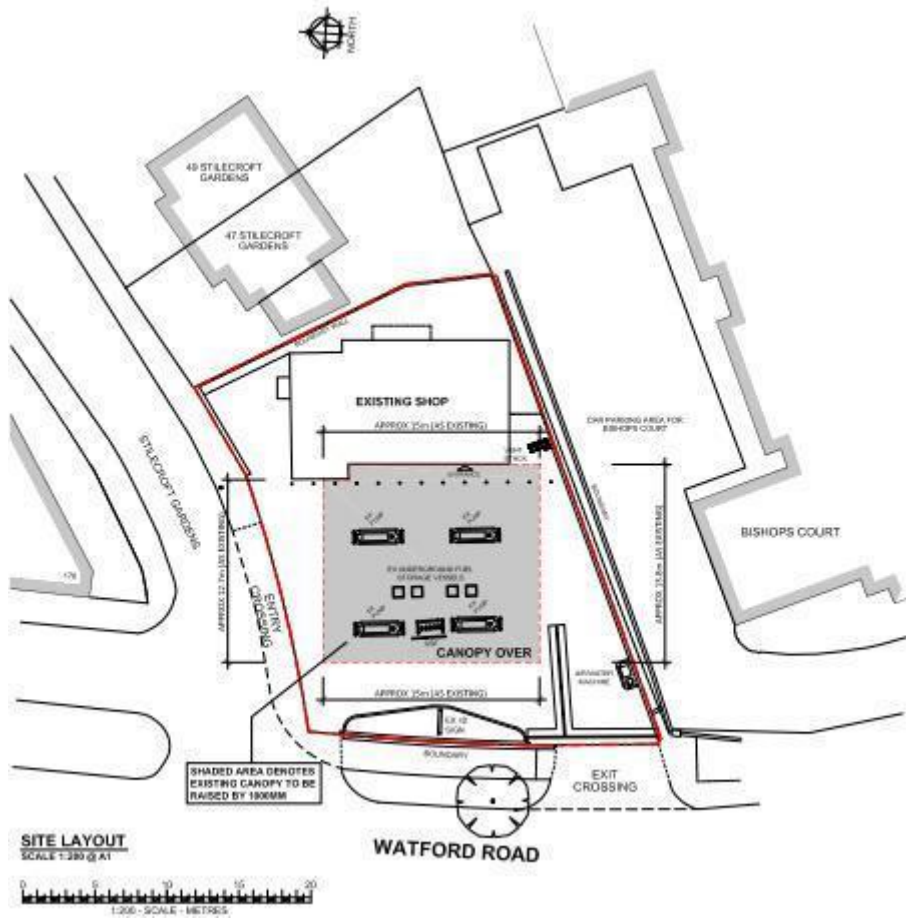
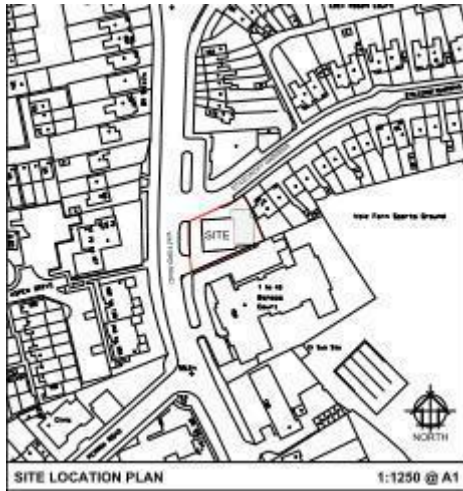
Site address: 154 Watford Road, Wembley, HA0 3HF

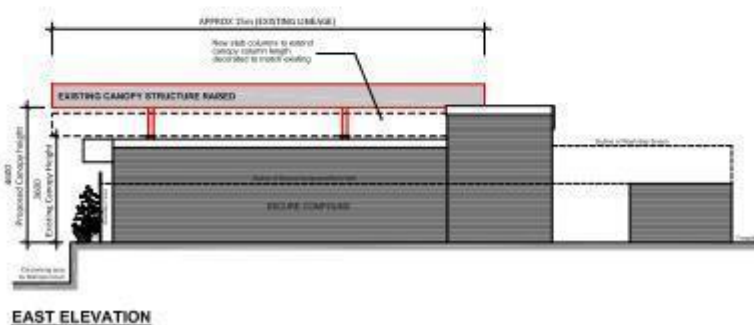
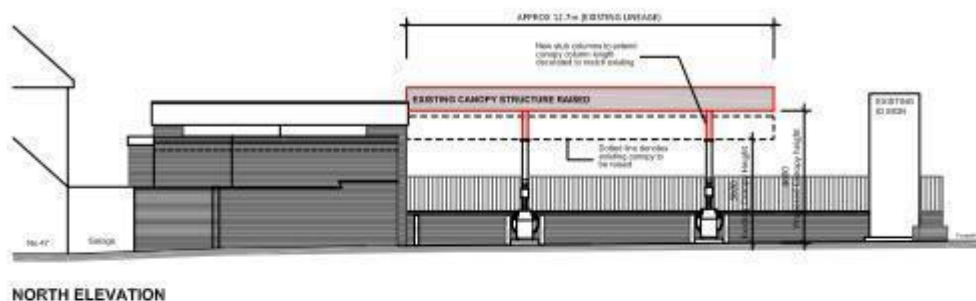
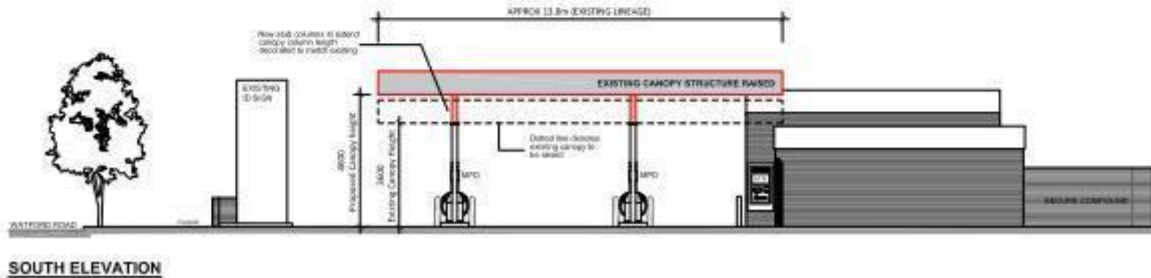
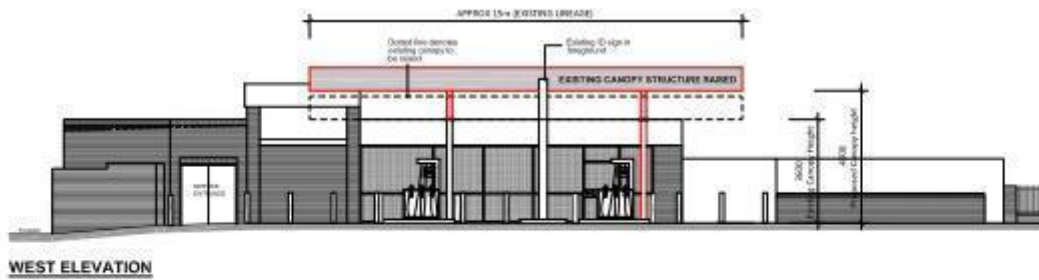
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This map is indicative only.

SELECTED SITE PLANS





RECOMMENDATIONS

Grant consent subject to conditions in material accordance with those set out within the draft decision notice.

A) PROPOSAL

Removal of existing canopy and erection of new raised canopy to existing petrol filling station.

B) EXISTING

The subject site is situated on the eastern side of Watford Road at the junction with Stilecroft Gardens (a residential access road). The site occupies a prominent corner location in the street and at present comprises a petrol station with a single-storey sales/shop building at the rear with a canopy in front over the petrol-pump islands. The petrol station is served by 3 vehicular access points of which one is located on Watford Road frontage, one at the junction of Watford Road and Stilecroft Gardens and one in Stilecroft Gardens.

D) SUMMARY OF KEY ISSUES

The main planning consideration when assessing this application is:

Whether the proposed development would have an unacceptable impact on the amenity of neighbouring residents, by virtue of loss of light and outlook, and whether the proposal allows for larger (HGVs) and any associated impacts of this, such as noise and pollution

Loss of light and outlook

The increase in the height of the canopy is not considered to have any significant detrimental impact on neighbouring residential amenity. The canopy structure remaining open and being greater than 10m from the Bishops Court properties. Specifically, there is a separation of 10.3m between the canopy and the north elevation wall of Bishops Court on the eastern side and a separation of 13.5m on the western side.

With regard to the light and outlook from adjoining properties, SPG 17 sets out the developments should normally be set under a 30 degree line, taken from a 2 m height above finished floor level within the potentially affected residential unit. The proposal looks to replace the canopy with one that is higher rather than the installation of a new canopy where one did not previously exist. Given the separation from the adjoining residential windows as discussed above, the new canopy, at the increased height, is not considered to result in undue levels of impact on adjoining occupiers.

Other adjoining properties (47 Stilecroft Gardens and 164 Watford Road) are located 10m and 16m away from the canopy respectively. 164 Watford Road is not a residential building and as such does not merit assessment against SPG17 principles, whilst no. 47 Stilecroft Gardens has the petrol station shop visually buffering much of the visual relationship between this dwellinghouse and the canopy.

Potential for HGVs to access the site, and implications for noise and air quality

The existing canopy will be raised from 3.6m high to 4.6m high in terms of the canopy's underside height. The canopy will not oversail the Public Highway. Any temporary traffic management or temporary closures required to carry out the canopy works must be agreed with the Highway Authority prior to the works commencing.

The layout of the existing site already allows access for large vehicles such as an articulated fuel tanker with the wide accesses to the site sufficient to allow larger vehicles to manoeuvre. However, the existing canopy is does not have sufficient clearance (height) for larger HGVs, such as articulated lorries. The proposed canopy would allow access for such vehicles.

From a Highways perspective, access to the site by such vehicles is considered to be acceptable.

The applicant advises that the canopy is to be raised to accommodate the increasing heights of vehicles. This means that there will be potential for larger HGVs to access the petrol station where this was not possible previously. However, given the property's siting on a busy road, and taking into account the existing layout, use and location of the petrol station, it is not considered that the potential for larger vehicles to access the petrol station would have a materially detrimental effect on the environmental health on nearby residents. As such, the proposal is acceptable from an environmental health perspective.

Summary

The proposed canopy has been assessed in terms of its impact on the wider street-scene and nearby residential amenities. It is not deemed that the proposal to raise the canopy and the associated potential for larger HGVs to access the petrol station is deemed to have a materially detrimental affect on the surrounding street-scene, traffic conditions or residential amenities.

RELEVANT SITE HISTORY

The site has extensive planning history, the most recent of which is listed below:

09/0062 - Installation and display of 3 fascia signs and 1 totem sign to petrol filling station
Granted – 11 November 2009

08/3007 - Increase in height of existing canopy over refuelling area and installation of ATM to retail shop at petrol filling station
Granted – 13 January 2009.

08/1662 - Installation of a replacement shopfront to the petrol filling station
Granted – 11 August 2008

E/07/0747 – Enforcement action relating to material change of use of premises to car wash and installation of 4 x free standing advertisement signs and the erection of a metal fence at premises

06/3246 - Demolition and removal of existing building and forecourt structures and erection of building for use as convenience retail shop and associated landscaping, boundary fence, freestanding ID signage, alteration to existing vehicular access and provision of parking and turning area as supported by Design and Access Statement and retail assessment both dated November 2006
Appeal Dismissed – 25 September 2007

05/0887 - Erection of a three-storey building comprising 6 two-bedroom, self-contained flats, provision of 6 car-parking spaces, bicycle storage, private shared amenity areas and formation of new vehicular access from Stilecroft Gardens (as accompanied by "Contamination Assessment" report: MAS-FL-124-01 Rev. 01 dated 20/04/05 and "Proposed Remediation Scheme" report: MAS - FL-125-1 Rev. 01 dated 20/04/05 and revised plans and design statement received on 31/10/2005 and 24/11/2005 and further e-mail received on 16/11/2005) and subject to a Deed of Agreement dated 18th September 2006 under Section 106 of the Town and Country Planning Act 1990, as amended
Granted – 06 October 2006

CONSULTATIONS

Neighbour Consultations

71 nearby properties were given prior notification of this proposal for a minimum of 21 days on 17 March 2016.

The consulted properties were:

No's 79-107 Aspen Drive (ODDS)
No's 122-138 Aspen Drive (EVENS)
No's 1-44 Bishops Court, 152 Watford Road
No's 95, 154 and 164 Watford Road
No 47 Stilecroft Gardens

On the 6th April two objections were received, one from the occupier at no. 39 Bishops Court and one from the occupier at no. 40 Bishops Court. On the 7th April, a petition against the proposal was received, with the head petitioner being the occupier at no. 4 Bishops Court. The petition had one additional signatory: the occupier at no. 39 Bishops Court. As the Council received a separate representation from no. 39 and no additional signatories were present on the petition the Council has considered the petition letter as a letter of objection from no. 4 Bishops Court.

Nonetheless, as three separate objections have been received, the application qualifies for determination at committee.

Bishops Court is a residential block immediately to the south of the petrol station. The three objections received from this block were made on the following grounds:

No. 4 Bishops Court

- Heavy duty vehicles, when delivering good and other goods will block out sunlight from reaching Bishops Court.
- Watford Road is already congested with heavy traffic at all times during the day (7am to 11pm) and more and more HGVs being able to access the site could aggravate the situation.
- The proposal will have an adverse effect on the sale of property.
- Trying to get out of Bishops Court by car is difficult, as one has to watch the oncoming road traffic

and petrol station traffic.

No. 39 Bishops Court

- No. 39 looks directly onto the petrol station and the raising of the canopy will detrimentally affect no. 39 as a result of more lorry arrivals during the night and more light pollution.

No. 40 Bishops Court

- The raising of the canopy will cause a private nuisance
- There is no justifiable reason for raising the roof height, with the application being unjust, unfair and unnecessary
- The canopy raising will diminish the little light and view currently enjoyed
- The proposal will increase the noise level which is already unbearable
- There will be extra light exposure after sunset throughout the year which will impede on privacy and cause inconvenience
- Bishops Court is a community of retirees and residents would not want stress and duress imposed on them during the years of retirement

Officer's response to objections raised:

- There would be no concerns from the Council when considering the potential for HGVs to access the petrol station, as the existing site is already capable of being serviced by large vehicles such as an articulated fuel tanker. Furthermore, the wide accesses to the site already allow larger vehicles to manoeuvre. It is therefore unlikely that a raised canopy will have any notable effect on the ability of larger vehicles to use the petrol station.
- There is no proposed change to the capacity/facilities of the petrol station and as such it is not considered likely that this proposal will have an effect on local traffic conditions once construction is carried out.
- The potential for planning applications to affect property prices cannot be taken into account as a material planning consideration.
- the increase in the height of the canopy is not considered to have any significant detrimental impact on neighbouring residential amenity. This is due to the canopy structure remaining open and being greater than 10m from the Bishops Court properties. Specifically, there is a separation of 10.3m between the canopy and the north elevation wall of Bishops Court on the eastern side and a separation of 13.5m on the western side.
- SPG17 is a relevant policy reference which recommends an appropriate building separation distance for maintaining a sense of outlook from habitable room windows as 10m. The current relationship between Bishops Court and the Petrol Station satisfies this 10m requirement. The fact that the canopy is open below provides further justification for it not having an unduly detrimental impact on the occupants of the north facing flats at Bishops Court. The Council believes it will therefore maintain an acceptable level of light and outlook for these residents.

Internal Consultations

The Council's Transportation and Environmental Health units were consulted regarding this application on 17 March 2016.

A response was received from transportation on 14 April 2016 and from Environmental Health on 25 April 2016.

Neither party objected to the proposal and the content of the responses are discussed later in the report.

POLICY CONSIDERATIONS

Unitary Development Plan

BE2: Townscape – Local Context and Character

BE7: Public Realm – Streetscape

BE9: Architectural Quality

TRN3: Environmental Impact of Traffic

TRN12: Road Safety and Traffic Management

TRN16: The London Road Network

Supplementary Planning Guide

DETAILED CONSIDERATIONS

Site Context

1. The site is a Shell Petrol Station located at the junction of Watford Road and Stilecroft Gardens. The site has access from both Stilecroft Gardens and Watford Road and does not appear to have one way in or out. The crossover from Stilecroft Gardens spaces the entire width of the site. This application seeks to remove the existing canopy and erect a new canopy at a higher level. The applicant has also submitted an application 15/4961 for 3 fascia signs and a hanging sign.

Site Visit

2. The site was visited on 05/04/2016.

3. A further site visit was made on 27/04/2016 to no's 39 and 40 Bishops Court. The purpose of the visit was to observe the current outlook and view of the petrol station from the north facing windows at these flats following objections being received.

Main considerations

4. The main planning considerations of this development are:

- The impact of the raised canopy on the character of the surrounding area
- The impact of the raised canopy on the light and private amenities of nearby residents
- The impact of the raised canopy on the local transport conditions, in particular the potential for the raised canopy to accommodate HGVs and noisier vehicles which could pose environmental health concerns for nearby residents

Detailed character and amenity considerations

5. This application seeks to raise the existing canopy over the petrol station forecourt by 1000mm. The current heights of the canopy are 4.5m (at the eastern side of the canopy above the shop entrance) and 4.6m (at the western side of the canopy, close to Watford Road). The heights differ due to a slight change in ground level under the canopy. The proposal will see the heights of the canopy increase to 5.5m (at the western side) and 5.6m (at the eastern side). The applicant states that the reason for the increase in height "has arisen as a result of the general increase in vehicle heights and the damage that is caused to the canopy through collision".

6. The canopy replacement, by virtue of a minor increase in height, will not notably alter the character of the petrol station or the amenities of the wider streetscene.

7. It is noted that whilst the site itself does not exhibit any significant level changes, neighbouring properties are situated at a lower level to the petrol station, most notably, those in Bishops Court where objections have been received. It was observed on site visit that the canopy height is broadly equivalent to the first floor windows at Bishops Court.

8. Nevertheless, the increase in the height of the canopy is not considered to have any significant detrimental impact on neighbouring residential amenity. This is due to the canopy structure remaining open and being greater than 10m from the Bishops Court properties. There is a separation of 10.3m between the canopy and the north elevation wall of Bishops Court on the eastern side and a separation of 13.5m on the western side.

9. SPG17 is a relevant consideration when examining the potential impact on adjoining properties. With regard to light, outlook and overbearing appearance it sets out the development should be set under a 30 degree line taken from a 2 m height above floor level for affected windows. It should be noted that the proposal replaces an existing canopy and as such, there is an existing level of impact. On balance, given the distance from the habitable room windows, the proposed canopy is not considered to result in an unduly detrimental level of harm for adjoining occupiers by way of impact on their outlook, light or an overbearing impact.

10. Other adjoining properties (47 Stilecroft Gardens and 164 Watford Road) are located 10m and 16m away from the canopy respectively. 164 Watford Road is not a residential building and as such does not merit assessment against SPG17 principles. No. 47 Stilecroft Gardens has the petrol station shop visually

buffering much of the visual relationship between this dwellinghouse and the canopy and the proposed canopy is not considered to result in undue harm to the amenities of the occupiers of that property in terms of light and outlook.

Detailed transport considerations

11. The existing canopy will be raised from 3.6m high to 4.6m high in terms of the canopy's underside height. The canopy will not oversail the Public Highway. Any temporary traffic management or temporary closures required to carry out the canopy works must be agreed with the Highway Authority prior to the works commencing.

12. The Council's Highways officers have advised that large HGVs, such as articulated lorries, are not likely to be able to access the site at present, but may be able to access the site with the raised canopy. However, this is considered to be acceptable on highways grounds as the layout of the existing site is already capable of being serviced by large vehicles such as an articulated fuel tanker. Furthermore, the wide accesses to the site already allow larger vehicles to manoeuvre. The Council's Highways officers consider that the proposal is acceptable and that it complies with adopted policy with regard to the highways implications of the proposal.

Detailed environmental health considerations

13. As discussed above, the increase in height of the canopy would allow larger vehicles, such as HGVs, to access the petrol station. This was not possible previously for larger HGVs, such as articulated lorries. The Council's Environmental Health officers have considered the potential impact of this on adjoining and nearby occupiers. They have advised that, given the property's siting on a busy road, and taking into account the existing layout, use and location of the petrol station, it is not considered that the potential for larger vehicles to access the petrol station would have a materially detrimental effect on the environmental health on nearby residents. As such, they have commented that the proposal is acceptable from an environmental health perspective.

Conclusion

14. The proposed canopy has been assessed in terms of its impact on the wider street-scene and nearby residential amenities. It is not deemed that the proposal to raise the canopy and the associated potential for larger HGVs to access the petrol station is deemed to have a materially detrimental affect on the surrounding street-scene, traffic conditions or residential health and amenities.

Approval is accordingly recommended.



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/4960

To: Mrs Smith
Smith Jenkins Ltd
30A High Street
Stony Stratford
Milton Keynes
MK11 1AF

I refer to your application dated 12/11/2015 proposing the following:
Removal of existing canopy and erection of new raised canopy to existing petrol filling station and accompanied by plans or documents listed here:
See condition 2.
at 154 Watford Road, Wembley, HA0 3HF

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

Mr Aktar Choudhury
Operational Director, Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Transport: in terms of sustainability, safety and servicing needs

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

151057-PLNG1a

151057-PLNG2

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

- 1 The applicant is advised that any temporary traffic management or temporary closures required to carry out the canopy works must be agreed with the Highway Authority prior to the works commencing.

Any person wishing to inspect the above papers should contact Toby Huntingford, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1903