

7 SE2003/1316/F - INSTALLATION OF ONE DIESEL PUMP AND USE OF SITE AS CAFE AND FUEL FILLING STATION. MARSTOW FILLING STATION, PENCRAIG, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HR

For: Blasemere Ltd, Symonds Yat Services, A40 Whitchurch, Ross-on-Wye, Herefordshire, HR9 6DP

Date Received: 1st May 2003

Ward: Llangarron

Grid Ref: 5641 2092

Expiry Date: 26th June 2003

Local Member: Councillor Mrs J.A. Hyde

1. Site Description and Proposal

1.1 The site subject to this application relates to 'Marstow Services', which is situated between the A40 trunk road and the River Wye at Pencraig. The site lies within open countryside, as defined in the Local Plan and the designated Wye Valley Area of Outstanding Natural Beauty and Area of Great Landscape Value.

1.2 Planning permission is sought for the installation of one diesel pump and the mixed use of the site as a café and fuel filling station. At present the site is used as a café with associated parking. The current use was granted on 3rd April 2002 for a temporary two-year period. The temporary permission expires on 3rd April 2004 and unless another permission is granted prior to that date, the use of the site would revert back to the former use, namely petrol filling station and café.

2. Policies

2.1 Department of Environment

PPG.1	General Principles
PPG.7	The Countryside: Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC1	Development in Areas of Outstanding Natural Beauty
Policy CTC2	Development in Areas of Great Landscape Value
Policy CTC9	Development Criteria
Policy S10	Development of Petrol Stations and the Sale of Agricultural Produce

2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C1	Development within Open Countryside
Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C8	Development within Areas of Great Landscape Value
Policy ED4	Safeguarding Existing Employment Premises
Policy T3	Highway Safety Requirements

3. Planning History

3.1	SH89/0014PF	Redevelopment of filling station	Approved 01.03.89
	SH891978PF	Amendment to SH890014PF	Approved 02.01.90
	SH901478PF	Redevelopment of existing petrol station	Not determined 03.07.98
	SH910828PF	Redevelopment of forecourt to provide new sales area, kiosk and restaurant	Refused 11.09.91
	SH911525PF	Alteration to Ingress & Egress	Approved 01.04.92
	SH920172PF	General Forecourt arrangements	Approved 16.06.92
	SS990217PF	External changes to elevations, additional windows and reduction of screen wall.	Approved 17.08.99
	SS99/0388/EZ	(Certificate of Lawfulness of existing use) Self-contained flat.	Refused 28.10.1999.
	SE2002/0326/F	Change of use from petrol filling station and café to the use of the whole site as a café for a temporary period of two years	Approved 3.04.2002
	SE2003/0238/F	Removal of condition 2 of SE2002/0326/F	Refused 17.03.2003
	SE2003/1457/A	Internally illuminated pole sign on existing garage pole sign	Granted 14.7.2003

4. Consultation Summary

4.1 The Highways Agency - No objections

5. Representations

5.1 Marstow Parish Council object to re-instatement as a garage whilst it is running as a café.

5.2 Four letters of objection has been received from the owner/occupier of Hightree House, Mr T Heselton of Lansdowne, Adrian Drabble of Rogarth and Liz and Malcolm Dobson of Penkraig Court Country House Hotel, Penkraig, Ross-on-Wye.

The main issues raised are:

- Forecourt is not marked out for parking, vehicles normally fill the site during café opening hours so any increase in traffic would create a serious road hazard.
- The site was changed from a garage to a café and all but one of the conditions were carried out and not enforced.
- No site visit was made on the capping of the storage tanks by the Explosives Officer.
- Myself (Adrian Drabble) and villagers had a meeting recently with West Mercia Traffic Division who acknowledged there is a serious road danger, evidence to support this can be supplied.
- Problems on the site have been going on for more than 10 years, with documentation to back this fact already supplied on previous applications, but not put to any sub-committee members.
- Safety is most important issue along with environmental issues.
- Café is not in best position, on the brow of a hill on a fast road. Sometimes too many lorries for the site, resulting in them being half on the site and half on the A40. There has already been so many near accidents.
- Matter of time before there is a serious accident.

- Noise from more vehicles stopping at the site would be far greater, it is bad enough already.
- Lorries park illegally outside my house, I foresee the proposal making this more likely. There is no need for a diesel pump on the site, as there are other filling stations before and after the site.
- Exit from our hotel is across the 'forecourt' of the site and our guests regularly experience difficulty in exiting onto the A40 due to large lorries parked randomly on the site. Change of use proposed would dramatically increase the problem.
- Due to siting of pump it would result in queues forming across the forecourt in addition to the vehicles whose owners are in the diner.
- Lorries would have to reverse away from the pump in order to rejoin the A40, resulting in extra congestion and danger to ourselves and our guests.
- Concerned about diesel spillage and fumes pervading our hotel and grounds.
- No restriction on opening hours for the sale of fuel - potential noise and fumes problem for our overnight guests.
- Present state of the forecourt detracts from our hotel.

5.3 Two letters clarifying the details of the proposal have been received from the applicants. The main points are:

- Site is subject to a temporary permission and then will return to the previous use. Would have liked to run the full two years, but were unaware of the restrictions that apply regarding underground tanks following the closure of the garage and removal of the pumps.
- Unless a pump is reinstated the tanks must be removed (as advised by the Petroleum Officer).
- The pump would be sited on the exact spot previously occupied by pump.
- It is not our intention for the pump to be used by HGV's, and the siting chosen would only be suitable for smaller vehicles.
- The site has now been white lined - the highways department must be pleased with the much reduced volume of HGV's using the site.
- The average length of stay for any one vehicle is between 10 minutes to a maximum of 30 minutes.
- Only on very few occasions has the car park been full.
- Internal layout of the building would remain the same with a small counter for fuel dispense being installed in the position previously occupied by the fuel desk. The facilities necessary to operate the diesel pump would be minimal and we do not anticipate it requiring any additional staff.
- There has been a very busy garage on the site for many years. When we purchased the site it was open 24 hours a day and was mainly used by HGV's. We have done our best to work with local people and have reduced the business to such a point where if we do not take action it will cease to be viable.
- We will fully co-operate with the Council and any other interested parties and take on board any suggestions to enable the transition to happen smoothly and with minimum impact on the surrounding area.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The main considerations in the determination of this application are the effect of the change of use, including the provision of one diesel pump, on the character and

appearance of the area, the impact on highway safety and effect on the neighbouring dwellings.

- 6.2 In the consideration of the application it should be taken into account that the site has previously been used as a petrol filling station and that when the temporary permission expires in April 2004 the use of the site would lawfully revert back to a filling station with ancillary café. This proposal is for a mixed use of the site, but with the café being the more dominant use with ancillary fuel sales, specifically one diesel pump. If additional pumps were sought planning permission would be required.
- 6.3 The character and appearance of the surrounding area is essentially rural. The site comprises a two-storey building and roughly surfaced hardstanding for parking. The wall adjacent to the A40 has recently being rebuilt and white lines have now been painted within the site directing traffic through and where to park. Previously petrol pumps and a large canopy, typical of petrol filling stations, occupied the site. In respect of the effect of the proposed change of use on the surrounding area it is considered that in comparison with the existing authorised use, namely a café with associated car parking and indeed the previous use as a petrol filling station it would not adversely effect the character of the area, noted for its landscape quality. In itself the provision of a single pump set back some 13 metres from the A40 and read in conjunction with an existing fence, mature conifer hedge and the two-storey building would not be prominent in the wider landscape. In light of this context it is considered that the provision of a fuel pump of the siting proposed would only have a minimal impact on the landscape and the change of use would not have an adverse impact on the landscape. Therefore the proposal would accord with the requirements of policies CTC1 of the Structure Plan and C5 of the Local Plan.
- 6.4 The concerns raised by the neighbours are noted. The authorised use and resulting traffic movements generated are material considerations in the determination of the application and therefore the application should be assessed on this basis. If permission is not granted the authorised use as a filling station with ancillary café could resume and therefore the existing traffic situation would not cease. The provision of white lines within the site directing traffic is considered to improve the flow and movement of traffic and reduce the likelihood of indiscriminate parking. As a result the adjoining neighbours and guests of the hotel should be able to exit the site more easily. Only one pump is proposed and due to its proposed siting would only be likely to be used by small vehicles and not heavy goods vehicles. On this basis it is considered that the provision of one pump would not result in vehicles backing up on the A40. In terms of highway safety the Highways Agency has raised no objections. Planning application SE2002/0326/F was reported to the Sub-Committee in April 2002. The letters of representation were summarised in the officer's report and the full text of these letters together with supporting documents were available for inspection.
- 6.5 With regards potential fuel spillage and fumes from the site these issues would be controlled by environmental health legislation. Furthermore as stated previously the use of the site as a filling station would be lawful on the cessation of the temporary permission. The Petroleum and Explosives Officer has raised no objections, but states that all underground tanks should be used and no petrol should be stored on the site. Only one pump is required to utilise all existing underground tanks.
- 6.6 The Pencraig Court Country Hotel is a Grade II listed building. By virtue of the existing land levels, existing boundary treatments and existing appearance of the application site it is considered that the proposal would not have an adverse effect on the setting

of the listed building. The Chief Conservation Officer raises no objections to the proposal.

6.5 In conclusion it is considered that the proposal would not result in the material increase in vehicular movements to and from the site. Taking into account the temporary nature of the current use and that the site could lawfully revert to a filling station with ancillary café it is considered that in comparison the proposed use would be acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 Prior to its installation details of the exact size, design and colour of the fuel pump hereby granted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that the development is appropriate in relation to the character and appearance of the surrounding area.

NOTES TO APPLICANT

1 The Petroleum and Explosives Officer advises that no petrol shall be stored within the application site.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.