

Application Number:	P/FUL/2022/02394		
Webpage:	Planning application: P/FUL/2022/02394 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Holton Heath Garage, Wareham Road, Holton Heath, Poole, BH16 6JW		
Proposal:	Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers.		
Applicant name:	Mr Sajikumar Muthiah		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	27 September 2022	Officer site visit date:	06/10/22
Decision due date:	27 November 2022	Ext(s) of time:	09 December 2022

1.0 This application is reported to the Planning Committee as an area of land at the front of the application site, adjoining Wareham Road, is Council owned.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation: as set out in para 16 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is compliant with the Purbeck Local Plan 2012 and the NPPF.
- The proposal forms development that is not inappropriate within the Green Belt and countryside.
- The proposal is acceptable in its scale, design, and visual impact on the character and appearance of the area.
- There is not considered to be any significant harm in respect of neighbouring residential amenity, highway safety, ground contamination or drainage/flood risk.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in accordance with Policy LD and CO of the Purbeck Local Plan.
Impact on Green Belt	Acceptable.
Scale, design, impact on character and appearance of the area	Acceptable subject to conditions.
Impact on neighbouring amenity	No demonstrable harm to neighbouring amenity and privacy subject to conditions.
Highway safety and parking	Acceptable subject to conditions.
Flood risk / drainage	Acceptable subject to condition.
Ground contamination	Acceptable subject to condition and informative note.

5.0 Description of Site

- 5.1 The application site consists of 1169sqm (0.1169) ha of land associated with Holton Heath Garage / Petrol Station. The site is located on the A351 Wareham Road, to the north-east of Organford. The red line includes the existing shop building and yard to the rear, forecourt, canopy, and access and egress from Wareham Road. The petrol station is currently unused and Officers estimate that it has been in its current state for approx. 20 years.
- 5.2 A mixture of uses surrounds the site including Holton Heath Park (park homes) to the rear, residential dwellings to the north-east and south-west, and Admiralty Park on the opposite side of Wareham Road. The adjoining residential bungalow of 'The Firs' - located outside the site boundary but directly to the south-west of the shop building - is currently in a poor state of repair and uninhabited.
- 5.3 The site is located in the South-East Dorset Green Belt which washes over the entire area of Holton Heath / Organford. It is located outside a defined settlement boundary and within the countryside. The north-eastern access off Wareham Road also serves Holton Heath Park to the rear, with a tall block construction boundary wall separating the rear shop building yard from the adjacent park homes to the north. Limited boundary treatment remains with 'The Firs' to the south-west.

6.0 Description of Development

- 6.1 This application forms one of two that have been submitted for the application site and proposes the removal and replacement of the existing forecourt canopy, the installation of 4 new fuel dispensers and islands (fuelling 8 vehicles at any one time), and new offset fillers.
- 6.2 The second application for the site – P/FUL/2022/04531 – proposes the extension of the existing Class E retail unit. That application remains under consideration.

7.0 Relevant Planning History

Planning Application	Proposal	Decision	Comments
6/1977/0705	Temporary depot (office, cement store, bay & office in garage).	Granted	Temporary consent for the benefit of the applicant only ending 31/12/78 – conditioned.
6/1978/0778	Station building for temporary depot, use part of garage for office and store (renewal).	Withdrawn	
6/1979/0314	Use buildings for offices and stores	Refused	Reasons: Countryside location and not necessary for agriculture, horticulture, or forestry. Undesirable precedent for officer and business occupation in countryside. Traffic would impact on A351.
6/1979/0993	Use part as office and stores	Refused	As per 6/1979/0314.
6/1980/0354	Use part of garage premises as offices and stores	Refused	As per 6/1979/0314.
6/1982/0200	Erect building for M.O.T testing bay	Granted	
6/1989/0429	Erect M.O.T testing bay	Refused	Reason: Overdevelopment of site. Unacceptable intensification of commercial use and detrimental impact on nearby residential

			properties by noise and disturbance.
P/FUL/2022/04531	Extension and increase in height of existing single storey Class E retail unit.	To be determined by Planning Committee at a later date	

8.0 List of Constraints

- Medium pressure gas pipeline
- Areas Susceptible to Groundwater Flooding
- SSSI (400m buffer): Holton and Sandford Heaths
- SSSI (5km buffer): Poole Harbour
- Greenbelt
- Poole Harbour Nutrient Catchment Area
- Contaminated Land

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

1. Natural England

- No comments received.

2. Dorset Council - Environmental Services – Protection

- Verbal comments 09/11/22 – suggested contaminated land condition as per comments on associated application P/FUL/2022/04531 and informative note re. Petrol Vapour Recovery Permit. Noise – suggest hours of use to match co-op petrol station in Sandford which is positioned in more densely populated residential area with similar impacts on neighbouring amenity.

3. Dorset Council - Highways

- Comments received 30/05/22 - request Traffic Assessment to assess the implications of the additional traffic generated on the highway network including a swept path analysis and trip generation etc. Amended plan required with the red line extended from the proposed development access up to the highway boundary to show that they have control / right of legal passage.

- No objection received 21/09/22 - based on the understanding that the area shaded blue on the submitted drawing 2022/290/013b is included as part of the application for the proposal. Conditions required: Turning/manoeuvring and parking construction as submitted; Construction method statement to be submitted; Lighting and/or floodlighting; Cycle parking scheme to be submitted.

4. Dorset Council – Flood Risk / Drainage Engineer

- Verbal Comments 10/11/22 – Outside flood zone. No surface water flood risk and JBA modelling advises no ground water flood risk to site. Increased area of canopy. Require standard SUDS condition on decision to ensure surface water appropriately dealt with and no increased risk of flooding to site, surrounding area or highway.

5. Wareham St Martin Parish Council (received 25/04/22)

No objection but consider following need to be agreed:

- Hours of opening – residential properties nearby.
- Foul sewage – needs to be specified.
- Waste storage, trade effluents, hazardous substances must be factored in.
- Electric charging points should be considered.

5. Ward Members - Wareham

- No comments received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
2	0	4

Comments

- Impact on safe access and egress to Holton Heath Residential Park due to shared access, additional traffic, and busy road.
- Garage hasn't been used for fuel for over 12 years. Use of garage and forecourt by HGV lorries will impact on safety at junction with Wareham Road and restrict right of access to residential park.
- Electric charging point should be required.

- Noise impacts - opening hours should be restricted – residents on park home site are contracted to keep noise levels low between 22:30 and 07:00.
- Fire safety / hazard issue of site and to neighbouring residents.
- Transport document is not a true record of traffic on A351. Public transport links are poor. Document dismisses shared access road with residential park.
- Support Parish Council comments.

10.0 Relevant Policies

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Development Plan

Purbeck Local Plan 2012:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy NE: North East Purbeck

Policy CO: Countryside

Policy RFS: Retail Floor Space Supply

Policy RP: Retail Provision

Policy CF: Community facilities and services

Policy FR: Flood Risk

Policy D: Design

Policy IAT: Improving accessibility and transport

Neighbourhood Plan

None.

Material Considerations

National Planning Policy Framework (NPPF)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work

proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 9: Promoting sustainable transport – requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.
- Section 11 'Making effective use of land' – promotes the effective use of land in meeting the need for homes and other uses including as much use as possible of previously-developed or 'brownfield' land.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 13 'Protecting Green Belt land' permits exceptional new development within the Green Belt where the fundamental aim of Green Belt policy of preventing urban sprawl and keeping land permanently open is maintained.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The Purbeck Local Plan (2018-2034) Submission January 2019:

(‘the Submitted Draft Purbeck Local Plan’) was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan’s examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website (www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news).

Having regard to the plan’s progress through the examination and Dorset Council’s position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

V2: Green Belt

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E12: Design

Policy EE3: Vibrant town and local centres

Policy I2: Improving accessibility and transport

Policy I7: Community facilities and services.

Supplementary Planning Documents/Guidance:

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck Strategic Flood Risk Assessment 2018

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

It is considered that the proposal would not result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Re-use of commercial premises	Additional local employment opportunities
Non-Material Considerations	
Full Business rates 2022/23	£4191

14.0 Environmental Implications

14.1 The proposed new and replacement structures will result in local environmental improvement by way of visual enhancement and provision of cycle parking.

15.0 Planning Assessment

15.1 The main planning considerations have been identified as:

- The principle of the development
- The impact of the development on the Green Belt
- Scale, layout, appearance, and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on highway safety and parking provision
- Flood risk and drainage
- Ground contamination

These and other considerations are set out below.

Principle of development

- 15.2 The application proposes development required to support the re-opening of Holton Heath Service Station for the purposes of commercial petrol sales and retail shop sales. This includes the removal of the existing canopy and replacement with a new taller and wider canopy to allow for fuelling lorries and deliveries to be made without damage and allowing easier access to the DERV pump. It is also proposed to increase the number of islands to four which will enable the fuelling of 8 vehicles at any one time (formerly two – fuelling 4 vehicles) in line with the larger canopy and re-positioning of the offset filler to the outer fuel pump location to allow for easier tanker access for fuel unloading. The agent has confirmed that the pumps are to be served by existing fuel tanks and the current application related to above surface works only.
- 15.3 Policy LD: General Location of Development of the Purbeck Local Plan 2012 (PLP) directs new development towards the most sustainable locations of the former Purbeck District Area, including the towns and villages with defined settlement boundaries. The application site is located outside a defined settlement boundary and is therefore classed as ‘countryside’ where development is permitted in exceptional circumstances. Policy CO: Countryside of the PLP advises that development in the countryside will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements. Such development includes the reuse, alteration, replacement, or extension of rural buildings; an employment use that would intensify or expand an existing employment site; and a community facility where it is located close to existing settlements and in an accessible location.
- 15.4 Whilst the proposed structures form a mixture of replacement and new fittings, they do not form ‘rural buildings’ within their own right. However, the site has an established use as a commercial petrol station with associated shop, and Officers therefore consider that the structures proposed as part of the current application can be considered as ‘alteration, extension or replacement’ of rural structures within an existing developed site. The proposed alterations would also support small scale expansion of the petrol station use, with alterations that would not appear disproportionate in size to the existing and former structures at the site. The proposal will support associated employment opportunities and will also provide a community facility (petrol sales and small shop) in a rural, yet easily accessible location on one of the key highway routes serving the former Purbeck District area. For these reasons, Officers considered that the general principle of the proposed development in the countryside is acceptable in accordance with Policy CO of PLP1. This is subject to the consideration of all other key planning issues as set out in the sections below.

Impact of the development on the Green Belt

- 15.5 The South-East Dorset Green Belt washes over the application site and surrounding areas. The National Planning Policy Framework (NPPF) (Section 13) set out key objectives in relation to the protection of Green Belt from new development. Paragraph 137 advises that ‘*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of*

Green Belts are their openness and their permanence. Paragraph 147 of the NPPF advises that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* The NPPF continues to note that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they form an exception as listed in paragraphs 149 and 150. In respect of the application site, criterion (c), (d) and (g) of paragraph 149 are considered relevant as listed below:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

- 15.6 As noted in the section above, Officers consider that the structures proposed as part of the current application can be considered as 'alteration, extension or replacement' of rural structures within an existing developed brownfield site within the Green Belt. The proposed alterations to the forecourt including four new canopy support columns, 4 new islands and associated fuel dispensers and other associated furniture are not considered to result in a greater impact – visually or spatially – on the Green Belt in this location than that experienced when the site was formerly in full commercial use.
- 15.7 It is acknowledged that changes are proposed to the size and height of the forecourt canopy. The existing canopy measures approx. 16.2m wide and 8.6m deep (139sqm) and is in a poor state of repair. The submitted Planning Statement advises that due to its low height (approx. 4m to underside and 4.6m to upper side), it was often struck by lorries and other larger vehicles using the forecourt. As such, the proposed replacement canopy has an increased underside height of 5m and upper side height of approx. 5.9m (as submitted in amended plans). In addition, to provide shelter to the two additional islands and petrol pumps, the replacement canopy is square in shape and measures 14.1m wide x 14.1m deep (198sqm).
- 15.8 The proposed changes to the canopy have been carefully considered by officers. Despite the increase in size and height, it is considered that the new canopy would not result in a structure of disproportionate addition over and above the existing, to an extent that would harmfully impact on the openness and permanence of the Green Belt in this location. The openness of the forecourt below the canopy, combined with the low mass of the structure, would not cause substantial harm in terms of spatial or visual impacts given the existing developed / brownfield nature of the site, the constrained built surrounds of residential development, and a lack of wider visual impact. For the above reasons, officers are satisfied that the proposals form an exception to inappropriate development within the Green Belt. As such, the proposal is considered to accord with the key objectives of Section 13 of the NPPF.

Scale, layout, appearance, and impact on the character and appearance of the area

- 15.9 The area surrounding Holton Heath Garage is largely residential in character with adjacent properties to the south-west, north-west and north-east consisting of bungalows and / or chalet bungalows with detached houses beyond. Also located to the north-east of the site is a vehicle dealers' forecourt and vehicle repairs and MOT Centre. On the opposite side of Wareham Road is the site of the former Royal Naval cordite factory – a Scheduled Monument – which is screened from the application site and Wareham Road by extensive mature trees and vegetation. The overall character and appearance of the area to the western side of Wareham Road, and directly surrounding the application, is suburban in nature.
- 15.10 The key impact on the character and appearance of the area will result from the proposed increase in canopy height of approx. 1m above the existing canopy height, and approx. 2.3m above the flat roof of the shop building (existing canopy height approx. 0.7m above shop roof). On request of officers, the proposed canopy has already been reduced in height by 0.25m to reduce visual impact. However, it is acknowledged that further reductions in height would have implications for the size of vehicle able to use the premises and, particularly in the case of HGVs and petrol tankers, would increase the risk of canopy collisions as formerly experienced with the lower canopy. Given that the overall mass of the canopy is low, and its dominance limited due to the open sided nature, Officers consider that on balance the required canopy height and size would not result in a significant adverse impact on the character and appearance of the area that would be sufficient enough to constitute a reason for refusal.
- 15.11 In terms of the other proposed development, this includes the provision of four new canopy support columns, four petrol pump islands and fuel dispensers, and a new offset filler for the unloading of fuel. The smaller scale structures are as expected within the forecourt of a petrol station and would not harmfully impact on the wider character and appearance of the area.
- 15.12 Notwithstanding the above, the NPPF (Section 12) and Policy D of the PLP expect new proposals to positively integrate with their surroundings and add to the overall quality of the area. Whilst the proposal will result in a visual improvement to the site, officers consider that additional enhancement can be secured to improve the overall quality of the area in the form of improved and new hard and soft landscaping including, new and improved boundary treatments, suitable waste storage / bin storage provision and a planting scheme. Such enhancements can be agreed by way of a condition (Condition 3) on the decision. In addition, few details are provided of the materials and external finishes of the proposed structures. Those provided include purpose-built metal canopy and new concrete islands. Again, it is considered suitable to require full details to be submitted to the Council for approval before first use on site. This can also be dealt with by way of condition (Condition 4).
- 15.13 In summary, the proposal is considered to accord with the NPPF and Policy D of PLP1 subject to conditions as detailed above.

Impact on neighbouring amenity

- 15.14 The site is surrounded by residential development and concerns have been raised by local residents regarding potential noise and disturbance depending on opening hours. The Council's Environmental Protection Team have been consulted on the proposal and have advised that the intensification of the petrol station use associated with additional pump provision could harmfully impact on neighbouring amenity. However, given that the premises currently benefit from limited constraints, and taking into account the siting on the busy Wareham Road, Officers consider that the site is already subject of an element of uncontrolled background noise and disturbance to neighbouring amenity. This is likely to reduce into the evening when disturbances associated with the intensified petrol station use may become more apparent to neighbouring residential occupiers. As such, it is considered reasonable to apply conditions to the decision restricting the hours of use of the premises by the public and for all deliveries to between 6am and 11pm (Conditions 7 and 8). The same hours of use are conditioned on the planning consent (6/2017/0237) for the Co-op Petrol Station and associated shop in Sandford which is sited in a higher density residential area, and for this reason the hours are also considered appropriate to protect residential amenity surrounding the application site.
- 15.15 In terms of the structures, these would be well screened from existing properties to the north-east, north-west and south-west apart from the unoccupied bungalow of 'The Firs'. Boundary treatments with this property are absent or in a poor state of repair and the bungalow is afforded limited screening or privacy as a result. Subject to suitable screening, it is considered that impacts on the neighbouring amenity of this property would not be demonstrably worse than the previous use of the site. The requirement for suitable boundary treatments with neighbouring residential properties can therefore be included as part of the wider hard and soft landscaping condition (Condition 3) to be included on the decision. In addition, it is considered reasonable to include a condition on the approval to control external lighting with the aim of ensuring that it is appropriate in relation to neighbouring residential uses (Condition 9).
- 15.16 In summary, the proposal is considered to accord with Policy D of PLP1 subject to conditions on the decision.

Impact on highway safety

- 15.17 The site is currently served by two access and exit points onto Wareham Road – one to the north-east and the other to the south-west. The north-east access is shared with owners / occupiers of properties on the park home site to the rear. Several neighbour concerns have been raised over the impact of additional traffic movements associated with the proposal on the existing users of the shared access.
- 15.18 The Council's Highway Engineer has been consulted on the proposal and initially deferred comment whilst awaiting submission of a requested Traffic Assessment in order to assess the implications of the additional traffic generated on the highway network including a swept path analysis and trip generation. A Transport Statement was submitted in June 2022. The Assessment concludes that:

- the site is situated within proximity of existing public transport provision and a footway network which will benefit future staff/visitors.
- There are no outstanding highway safety issues on the surrounding local highway network, which the proposed development site would be expected to exacerbate.

- 15.19 Traffic generation associated with the extant site operations have been identified alongside the net traffic forecasts for the network peak hours, site peak hours and daily operational hours and that despite the net increase in traffic generated by the development proposals, it can be concluded that the development traffic will be composed of trips which are either 'Pass-by' / 'Diverted' trips.
- 15.20 Pay at Pump and extendable pump hoses will reduce transaction time and improve throughput with minimal queueing.
- 15.21 A vehicle tracking exercise identified no constraints associated with the ingress/egress of vehicle movements to all fuel dispensers.
- 15.22 The conclusions of the Assessment have been fully considered by the Council's Highway Engineer. Following submission of an amended site plan which extends the red line of the application site from the proposed development access up to the highway boundary, thereby denoting right of legal passage, the Engineer has no objection to the proposal. This is subject to conditions in relation to the provision of turning/manoeuvring and parking construction as submitted (Condition 10); provision of a Construction Method Statement prior to the commencement of development (Condition 5) and the direction of lighting away from the highway (Condition 9). The Engineer has also requested a condition requiring the provision of a cycle parking scheme for approval however this is considered unreasonable for the proposed filling station structures. On this basis, the proposal is considered to be acceptable in accordance with Policy IAT of the Purbeck Local Plan 2012.

Flood risk and drainage

- 15.23 The application site is located in Environment Agency Flood Zone 1 and is not subject to surface water flood risk. However, constraints mapping identifies that the site is located in an area susceptible to groundwater flooding. The Council's Drainage Engineer has been consulted on the proposal and has confirmed that available modelling indicates no ground water flood risk to site. However, due to the increased area of the canopy, a sustainable drainage condition (Condition 6) is required on the decision to ensure that the proposed structures would not worsen flood risk to the site, surrounding area, or highway. On this basis, the proposal is therefore considered to be acceptable in accordance with Policy FR: Flood Risk of the Purbeck Local Plan.

Ground contamination

- 15.24 The proposal is not supported by a contamination report; however the former uses of the site may result in ground contamination issues arising. The Council's Environmental Health Officer (EHO) has been consulted on the proposal and has verbally raised no objection subject to the inclusion of an unexpected ground contamination condition on the decision (Condition 11). In addition, the EHO has

advised that due to the increase in the number of petrol pumps proposed, and potential change in site ownership, the new owners will be required to submit an application for a Vapour Control Permit from the Council. As the permit application will be dealt with under separate legislation, it is only considered necessary to include an informative note on the planning consent.

Other considerations

15.25 A number of other issues were raised in neighbour and Parish Council consultation responses, and each is addressed below.

Foul sewage – this will be dealt with through any associated Building Regulations application.

Waste storage, trade effluents, hazardous substances – this will be dealt with through other legislation e.g. required Environmental Health permits, fire safety requirements, Building Regulations etc. Waste storage provision is addressed in the 'impact on the character and appearance of the area' section above.

Electric charging points should be considered – whilst Officers encourage applicants to include such provision within their scheme, there is currently no adopted planning policy in place to require provision as part of a planning application.

16.0 Conclusion

16.1 For the above reasons, the proposal is considered to accord with the development plan and the NPPF. It is considered to form sustainable development for the purposes of NPPF paragraph 11 and approval is recommended subject to conditions.

17.0 Recommendation

GRANT subject to the following conditions:

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

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2022/290/014c, Block Plan 2022/290/013c, Proposed Site Plan – New canopy 2022/290/010a, Proposed North and South Elevations – New Canopy 2022/290/011a, Proposed East and West Elevations – New Canopy 2022/290/012a.

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

3. Prior to the commencement of any development hereby approved, full details of hard and soft landscape proposals shall be submitted to and approved in

writing by the Local Planning Authority. These details shall include: means of boundary enclosures/treatments, hard surfacing materials, minor artefacts and structures (e.g. furniture, signs, refuse and other storage units), proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), and a soft landscaping and planting scheme. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. Prior to the commencement of development, details and samples of all external facing materials and finishes shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with such materials and finishes as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - delivery, demolition and construction working hoursThe approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

6. Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect water quality.

7. The premises shall only be used for the purposes hereby permitted between the hours of 6am and 11pm.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

8. Deliveries shall only be taken at the site between the hours of 6am to 11pm.

Reason: To protect nearby residential accommodation from excessive noise at night-time.

9. No flood lighting or security lighting shall be installed until details of a scheme to control glare or stray lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include timings of use of the artificial lights, shielding and angle of the head to reduce glare and light intrusion on land that it is not owned by the development as appropriate, and must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities, avoid nuisance to adjoining properties and to ensure that drivers aren't dazzled or distracted by the light.

10. Before the development is utilised the turning/manoeuvring and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informative Notes:

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
2. A Petrol Vapour Recovery Permit may be required for the use of the site. A Part B Application – Petrol Station can be made via the following link: <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b1-standard-facilities-permit> - GOV.UK (www.gov.uk)

3. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
4. The application relates to above surface works only and any changes / replacement / new fuel tanks will require separate consent.
5. Informative: National Planning Policy Framework Statement
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.
The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.