

possible. This policy will ensure that the matter is taken fully into account when applications for planning permission are considered.

23. PETROL FILLING STATIONS

DC23.1 In determining planning applications for developments involving petrol filling stations, the Council will have regard to:

- a. the general location of the proposed development;
- b. the effect on the amenities of neighbouring occupiers;
- c. the need for safe and convenient arrangements for access, circulation, and egress;
- d. road safety and the safety of pedestrians;
- e. the adequacy of the local traffic circulation system and prevailing local traffic conditions;
- f. ease of use for all, including disabled people;
- g. the need to achieve a design which results in a satisfactory relationship with the streetscene;
- h. quality of materials, including hard and soft landscaping, and the amount and prominence of advertisements and signs.

DC23.2 The Council will normally accept the principle of developments of this kind in:

- a. industrial and commercial areas;
- b. in residential areas as part of a larger redevelopment scheme;
- c. along major traffic routes.

DC23.3 Developments of this kind will not be permitted:

- a. outside the general locations mentioned above;
- b. where these would be a hazard to the safety of pedestrians or drivers;
- c. where there are heavy pedestrian flows within shopping centres or near the entrances to schools etc;
- d. where there would be significant detriment to the amenity of occupiers of nearby residential premises, either from the operation of the filling station itself, or associated facilities such as car-wash equipment;
- e. unless the applicant submits an independent environmental assessment of pollution risks and adequate remedial plans.

Reasons :-

Filling stations are clearly necessary developments. As with any other land use, the planning system should not be used to attempt to regulate their numbers or distribution for reasons which go beyond planning considerations. The policy therefore restricts itself to dealing with their effects on public safety; the generation of noise and fumes and their impact on nearby residents; and the need to integrate what can often be visually awkward structures satisfactorily into the street-scene.

26. DEVELOPMENT AND NOISE

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 New noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted:

- a. in residential areas;
- b. near schools, hospitals, nursing homes and similar institutions;
- c. near open land used frequently for recreational purposes.

DC26.4 Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and
- c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 Exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Reasons :-

It has become increasingly accepted that noise is a major source of environmental pollution, affecting peoples' physical and mental health. The Council considers that the planning process has a role to play in reducing noise levels generally and, through the development control system, to consider carefully the relationship between different land-uses from the point of view of noise generation and impact. Reaching judgments on what is or is not an acceptable amount or type of noise is a complex matter, consideration of which will depend on the particular circumstances on the ground.

(NOTE: The Council will issue more detailed advice on the subject as supplementary guidance, and this will have regard to current Government policy. The UDP policies therefore are limited to broad principles. Two key areas are:

- i) a presumption against allowing highly "noise sensitive" uses (such as housing and schools) so close to existing noise sources that problems would be likely to result. An existing noisy factory, for example, is entitled to some protection from objection about its activities from future residential neighbours, who would themselves feel entitled to a reasonable degree of residential amenity; and
- ii) the reverse situation, where there would be an equal presumption against allowing noisy, or potentially noisy, activities into an area with low ambient noise levels, and where people would have a reasonable expectation that no significant increase in those background levels would be allowed. Where the relationship is difficult to predict, the Council will place the onus for assessing the noise impact of, or upon, a proposed new development on the developer, and will consult (in particular) with the Director of Environmental Health. The policy sets out the range of measures which are available to help to reduce the noise effect to acceptable levels. As well as conditions on any planning permission, a "planning obligation" (for example, an Agreement under Section 106 of the Town and Country Planning Act 1990) may be appropriate to ensure key measures are taken effectively).