Appeal Decision

Site visit made on 1 June 2009

by Alison Lea **MA(Cantab) Solicitor**

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
22 June 2009

Appeal Ref: APP/B4215/A/09/2098854
441 Stockport Road, Longsight, Manchester M12 4JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Khalid Mahmood against the decision of Manchester City Council.
- The application Ref 086271/FO/2008/N2, dated 27 March 2008, was refused by notice dated 26 August 2008.
- The development proposed is a single storey detached building on the existing garage forecourt to form a sandwich bar and vending premises with ramp access.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are

   (a) whether the proposal would be prejudicial to highway safety, with particular reference to the adequacy of the parking spaces proposed; and

   (b) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to noise and disturbance.

Reasons

3. The appeal site consists of a petrol filling station together with a single storey shop, both of which open 24 hours a day, 7 days a week. It is located on Stockport Road which is a busy radial route to and from Manchester City Centre, close to a signalled junction. The proposal is for an additional single storey building which would be used as a sandwich and vending bar with a small area of customer seating. The building has already been constructed although it is not as yet fitted out and no ramped access has as yet been provided. The appeal plans show 6 parking spaces which would be for use in conjunction with both the existing shop and the appeal proposal.

Highway Safety and Parking

4. The appeal proposal, albeit small, would contain a seating area and, in my opinion, particularly given its location at a petrol filling station on a main route, it would be likely to generate a significant demand for car parking. I note the appellant's view that the convenience store is mainly used by residents of the

surrounding area, but no evidence has been provided to demonstrate this to be the case or to suggest that the majority of customers of the sandwich bar and vending premises would access the premises by foot.

5. The appellant states that the proposed parking spaces would meet the Council's minimum requirement of 2.4m wide by 4.8m in length, and it is clear that there has been considerable confusion concerning the scale of various plans and the size of the spaces proposed. However, the 6 parking spaces shown on Plan No 10 Rev C all measure less than the Council's minimum requirement. From the plan and from my observations on site, I consider that the position of bay one would make exiting from the nearest petrol pump difficult, which problem would be exacerbated if spaces of the required dimensions were provided.

6. In my opinion the spaces shown on the appeal plan would be substandard and insufficient to serve both the development and the existing shop. The proposal would therefore be contrary to Policy DC10 of the Unitary Development Plan for the City of Manchester (UDP) which refers, amongst other matters, to the availability of safe and convenient arrangements for car parking. I agree with the Council that this failure to provide safe and convenient parking could lead to hazardous manoeuvring within the forecourt and at the entrance and exit to the site, thereby impacting on traffic safety on Stockport Road, contrary to UDP Policy H2.2.

Noise and Disturbance

7. Although the application form proposes hours of operation as 0700 hours to 2300 hours, the appellant amended this to 24 hour per day operation and the application has been considered on that basis. There is some residential accommodation in the vicinity of the site, along Stockport Road, Newton Avenue and Linnet Close, including a care home. However, given that the appeal site is located on a busy main road, close to a major signalled junction where noise from car engines and stereos will not be unusual, the existing 24 hour use of the petrol filling station and shop, and the distance of residential property from the proposed use, I do not accept that any increase in noise as a result of the appeal proposal would be significant. I consider this to be the case even though I accept that noise from traffic on Stockport Road is likely to drop in the early hours of the morning.

8. Accordingly I conclude that the proposal would not cause significant harm to the living conditions of the occupiers of neighbouring properties. It would not be contrary to Policies DC10, DC26.1 or H2.2 of the UDP in this respect which, amongst other matters, seeks to reduce the impact of noise on people living in the City and to prevent development which would have an unacceptable impact on residential areas.

Conclusion on Main Issues

9. Although I have concluded that the proposal would not cause significant harm to the living conditions of the occupiers of neighbouring properties, I have concluded that it would be prejudicial to highway safety. In my opinion this justifies dismissing this appeal.

Other Matters

10. The Council has stated that the proposal could have a harmful effect on the nearby district centre. However, the Council did not refuse the application on this basis and no evidence has been presented to substantiate this claim. It does not therefore alter my conclusion on the main issues.

11. The Council has also stated that the proposal would not meet the Council's standards of accessibility for disabled people. However, I am satisfied that satisfactory measures could be secured by means of an appropriately worded condition.

12. A number of matters have been referred to regarding the manner in which the application has been dealt with. However, these are not for me to comment on as part of this appeal under Section 78 of the Act and I have determined the appeal on the basis of the submitted application and amendments thereto.

Alison Lea

INSPECTOR