Application Number	Date of Appln	Committee Date	Ward
086536/FO/2008/S2	2nd May 2008	21st August 2008	Northenden Ward

Proposal Erection of a new (A1) sales building, creation of customer parking area and relocation of existing wash bays in connection with 24 hour retail use, following demolition of existing building.

Location Royal Green Filling Station, 106 Longley Lane, Wythenshawe, Manchester, M22 4SY,

Applicant Euro Garages Ltd, Euro House, Blackburn Road, Darwen, BB3 1QJ

Agent Architectural Design Service 46 High Street, Skipton, North Yorkshire, BD23 1JR

Description

At the meeting of 28th June 2007 Members were resolved to ask the Head of Planning to prepare and submit a further report addressing issues raised by the Committee and to advise them as to whether there are relevant planning considerations that could reasonably sustain a refusal of planning permission.

The Committee were Minded to Refuse the application following Members concerns that the proposal would lead to a breach of policy H2.2 by having a detrimental impact on the adjacent residential properties.

Issues

This application is for the redevelopment of the site which involves the enlargement of the existing shop / offices by approximately 140m^2. This site is located in an area that of mixed use and is further characterised with residential properties being located on the northern side of Longley Lane and commercial properties being present on the southern side, where the application site is present.

Members were concerned that the re-development of this petrol station would be harmful to the surrounding residential properties, with regard to the increase in size attracting more customers and therefore the increase in general disturbance and anti-social behaviour. Members welcomed the removal of the A5 element that was originally proposed by the applicant but did not feel that this measure was sufficient enough alone.

Conclusion

While the Head of Planning's recommendation remains unchanged i.e. to Approve (subject to condition), should Members Refuse planning permission, then set out below is a suggested reason for refusal.

1) The comings and goings associated with the enlarged new shop, including traffic from customers and service vehicles, and people potentially congregating, will add to existing problems for nearby residents in terms of loss of residential amenity and increased anti social behaviour, which would be contrary to City Council policy H2.2.

Description

The Wythenshawe Area Committee considered this application on the 26th June 2008 and recommended that it should be refused on the basis of that the proposal would create disamenity to local residents. Since the committee hearing at Wythenshawe, discussions have taken place with the agent who has removed the A5 element of the operation that was originally proposed in an e-mail received on 4th July 2008, and this is reflected in the amended title.

This application was presented to Wythenshawe Area Committee given the level of public interest and the previous site history including the last re-development programme for the site that was covered under planning application 048870/FO/SOUTH3/95, which was approved on 26th March 2006. To the north of the site is Longley Lane and residential properties beyond, to the south, east and westerly directions the site is adjacent to commercial properties and uses.

This application is again for the redevelopment of the site which involves the enlargement of the existing shop / offices by approximately 140m^2. The petrol station operates 24 hours a day and has done so for many years, but customers will still have to use the night pay window between the hours of 11.00pm and 7.00am. Therefore this application is just for the physical alterations. The existing building will extend approximately 14m into the site itself away from Longley Lane. The building will still be of the same width and will be sited nearly 2m closer to Longley Lane, in line with the neighbouring industrial unit to the west of the site, which will involve minimal alterations to the layout of the disabled car parking space. The canopy and the petrol pumps will be in the same location, and will be of the same size, and in the same location. This is in the area where there is a protected tree, and therefore the development will not compromise the safety or integrity of the tree.

The existing wash bays are to be relocated from the area directly behind the shop / offices to the southern boundary of the site where commercial buildings are located behind, which is further away from the properties on Longley Lane. The area where the current wash bay facilities are sited will be made available for customer parking. The existing car wash and vac bay facilities will remain unaltered throughout the re-development. The approved hours of use for the car wash were 8.00am to 8.00pm Monday to Saturday and 11.00am to 5.00pm on Sundays. However, it is understood that the car wash presently operates outside of these hours from 7.30am to 8.00pm 7 days a week. Therefore it is proposed that the new suggested hours of operation from Environmental Health be placed on the application allowing the car wash to be operated from 8.00am to 8.00pm Monday to Saturday and 10.00am to 6.00pm on Sundays and Bank Holidays.

Currently there are 3 part time and 3 full time members of staff presently being employed at the site. This number is set to increase to 10 part time and 10 full time employees, in order to operate the re-developed site.

Consultations

Local Residents - There has been two letters received from local residents and a letter of objection from Northenden Civic Society. Three handwritten

objections were also received at the Wythenshawe Area Committee. There comments are as follows:

- Increase in traffic
- Increase in noise / disturbance
- Increase in light pollution
- Smells from extraction units
- Refuse and bin storage / vermin
- Protected trees on site

Cllr Eakins made the following comments that were reported verbally at the last Planning and Highways committee:

1. That the local residents want this application refused on grounds of residential disamenity.

2. If the committee decides to approve this application, then the residents want to minimise the disamenity and add the following conditions:

a) That signs be attached to the petrol pumps warning customers that it is in a residential area, and that they should be considerate of neighbouring residents by keeping noise levels down.
b) That an Exit sign be erected to regulate the traffic off the site, and a ?No entry? With a sign to be attached to the back of it.
c) The nearest lines of pumps closed after 11pm, and not opened until 7am.
d) That the applicant contributes to a fund to install a pedestrian crossing.

Traffic and Transport – No objections

Environmental Health – No objection subject to conditions

GMP (Architectural Liaison) – No objections subject to conditions

GMP (Crime Reduction) – No objections subject to conditions, as per e-mail received 9th July 2008

Issues

Unitary Development Plan - There are no site-specific policies relating to the application site.

The following Part 1 policy is relevant to the consideration of this planning application:

H2.2 - States that the Council will not allow development, which will have an unacceptable impact upon residential areas. Issues to be considered include the scale and appearance of the development.

Wythenshawe Strategic Regeneration Framework - This document provides a strong vision for Wythenshawe over the next 10 - 15 years, guiding the improvement of public services for Wythenshawe residents and shaping future development. In general terms it is considered that the proposal is generally consistent with the Wythenshawe SRF document in terms of its aspirations for

business development. Consideration needs to be given to the relationship of the development in respect of neighbourhood regeneration.

Disabled Access - This is not considered an issue in this instance.

Principle of Development - The proposal is considered to be in line with the provisions of Policy H2.2. The principle of the development is therefore considered acceptable.

Residential Amenity – With regards to the proposed re-development of the petrol station it is not considered that there will adverse impact on the neighbouring residential properties as the filling station is already open 24 hours a day, therefore there will be no loss of residential amenity.

Visual Amenity - The proposed re-development will not significantly alter the streetscene of which it forms part, as there is already a petrol filling station present on the site. In fact the new building and layout will be an improvement to what is there at present as it is becoming tired and dated. Therefore there will be no adverse impact on the visual amenities in the area.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation

Wythenshawe Area Committee – Recommend refusal on the basis of that the proposal would create disamenity to local residents.

The Head of Planning – Recommend approval on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular the following policies and there are no material considerations of sufficient weight to indicate otherwise.

Policy H2.2 states that the Council will not normally allow development that will have an unacceptable impact on residential areas. It is not believed that the proposed development will have a detrimental impact in terms of noise,

vibration, traffic generation, road safety and air pollution or through its scale and appearance.

Conditions and/or Reasons

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

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Drawing no. 1098.6 date stamped as received 25th April 2008

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

5) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

6) No loading or unloading shall be carried out on the site outside the hours of 7.00am to 8.00pm daily.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

7) A litter bin of a size and type to be approved in writing by the City Council as local planning authority shall be installed on the forecourt of the premises before the use commences and shall remain there for so long as the use is in existence.

Reason - To maintain the quality of the street environment in the locality of the development in order to comply with Policies H2.1, H2.2, H2.6, DC10.1, DC10.4 and DC10.5 of the Unitary Development Plan for the City of Manchester.

8) The car wash, jet wash and vacum cleaning facilities shall not operate outside the following hours:

8.00am to 8.00pm Monday to Saturday

10.00am to 6.00pm Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

9) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

10) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 086536/FO/2008/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Engineering Services
Environmental Health
Wythenshawe Regeneration Team
Greater Manchester Police
Juice Works, Sonex House, Sharston Road, Manchester, M22 4RX
Rufflette Ltd, Sharston Road, Manchester, M22 4TH
105 to 129 (odd) Longley Lane, Manchester, M22 4HX
142 to146 (even) Royle Green Road, Manchester, M22 4LD
2 Cuerdon Walk, Manchester, M22 4HU
4 Cuerdon Walk, Manchester, M22 4HU
Hire-equip (n W) Ltd, Unit 1, The Oakfield Centre, Harling Road, Manchester, M22 4UX
Longworth Ltd, Leltex House, Longley Lane, Manchester, M22 4SY
National Tyres & Autocare, Longley Lane, Manchester, M22 4SY
Royle Green Garage, 106 Longley Lane, Manchester, M22 4SY
Universal Utilities, Universal House, 1 Sharston Road, Manchester, M22 4RX
125 to 131 (odd) Royle Green Road, Manchester, M22 4LE
Sharston House, Sharston Road, Manchester, M22 4RX
Sunwin, Oakfield House, 104 Longley Lane, Manchester, M22 4JY
Oaolus Co-op, Oakfield House, 104 Longley Lane, Manchester, M22 4JY
Universal Utilities Ltd, Longley House, 110 Longley Lane, Manchester, M22 4SY
Cousins Distribution Centre, Unit 2, Sharston Point, Sharston Road, Manchester, M22 4RX
Mona Safety Products Ltd, Leltex House, Longley Lane, Manchester, M22 4SY
Unit 4, The Oakfield Centre, Harling Road, Manchester, M22 4UX
Jaftextil Soft Furnishings, Sharston Road, Manchester, M22 4RX
Kalra Furniture, 122 Longley Lane, Manchester, M22 4SY
Northenden Civic Society, 5 Corda Avenue, Longley Lane, Northenden, Manchester, M22 4JX

Representations were received from the following third parties:

N Jones, 125 Longley Lane, Northenden, M22 4HX
S Dey, 125 Royle Green Road, Northenden, M22 4LE
David Farwell, Northenden Civic Society, 5 Corda Avenue, Longley Lane, Northenden, Manchester, M22 4JX

Three handwritten objections were received at the Wythenshawe Area Committee.

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