Appeal Decision

Site visit made on 19 January 2009

by David Fitzsimon MRTPI

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

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Decision date:
19 February 2009

Appeal Ref: APP/B4215/A/08/2088984
Royle Green Service Station, Longley Lane, Northenden, Manchester M22 4SY

- 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 Euro Garages Ltd against the decision of Manchester City Council.
- The application (Ref 086536/FO/2008/S2), dated 19 April 2008, was refused by notice dated 21 August 2008.
- The development proposed is to rebuild sales building and relocate wash bays and provide additional parking.

Procedural Matter

1. Following the submission of the original application and prior to its determination, the description of development changed to the '*erection of a new A1 sales building, creation of customer car parking area and relocation of existing wash bays in connection with 24 hour retail use, following demolition of existing building*'. I have determined the appeal on this basis.

Decision

2. I allow the appeal and grant planning permission for the erection of a new A1 sales building, creation of customer car parking area and relocation of existing wash bays in connection with 24 hour retail use, following demolition of existing building at Royle Green Service Station, Longley Lane, Northenden, Manchester M22 4SY in accordance with the terms of the application Ref. 086536/FO/2008/S2 dated 19 April 2008, and the plans submitted therewith, subject to the following conditions:

    1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

    2) The sales area of the building hereby permitted shall be restricted to that shown on drawing number 1098 6A, and shall not increase in size.

    3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

    4) The development herby permitted shall not 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 local planning authority. The scheme shall be implemented in accordance with the

approved details before the building is first occupied and shall be maintained thereafter.

5) The development hereby permitted shall not commence until a scheme for the acoustic installation of the building and any externally mounted ancillary equipment has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the building is first occupied and shall be maintained thereafter.

6) No loading or unloading shall be carried out on the site outside the hours of 07.00 to 20.00 daily.

7) A litter bin of a size and type to be approved in writing by the local planning authority shall be installed on the forecourt of the premises before the building is first occupied, and it shall be kept in a useable condition thereafter.

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

   08.00 to 20.00 Monday to Saturday

   10.00 to 18.00 Sundays and Bank Holidays.

9) The car parking area indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby permitted being first occupied. The car park shall be maintained and shall remain available for use thereafter.

10) The development hereby permitted shall not commence until details of the measures to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the building shall not be occupied or used until the Council has acknowledged in writing that secure by design accreditation has been awarded.

Main issue

3. The effect of the proposal on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

4. The appeal site currently accommodates a petrol filling station (pfs) which trades 24 hours a day. It is bounded on each side and to the rear by commercial operations, and a row of dwellings is located on the opposite side of what is a busy classified road.

5. The proposal involves the relocation of wash bays from the side to the very rear of the site in order to improve customer parking and facilitate a larger building. The replacement building would be about 140 square metres larger than the existing unit and would accommodate improved facilities, although the retail area would only increase from 150 to 182 square metres. A greater level of trade cannot be discounted as a result of the development. However, in the

absence of any compelling evidence to the contrary, I consider it unlikely that this would be significant given such a modest extension of the trading area.

6. Between the hours of 23.00 and 07.00 each day, customers would not be able to access the proposed shop, and goods and fuel would be paid for at a night window towards the rear end of the building. This would be similar to the existing arrangement. I am also mindful that the width of the new building would be similar to that of the existing structure, and the extended footprint would be mainly towards the rear of the site. As a result, the narrow elevation fronting the highway would be only marginally closer to the houses opposite.

7. The Council argues that the existing pfs already causes disturbance for nearby residents as it attracts anti-social behaviour and generates noise from congregating cars; the effect of which is exacerbated in the summer months when residents' windows may be open. Whilst this may be so, the above factors lead me to conclude that the proposal would not materially increase the levels of noise and disturbance experienced by local residents at any time of the year. For this reason, it is compliant with policy H2.2 of the Unitary Development Plan for the City of Manchester.

8. In reaching my decision I have considered other concerns raised by local residents. As I have found that the proposal would be likely to result in only a marginal increase in trade, it follows that it would not be significantly more problematic in terms of traffic, parking and general highway safety than the existing operation, particularly as access and egress would remain unaltered. Given that hot food would not be prepared on site, there is no reason why cooking smells would be emitted, and appropriate bin storage facilities could address any issues relating to litter and vermin. Whilst no technical specification is before me, I am satisfied that the proposal would not lead to an unacceptable increase in light pollution given the extent of lighting at the existing pfs. I am also satisfied that it would not threaten any significant trees. Whilst concern has been raised about the lack of choice in the local petrol market, it is not the role of the planning system to restrict competition.

9. The Council has suggested several conditions in the event that the appeal is allowed, which I have considered in the light of Circular 11/95. These are all both reasonable and necessary in order to ensure that the development is visually acceptable and to maintain appropriate living conditions for nearby residents, with the exception of one. Implementation in accordance with the approved plans goes without saying. Notwithstanding this, I consider it necessary to restrict the sales area to that shown on the approved plans, given that this particular element of the scheme, in my view, led to the refusal of the proposal and would require further consideration if it was to be enlarged.

10. I have also considered measures suggested by a local councillor, including signage to remind customers to be considerate, for the pumps nearest the highway to be closed between 23.00 and 07.00, for an exit sign to regulate traffic flow and for a contribution to be made to a fund for the installation of a pedestrian crossing. However, as the existing pfs is not subject to such measures, it would be unreasonable to impose them.

David Fitzsimon INSPECTOR