



Appeal Decision

Site visit made on 5 August 2025

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/B4215/W/25/3366850

Shell UK Limited, 1081 Stockport Road, Manchester M19 2RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Motor Fuel Group against the decision of Manchester City Council.
 - The application Ref is 141206/FO/2024.
 - The development proposed is a change of use of part of existing sales building to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, associated elevational alterations and installation of fume extraction flue and external plant equipment.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of part of existing sales building to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, associated elevational alterations and installation of fume extraction flue and external plant equipment at Shell UK Limited, 1081 Stockport Road, Manchester M19 2RE in accordance with the terms of the application, Ref 141206/FO/2024, subject to the conditions in the attached schedule.

Main Issues

2. These are the effect of the proposal on the:
 - a) Character and appearance of the area, with specific regard to the setting of the Grade II listed Church of St Andrew.
 - b) Living conditions of the occupiers of nearby dwellings, with specific reference to noise, disturbance, risk of crime and anti-social behaviour.
 - c) Safety of all highway users.

Reasons

Character and appearance

3. The site is an existing petrol filling station (PFS), located on the east side of Stockport Road. The site contains electric vehicle charging points, a standard canopy cover over the pumps, jet wash area and shop. There is car parking to the front of the shop. Stockport Road is a busy main thoroughfare, providing access to the M60, Stockport and Manchester city centre, and contains a mixture of commercial and residential uses, giving it an urban developed character. Opposite the site is a terraced row of dwellings and the Grade II listed Church of St Andrew. To the north is Cringle Road, with commercial and residential uses beyond on both sides of the road. To the south is a 24 hour gym and a Greggs, beyond which lies a KFC and McDonald's, both with drive thrus.

4. The proposal is to change part of the retail area into a hot food takeaway (HFT), along with a side extension to the street frontage and a flue. The extension would be flat roofed, modest size and contain no openings. Whilst it would be in a prominent position, the low height, matching materials and size means that it would harmonise with the existing building and have a limited effect on the surrounding area.
5. The flue would be located on the existing roof slope. It would be of a standard design and height and in this location, would have very little impact upon the street scene or existing building, having regard to the character of the area. There is a mixture of building types, ages, styles and the insertion of a standard, commonplace flue on a standard, commonplace petrol filling station would have a negligible effect.
6. The significance of the Church is derived from its architectural distinctiveness and historic interest as a product of early 20th-century ecclesiastical architecture in the Free Perpendicular style, with high-quality craftsmanship and materials. Its setting comprises the local streetscape and townscape, with the east facing gable, adorned with elaborate tracery and a foundation stone, directly confronting the street, which creates a prominent visual anchor.
7. The PFS is located directly opposite the Church, across the busy road. It is of a modern, standardised design, and the erection of a small extension and flue at the site would have little, if any, effect on the setting of the building or its significance. This is particularly the case when considering there is a large 'inpost locker' installation sited directly in front of the Church's prominent east facing gable.
8. Therefore, the effect of the proposal on the character and appearance of the area would be acceptable, compliant with policies SP1, EN3 and DM1 of the Core Strategy for the City of Manchester (July 2012, updated March 2024) (CS), policy DC19 of the Unitary Development Plan (UDP) (July 1995), and Policy JP-P1 of Places for Everyone Joint Development Plan Document (March 2024) (PfE). Together these seek the creation of well-designed places that enhance or create character and conserves the historic environment. There would also be compliance with the Hot Food Takeaway Supplementary Planning Document (March 2017) (SPD), which requires proposals for odour abatement to have no adverse impact on visual amenity. Despite its reference in the reason for refusal, Policy JP-P6 of the PfE is of no relevance to the assessment of this main issue.

Living conditions

9. The HFT would be accessed internally from the retail unit, and whilst not being ancillary, would be a complimentary use to the overall use of the site. Given this, and accepting the PFS operates 24/7, it would be reasonable to conclude that most of the business to the HFT would be from linked trips. Indeed, this is what the transport evidence concludes and additional people visiting the site would have a limited impact given that people already visit the site now. There are also alternative HFT options with drive thrus, eat in options and plentiful parking, in proximity to the site, which may be used in a linked trip or as an alternative offer. The Council provides no counter evidence regarding its asserted harmful increase in intensity and use, only assertion. Therefore, as the proposal is, in my view, increasing the offer that the site currently provides, it is unlikely to have any

adverse effect on the living conditions of nearby residents, particularly during the day.

10. That said, I accept that there could be some independent trips, or delivery drivers/cyclists collecting food during the evening, when background noise levels would be lower. This could lead to a slight increase in activity at the site, and residents may occasionally hear voices or observe increased activity at the site. However, the site is located on a busy arterial road that contains many commercial uses, other HFT's with eat in options and drive thrus, several of which open late into the evening, including the existing site which operates round the clock. Residential uses are located across this busy and wide main road, and the noise report also concludes that the proposal would only lead to a nominal 0.3dB increase in noise from the increase in activity on site. This would be negligible, and would not require attenuation. Thus, the proposed use alone is unlikely to exacerbate the effect to the point that there would be significant harm to neighbouring living conditions. Additionally, suggested conditions would control the hours of use, limiting the opening times to 0700-2300 Monday to Saturdays and 0800-2230 on Sundays and Bank Holidays [condition 10]. This would ensure that any activity arising from the site concluded by this hour, which would offer neighbouring residents respite during the later evening hours.
11. Congregations from delivery drivers would be unlikely as they are delivering hot food, and would be departing quickly to fulfil their job role. Assertions from the Council that site management would not be effective are without any substantive reasoning, nor is there any evidence of antisocial behaviour or crime that would arise because of this proposal. Furthermore, the site management plan could be the subject of a condition [condition 3], which would manage comings and goings and, if it were not operating effectively, the Council could pursue enforcement.
12. Bin collections would take place during the day, and the provision of extra bins to empty during the existing collection would not lead to adverse impacts, although a condition would ensure secure and appropriate arrangements [condition 8]. Any increased vermin or litter would be managed on site, and increased litter off site cannot be controlled by the developer. Deliveries to the site are likely to operate in the same way as already occurs, and the nominal increase is unlikely to result in any harm to neighbouring living conditions.
13. Therefore, whilst there would be a change to how the site operates, the proposal would not be an overly intensive use of the site, and increases in activity would have no harmful impact upon the neighbouring living conditions nearby. The proposal would comply with Policies SP1 and DM1 of the CS, Policies DC10 and DC26 of the UDP, and Policies JP-P1 and JP-P6 of the PfE. Together, these policies seek to have regard to the effects of development on amenity and health, including noise, odours, litter, vermin, safety, including by reducing opportunities for anti-social behaviour. There would also be compliance with Policy 2 of the SPD, which seeks to encourage centres and neighbourhoods which are vibrant and contribute to the Council's objective of improving the health of people living in Manchester.

Safety of all highway users

14. The evidence before me details that there would be an increase in trips of around 6% on weekdays and 7% on weekends. In numbers, this would equate to between

5 and 9 two-way movements during the weekday peak periods and around 12 two-way movements during the Saturday peak hour. During the later evening/early night time period, the increase would be fewer than 2 new trips during these hours. This is marginal especially considering the PFS is open 24/7. Given my conclusions above on there being limited increases in trips to the site, I am satisfied that the proposal would not lead to operational or safety concerns in relation to trip generation and traffic movements. This is in line with the findings of the Council's Highways Authority.

15. The proposal includes 3 additional car parking spaces to the front of the building, along with demarcated pedestrian walkways around the spaces. There appeared to me to be sufficient space to access the car parking spaces outside the building, even if all the pumps were in use. There is space to the side of pump 1 and it is likely that a vehicle could fit between pumps 2 and 3, and 4 and 5. Even if this were not the case, cars would simply have to wait until a car moved away to park. This is not unusual in PFSs. The new parking spaces would not be in front of the new access point, and would not hinder direct pedestrian access.
16. In terms of the parking surveys as requested by the Council, the car parking accumulation survey¹ concludes that the level of parking accumulation within the site during the later evening and early night time period is minimal and reduces towards the later evening hours. At no point is the capacity of the existing provision exceeded, and I see no reason why additional surveys would be necessary in this instance.
17. Fuel deliveries would use the same method as they do already. The increased car parking to the front of the retail unit would not affect this given the location of the tank farm, and tracking demonstrates that the new parking spaces would not hinder access around the forecourt and pumps. Other deliveries to the HFT would be every other day, and given this low frequency and existing site layout, I am satisfied that deliveries can be accommodated on site.
18. Delivery drivers or cyclists picking up food from the HFT would park up on site, in the adequate parking and cycle bays. The movements in this area likely to be mostly in the evening when the PFS would be quieter, and the likelihood of conflict arising between these movements would be limited.
19. The layout remains largely the same, and vehicles travel slowly through PFSs as drivers are either pulling in to fuel up, or pulling away when leaving. It is common for pedestrians to be walking where vehicles are driving, as they return to their cars following payment for fuel. I see no additional risk or safety issues created from the introduction of this use, or through an increase in pedestrians. Importantly, drivers are manifestly aware that there are pedestrians, as they will be about to, or have just carried out, that same pedestrian movement, and any additional drivers not fuelling up would be aware and experienced in the surroundings.
20. Therefore, the proposal would have an acceptable effect upon the safety of all highway users. This is compliant with Policies SP1, T1 and DM1 of the CS, Policy DC10 of the UDP, and Policies JP-P1 and JP-P6 of the PfE. Together, these policies seek to have regard to the effects of development on amenity, including road safety and traffic generation, being well connected to other places, delivering a sustainable, high quality, integrated transport system to encourage modal shift

¹ Appellant's Highways Statement of Case

away from car travel to public transport, cycling and walking. There would also be no conflict with the SPD.

Other Matters

21. The appellant does not need to demonstrate that the proposal is required to maintain the viable operation of the site. There is little evidence before me to demonstrate that the proposal would not promote healthier food choices or positively contribute to health and well-being. It is not located close to local schools, and whilst the Council latterly sought to introduce a new argument into its Statement of Case regarding walking routes, the proposal would comply with the SPD as it would be more than 400m away from a school.

Conditions

22. In addition to the conditions detailed above, the drawings are listed for certainty [condition 2]. The site is required to be laid out and demarcated in accordance with the site plan and details of the cycle store are necessary to ensure that there is suitable provision for all users [conditions 4 and 5]. Details of the extraction system are necessary to ensure there are no adverse fumes or odours [condition 6].
23. I have not imposed the condition restricting the maximum floor space as this is indicated on the plans, and condition 2 requires the development to be carried out in accordance with these plans. I have not imposed the condition referring to operational requirements in the Transport Statement of the appellant's Transport Statement of Case, as there are none. It is also unnecessary to require the development to be carried out in accordance with the Noise Impact Assessment as this simply assess the proposal, however, I have required the proposed plant to be installed as described in the report, which also negates the requirement for details to be submitted [condition 7]. I have also not imposed surveys for contaminated land investigations, given the small scale of the proposed groundworks. I have however, imposed a condition for unexpected contamination [condition 9].

Conclusion

24. For the reasons given above, the appeal is allowed.

Katie McDonald

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Block plan Ref: 13671-BP
 - Location plan Ref: 13671-LP
 - Proposed site layout Ref: 13671-P02 Rev C
 - Proposed sales building (Layout) Ref: 13671-P05 Rev E
 - Proposed sales building elevation Ref: 13671-P06 Rev B
 - Proposed section Ref: 13671-P07 Rev B
- 3) Prior to the development being brought into use, a site management plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide measures to manage external areas of the forecourt, which would be utilised as part of the implemented development, including the prevention of loitering outside the hot food takeaway and wider petrol filling station forecourt, and ensuring the appropriate undertaking of off-site customer deliveries.
- 4) Prior to the development being brought into use, the demarcation of pedestrian routes, cycle storage and car parking shall be implemented in accordance with the detail of drawing No 13671-P02 Rev C. The demarcated areas shall be maintained in situ thereafter.
- 5) The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained in perpetuity.
- 6) The development shall not be occupied until equipment to control the emission of fumes and odour from the premises has been installed in accordance with a scheme, which shall first have been submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated, maintained and retained in perpetuity.
- 7) Prior to the development being brought into use, the proposed plant and duct mounted attenuation, as described in the Noise Impact Assessment by EEC [EEC/EC19819-6 Version 1] shall be installed in full. All equipment installed shall thereafter be operated, maintained and retained in perpetuity.
- 8) Prior to the development being brought into use, a scheme for the storage and disposal of refuse, including external enclosures shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 9) Any contamination that is found during construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the

local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

- 10) The hot food takeaway shall only be open for customers between the following hours:
0700-2300 Mondays - Saturdays
0800-2230 on Sundays and Bank/Public Holidays.

*****END OF CONDITIONS*****