MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Motor Fuel Group
C/o Agent

Agent (if used)

JMS Planning & Development Ltd
Build Studios
203 Westminster Bridge Road
London
SE1 7FR

Part 1 – Particulars of the application/development

Proposal: 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

Location: Shell UK Ltd, 1081 Stockport Road, Manchester, M19 2RE

Date of application: 11 October 2024

Application number: 141206/FO/2024

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

The application has been determined within the statutory timescale. In this instance the principle of the application proposals is contrary to the adopted development plan and would not improve the social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make the development acceptable. The applicant's agent was informed of these concerns prior to the determination of the application.

Reason(s) for decision

1) The operation of the proposed hot food take-away in conjunction with the existing petrol filling station and ancillary, would lead to the overly intensive use of the application site. The proposed use would thereby potentially increase pedestrian and vehicular activity in and around the site resulting undue noise, disturbance and increased risk of crime and anti-social behaviour, particularly in the later evening and

early night-time period. It would thereby cause unacceptable harm to residential amenity and be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policies DC10 and DC26 of the Unitary Development Plan, policy 2 of Hot Food Takeaway Supplementary Planning Document March 2017 and policies JP-P1 and JP-P6 of Sustainable Development Joint Development Plan Document - Places for Everyone.

2) The development proposal has not demonstrated that additional traffic generated by the proposed hot food take away use could be accommodated within the site without compromising the operation of the existing petrol filling station and retail unit. The related adverse impacts relate to potential pedestrian and vehicular conflict associated with additional customer activity within the site, the undertaking of off-site deliveries and the insufficient provision of customer car parking. The development would thereby be detrimental to pedestrian and highway safety and unduly harmful to residential amenity contrary to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC10 of the Unitary Development Plan, Policy 2 of the Hot Food Takeaway Supplementary Planning Document March 2017 and policies JP-P1 and JP-P6 of Sustainable Development Joint Development Plan Document - Places for Everyone.

3) The proposed extension and roof top extraction flue, associated with the operation of the proposed hot food take away, would have an incongruous and overbearing impact on the streetscene and undermine the quality of the existing built environment presented to Stockport Road. It would therefore be harmful to the visual and residential amenities of the area, including the setting of the Grade II listed St Andrews Church. The installation of the proposed flue would thereby be contrary to policies SP1, EN3 and DM1 of the Core Strategy for the City of Manchester and saved policy DC19 of the Unitary Development Plan and the Hot Food Takeaway Supplementary Planning Document March 2017 and policies and policies JP-P1 and JP-P6 of Sustainable Development Joint Development Plan Document - Places for Everyone.

Date: 5 December 2024

Signed:

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.