JMS PLANNING & DEVELOPMENT

PLANNING STATEMENT

IN SUPPORT OF A PLANNING APPLICATION
BY MFG

IN RESPECT OF A NEW HOT FOOD TAKEAWAY OFFFER WITHIN EXISITNG SALES BUILDING AND MINOR EXTERNAL ALTERATIONS

AT

LEVENSHULME SERVICE STATION
1081 STOCKPORT ROAD
MANCHESTER
GREATER MANCHESTER
M19 2RE

May 2024

Client: Shell UK Limited
Project: Food-to-Go at Levenshulme Service Station
Date: May 2024

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CONTENTS

SECTION 1: INTRODUCTION 1
SECTION 2: MOTOR FUEL GROUP 2
SECTION 3: SITE AND SURROUNDING AREA 3
SECTION 4: THE APPLICATION PROPOSAL 4
SECTION 5: PLANNING HISTORY 5
SECTION 6: PLANNING POLICY FRAMEWORK 6
SECTION 7: PLANNING ISSUES 16
SECTION 8: CONCLUSIONS 21

SECTION 1: INTRODUCTION

1.1. This Planning Statement has been prepared on behalf of Motor Fuel Limited (MFG) and is submitted in support of an application for full planning permission for the "Change of use of part of existing floorspace to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, fume extraction flue and external plant equipment" at Levenshulme Service Station, 1081 Stockport Road, Manchester, M9 2RE. This is a resubmission of a previously withdrawn application and includes additional information to address the previously outstanding issues.

1.2. This Statement continues in Section 2 by providing a summary of the Motor Fuel Group, with Section 3 providing a summary of the site's location and its context, with a brief summary of the planning history for the site within Section 4. Full details of the proposal are set out in Section 5. A detailed summary of the planning policy position at national and local level is contained within Section 6. Section 7 sets out the justification for the proposal in the context of the national requirements, local need and the policy position and addresses the reason why the previous similar application was withdrawn. Conclusions on all matter are drawn in Section 8.

1.3. The application merely seeks to authorise the introduction of an additional use of a hot food takeaway (with minor external alterations) which is potentially ancillary to the main use of the site as a petrol filling station, providing a supplementary facility for existing users of the site, enhancing the retail offer for customers. This is expanded upon more fully in the report, particularly the Application Proposal Section and Planning Issues.

1.4. It is considered that the submitted application is of significant merit. Namely;

- The provision of a wider and enhanced sales offer at an existing service station to meet customer expectations, and
- The proposal makes best use of an existing established service station in an appropriate location.

SECTION 2: MOTOR FUEL GROUP

2.1 Motor Fuel Group (MFG) is the largest independent forecourt operator in the UK. The Company has around 900 sites offering customers a growing dual fuel strategy, a versatile valeting offer and a convenient retail and 'food-to-go' offer, operating under the BP, Shell, Esso, Texaco, JET and Murco fuel brands.

2.2 MFG is backed by committed investors and is focused on growing and developing the business into one of the most dynamic and profitable independent forecourt operators in the UK.

2.3 MFG completed the acquisition of the retail assets of Murco Petroleum on 1 October 2014. In April 2015 90 Shell branded stations were acquired and then following this, the Company acquired the north-west based Synergie Holdings with 19 stations and the north-east based Roadside Group with 10 stations. In 2017, MFG acquired four stations each from FW Kerridge and Burns & Co, nine stations from Macclesfield-based Manor Service Stations and 14 stations from the Golden Cross Group.

2.4 At the end of February 2018, MFG announced the £1.2 billion acquisition of MRH, bringing nearly 500 stations and the Greggs, SPAR and its own Hursts brands into the network.

2.5 From 1 April 2015, MFG decided to launch Murco as a dealer brand. The 180 strong dealer network will continue to use this well recognised brand and with its dedicated team Murco intends to grow, develop and strengthen a very flexible dealer offer, building on the great service and delivery standards that Murco has always been known for.

2.6 MFG intends to continue to offer its customers premium fuel brands and electric vehicle charging coupled with an attractive, competitive and expanding forecourt shop offer for today's cost-conscious consumers. The Company's key objective is to make all visits to a MFG forecourt as pleasurable as possible. They aim to provide our customers with high levels of service; good quality, competitively priced fuels and charging and, of course, a convenient and competitive shopping experience.

2.7 The Company's intention is to ensure that its shops provide customers with an exceptional product range and 'food-to-go' offer from top name brands, ongoing value promotions and a shopping environment to match any of the multiples, whilst the forecourts met the every need of motorists.

SECTION 3: SITE AND SURROUNDING AREA

3.1 Levenshulme Service Station is located on the east side of Stockport Road (A6) which is a single carriageway and provides access from the M60 and Stockport into the urban area and city centre of Manchester. The A6 continues beyond the M60 to the south of Stockport and through the Peak District National Park, eventually linking to Derby.

3.2 The south west boundary of the site fronts on to Stockport Road and the north east boundary is defined by Cringle Road, behind which are two storey, Victorian style semi-detached houses and some terraces of the same style. To the east of the site, immediately abutting the boundary is a small area of open space adjoined by a pair of modern, semi-detached properties, beyond which is a Victorian terrace.

3.3 To the south of the site is a large unit occupied by Jetts 24 Hour Gym with a Greggs occupying the very southern part of the building. Beyond this is a number of smaller buildings in mixed-use including tutoring/education uses, estate agents, accountants etc. Beyond the Lloyd Road junction there is a KFC and McDonalds both with drive through facilities. On the opposite side of Stockport Road is a flatted development of three storeys, a former church (Church of St Andrew (Grade II listed)) and terraced Victorian properties. The McVities biscuit factory is located further south.

3.4 Levenshulme District Centre is located about 50m to the north of the application site and extends about 1km to the north.

3.5 The Manchester city boundary follows Black Brook just to the south of McDonalds and all land south of this, including the McVities biscuit factory, falls within the jurisdiction of Stockport Metropolitan Council.

3.6 Overall the area is mixed in character including traditional Victorian style semi-detached and terraced housing, but also traditional and modern commercial buildings ranging from traditional factories to modern drive thru facilities.

3.7 The existing site comprises a petrol filling station with shop located to the far south of the site with a three island starter gate forecourt arrangement providing a total of six refuelling points with canopy over. To the north of the site is a recently installed EVC hub incorporating recharging bays for seven vehicles with the associated infrastructure plus two jet washes. Beyond the EVC hub is a grassed area with boundary trees/shrubs abutting Cringle Road.

3.8 The site is level and located in Flood Zone 1.

SECTION 4: THE APPLICATION PROPOSAL

4.1 The application seeks planning permission for the "*Change of use of part of existing floorspace to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, fume extraction flue and external plant equipment*" at Levenshulme Service Station, Stockport Road, Manchester. The offer will include hot food and drinks, which will be primarily consumed off-site, complementing the existing offer on site.

4.2 The established use of the site is sui generis (petrol filling station). The new hot food takeaway offer, which will be located within the existing envelope of the sales building, will technically introduce a new use to the site (sui generis – hot food takeaway), albeit this will operate in a secondary manner to the petrol filling station.

4.3 A small area of the petrol filling station sales building will be used for the new hot food takeaway offer, complementing the existing offer on site. The new hot food takeaway offer will operate within the current opening hours of the petrol filling station.

4.4 The external appearance of the sales building will be largely unchanged as the internal sales and storage areas will be reconfigured, which does not specifically need planning permission. There will be the addition of an external chiller and freezer unit on the western elevation of the building, plus additional plant added to the rear of the building (close to existing plant). The new chiller/freezer will add just 10 sqm to the gross floor area of the building, the retail sales area slightly decreases from 148 sqm to 138 sqm and the new food-to-go area will be 55 sqm, which previously was the store area to the rear of the sales building, which was surplus to requirements, therefore making best use of an existing building.

4.5 Therefore, the proposals relate primarily to the introduction of a new hot food takeaway offer on the site replacing an area previously used for storage that was surplus to the retailer's needs, which will complement the existing sales building offer and petrol filling station and will provide customers with an enhanced offer.

SECTION 5: PLANNING HISTORY

5.1 A review of the planning history of the application site has been undertaken using the Council's online database.

5.2 Planning permission was granted for the "*Installation of 7 electric vehicle charging points and 2 jet wash bays, together with related canopies, electricity substation and associated infrastructure*", Ref: 131344/FO/2021 approved 1 June 2022. The relevant conditions have been discharged and this permission has been implemented.

5.3 As noted above, an application was submitted in 2023 for "*Change of use of part of existing floorspace to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, fume extraction flue and external plant equipment*" which was referenced 136176/FO/2023 but was withdrawn on 2 June 2023. Prior to the Applicant's withdrawal the LPA had requested additional information on transport related matters and odour but due to changing operational requirements at that time this was not provided and the application withdrawn. However, the situation has now changed again and a revised application is submitted addressing those issues which were previously outstanding.

5.4 There is no other planning history of relevance to this application.

SECTION 6: PLANNING POLICY FRAMEWORK

6.1 This Section of the Planning Statement sets out national and local planning policy framework relevant to the proposed planning application.

National Planning Policy Framework

6.2 The National Planning Policy Framework (NPPF) was updated in December 2023 and constitutes guidance for local planning authorities and decision-makers and is a material consideration in the determination of planning applications (paragraph 2).

6.3 The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7).

6.4 Paragraph 8 confirms that there are three overarching objectives to sustainable development: economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways.

- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- A social objective – to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and

- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making efficient use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.5 These objectives should be delivered through the preparation and implementation of plans and application of policies in the framework; they are not criteria against which every decision can or should be judged. It is confirmed that the planning system should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into

account, to reflect the character, needs and opportunities of each area (paragraph 9).

6.6 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). For decision-takers this means, inter alia, approving development proposals that accord with the development plan without delay.

6.7 Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with Applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-takers at every level should seek to approve applications for sustainable development where possible (paragraph 38).

6.8 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing (paragraph 47). Local Authorities may give weight to relevant policies and emerging plans according to the stage at which they are at and the extent of unresolved objections (paragraph 48).

6.9 Chapter 6 of the NPPF sets out the government's intentions to build a strong, competitive economy. Paragraph 85 advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

6.10 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and where there are opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future (paragraph 85).

6.11 Planning policies set out a clear economic vision and strategy which positively and practically encourages sustainable economic growth having regard to; the local industrial strategies and other local policies for economic development and regeneration; set criteria to identify strategic sites for local inward investment to match the strategy and meet anticipated needs over the plan period; seek to address potential barriers to investment; and be flexible enough to accommodate the needs not anticipated in the plan, allow for new and flexible working practices and enable a rapid response to changes in economic circumstances (paragraph 86).

6.12 Planning policies and decisions should recognise and address specific locational requirements of different sectors (paragraph 86).

6.13 Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, as well as the retention and development of accessible local services and community facilities, such as local shops (paragraph 88).

6.14 Transport issues should be considered from the early stage of plan-making in development proposals so that potential impacts of development and transport networks can be addressed, opportunities from existing or proposed transport infrastructure and changing transport technology and usage are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling or public transport are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places (paragraph 108).

6.15 Paragraph 110 confirms that planning policy should provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. A footnote to this paragraph notes that such facilities would include roadside services but that the primary purpose of these services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

6.16 Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (paragraph 112).

6.17 Planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 123).

6.18 The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is the effective engagement

between applicants, communities, Local Planning Authorities and other interests throughout the process (paragraph 131).

6.19 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users (paragraph 135).

Development Plan Policy

6.20 To the extent the Development Plan policies are material to an application for planning permission, a decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004).

6.21 The Development Plan to the application site comprises the Manchester Core Strategy (Adopted July 2012) and March 2004 update following the adoption of 'Places for Everyone Joint Development Plan' (prepared by Greater Manchester Combined Authority) which also forms part of the Development Plan, plus the saved policies from the Manchester Unitary Development Plan (UDP). There is no Neighbourhood Plan covering the site. Upon the adopted Proposals Map for Manchester the site is unallocated, it is located approximately 50m from Levenshulme District Centre and is on a Major Road/Rail Environmental Improvement Corridor.

Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Stratford and Wigan Adopted March 2024.

6.22 The above mentioned document has been prepared by Greater Manchester Combined Authority and its aim is to deliver the ambitions in the Greater Manchester Strategy to create sustainable growth in the nine boroughs, providing a framework for Local Plans and specific requirements where appropriate. It also to assists in providing policies to inform the preparation and determination of planning applications, identifies the important environmental assets which will be protected and enhanced, allocate sites for employment and housing outside of the urban area, supports the delivery of key infrastructure and defines new Green Belt boundaries for the nine boroughs.

6.23 The plan sets out a number of objectives which include meeting housing need, creating neighbourhoods of choice, ensuring a thriving and productive economy in all parts of Greater Manchester.

6.24 Given the scale of the application proposal many of the policies within this document. whilst important, do not relate directly to the proposal. However, the relevant policies have been identified below:

- Policy JP-S1 (Sustainable Development) – generally reflects the guidance set out in the NPPF and confirms the importance of making best use of previously developed land and vacant buildings to meet development needs;
- Policy JP-P1 (Sustainable Places) – creating a series of beautiful, healthy and varied places with a number of objectives set for achieving these goals. This policy covers matters such as resource efficiency and making best use of land; designing out crime and anti-social behaviour; ensuring site efficiency; including facilities for servicing, recycling refuse and storage; and incorporating inclusive design;
- Policy JP-P4 (New Retail and Leisure Uses in Town Centres) – sets out the hierarchy of centres for retail and leisure uses.

Manchester Core Strategy (July 2012)

6.25 Policy SP1 (Spatial Principles) (as updated in March 2024) sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and confirms that the regional centre will be the focus for commercial development, retail, leisure and cultural activity, alongside high quality city living. However, beyond the city centre and airport area, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

6.26 The policy also sets out core development principles which confirms that development in all parts of the city should make a positive contribution to neighbourhoods of choice including:

- Creating well-designed places that enhance or create character;
- Making a positive contribution to the health, safety and wellbeing of residents;
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income; and
- Protect and enhance the built and natural environment.

6.27 The policy also requires the minimisation of emissions, ensuring efficient use of natural resources and reuse of previously developed land wherever possible and also requires development to improve access to jobs, services, education and open space by being located to reduce the need to travel and to provide good access to sustainable transport provision.

6.28 Policy EC1 (Employment and Economic Growth in Manchester) (as updated in March 2024) sets out the employment aspirations for Manchester in terms of development land requirements for specific land uses, but also advises that the Council will support other significant contributors to economic growth and productivity, including health, education, retailing, cultural and tourism facilities and other employment generating uses mainly in the city centre and Eastlands (Eastlands a key employment area) in line with the centre hierarchy. The policy recognises priorities for ensuring continued economic growth which include improving the portfolio of employment premises, by providing a range of employment sites and premises for small, medium and large businesses, and ensuring the continued social, economic and environmental regeneration of the city.

6.29 The policy also requires development proposals to have regard to climate change resilience; ensuring design makes the best possible use of a site or building in terms of efficient use of space; enhancing the sense of place in the wider area and minimising detrimental impacts on adjacent uses; considering the needs of users and employers of a site/building for access via walking, cycling and public transport, and the reduction of opportunities for crime by applying current and best practice in secure design and flood risk.

6.30 Policy EC9 (South Manchester) confirms that South Manchester (in which the site falls) is not expected to make a significant contribution to the employment provision within the city and it is anticipated that new development will mainly consist of office development. Employment and economic development provision will be within existing employment areas and the district centres including Levenshulme, which will be suitable for mixed-use development providing local needs and services. Development proposals and planning applications should have regard to:

- Ensuring efficient use in existing employment space;
- Improving public transport, walking and cycling connectivity between residential neighbourhoods and employment locations.

6.31 Policy C1 (Centre Hierarchy) confirms that Levenshulme is designated as a district centre and therefore considered to have an essential role in providing key services to the city's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily.

6.32 Policy C2 (District Centres) confirms that development will support thriving district centres, with distinct local character, providing a good range of accessible key services including retail, health facilities, public services, leisure activities and financial and legal services.

6.33 Policy C6 (South Manchester District Centres including Levenshulme) confirms that there is capacity for further convenience and comparison retailing

floorspace within these centres particularly for enhanced provision within Levenshulme.

6.34 Policy C9 (Out of Centre Development) confirms that the development of town centre uses in locations which are outside of centre, defined in Policy C1, will be inappropriate unless it can meet the following criteria:

- There are no sequentially preferable sites or allocated sites within the area the development is intending to service that are available, suitable and viable;
- The proposal would not have unacceptable impacts either individually or cumulatively, with recently completed and approved schemes and having regard to any allocations for town centre uses, on the vitality and viability of a city centre and designated district and local centres. An assessment of impacts will be required for retail developments of more than local significance; and
- The proposal is appropriate in terms of its scale and function to its location.

6.35 The policy also states that development that improves the environment of an existing out of centre facility or its relationship with surrounding uses will be supported provided that it also meets the other criteria in this policy.

6.36 Policy C10 (Leisure and Evening Economy) confirms that new development and redevelopment that supports the evening economy, contributes to the vitality of District Centres and supports a balanced and socially inclusive evening/night time economy will be permitted, subject to a number of considerations:

1. Cumulative impact;
2. Residential amenity; and
3. Balance ensuring that both the day and night time economy are supported whilst not undermining the role of the prime shopping area.

6.37 Additional guidance within Policy C10 is provided in relation to hot food takeaways and in addition to the above it is confirmed that consideration will be given to:

- The existing number of similar establishments in the immediate area and their proximity to each other;
- The type and character of other uses such as houses, shops and public houses;
- The existence of vacant shop units and the condition of the unit;
- The importance of the location for local shopping and the number/function and location of shops that would remain to serve the local community;
- The character of the centre and its frontage, and nature of the proposed use;

- The potential impact of the proposal on the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

6.38 Policy EN1 (Design Principles and Strategic Character Areas) confirms that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on radial and orbital roads and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the city, and supports the achievement of Core Strategy strategic objectives.

6.39 The Southern Character Area, in which the application site falls, notes the presence of older development (1750-early 1900) at key junctions along historic radial routes often, but not exclusively, associated with district centres. The policy advises that new development needs to retain the identity and focus of the activity associated with the historic district centres and appropriate development along the radial routes should be commensurate in scale with the prominence of its location.

6.40 Policy DM1 (Development Management) states that all development should have regard to the following specific issues:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding area in terms of design, scale and appearance of the proposed development including consideration to the character of the surrounding area;
- Effects on amenity including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation;
- Accessibility so buildings and neighbourhoods are fully accessible to disabled people, and access to new development by sustainable transport modes;
- Community safety and crime prevention;
- Design for health;
- Adequacy of internal accommodation and external amenity space;
- Refuse storage and collection;
- Vehicular access and car parking;
- Effects relating to biodiversity, landscape, archaeology, or built heritage;
- Green infrastructure including open space, both public and private;

- Flood risk and drainage;
- Existing or proposed hazardous insulation; and
- Demonstration of sustainable construction techniques.

Saved Policies of the Unitary Development Plan

6.41 Policy 10 relates to food and drink uses and advises that in determining planning applications for development involving the sale of food or drink for consumption on the premises or for that food to be consumed off the premises the Council will have regard to:

a) The general location of the proposed development including any reference to the area in other policies in the Plan;
b) The effect on the amenity of neighbouring residents;
c) The availability of safe and convenient arrangements for car parking and servicing;
d) Ease of access for all including disabled people; and
e) The storage and collection of refuse and litter.

6.42 The Policy continues to say that the Council will normally accept the principle of developments of this kind in the city centre, industrial and commercial areas and in shopping centres and at ground level in local shopping parades of more than eight units or offices. In areas outside of the above, development will not normally be permitted.

6.43 Policy 26 relates to development and noise and confirms the Council's commitment to the impact of noise on people living and working or visiting the city. This Policy confirms the Council considers both the effect of new development proposals which are likely to be generators of noise and the implications of new development being exposed to existing noise sources which are effectively outside planning control. This is a pragmatic approach to noise consideration.

6.44 Policy DC22 (Petrol Filling Stations) confirms that in determining planning applications for development involving petrol filling stations, the Council will have regard to the general location of proposed development; effect on the amenity of neighbouring properties; the need for safe and convenient arrangements for access, circulation and egress; road safety and the safety of pedestrians; the adequacy of the local traffic circulation system and prevailing local traffic conditions; the ease of use for all; the need to achieve design which results in a satisfactory relationship with the streetscene; and the use of quality materials including hard and soft landscaping, and the amount of prominence of advertisements and signage. The policy does not include any advice on ancillary elements associated with petrol filling stations.

6.45 The supplementary planning guidance builds on advice set out in the NPPF and Core Strategy and provides more concise guidance.

6.46 Policy 1 (Vitality and Viability) advises that hot food takeaways will not be supported in District and Local Centres where the cumulative impact of introducing this facility will be detrimental to the vitality and viability of a centre and would affect the balance between the day time and night time economy and the health of the population. The Policy goes on to set a number of criteria against which the proposals should be assessed. However, it continues to say that exceptions to the above are Manchester City Centre and Rusholme District Centre, where it is acknowledged that the key role of these centres is to serve the night time economy. These areas have become known as locations for food and drink attracting visitors from across greater Manchester and beyond. In these centres hot food takeaway applications will be considered based on an assessment of the impact on the role and character of the surrounding area.

6.47 Policy 2 (Amenity) confirms that hot food takeaways will be considered against Core Strategy Policy DM1 (Development Management) and specific considerations include:

- Hours of opening;
- Extraction of odours and noise abatement;
- Disposal of waste products and customer litter; and
- Highway safety.

6.48 Policy 3 (Hot Food Takeaways and Schools) sets a threshold in terms of a distance from a school in which a takeaway facility will be restricted in its hours of operation except within a local centre, as follows:-

> "*Where a hot food take away is proposed within 400 metres of a primary or secondary school, and the proposal meets planning policy in other respects, planning permission will only be permitted subject to the condition that opening hours are restricted to the following*:
>
> *A primary school: the hot food takeaway is not open to the public between 3 pm to 5.30pm on weekdays.*
>
> *A secondary school: the hot food takeaway is not open to the public before 5.30pm on weekdays*."

SECTION 7: PLANNING ISSUES

7.1 This section of the Planning Statement sets out the general planning matters which require consideration in the determination of this application. Accordingly, the following general planning matters are considered below:

- The principle of development on the site;
- Retail impact and sequential assessment;
- Amenity considerations including heritage; and
- Parking and transport.

Principle of Development

7.2 Levenshulme Service Station is an established petrol filling station located in an urban area operating 24 hours a day seven days a week. The provision of a hot food offer on-site supports the Applicant's ambition to ensure that its sales buildings provide customers with an exceptional product range and 'food-to-go' offer, as motorists have come to expect at petrol filling stations, particularly those offering dual fuel options where customers have a short wait on site whilst their vehicles recharge.

7.3 The established use of the site is sui generis (petrol filling station). The proposed use is sui generis (hot food takeaway). In terms of the 'loss' of petrol filling station use, there are no planning policies which protect existing sui generis uses, albeit Policy DC22 acknowledges the role petrol stations play. Notwithstanding, a large proportion of the petrol filling station retail sales area will be retained – 138 sqm in total – with small loss only arising due to the reconfiguration of the floor area. The hot food element will occupy an area equivalent to that previously used for storage which was surplus to requirements. The revised sales building format will provide staff and customers with sufficient space for the petrol filling retail area and all other necessary supporting space including 'back of house' area, staff area and customer toilets etc. Therefore, the reconfiguration of the sales building floorspace is acceptable in principle, subject to assessment of the impacts of the proposed use on the surrounding area and the residential amenity of surrounding occupiers.

7.4 Whilst the site is outside of Levenshulme District Centre, it is very well related to it, and close to other similar uses and positioned on a site operational 24 hours (plus adjacent to other 24 hour uses). Policy C10 supports the leisure and evening economy, albeit further consideration is required for takeaway uses. Whilst this policy does not strictly apply to the site due to its location (outside a district centre), it is a relevant consideration in terms of amenity etc which is considered further below.

7.5 The SPG as detailed in the Policy Section is relevant, and it should be noted the site is beyond 400m from any primary or secondary school, and therefore

opening hour restrictions should not apply, albeit in line with Policy 2 of the SPG amenity issues do require further consideration and these are discussed below.

7.6 In terms of the proposed hot food takeaway offer, this will not operate independently from the petrol filling station but will support the existing use and provide an enhanced retail/hot food offer for primarily existing customers and motorists. The proposed facility will operate in a secondary manner to the petrol filling station. It will not result in a new shopfront and separate access, but rather will be incorporated into the existing facility and share facilities including access doors, toilets and refuse storage.

7.7 Whilst planning permission is sought for the proposals as a technicality, it could be argued that the hot food provision will operate in an ancillary manner to the existing petrol filling station.

7.8 Any test for whether a use is ancillary to another, or not, is a matter of fact and degree and each case has to be determined on its particular merits. However, in practice two principal criteria have emerged from case law (Harrods Ltd v Secretary of State for the Environment Transport and the Regions (2002)). First, a severability test, and second an environmental impact test.

7.9 Applying the first test, it must be considered whether the alleged ancillary use could practically and viably operate on its own were the primary use of the premises to cease. If it could, then the use is very unlikely to be ancillary as there is clearly no linkage or dependency. In the case of the proposed hot food takeaway, this would not viably operate without the petrol filling station as it relies on the petrol filling station sales building for access, floorspace and waste facilities. The open plan nature of the sales building and proposed hot food takeaway offer mean that the hot food takeaway offer could not be severed from the rest of the sales building – the proposed takeaway will be incorporated into the existing sales building and cannot physically be separated or cut off.

7.10 The second test would look to any outward effects of the use, in terms of the appearance of the premises, the amenity of the surrounding area or neighbourhood traffic conditions. If it could be shown that there would be a significantly greater impact following from the introduction of the alleged ancillary activity than one could reasonably expect from the existing use, then it is likely that a change of use has occurred.

7.11 In the case of the proposed new hot food takeaway offer, no real change is proposed to the appearance of the premises. Amenity and highways/traffic implications are considered further below, but it is concluded that there will be no material impact in this regard. Whilst some additional air conditioning and extraction equipment is required this is positioned adjacent to the existing provision currently needed for the main use of the site as a service station and small chiller/freezer pod is to be added. Therefore, it is not considered that

there would be a "significantly greater impact" (as defined by case law) following the introduction of the proposed hot takeaway offer.

7.12 In addition, the proposed hot food takeaway area will only form a small part of the overall sales building – approximately 56 sqm out of the 333 sqm of total GEA floorspace – this equates to 16% which can be regarded as an insignificant area of floorspace.

7.13 Given the above, it could be argued that a material change of use will not occur as a result of the proposals. The proposed use will be largely ancillary to the existing petrol filling station use. Customers of the proposed hot food takeaway offer are anticipated to predominantly be existing customers/motorists of the petrol filling station, who have come into the shop to pay for fuel and purchase other small items.

7.14 Notwithstanding the above, planning permission for the proposed hot food takeaway offer is sought as a technicality, and the principle of the proposal is acceptable for the reasons set out above. The proposal accords with policy making best use of existing land and buildings in appropriate locations.

Retail Impact and Sequential Assessment

7.15 As described above, the proposed floorspace of the hot food takeaway area is approx. 56 sqm and makes use of existing retail floorspace. The National Planning Policy Framework (NPPF) requires an impact assessment only for developments involving an additional 2,500 sqm gross or more floorspace. The adopted development plan does not set a threshold. The proposal in this case falls well below the NPPF threshold and relates to existing floorspace (i.e. no meaningful new floorspace is created bar chillers/freezers of 10 sqm), therefore an impact assessment is not required.

7.16 Notwithstanding this, in light of the very limited scale of the proposal which merely improves the offer of the petrol filling station site, together with the similar uses in the wider area (which are not protected by retail policy), it is not considered that there will be any significant diversion of trade from any single centre or particular retail or commercial unit which is protected under retail policy. Accordingly, there will not be any adverse impact arising from the proposal. Overall, the proposal accords with the relevant national and local planning policy, namely Core Strategy Policy C9.

7.17 Given the size of the proposal, making use of existing floorspace (authorised for retail), its ancillary relationship with the existing use on the site, meaning it is intrinsically linked to the service station, and noting the similar uses in the wider area, the sequential assessment is not relevant to the proposal.

7.18 Accordingly, the proposal is considered to accord with relevant policy set out in the NPPF and Development Plan including Policy C9.

Amenity Considerations Including Heritage

7.19 The proposal includes only the addition of a chiller/freezer to the eastern elevation of the building and minor additions to the existing plant to the rear of the building, with no physical alterations proposed to the building frontage. Therefore, it is not considered that there will be any amenity impact by way of loss of privacy, overlooking, or loss of daylight/sunlight.

7.20 Having regard to noise, disturbance and level of activity, it is considered that the site will continue to operate much in the same way as the existing situation on site. No significant uplift of customers is envisaged, as it is anticipated that the majority of customers of the new hot food takeaway will be existing customers/motorists of the petrol filling station who require refreshments.

7.21 The plant associated with the proposed use has been fully considered in the submitted Noise Report. With the addition of plant and duct mounted attenuation as part of the installation, the proposal will meet the requirements of the Local Authority during all periods of operation and at the closest noise sensitive receptors. Accordingly, it is concluded that noise does not pose a material constraint to the proposal.

7.22 The application is also submitted with an Odour Assessment prepared by SLR which follows the recommended guidance. The guidance indicates that the cooling operation and kitchen extract system proposed at the site would have a '*high*' significance score and therefore a '*high*' level of odour control would be required and is proposed, to meet the guidance. Therefore it is considered that appropriate odour control will be in place to meet the guidance.

7.23 Overall, given the urban nature of the site and character and uses in the surrounding area, including other take away uses, and the existence of the petrol filling station on site it is not considered that the proposal will have any impact on residential amenity and the submitted supporting documents confirm the site is acceptable in noise and odour terms addressing the requirements of Policy DM1 (Development Management).

7.24 The site's proximity to the Grade II listed church is noted but it is not considered that the proposal has any impact on the existing character of the service station which includes many structures and elements plus signage commonly associated with a petrol filling station. Therefore it is not considered that the proposal changes this relationship in any way.

Parking and Transport

7.25 The application is submitted with a Transport Technical Note prepared by Bellamy Roberts which assesses the change of use in terms of traffic generation and parking standards and the comments previously raised by highways (with

reference to application 136176/FO/2023). The report concludes that the proposal would not result in an unacceptable impact on highway safety and sufficient car parking is proposed to ensure these would not overspill parking on the local highway network. The proposal should therefore be considered acceptable in highway and transport terms.

7.26 The site is also highly accessible by foot and bicycle given its urban location, for those making linked to the site for top-up shopping trips and the hot food offer.

7.27 No changes are proposed to the site in terms of access. Overall, the proposals are considered to be acceptable in highways and parking terms and accord with the NPPF and Development Plan.

SECTION 8: CONCLUSIONS

8.1 The application seeks the creation of a new hot food takeaway offer within the existing sales building at Levenshulme Service Station, Stockport Road, Manchester, M19 2RE.

8.2 The National Planning Policy Framework identifies the need for planning positively for sustainable development and creating the conditions in which businesses can invest, expand and adapt. Significant weight is placed on the need to support sustainable economic growth and to allow for new and flexible working practices.

8.3 This proposal seeks to make the most efficient use of the site and provide an enhanced retail offer for motorists and surrounding residents complementing the existing offer on the site.

8.4 It could be argued that a material change of use will not occur as a result of the proposals and the proposed hot food takeaway use will be ancillary in nature due to the severance and environmental impact test. In addition, the hot food takeaway offer takes up only a small proportion of the existing floorspace within the sales building which is currently underutilised. Notwithstanding, planning permission is sought as a technicality.

8.5 The proposed use will operate in a similar manner to other concessions found in petrol stations including Costa Express which operators on this site providing quality takeaway hot drinks, or Subway found in many petrol station sites countrywide without causing any adverse impacts. Customers of the proposed hot food takeaway offer are anticipated to predominantly be existing customers/motorists of the petrol filling station, who have come into the shop to pay for fuel and purchase other small items or are waiting whilst their cars charge on site.

8.6 There will be very minor changes to the physical appearance of the site with the addition of a freezer/chiller unit and additional plant which has been sensitively located adjacent to existing plant. Detailed consideration has been given to residential amenity and the application is submitted with a Noise Report confirming the proposal is acceptable in noise terms, with appropriate attenuation in place. An Odour Assessment has also been submitted with the application which confirms that appropriate plant will be installed to ensure appropriate odour control. Similarly, transport information has been submitted confirming the site is acceptable in highway safety terms. Accordingly, no impacts on residential amenity , transport nor any retail impacts will occur.

8.7 Overall, it is considered that the application proposal will enhance the site's offer, being complementary to the main petrol filling station use, but will provide an upgraded product range in line with expectations of the modern motorist. The proposals are in accordance with the NPPF and Development

Plan making best use of existing, surplus, floorspace and meeting the needs and expectations of motorists.