

DELEGATED REPORT

Report by Helen Pressley	Date of report: 14/11/2025	Ref: 72432/FUL
Registration: 03/10/2025	LDfC: 14/11/2025	Expiry Date: 28/11/2025
Site Visit: 13/11/2025	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Variation of condition 11 (operating times) on planning permission 55660 (Redevelopment of petrol filling station): to allow for 24 hour operation of site

Location: Whitefield Garage, 325 Bury New Road, Whitefield, Manchester, M45 7SE

Description

Planning permission was granted under application 55660 for the redevelopment of the site comprising a new sales building and canopy over, boundary treatment, below ground storage tanks, LPG tanks and compound and associated works.

The sales building approved was single storey with a flat roof and a floor area of 120m², set back to the rear of the site. The proposed canopy would be attached to the building and project over the forecourt.

The forecourt approved comprised four pump islands in a square configuration and the existing access and egress arrangements would be maintained. A 2.1m high paladin fence to the LPG compound to the rear, a new boundary wall to the northern perimeter and planting to the southern boundary with Savoy Court were also approved.

This application seeks to vary condition 11 of planning permission 55660 to allow for 24 hour operation of site. Condition 11 reads:

All operations associated with the use hereby permitted shall not be open to customers outside the following times: 06.00 to midnight.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.

Relevant Planning History

55660 - Redevelopment of petrol filling station comprising of new building, canopy over, below ground storage tanks, LPG tanks and compound and associated works - Approve with Conditions 03/12/2012

56086 - 4 No. internally illuminated fascia signs; 1 No. internally illuminated free standing price sign - Approve with Conditions 24/04/2013

62439 - 1 No. internally illuminated fascia sign, 1 no. internally illuminated totem sign, 1 no. internally illuminated canopy sign (elevation B); 2 no. non illuminated canopy signs (elevations A & C) - Approve with Conditions 23/03/2018

Publicity

Letter sent to neighbouring properties 23/10/2025

3 objections received in relation to:

- light, noise and activity of a 24 hour operation will be disruptive to the sleep of residents.
- Already causing a disturbance during opening hours.
- Internally illuminated totem sign shines into people's windows.
- There is currently no valid reason for the signage to be switched on day and night.
- Staff make regular use of tannoy horn.
- Vehicles pull up to pumps blasting music.
- Vehicle movements and customer activity at night will have an additional impact on the amenity of residents nearby.
- Already 24 hour operations in more appropriate places, not in a residential area.
- May attract anti-social behaviour.

Statutory/Non-Statutory Consultations

Traffic Section - No response

Environmental Health - Pollution Control - The noise assessment has identified that if all noise control measures are implemented then there is low impact expected.

Pre-start Conditions - Not relevant

Development Plan and Policies

HT2/1	The Strategic Route Network
EN1/2	Townscape and Built Design
EN1/9	Advertisements
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
EN1/5	Crime Prevention
EN7/2	Noise Pollution
H3	Incompatible Uses in Residential Areas
H3/1	Assessing Non-Conforming Uses
H3/2	Existing Incompatible Uses
HT2/4	Car Parking and New Development
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected

characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Amenity

PfE Policy JP-P1 aims to create a liveable city region, and requires developments to provide comfortable and inviting indoor and outdoor environments offering a high level of amenity that minimises exposure to pollution. This is further supported by PfE Policy JP-S5 that seeks to implement a comprehensive range of measures to support improvements in air quality, focusing particularly on locations where people live, where children learn and play, where there are impact on the green infrastructure network and where air quality targets are not being met. UDP Policy EN7/2 - Noise Pollution that restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

UDP Policy H3 - Incompatible Uses in Residential Areas seeks to restrict the development of incompatible uses in areas which are primarily residential in nature and where possible will seek to resolve existing conflicts. This is further supported by Policies H3/1 - Assessing Non-Conforming Uses and H3/2 - Existing Incompatible Uses that consider factors such as noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation, and seeks to implement measures to control these where possible to minimise areas of conflict and potential nuisance.

The siting of this use, has already been assessed and there has been a long established filling station on this site prior to the redevelopment approved under application 55660.

The nearest residential properties to the south at Savoy Court are most likely to be affected by the petrol filling operation and from customers visiting the retail shop. Residential properties are also located directly facing the site at 364 Bury New Road, and to the north of the site within flats above the shops on Bury New Road and dwellings sited on West

Avenue. There is an existing fence and wall along the southern boundary. The approval also included additional tree planting along this boundary as a proposed screen and to provide a barrier to the site however this planting is not currently in situ.

Noise

A Noise Impact Assessment has been submitted in support of the application. An assessment of the site was undertaken between the 19th of September 2025 to the 22nd of September 2025. Vehicle movement and pump usage details used from other client-owned and operated 24 hour fuel sites have also been included and the report assumes approximately 6 vehicle movements per 15 minutes.

Based on the results of the numerical assessment within the report, it has been concluded that the proposed extension of operational hours would have a low noise impact on the surrounding residents, should the mitigation and noise control measures be implemented.

Section 4 of the report outline the mitigation and noise control measures, which are:

- The tannoy system should not operate during the period of extended hours of operation (00:00 - 06:00) except in cases of emergency
- The fuel delivery period and all other deliveries should not occur within the proposed period of extended operation hours between 00:00 - 06:00

Notwithstanding the above, the second point of mitigation would conflict with condition 10 of application 55660 that already restricts deliveries between 8pm and 8am. No application has been made to vary this condition.

To further assess the potential for impact during the nighttime periods, an LAfmax Car Door Slam Open Window Assessment was undertaken at the most exposed Noise sensitive receptor in order to analyse a worst-case scenario. The results of the noise impact assessment indicate that, provided all recommendations are implemented, all relevant noise criteria can be achieved, and low impact is expected.

Whilst acknowledging the submitted Noise Impact Assessment, this would appear to contradict the lived experience expressed by the objectors who live adjacent to, or within the vicinity of the site despite the assertions within the Noise Impact Assessment *"that it is expected that the nearby residents will have a lower sensitivity to noise generated by the site"*. The site is located in very close proximity to residential properties who should expect a level of quiet within their homes during night hours.

Whilst car door slams have been included within the assessment, these would represent short sharp and sometimes startling noise generators that could potentially impact on the neighbouring resident's in terms of their sleep. Music, loud car engines and general noise and discussions between users of the site are also beyond the control of the applicant. Given the close proximity of the site to residential properties, without the previously approved intervening features it is considered that the extended would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

Light

There are existing internally illuminated advertisements within the site. The consents in relation to these advertisements does not restrict their operation to certain hours and it appears that this is bound to the operation hours of the site. No assessment has been provided in relation to the additional nuisance these advertisements may introduce through extended opening hours.

Additionally, no assessment has been raised in relation to any external lighting in operation at the site that would be required to be extended in terms of operating hours to ensure the safe use of the site by any future customers.

Overall, it is considered that the applicant has failed to demonstrate that the proposed

extended opening hours would not have a detrimental impact on the amenity of the neighbouring residential properties by reason of noise pollution, light pollution and general disturbance contrary to Development Plan Policies:

EN7/2 - Noise Pollution

JP-P1 - Sustainable Places

H3 - Incompatible Uses in Residential Areas

H3/1 - Assessing Non-Conforming Uses

H3/2 - Existing Incompatible Uses

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The applicant has failed to demonstrate that the proposed extended opening hours would not have a detrimental impact on the amenity of the neighbouring residential properties by reason of noise pollution, light pollution and general disturbance contrary to Development Plan Policies:
EN7/2 - Noise Pollution
JP-P1 - Sustainable Places
H3 - Incompatible Uses in Residential Areas
H3/1 - Assessing Non-Conforming Uses
H3/2 - Existing Incompatible Uses

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 14/11/2025		DM - 19/11/2025	