

DELEGATED REPORT

Report by Claire Booth	Date of report: 20/03/2024	Ref: 69099/FUL
Registration: 18/11/2022	LDFC: 29/12/2022	Expiry Date: 13/01/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
Requested additional information relating to objection re; light pollution		Dec Level: DEL

Stat Class: MIOT

Proposal: Raise height of existing forecourt canopy from 4.4m to 5.1m high from ground level to underside of canopy

Location: Turks Service Station, Turks Road, Radcliffe, Manchester, M26 3NW

Description

The application site relates to Turks Service Station, an established petrol filling station which fronts the roundabout connecting Radcliffe Moor Road, Turks Road and Countess Lane in the town of Bury. The site is located within an area of predominantly residential use to the South-East of the Bradley Ford Industrial Estate.

The site relates to an established petrol filling station located on a main road and within a predominantly residential area. To the north west are houses on Penrice Close, to the north are properties on Launceston Road and directly adjacent is Moor Nook to the east and a substation on land to the west.

The site is accessed directly off Radcliffe Moor Road.

The petrol filling station comprises the petrol pumping equipment, a small convenience shop, car wash and car wash plant and there are customer parking spaces directly next to the western boundary close to the entrance.

The application site is located within Bradley Fold Neighbourhood Centre, as defined within the Unitary Development Plan (UDP).

Permission is sought to increase the height of the existing forecourt canopy from 4.4m to 5.1m to reduce the damage being caused to the canopy when HGVs transporting machinery access the HGV fuel pump that exists on the site.

At the present height the canopy is vulnerable to impact damage and has been repaired on many occasions. The need to remove the ongoing risk of impact damage, safety of customers, loss of business and maintenance costs by raising the height of the canopy, is the reason for this application.

There are no ground works required, the process involves lifting the canopy top by cranes and inserting extension legs into the columns. The legs are bolted to the sides of the columns and into the steel beam above the soffit of the canopy.

Relevant Planning History

49462 - Erection of 2 internally illuminated single sided free standing display units - 07/08/2008

49462 - Erection of 2 internally illuminated single sided free standing display units. Refused,

18/04/2008

56058 - Installation of ATM unit at side - Approved with Conditions, 24/04/2013

56269 - Single storey shop extension at side together with erection of class A5 (hot food takeaway) unit at side; formation of hand car wash and erection of bin store and container store - Withdrawn by Applicant, 07/06/2013

65146 - 2 No. jet wash bays - Approved with Conditions, 20/05/2020

65953 - Installation of 5no. vehicle charging points and associated electrical infrastructure - Approved with Conditions, 17/02/2021

Publicity

Neighbours adjoining the application site have been formerly notified about the proposals.

One representation has been received from a resident who lies adjacent to the site who raises the following concerns:

- The existing business causes noise pollution, light pollution and antisocial behaviour
- They advise the proposals will worsen these issues as they will allow HGVs to enter the site 24 hours a day and the lights will shine directly in to their properties.
- Advise that currently the fuel tanker and delivery drivers for the shop turn their engine and fridge units off to minimise noise to customers and states passing HGVs would have no interest in turning their fridge units off.
- Raises concern that increasing the use of the site for HGVs will lead to headlights shining in homes
- Raises concerns that lights under the canopy will become more visible to residents

Statutory/Non-Statutory Consultations

Public Protection - Nuisance - No comments or observations received.

Highways - No objections.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
EN1	Built Environment
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT6/2	Pedestrian/Vehicular Conflict

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) and 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 Policy 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.

Principle of Development

The most relevant UDP Policy is S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations. It states that car showrooms, car sales areas and petrol filling stations should be located within or adjoining established shopping areas, along classified roads or within other industrial and commercial areas within the Borough.

The site is located on the A665 Radcliffe Moor Road, one of the boroughs principal transport routes and therefore remains to be located on a key classified road/ transport route.

UDP Policy S4/4 also states proposals should also take account of the following factors:

- a) potential disruption to the free flow of traffic;
- b) the provision of adequate, well laid out car parking and display facilities together with safe and convenient arrangements for access, circulation and egress;
- c) road safety and the safety of pedestrians;
- d) the amenity of nearby residents and businesses.

These matters will be discussed further on in this report.

Highway Safety

The site is located on the roundabout of where the A665 Radcliffe Moor Road, a principal

road within the borough that can accommodate abnormal loads, adjoins Turks Road and Countess Lane.

The Highway Authority requested further information on whether the proposal would result in more HGV's accessing and egressing the site. Information has been received that the Petrol station already accommodates HGVs and that due to the height of the existing canopy it has experienced damage due to machinery on the back of wagons catching the canopy. Repairing the canopy is now a regular occurrence and thus the applicant seeks to raise the height of the canopy

The proposal is sought existing HGVs with box trailers, or with tall machinery on the back of them can catch the corner of the existing canopy and cause damage to it which needs to be rectified/ repaired on a regular basis. On this basis, as no additional HGV fuel pumps are proposed, the Highway Authority are satisfied that the proposal would not cause any increased harm to safety of users of the highway or adversely affect the free flow of the local highway network. Subsequently the proposal accords with criteria d) of UDP Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations.

Visual Amenity

The proposal seeks to change the canopy clearance height which would change by 0.7 metres. It would therefore be inappropriate to assume that the increase in the height of the canopy would have a significant impact on visual amenity/ the street scene. The proposal is therefore considered to be acceptable in this regard.

Amenity of nearby residents

The site is surrounded by residential development, the adjacent properties are on Penrice Close to the north-west of the site, Launceston Road to the north and Moor Nook to the east. There are also residential properties located on the opposite side of the main road to the application site facing Radcliffe Moor Road and siding on to Turks Road.

The concerns raised in the representations by a nearby resident have been fully considered with the applicant providing a Light Spillage Report.

The forecourt is located in proximity to the residents referenced above, with the closest residential elevation being approximately 20 metres away from the near side of the canopy. The visibility of the canopy is somewhat restricted by mature landscaping which sits between the canopy and these properties.

A more direct line of view occurs to the properties on the opposite side of Radcliffe Moor Road but here the closest elevation is approximately 30 metres away from the near side of the canopy and in between is the carriageway and overhead street lighting. For those nearby residential properties the vertical light spill is at or below the 1 lux threshold that would be considered acceptable in the ILP guidance notes for all UK residential areas.

For the above reasons, it is considered that the proposed increase in height of the canopy would not result in conditions that would be significantly detrimental to the amenity of nearby residents, and thus the proposal accords with policies S4/4 and EN1/2 of the Bury UDP.

Conclusion

For all of the above reasons, it is recommended that permission be approved.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised

sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town and Country Planning Act 1990.

- 2 This permission relates to the following plans:

Drawing no. PA01a: Location and Block Plan;
Drawing no. PA02b: Existing Site Layout Plan with HGV Tracking;
Drawing no. PA04a: Proposed Site Elevations

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	20/03/2024	DM	20/03/24