

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00704/VRCON	Hamish Rigg	28/10/2024

Address: Petrol Filling Station, Wm Morrison Supermarkets Plc, Dawson Street, Heywood, OL10 4PU

Proposal: Application to vary condition 3 of planning permission 98/D35373 (Petrol filling station with associated jet wash facility - revised proposal D33353) to extend the opening hours to between 6.00 hours and 23.00 hours and at no other times, no illumination.

PUBLICITY	Weekly list expired?	Y	Site notice expired?	n/a
	Neighbour letters expired?	Y	Press Notice expired?	n/a

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	n/a
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CONDITIONS	Pre-commencement conditions proposed?	n/a
	Pre-commencement conditions agreed (or notification period expired)?	n/a

RECOMMENDATION	Grant Subject to Conditions
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CHECKED AND SIGNED OFF BY: RK

DATE: 04/11/2024

SITE

The application relates to the Morrisons petrol station on Dawson Street in Heywood. The petrol station sits at the north-east corner of the Times Retail Centre car park, near to Heywood town centre. The site borders the car park to the south, a cleared site to the west and north, and to the east it overlooks nos. 42-48 Bamford Road.

The immediate vicinity does not comprise much built form, however there are terraced houses along Bamford Road, to the east.

PROPOSAL

This Section 73 application seeks to vary the permission ref. 98/D35373 to extend the opening hours to between 6.00 hours and 23.00 hours only.

Currently condition 3 of ref. 98/D35373 reads:

"The facilities hereby approved shall only be available for use between 08.00 hours and 23.00 hours and at no other times. No illumination of the forecourt or the site facilities, and no fuel deliveries shall take place other than between the hours of 08.00 and 23.00 hours."

The proposed condition reads:

"The facilities hereby approved shall only be available for use between 06.00 hours and 23.00 hours and at no other times. No illumination of the forecourt or the site facilities shall take place other than between the hours of 06.00 and 23.00 hours, and no fuel deliveries shall take place other than between the hours of 08.00 and 23.00 hours."

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Policy JP-P1 – Sustainable Places

Adopted Rochdale Core Strategy (CS):

DM1	General development requirements
SO1	Delivering a more prosperous economy
SO3	Improving design, image and quality of place
P1	Improving image
P3	Improving design of new development
G9	Reducing the impact of pollution, contamination and land instability

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

Permission to which this application seeks to vary

98/D35373 – petrol filling station with associated jet wash facility

CONSULTATION RESPONSES

Environmental health 28/10/2024

This section has no objection in principle to the proposals, based on the findings of the submitted noise impact assessment we would recommend the following conditions:

- ☐ *The Tannoy system will not be used in the proposed extended hours of operation (06:00-08:00).*
- ☐ *The fuel delivery time periods will not occur within the proposed extended hours of operation (06:00-08:00).*
- ☐ *Jet washing, car valeting and or hoovering will not be operational within the proposed extended hours of operation (06:00-08:00).*

Highways 24/10/2024

We have no objections to these proposals which should help reduce traffic in the peak period.

REPRESENTATIONS

Letters of notification were sent to surrounding properties 23/10/2024. One objection was received relating to an increase in noise and disturbance associated with the petrol station and the car wash. The concerns raised will be addressed in the 'Analysis' of this report.

ANALYSIS

Impact on surrounding occupiers: DM1 and JP-P1

The main consideration is the impact of the varied times on the surrounding occupiers. Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Development should not lead to unacceptable increases in noise pollution and should aim to avoid noise from giving rise to significant adverse impact on health and quality of life. Policy G9 requires new development to avoid impacts that cause unacceptable increases in noise pollution.

Guidance in the National Planning Practice Guidance advises on how planning can manage potential noise impacts in development and sets out that local planning authorities decision taking should take account of the acoustic environment and in doing so consider:

- ☐ whether or not a significant adverse effect is occurring or likely to occur;

- ☐ whether or not an adverse effect is occurring or likely to occur; and
- ☐ whether or not a good standard of amenity can be achieved.

In line with the Noise Policy Statement for England (DEFRA, March 2010) this includes identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The proposal seeks to increase the opening hours of the petrol station from 08:00-23:00 hours to 06:00-23:00 hours. The application includes a noise impact assessment (Infinity Acoustics, A165MF), containing a noise survey conducted between July 5th-8th 2024, to assess the impact on the surrounding properties. The assessment found that providing all recommendations and noise control measures are implemented, suitable noise criteria can be achieved and adverse impact would not be expected. When assessed in accordance with the NPPF and NPSE this would equate to noise levels falling below the 'Lowest Observed Effect Level'.

The Council's Environmental health Officer agreed that based on the findings of the noise impact assessment, the proposed change in opening hours was acceptable, subject to the following conditions:

- ☐ The Tannoy system will not be used in the proposed extended hours of operation (06:00-08:00).
- ☐ The fuel delivery time periods will not occur within the proposed extended hours of operation (06:00-08:00).
- ☐ Jet washing, car valeting and or hoovering will not be operational within the proposed extended hours of operation (06:00-08:00).

As such, the proposed change in opening hours is not considered to have a negative impact on the surrounding occupiers in accordance with Policies DM1 and G6 of the Rochdale Core Strategy, JP-P1 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Highways: DM1 and T2

Policy DM1 and T2 of the Core Strategy requires all development to prioritise the safety of residents and road users by ensuring safe and adequate vehicular access, parking, and manoeuvring. The Council's Highways Officer was consulted, stating that the extended operating hours would in fact help to reduce traffic during the peak period in the mornings. The proposal is therefore acceptable in accordance with policies DM1 and T2.

RECOMMENDATION

Grant subject to conditions

1. The facilities hereby approved shall only be available for use between 06.00 hours and 23.00 hours and at no other times. No illumination of the forecourt or the site facilities shall take place other than between the hours of 06.00 and 23.00 hours, and no fuel deliveries shall take place other than between the hours of 08.00 and 23.00 hours.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core

Strategy, JP-P1 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

2. Noise from equipment used in connection with any of the buildings hereby approved, including the operation of the car and jet washes, shall not exceed 50 dBA expressed as a 5 minute Leq when measured at a distance 1 metre in front of any noise sensitive premises.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, JP-P1 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

3. The Tannoy system shall not be used between the hours of 06:00-08:00 on any day.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, JP-P1 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

4. The development shall not receive deliveries of fuel between the hours of 06:00-08:00 on any day.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, JP-P1 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

5. Jet washing, car valeting and or hoovering shall not be operational within the hours of 06:00-08:00 on any day.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy, JP-P1 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked 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.

Notes for the applicant:

This decision relates to the following plans:

- Location plan: PA01b
- Noise Impact Assessment (Infinity Acoustics, A165MF)

Report Author Hamish Rigg