



Appeal Decision

Site visit made on 24 January 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2023

Appeal Ref: APP/P4605/W/22/3297527

Mrh Waterlinks Service Station, Watery Lane Middleway, Birmingham B9 4HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Motor Fuel Group Ltd against the decision of Birmingham City Council.
 - The application Ref 2021/08507/PA, dated 8 September 2021, was refused by notice dated 29 November 2021.
 - The development proposed is installation of 6 bay EV Canopy.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of a 6 bay EV canopy at Mrh Waterlinks Service Station, Watery Lane Middleway, Birmingham, B9 4HF in accordance with the terms of Application Ref 2021/08507/PA, dated 8 September 2021, and subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council's decision on the planning application, the Development Management in Birmingham Development Plan Document (2021) (DPD) and Birmingham Design Guide SPD (2022) (SPD) have been adopted, superseding the Birmingham Unitary Development Plan (2005) and Supplementary Planning Guidance 'Places for All'. For the purposes of decision making the DPD and SPD now form part of the development plan. The relevant policies and guidance of the DPD and SPD were referred to in the Council's appeal documents, and the appellant has had a chance to comment on these. Consequently, no parties have been prejudiced by me having regard to those details in reaching my decision.
3. I have dealt with another appeal (Ref: APP/P4605/W/22/3298614) ('the other appeal') on this site. That appeal is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site, a large service station, consists of a petrol forecourt area with vehicle and HGV canopies, service building, internal circulation routes and associated parking. The site has a frontage onto the busy Watery Lane Middleway, and bounds St Andrew's Road and Bolton Street to the north east

and south east respectively. It is visually prominent given its proximity to those roads, while also seen in context with many large commercial warehouse buildings fronting the highway. There is a wide, attractively landscaped central reservation opposite the site frontage that divides the Water Lane Middleway. This area softens the otherwise high density, commercial character of the area.

6. The Council attributes value to the appeal site's open character which is enhanced by the views obtained over the low boundary enclosures and planting that surround parts of its perimeter. The sales building and fuel pump canopies occupy a small proportion of the site's area, yet those structures are sizeable. The largely undeveloped intervening areas, comprise hardstandings that have no particular visual attributes, while a sizeable portion of those areas are used for vehicle parking. Furthermore, those spaces are subject to a high level of activity from vehicles circulating around the forecourt, vehicles accessing and egressing onto surrounding roads and customers walking to and from the service building. The effect of that activity upon those areas, along with the presence of buildings and other infrastructure diminishes, in my view, any perceived value the site's somewhat open appearance makes to the locality. Accordingly, and notwithstanding the Council's view, I attribute only minor weight to the contribution made by the site's open character.
7. The proposed canopy comprises a free-standing structure measuring around 18.4m in length, 3.1m in width and 3.2m in height. The structure incorporates a sloping roof and rear panelled elevation. Otherwise, it is largely open at its front and sides. The canopy would cover around six existing EV charging bays that form part of a reconfigured layout proposed under the other appeal at this site.
8. The canopy would be sited near the site's north west corner where St Andrew's Road meets Watery Lane Middleway. Although one of the structure's corners would be very close to the site's frontage, it would be angled and set back from the site's north west boundary leaving a largely open, landscaped area. The intervening space between the canopy and the north west boundary would largely reinforce the appearance of the site's low boundary enclosures and landscaping.
9. With its simple shape and proportions, the proposal has a functional appearance that would be consistent with other structures at the service station. Because of its low-profile roof and largely open sides and frontage, it would not appear particularly prominent or obtrusive in the context of the appeal site and the wide variety of large warehouse buildings in the locality.
10. There are concerns that the appearance and scale of the proposal's rear elevation would be at odds with the low and permeable boundary enclosures surrounding parts of the site. However, for the reasons described earlier, I have given minor weight to the importance the Council attributes to those features. Nonetheless, the proposal's low profile and position along a small portion of the site's extensive perimeter would not significantly alter the views into the site, which can be obtained from numerous viewpoints along the surrounding roads.
11. During my site visit I observed that the landscaped area to the rear of the proposed canopy contained some low-level shrubs. It is not clear whether that area has been the subject of a formal planting scheme. Nonetheless, it would help soften the site's boundaries and the interface with the adjacent highway.

12. I have considered the proposal's cumulative visual effect with the altered EV plant/equipment layout proposed in the other appeal and given the combined scale of these schemes, their proximity to existing service station structures and nearby warehousing, along with activity at the site, there would be no unacceptable harm. My assessment of that other appeal also includes augmenting the existing landscaping around the site.
13. Therefore, the proposal would not harm the character and appearance of the surrounding area. It would accord with Policy PG3 of the Birmingham Development Plan, Policy DM2 of the DPD and the SPD which require amongst other things that development is appropriate for its location, respects the prevailing character and preserves features that make a positive contribution to the area. The proposal would also align with the guidance contained within the National Planning Policy Framework and the National Design Guide where they require schemes to be sympathetic to the local environment.
14. In concluding on the main issue, I have not referred to the policies and guidance in the Birmingham Unitary Development Plan (2005) and Supplementary Planning Guidance 'Places for All' as these have been superseded.

Other Matters

15. The Council has questioned whether the proposed canopy contributes to facilitating a low-carbon economy, as the site's EV charging infrastructure can operate without it. Notwithstanding this, I have found the scheme to be acceptable in respect of the main issue and therefore give the Council's argument, on this matter, limited weight.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition that lists the approved plans for reasons of precision and to ensure the development is carried out as approved.
17. I have considered it necessary in the interests of the area's character and appearance to include a condition relating to material samples.
18. I have not attached conditions suggesting the approval of landscaping and boundary treatment details. Those matters would be more appropriate to the other appeal at this site as they are relevant to the appearance of the altered layout considered in that case.
19. The Council's proposed condition regarding the control of noise from plant and machinery has been omitted from the attached schedule as the proposal before me does not include any such apparatus.

Conclusion

20. For the reasons given I conclude that the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following drawings titled: Location Plan at scale 1:1250, drawing number: 13664-LP1-543, Block Plan at scale 1:500, drawing number: 13664-BP1-543, EV Canopy Detail at scale 1:50, drawing number: 13664-P14-543, Proposed Site Layout at scale 1:200, drawing number: 13664-P11-543 and Proposed Site Elevations at scale: 1:200, drawing number: 13664-P13-543 ('the approved plans').
3. Prior to the use of the development hereby approved, samples of the materials to be used in the construction of the proposed canopy hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the development's use. The development shall be implemented in accordance with the approved details.

*****End of Schedule*****