



Appeal Decision

Site visit made on 1 May 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2024

Appeal Ref: APP/B2002/W/23/3334414

Roundhead Service Station, 148 Cromwell Road, Grimsby, DN31 2BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Motor Fuel Group against the decision of North East Lincolnshire Council.
 - The application Ref is DM/0370/23/FUL.
 - The development proposed is demolition of jet wash machines and the creation of charging zone, erection of EV chargers, erection of canopy, three jet wash bays, sub-station enclosure and associated forecourt works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The red line site boundary includes the vehicular access from Cromwell Road but does not include access across the back of the petrol filling station, to enter the site centrally as shown on the layout plan, rather than through the jet wash area. It also excludes the exit route. As the blue line suggests the whole of the land is in the same ownership, and as I am dismissing the appeal anyway on the main issue, this has not affected my determination of the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of nearby residential properties.

Reasons

4. The appeal site comprises an area of hardstanding and overgrowth, which is enclosed by walls, fencing and locked gates and does not appear to have been used for some time. It is located to the rear of an existing petrol filling station (PFS), which in addition to the forecourt fuel pumps and canopy, has a convenience store, a car wash and two jet wash bays. The two jet wash bays are located to the rear of the PFS within the red line boundary of the appeal site. Vehicular access to the appeal site is through the PFS from the A1136 Cromwell Road, to the west of the forecourt. The exit is to the east of the forecourt, also onto Cromwell Road. Operating hours of the PFS are currently restricted to petrol and retail sales from 06:00 to 00:00, car wash, jet wash, vacuum air and wash equipment from 07:00 to 23:00, no deliveries to take place and flood lights to be switched off between 23:00 and 07:00.
5. It is undisputed that the site is within a Local Centre as defined by the North East Lincolnshire Local Plan 2013-2032 (the local plan). The small Local Centre

comprises a mix of uses and is otherwise surrounded primarily by housing. The rear of the site is bound by a railway line. There are houses and gardens to the east of the site and to the west there is a parade of shops with residential properties above and parking to the rear, as well as a place of worship and meeting place with associated car parking. There is a supermarket and its associated car park opposite the PFS. I have not been advised that any of the commercial premises in this area operate 24 hours per day.

6. The proposed Electric Vehicle (EV) charging points would be located along the eastern boundary of the site, immediately adjacent to the flank wall of the dwelling at 6 Chestnut Avenue, its habitable room windows, and its private front and rear gardens. There would be a total of ten charging points below a canopy with glazed roofing and downlights. These would be operated via a mobile phone app, and as such would be available for use 24 hours a day.
7. During my visit I observed that the jet wash facilities were quite noisy, even when only one was in use and despite the background noise from daytime traffic and other activities. I also noted that water was running onto the adjoining land to the west. The proposal would increase the number of jet wash bays from two to three, all of which would be located along the western boundary, close to the rear balconies of the first-floor flats above the parade of shops. The increase from two to three jet wash bays suggests that there is high demand for these and accordingly, I see no reason why all three would not all be in use at the same time.
8. At present the open side of the jet wash bays faces the rear of the petrol station. The new jet wash bays would be orientated with their open sides facing residential properties to the east. According to the Noise Impact Assessment, having the back of the EV chargers against the eastern boundary means that the noise generated from these is projected westwards. It therefore stands to reason that if the back of the jet wash bays is against the western boundary, the noise from these will be projected eastwards.
9. The application form and noise report state that the jet wash facilities would be open for use daily from 7am until 10pm, with the management plan suggesting hours of 7am until 11pm, as existing. I am also advised that the jet wash machines would be coin operated. As such it is unclear how these would be prevented from being used outside of the permitted hours, particularly after the PFS has closed. Concerns raised by local residents indicate that the existing jet wash facilities are already used outside of their approved operating hours causing disturbance at unsociable hours.
10. I have had regard to the noise report submitted and accept that the substation and EV charging facilities themselves would not result in unacceptable levels of noise. I also acknowledge that Environmental Health have not objected provided the jet wash facilities can only be used between 07:00 and 23:00. However, I must also consider the potential for associated disturbance caused by vehicle movements, headlights, occupiers of vehicles opening and closing car doors, people playing music in their cars, talking and making phone calls etc whilst their vehicles are being charged, particularly late at night when nothing else in the area is open and drivers and passengers would have nowhere else to go. The area would also need to be well lit and covered by CCTV for safety and security purposes, particularly as the charging points

- would be located to the rear of the PFS where there is little natural surveillance from the street.
11. There is also greater potential for people to be talking outside of their cars or with their doors or windows open, during periods of better weather, when residents are more likely to be enjoying their gardens on an evening and sleeping with windows open.
 12. Erecting signs requesting customers to refrain from loitering, playing radios, slamming doors or talking loudly would not prevent any of these things from occurring. Although the display of such signs could be enforced, the actions requested on them could not be. Such rules would be particularly difficult to control given that the remainder of the PFS would be closed and therefore unstaffed, between midnight and 06:00.
 13. The canopy over the EV charging units would be higher than the adjacent garden wall. The scale of the structure together with its nighttime illumination would be visually intrusive and would harmfully detract from the outlook of residents at number 6 Chestnut Avenue. Whilst I note that down lighters would be installed in the canopy and would not shine directly towards any dwellings, this light would still be visible through the glazed roof and would change the character of the site, which is currently in darkness at night. Furthermore, although no other lighting is proposed or shown on the submitted plans, it is considered that this would be necessary in the interests of public safety and security, and as such it would be unreasonable to impose a condition preventing the installation of any further lighting.
 14. The level of activity that could be generated by the scale of the proposal, together with its 24-hour operation, lighting and the presence of cameras in close proximity to residential dwellings, in an area that is currently unused and unlit at night, would further detract from the privacy and amenity of those living in adjacent residential properties, who are already disturbed by activities at the existing PFS, which take place further away from the boundary of these properties than the proposal. Other commercial uses in this designated local centre do not operate 24 hours per day, and except for dwellings above shops, the residential and commercial uses are appropriately segregated in order to minimise any potential land use conflicts, in accordance with relevant policies.
 15. I therefore conclude that the proposal would result in unacceptable harm to the living conditions of residents in the area immediately surrounding the site. Consequently, it would not accord with Policies 5 and 22 of the local plan, which require, amongst other things, regard to be had to effects on neighbouring land uses by reason of noise, disturbance or visual intrusion, and good design, which is informed by a thorough consideration of the sites context.
 16. The proposal would also conflict with paragraph 135(f) of the National Planning Policy Framework, which seeks to ensure that developments 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Matters

17. I acknowledge that the proposal would make efficient use of previously developed land within a designated local centre and that the EV charging element of the proposal would contribute towards the Government's commitment to achieving net zero emissions by 2050 and its goal of providing around 300,000 public EV chargers by 2030. It would also contribute towards the provision of public EV charging devices in North East Lincolnshire, which I note is currently very low. I afford these benefits significant weight.

Conclusion

18. The development would result in benefits in terms of the provision of public EV charging points. However, this would not outweigh the unacceptable harm the development would have on living conditions of occupiers of nearby residential properties. The proposal therefore conflicts with the development plan and there are no material considerations of sufficient weight that would lead me to make a decision other than in accordance with this. Consequently, the appeal is dismissed.

R Bartlett

INSPECTOR