



Appeal Decision

Site visit made on 9 December 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/Y5420/W/24/3348089

Petrol Filling Station, 1-13 Willoughby Lane, Tottenham, London N17 0QU

- 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 the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/1162.
 - The development proposed is the demolition of the existing sales building and MOT centre on site and the erection of a new sales building, 4 no. new jet wash bays, amendments to the forecourt canopy, a new bin store, a new air/water vac machine, new parking spaces, a new boundary fence, and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing sales building and MOT centre on site and the erection of a new sales building, 4 no. new jet wash bays, amendments to the forecourt canopy, a new bin store, a new air/water vac machine, new parking spaces, a new boundary fence, and associated works at Petrol Filling Station, 1-13 Willoughby Lane, Tottenham, London N17 0QU, in accordance with the terms of the application, Ref HGY/2023/1162, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the site address provided in the Decision Notice as this more accurately describes its location. I have taken the description of development above from the application form but have removed the reference to the site address which is not in itself development.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal. Therefore, it has not been necessary for me to seek comments from the main parties in respect of the 2024 Framework.

Main Issue

4. The main issue is whether the proposed use of the site would be unduly intensive, having regard to the amount of facilities proposed, provision of parking spaces and noise.

Reasons

5. The appeal site is a large piece of land bound by Northumberland Park and Willoughby Lane. It comprises a petrol filling station with four pump islands in

a foursquare formation underneath a canopy and associated sales building. The building accommodating the MOT centre is substantial and lies near the northern boundary of the site. There is also an air/water unit, vacuum unit, jet wash and manual car wash with associated plant, as well as electric vehicle charging points. There is no formal car parking within the site. The surrounding area is predominantly residential.

6. The proposed development would include a new sales building accommodating a retail area and two food to go facilities with parking spaces to the front, EV charging bays and car wash bays. As a result, the existing facilities would be enhanced to meet the needs of those travelling in the surrounding highway network and would provide them with the facilities that would be expected from a modern petrol filling station. The layout plan shows that there would be adequate space between them, as well as appropriate circulation space. As such, the proposal would be comfortably accommodated on site and would not appear cramped.
7. The appellant has provided a Transport Assessment (TS) in support of the proposed development. The TS advises that the key factor associated with the trip generation to petrol filling stations (PFS) is the number of pumps, and this would not change as a part of this proposal. Due to their seasonal nature and limited number, the proposed car wash bays would likely generate a small number of trips and, in addition, some would likely be linked to the purchase of fuel. While TRICS sites do not have EV bays, it is likely that the proposed additional EV bays would not be a significant generator of new trips, since the facility as an alternative to petrol and diesel would generate mainly transferred trips.
8. Due to its nature, PFS retail would not attract a significant number of customers visiting for the sole purpose of doing shopping. As such, it is likely that the retail area would mostly be used by persons already travelling on the highway or visiting the site for the purposes of fuelling or EV charging.
9. Car washes, EV bays and petrol facilities are specific functions for washing, charging, and fuelling a car. As such, it is unlikely that such spaces would be used for car parking. The TS sets out that the number of proposed car parking spaces is based on TRICS data, using the average parking accumulation across the selected sites with a comparable shop size. Based on this data the site would have approximately 17 cars on it at any one time, regardless of where they would be parked or stopped. The TS identifies that nine car parking spaces would be required to meet the average demand. The proposal would deliver eight car parking spaces, so less than the average demand. However, there would be sufficient space within the site to provide an additional parking space, should such need arise.
10. Whilst car parking standards are contained in Chapter 10 of the London Plan, there is no clear advice on car parking at service stations. For the reasons set out above, the proposed level of parking has been adequately justified and it is therefore unlikely there would be an over-provision of parking spaces on site.
11. The appellant has provided a Noise Impact Assessment (NIA) in support of the proposal. The NIA used the methodology contained within the BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. The NIA recorded the background sound levels throughout the measurement period, which started on a Friday afternoon and concluded on a Monday morning. This

way, the survey considers both daytime and nighttime periods over the weekend and on a typical weekday.

12. The NIA considered the proposed four jet wash bays and four new EV charging bays. It concluded that these facilities would result in a low impact at the nearest receptors when considered in the context of the existing activities around the site during the respective daytime and nighttime operation. The Council has not rebutted the findings of this report and, as such, the weight of the evidence leans in the direction of the appellant. Therefore, I am satisfied that the NIA demonstrates that the proposal would not result in harmful noise levels, and so it would not be detrimental to the living conditions of the nearest neighbours.
13. Drawing all the above together, while there could be some intensification of use associated with the proposal, there is limited evidence to suggest that this would be substantial.
14. In light of the above, the proposed use of the site would not be unduly intensive, having regard to the amount of facilities proposed, noise, and provision of parking spaces. The proposal would therefore accord with Policies SP11, DM1 and DM32 of the Development Management DPD 2017 and Policies D4, D14 and T6 of the London Plan 2021. These policies support development of a high standard of design that reduces, manages and mitigates noise to improve health and quality of life. and set out car parking standards, amongst other things.

Other Matters

15. The proposed block plan shows that the boundary treatment would comprise a hit and miss board fencing. This would be an acceptable boundary treatment having regard to the use of the site and surrounding character.
16. Reference is made to a s106 agreement to include obligations relating to the provision of off-site street furniture, including seating and waste bins. The Planning Practice Guidance sets out that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. They must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
17. The street furniture in question is situated in a small area near the site. However, I have not been provided with copies of such a s106 agreement, nor there is any compelling evidence before me to suggest that the proposal would worsen the condition of this area. As such, in the absence of any substantive evidence to demonstrate that a financial contribution towards upgrading this area would be directly related to the proposed development, I find that such an agreement would not be necessary.
18. The loss of the MOT facility has previously been accepted by the Council. I do not have any compelling evidence that the proposal would substantially increase smells, nor there are any compelling details indicating that the car wash would not be operational with the minimum water usage possible.

Conditions

19. I have considered the Council's suggested conditions in light of the advice contained within the Framework and the Planning Practice Guidance. I have undertaken some minor editing, in the interests of precision and clarity.
20. In addition to the standard time limit for implementation of the planning permission, it is necessary to impose a condition specifying the approved plans to provide certainty. Details of external materials are necessary in the interests of the character and appearance of the area.
21. A construction method statement condition is appropriate in the interests of highway safety and to safeguard the amenities of the area. It is a pre-commencement condition because details of the statement need to be agreed before the start of work on site.
22. A condition is necessary to ensure the provisions of the NIA are complied with. I have included a condition with regard to waste and recycling facilities, to ensure that there would be no significant adverse impacts on the local environment. A condition regarding the provision of secure parking for bicycles is included to ensure that the development would promote sustainable modes of transport.

Conclusion

23. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 13856-LP, 13856-P03B, 13856-P04, 13856-P05, 13856-P06, 13856-P07 and 13856-P08.
- 3) The development hereby approved shall only be carried out in accordance with the submitted Noise Impact Assessment prepared by EEC (ref. EC17900-3).
- 4) No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of:
 - a) parking and management of vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) wheel washing facilities: have been submitted to and approved in writing by the Local Planning Authority.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 6) No development above slab level shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development hereby approved and permanently retained thereafter.
- 7) No development above slab level shall take place until details of the type and location of secure and covered cycle parking facilities, to include a minimum of two long stay and seven short stay cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and thereafter retained.