



Appeal Decision

Site visit made on 7 November 2007

by **Graham Garnham BA BPhil MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
4 December 2007

Appeal Ref: **APP/H0738/A/07/2051419**

Beck Valley Service Station, Wolviston Road, Billingham, TS23 1PB

- 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 Esso Petroleum Co Ltd against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 07/0303/FUL), dated 13 February 2007, was refused by notice dated 17 April 2007.
- The development proposed is '2 no. ATM machines to be located on front elevation'.

Decision

1. I allow the appeal and grant planning permission for 2 no. ATM machines to be located on the front elevation at Beck Valley Service Station, Wolviston Road, Billingham, TS23 1PB in accordance with the terms of the application Ref 07/0303/FUL dated 13 February 2007, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The ATM machines hereby permitted shall not be open for use outside the hours of 0600 to 2400 Monday to Sunday.
 - 3) The roller shutter over the ATM machines shall be fully closed outside the hours of 0600 to 2400 Monday to Sunday.

Main issue

2. I consider that the main issue is the effect of the proposal on the living conditions of the occupiers of nearby residential properties.

Reasons

3. The proposed ATM machines would be on the front wall of a building that accommodates a Tesco shop as well as the petrol filling station pay point. I understand that, as a result of a condition imposed on an earlier planning permission, the premises are not open for business outside the hours of 0600 to 2400, Monday to Sunday.
4. The appeal site is well located at a junction on a major access into Billingham from the A19, and is sited between 2 roads that serve the western side of the town. There are 12 designated parking spaces, which were well-used on the mid-morning of the site visit. These circumstances, and the need to restrict hours of opening, suggest that the service station can attract a significant amount of trade. I am not persuaded that the 2 ATM machines would

materially increase the number of vehicles attracted to the site, above the level that already affects nearby residents.

5. However, there are no substantive physical barriers to prevent noise or light pollution arising on the site from affecting the occupiers of the houses on Station Road that are close to the eastern access to the site and to the parking spaces. Consequently, I consider that it is essential not only to confine the opening hours of the ATM machines to those of the service station, but also to ensure that customers do not attempt to use the facilities during the night. This could be achieved by requiring the roller shutter also to be closed over the ATM machines, thereby making it clear from outside the site when the machines are not available. I consider that planning conditions are needed to control such matters satisfactorily, though I see no reason why the local planning authority needs to approve how the shutter mechanism is to be activated.
6. I conclude that, subject to the conditions I have identified, the proposal would not have a materially adverse effect on the living conditions of the occupiers of nearby residential properties. There would be no conflict with policy GP1 in the Stockton-on-Tees Local Plan (1997).

G Garnham

INSPECTOR