The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2018

Appeal Ref: APP/B4215/W/17/3189312
13 and 13A Bury New Road, Manchester M8 8FW

- 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 Mr Hamid Arman against the decision of Manchester City Council.
- The application Ref 116794/FO/2017, dated 26 June 2017, was refused by notice dated 6 September 2017.
- The development proposed is change of use from retail premises to cafe / restaurant.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has requested that I determine the appeal on the basis of the 32 covers scheme that was submitted to the Council. However, the Council did not accept the submission of the amended scheme and determined the application on the basis of the 92 covers scheme. Taking into account the judgement given in Bernard Wheatcroft Ltd v Secretary of State for the Environment and Harborough District Council (1980), as the amended scheme has not been the subject of public consultation, I consider that any interested parties would be prejudiced through my consideration of this scheme as they would not have had the opportunity to comment on it. Accordingly, I have not accepted the amended scheme and have determined the appeal on the basis of the scheme on which the Council made their decision.

Main Issues

3. The main issue is the effect of the proposal on the wholesale trade function of the area and highway safety.

Reasons

Wholesale Trade Function

4. The appeal site comprises a vacant, two-storey, mid-terrace property. It is located within a row of commercial and retail units fronting onto Bury New Road. This stretch of Bury New Road, and the wider area, predominantly consists of a mix of wholesalers, retail units and distributers primarily focusing on textiles, clothing and information technology. The Council state that the appeal property was previously a fashion retailer.

5. Saved Policy CC10 of the Manchester Plan The Unitary Development Plan for the City of Manchester 1995 (the UDP) encourages the continued high level of

economic activity in Strangeways and lower Cheetham Hill Road areas, with particular regard to wholesale trades which dominate these areas. It goes on to recognise the regional role played by the locality and seeks to improve the efficiency of wholesale cash and carry and bulk distributive trades.

6. Saved Policy DC10 of the UDP states that planning applications for food and drink uses shall have regard to the general location of the proposed development, including any reference to the area in other policies in the Plan. Therefore, in this instance, saved Policy DC10 is linked to saved Policy CC10 of the UDP, which refers to the Strangeways area.

7. The proposal would provide 32 covers on the ground floor and 60 covers on the first floor. As a result of the proposed café/restaurant use of the property, it would no longer be available for a wholesale trade. Therefore, it would conflict with the aim of saved Policy CC10 of the UDP as it would result in the loss of a use that the policy seeks to support. However, the Council's concern is not strictly the loss of the existing retail use but the concentration of food and drinking uses within the locality.

8. The Manchester City Council's Hot Food Takeaway Supplementary Planning Document 2017 (the SPD) states that a proposal will be considered to be harmful to the vitality and viability of a centre if, amongst other things, it increases the concentration of hot food takeaway ground floor frontages in a centre to more than 10%. Appendix 2 of the SPD identifies all of the district and local centres in Manchester.

9. The site falls within the Workshop Village as identified in the Strangeways Local Plan (the SLP). However, this is not identified as a district or local centre in Appendix 2 of the SPD. Appendix 2 also states that locations not identified but which perform the same function in terms of scale and meeting local needs will also be considered to be local centres. However, given that the area is dominated by wholesale trades I do not consider that it performs the same function as a district or local centre in terms of meeting local needs. Moreover, the proposal is not for a hot food takeaway. Therefore, I do not consider that the 10% concentration threshold set out in the SPD is applicable to the appeal proposal.

10. The appellant contends that the current number of food and drink uses within the Workshop Village is only 4.8% of the total businesses within the Village. The proposal would raise this to 5.3%. The Council have not provided any evidence to the contrary. Nevertheless, there are a number of food and drink uses within proximity of the appeal property along Bury New Road, including the end-terrace, No 17 Bury New Road and, adjacent to that, the Manzil restaurant and banqueting hall. Whilst the concentration of food and drink uses throughout the Village may well be relatively low, within this area of it, the concentration is significantly higher. The proposal would increase this concentration even further, which would undermine the area's primary economic function, that of wholesale trades.

11. A primary objective of the SLP is to diversify its current employment base. However, I consider that this diversification is to be balanced throughout the area and does not advocate the concentration of particular uses, in this instance food and drink uses, in certain parts of it.

12. I have had regard to the applications referred to me by the appellant that the Council have previously approved at Nos 26, 29, 45 and 63 Bury New Road and No 2 Sagar Street. These schemes were considered against the same development plan policies and are similar to the proposal before me. However, these schemes have contributed to the concentration of food and drink uses in the locality and, whilst they were found to be acceptable, the concentration has now reached a saturation level where any further increase would be unacceptably detrimental to the wholesale function of the area.

13. I have also had regard to the recent appeal decision referred to me by the Council[1]. I note that the Inspector similarly concluded that the proposal would harm the wholesale function of the area.

14. I find therefore that the proposal would significantly harm the wholesale function of the area, contrary to saved Policies CC10 and DC10 of the UDP. In addition, it would fail to comply with Polices DM1 and SP1 of the Manchester City Council Core Strategy 2012 (the CS), which, amongst other things, seek to ensure that development is appropriately sited and enhances or creates character. Furthermore, it would fail to accord with the aspirations of the SLP and the objectives of the National Planning Policy Framework (the Framework).

Highways Safety

15. The proposal does not include any on-site parking provision. The appellant contends that there are approximately 321 on-street parking spaces within a 200m radius of the site and a pay and display car park on Sherborne Street West, approximately 100m from the site. The site has very good access to public transport with a regular bus service on Bury New Road.

16. The local highway authority confirms that in accordance with the CS, the proposal would require a maximum of 22 parking spaces. Whilst the appellant contends that the amended scheme of 32 covers would require between 8-10 spaces, he does not dispute that the appeal proposal of 92 covers would require a maximum of 22 spaces.

17. During my site visit, which was undertaken in the early afternoon on a weekday, I observed that there are a large number of on-street parking spaces. However, the existing demand in on-street parking is very high, with very few spaces available within reasonable walking distance of the site. I find it highly unlikely that the 22 spaces that the proposed use could potentially require could be accommodated via on-street provision within the vicinity of the site.

18. I have had regard to the nearby pay and display car park. This was almost full at the time of my site visit and therefore it seems to me that it would unlikely be sufficient to accommodate the required parking provision. Moreover, although the site has very good access links to public transport, it is reasonable to conclude that some customers would travel to the site via private car.

19. Overall, the lack of on-site parking provision and the existing demand in on-street parking would likely result in customers arriving by car driving around the nearby roads looking for spaces or waiting until a space becomes available, thus disrupting the free-flow of traffic and significantly increasing the risk of conflict with other road users or pedestrians.

[1] Appeal Ref APP/B4215/W/17/3174366

20. I have had regard to the appellant's contention that the Council have allowed development in the past that also relies on on-street parking provision. However, it is likely that the culmination of these previously approved schemes have resulted in the current lack of on-street parking for the appeal proposal.

21. I find therefore that the proposal would represent a severe risk to highway safety. As such, it would be contrary to saved Policy DC10 of the UDP, which seeks to ensure that food and drink uses have safe and accessible car parking. Furthermore, it would fail to comply with policies DM1, SP1 and T2 of the CS, which, amongst other things, seek to ensure that development provides adequate car parking provision and makes a positive contribution to the safety of residents. In addition, it would fail to accord with the objectives of the Framework.

Other Matters

22. I have had regard to the increase in employment opportunities and the improvements to the visual amenity of the area through the redevelopment of the property's frontage. Given the relatively low staff numbers and the small scale of the property, these benefits to the area are only limited. Nevertheless, they weigh in favour of the proposal.

23. I have also had regard to the increase in the provision of food and drink services to the local population. However, as I have identified above, there are already a high number of other food and drink uses in the locality. Therefore, I attribute this only very limited weight.

Conclusion

24. Whilst the proposal offers some economic benefit with regard to providing jobs and would make a limited improvement to the visual amenity of the area, I do not find that these benefits, individually or cumulatively, outweigh the harm the proposal would have on the wholesale function of the area or highway safety.

25. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR