The Planning Inspectorate

Appeal Decision

Site visit made on 11 September 2013

by D R Cullingford BA MPhil MRTPI

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

Decision date: 1 October 2013

Appeal Ref: APP/B4215/A/13/2199139
Nissa Fashions, 10-20 Grosvenor Street, Manchester, M1 7JJ

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr Mohammed Imran Jameel (aka Mr M Khan) against the decision of the Manchester City Council.
- The application (ref: 101148/FO/2012/N2 and dated 10 December 2012) was refused by notice dated 8 February 2013.
- The development is described as the 'change of use of part of ground floor building to 24-hour private hire booking office (B8 to sui generis use) and installation of 2.5m high aerial above parapet.'

Decision

1. I allow this appeal and grant planning permission to change the use of part of the ground floor of the building occupied by Nissa Fashions, 10-20 Grosvenor Street, Manchester to a 24-hour private taxi hire booking office (B8 to sui generis use) and for the installation of a 2.5m high aerial above the parapet in accordance with the terms of the application (ref: 101148/FO/2012/N2) dated 10 December 2012, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) Subject to the provisions of any condition set out below, the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. PO-1 and PO-2, stamped as received by the Local Planning Authority on 11 December 2012.

    3) Notwithstanding the details shown on the approved plans, the use, hereby permitted, shall not be undertaken in any part of the building except either in the room labelled as 'control room' or in the room labelled as 'admin office' shown on Drawing No. PO-1, without the prior written permission of the Local Planning Authority.

    4) That part of the building hereby permitted to be used as a 24-hour private hire taxi booking office shall be used solely for that purpose and no part of the building shall be used by customers for ordering or waiting for taxis, and no taxi shall collect customers from any part of the premises, including any customers waiting within or outside the building.

    5) No deliveries, servicing or collections including special collections for the disposal of waste shall be taken at or despatched from the site outside 07.30–20.00hrs on Mondays to Saturdays nor at any time on Sundays, Bank or Public Holidays.

    6) Before the use, hereby permitted, commences, a scheme to prevent any taxi associated with this 24-hour private hire taxi booking office from parking or waiting in any of the parking spaces opposite the dwellings in Pedley Walk or Redmoor Square between 19.30-07.00hrs shall be submitted to and approved in writing by the Local Planning Authority.

    7) Before the use, hereby permitted, commences, a scheme to assign, and to keep available at all times, at least 2 parking spaces within the enclosed courtyard for the sole use of vehicles associated with this 24-hour private hire taxi booking office shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include measures to prevent any more than 2 taxis associated with this 24-hour private hire taxi booking office from parking or waiting in any of the parking spaces opposite the dwellings in Pedley Walk or Redmoor Square between 07.00-19.30hrs.

8) Notwithstanding the details shown on Drawing No. PO-2, the aerial to be installed above the parapet of the old 'mill' building, hereby permitted, shall extend to no more than 2.5m above the level of that parapet.

Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the scheme would impair the peace and quiet nearby residents might reasonably expect to enjoy or exacerbate traffic hazards and congestion, contrary to Core Strategy policies SP1 and DM1 and the relevant guidance set out in the Framework (NPPF).

Reasons

3. Nissa Fashions is an internet based clothing enterprise. It operates from a new 1½ storey warehouse recently built as an extension at the back of the enclosed yard to an old 3-storey 'mill' building, a structure now marooned amongst the on-going improvements to Brunswick, a neighbourhood just to the south of the City centre and the Mancunian Way. The proposal entails changing the use of part of the ground floor of the new warehouse to accommodate a 24-hour booking office for a private taxi operation. Although the submitted 'location plan' identifies the whole of the new building and the external yard as the 'appeal site', it is clear from the 'plan as proposed' (PO-1), and from what I saw during my site inspection, that the intention is to use only one of the modest rooms labelled (on PO-1) as 'admin office' or 'control room'; the remaining areas would continue to accommodate the existing business. I shall determine this appeal accordingly and impose an appropriate condition.

4. It seems to me that the concerns enumerated by the Council, by some councillors and by some local residents, all stem from the assumption that the proposed taxi-booking office might well attract potential passengers and taxi drivers throughout the day, but particularly late at night, and thereby be the cause of noise, disturbance, additional traffic and parking problems. And, I can see that the expressed hope of success (entailing an operation starting with a couple of drivers growing to one with 100) has raised the spectre of crowds congregating outside the premises and queues of cars plying back and forth collecting customers at all hours of the day and night. However, it is explained that there should be no need for either drivers or customers to visit, or wait at, the booking office. The intention is that all taxis would be booked by phone: that jobs would be allocated automatically to the nearest available driver by a computer and GPS-based operating system: and that drivers, being self-employed, would manage their own cash floats without recourse to visit the booking office. In those circumstances, the activities seen as likely to cause the noise and nuisance envisaged should not arise.

5. I have carefully considered those matters. I rather agree with the appellant. Modern booking systems do not require taxi drivers to return to the office to wait for their next assignment, neither (being self-employed) would the office be a usual source of cash floats. Moreover, the location of this booking office would not be especially conducive to attracting passing trade; it would command no street frontage but be set at the back of a yard largely enclosed behind high brick walls: it would be a little distant from the City centre and entail an unattractive pedestrian trek along some fairly anonymous traffic-busy roads: and, it would even be about 500m from the bars, clubs and cafés

that enliven the march of Oxford Road towards the City's Universities. It is possible that the occasional local resident, perhaps without ready access to a telephone, might be tempted to call at the office to book a taxi, but I think that such an occurrence would be too rare to be of any significance. It is possible too that revellers might occasionally traverse the darker streets behind Oxford Road to reach the booking office, but I think that the prevalence of mobile phones would render that very unlikely. In any case, I consider that such potential sources of disturbance could be effectively curtailed by imposing appropriate conditions to severely restrict the use of the building to a 'taxi radio base only' and to control the delivery of goods and services.

6. Nevertheless, the parking of taxis in the roadside spaces outside the enclosed yard could be a source of noise and nuisance to those living nearby, particularly at night. Currently, the use of those spaces is restricted to 3 hours for any vehicle or to vehicles owned by local residents. I accept that, during much of the day, there would be little point in drivers parking in those spaces to await their next assignment; bookings would be likely to emanate from almost anywhere within the City and entail journeys over a wide area. Moreover, it seems to me that, provided appropriate parking provision was to be made within the enclosed courtyard, the day-time on-street parking of a strictly limited number of taxis (I suggest no more than 2) could be accommodated without unduly impinging on the living conditions of residents or noticeably compounding traffic hazards; spaces appear to be available and, although the street can sometimes be busy (thereby masking the noise likely to emanate from the occasional parking taxi) traffic hazards are greatly ameliorated by the flows being one-way and intermittent, due to the operation of the signals at the nearby junction with Downing Street (part of the A6). I shall impose appropriate conditions.

7. But, during the evening and at night the bars, clubs and cafés along Oxford Road could well be a specific source of potential custom, so that drivers might sometimes find it convenient to utilise the roadside parking spaces in anticipation of travelling the short distance down Grosvenor Street to collect a fare. Because this part of the street would then be relatively quiet and traffic flows here low, the noise of taxis manoeuvring into those parking spaces, of engines running and doors slamming, would be all the more noticeable. And, although the nearest dwellings opposite in Pedley Walk and Redmoor Square are partially protected behind gable ends and garden walls, some bedroom windows there are barely 12m distant, so that the presence of taxis so close to their homes in the 'quiet small hours' could well disturb local residents. However, I think that it should be possible to devise a management scheme to avoid such harmful effects aimed at preventing the associated taxi drivers from utilising the on-street parking spaces during the evening and at night. I shall impose a suitable condition accordingly.

8. Taking all those matters into account, I consider that, with adequate controls, the activities likely to cause noise and nuisance should not arise, so that the proposal would not unduly impair the peace and quiet nearby residents might reasonably expect to enjoy or exacerbate traffic hazards and congestion. The scheme would thus satisfy the requirements of policies SP1 and DM1. And, by supporting the potential to provide 2 or 3 additional jobs without unduly

impinging on the amenities of local residents, reflect the relevant guidance set out in the Framework.

9. I have considered all the other matters raised. I note that the Council accept (very fairly, as set out in the planning officer's careful report), that the visual impact of the proposed aerial would not impair visual amenity. I agree. Nevertheless, there is some doubt that the submitted drawings properly depict the height of the aerial actually proposed. I think that such doubt could be dispelled by the imposition of an appropriate condition. Hence, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out above. Those conditions are imposed either to ensure that the proposal is implemented as intended or for the reasons already outlined. My decision rests on those assumptions. On the other hand, I think that a scheme to layout parking spaces over the whole courtyard goes beyond the scope of this proposal, which relates only to changing the use of a small part of the appeal building. I note, however, that the requirement to do so when the building was permitted has not yet been carried out.

David Cullingford
INSPECTOR