Access Statement and Supporting Information

Access Statement

This planning application is for a change of use from a shop unit on a parade on Old Moat Lane on the edge of Withington District Centre most recently used for the last seven years as a project office and community centre by Moativate. Looking at the Use Classes Order information on your website these appear to me to be a hybrid A2 / D1 use.

As the premises are ground floor and level throughout and currently fully accessible by disabled and wheelchair bound people I consider them to fully comply with the relevant accessibility legislation and saved policy DC10.1 of the Unitary Development Plan (UDP).

Supporting Information

Background

The premises are located in a parade of 10 shop units summarised in the table below. Currently four premises including this unit are vacant. The businesses represented in the street include a bookmaker (Ladbrokes), a grocery / convenience store (occupying 2 units), two Chinese takeaways and an acupuncture clinic / Chinese medicine shop.

Occupants and uses of Old Moat Lane Shopping Parade

Number	Occupier	Land Use Class
24	Vacant former hair salon currently being marketed	Vac (A1)
26	Ladbrokes Bookmakers	A2
28	Empire Chinese Takeaway	A5
30	Acupuncturist / Massage / Chinese Medicine	D1
32	Convenience store / grocers shop (combined with 34)	A1
34	Convenience store / grocers shop (combined with 32)	A1
36	Wing On Palace Chinese Takeaway	A5
38	Vacant former community centre currently marketed	Vac (A2 / D1)
40	Vacant not currently marketed residential use above	Vac (A1)
42	Vacant former discount household goods shop not currently marketed	Vac (A1)

The parade is very much a peripheral part of Withington district centre and is not shown on UDP proposals map as being part of the centre. In fact of the 10 units in the parade only 2 are occupied by retail uses and this is in a combined unit i.e. one shop business.

Of the four vacancies two are long term. No. 40 Old Moat Lane has remained vacant and shuttered for some years although does not appear to be marketed and the upstairs flat is occupied. Earlier this year 42 Old Moat Lane opened temporarily as a discount household goods shop following a long vacancy period but this business only traded for a few months (as it is obviously not a particularly busy frontage or good trading position) and is vacant once more but does not appear to be marketed. A hair salon recently closed at 24 Old Moat Lane and the vacant property is currently being marketed. The other vacant property is 38 Old Moat Lane the subject of this planning application.

Prior to the occupation of the premises by Moativate in May 2001 the building was occupied by a fabric / wool shop. Moativate ended their use of the premises in May 2008. Above the shop unit there is a three bedroomed flat accessed from a separate side access that is let out on short term 12 month tenancy contracts to students.

The parade fronts onto a wide hardstanding / pavement and there are houses on the opposite side of the road with enclosed gardens between the roads and the buildings. Parking is on-street and unrestricted although some businesses appear to use the hardstanding in front of the parade.

The parade is not covered and there are no shelters in the vicinity where youths may gather to cause a nuisance or behave anti-socially although I am advised that in any case this is not a planning consideration.

Policy Background

I am advised that the relevant Council policy document with regard to the premises and this type of planning application are the Saved Policies of the UDP. Examining the UDP document the relevant policies appear to be:

- DC10. Food & Drink Uses
- DC13. Non-retail Uses in Shopping Areas; and,
- WB6 Shopping & Community Facilities

I consider each of these policies in turn and then the application in the light of this policy guidance.

DC10. Food & Drink Uses

DC10.1 advises that in determining planning applications for hot food takeaways the Council will have regard to:

a. the general location of the proposed development, including any reference to the area in other policies in the Plan;
b. the effect on the amenity of neighbouring residents;
c. the availability of safe and convenient arrangements for car parking and servicing;
d. ease of access for all, including disabled people; and
e. the storage and collection of refuse and litter.

DC10.2 advises the Council will normally accept the principle of developments of this kind in local shopping parades of more than 8 shops or offices.

DC10.3 advises this type of development will not normally be permitted where:

a. it is proposed outside the general locations mentioned above, or
b. there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

DC10.4 advises that where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

The reasons for Policies DC10.1 to DC10.5 advise that there are many problems with food and drink uses - particularly arising from the associated vehicular traffic, litter and noise which many of them can generate. This can be a particular issue in a densely built-up city such as Manchester. Such uses can also create problems for the operation of buses. A balance therefore needs to be struck.

The reasons go on to advise that these uses are best located in existing commercial areas, and that the range of conditions to be attached to any planning permission needs very closely to reflect the specific circumstances on the ground - particularly the effect on people who live close by the site.

DC13. Non-retail Uses in Shopping Areas

DC13.1 advises that in determining applications for non-retail uses in shopping areas (excluding the City Centre) the Council will have regard to:

a. the contribution of the proposed activity to the viability and vitality of the shopping area;
b. the contribution the proposed development would make in terms of urban regeneration;
c. the availability of adequate, safe and convenient arrangements for car parking and servicing;
d. the effect of the proposed development on the street scene; and
e. the balance between retail and non-retail uses in the shopping area.

The Reasons for Policy DC13.1 advise the Council does not wish to restrict the ability of shopping centres to adapt to continuing changes in the retail field and actively promotes the virtues of centres as locations for all manner of facilities, from traditional shops to banks and community facilities. Related uses in a shopping centre contribute to the variety of facilities in the centre increasing its attractiveness and will not generally be discouraged. The promotion of mixed uses is also consistent with the Council's objectives in relation to sustainable development. However the reasons also caution the Council does not wish to see the role of these centres as shopping centres undermined by the growth of non-retail uses.

WB6 Shopping & Community Facilities

Policy WB6 advises that further conversion of retail and commercial properties to Class A3 (food and drink now classes A3 to A5) uses will not normally be permitted along Wilmslow Road within Withington Village.

The reason for this policy is because approximately one quarter of the properties along this stretch of Wilmslow Road are in Class A3 and the approval of further Class A3 establishments would conflict with approved traffic management proposals for Wilmslow Road.

The policy reasons go on to advise that food and drink uses attract a significant proportion of passing trade and additional activity of this nature would encourage levels of short-stay kerbside parking which would disrupt the free flow of traffic and thereby pose problems of highway and pedestrian safety. In addition, the cumulative visual effect of these uses, which often require shopfront designs and signs unsympathetic to the properties and incongruous features such as external flue pipes, together with the litter generated, detract from the character of the Withington Conservation Area which is centred upon the shopping centre.

The approval of further food and drink uses would also erode the retail character of these important frontages within the shopping centre and would thereby affect the local shopping role of Withington Village.

Any further increase in the number of Class A3 uses along Wilmslow Road would exacerbate the inter-related problems identified above and thereby conflict with the aim of improving the appearance and role of the Village.

The Application and Policy Guidance

With regard to policy DC10.1 criterion (a) the proposed development is located in a shopping paraded outside the designated district centre with no other policy designation shown on the UDP Proposals Map.

In terms of criterion (b) there would be no adverse effect on the amenity of neighbouring residents who already live alongside two takeaways within the parade. The nearest ground floor residential use is on the opposite side of Old Moat Lane and these premises are separated from the application site by the wide hardstanding / pavement, the road itself and the enclosed gardens. The premises above 38 Old Moat Lane shop unit have a separate side entrance and are occupied on short term lets and tenants will be aware of the ground floor use. The majority of the upper floors in the parade appear not to be occupied although the adjacent property 40 Old Moat Lane is but this is separated by the width of two driveways from the premises so does not conflict with guidance in policy DC10.3. There are no ground floor units in the parade converted to residential use. The proposed opening hours are similar to those of the existing takeaway at 36 Old Moat Lane therefore there should be no adverse impact on the existing situation.

Criterion (c) outlines the availability of safe and convenient arrangements for car parking and servicing. As previously stated there is adequate on-street car parking on Old Moat Lane which is not restricted and appears to be available at all times. As with the previous use of this building and other existing takeaways in the parade servicing will be from the front of the unit.

The access statement above indicates that this ground floor unit is level and provides ease of access for all including disabled people in compliance with criterion (d) of this policy. Finally the storage of refuse and litter will be the same as the current arrangements for this unit to the rear of the property and collection is from the front.

The proposal is compliant with policy DC10.2 in that the premises are located in a local shopping parade of more than 8 shops or offices. The reasons for Policies DC10.1 to DC10.5

advise that these uses are best located in existing commercial areas as this proposal is. It is fully understood that if the Council are supportive of this proposal conditions may be imposed in order to protect the amenity of nearby residents and may include limitations on the hours of opening as well as the control of noise, fumes, smells, the storage of refuse and the collection of litter in compliance with policy DC10.4.

The proposal will not result in any problems for the operation of buses as highlighted in the reasons for policies DC10.1 to DC10.5 because only one hourly bus operates in the daytime along Old Moat Lane and this is a minibus service. There is adequate on and off-street parking on Old Moat Lane to ensure that this bus service and other traffic are not impeded and in any case they are slowed by the traffic calming measures including sleeping policemen.

In terms of the contribution of the proposed activity to the viability and vitality of the shopping area (criterion (a) of policy DC13.1) the proposed use would relieve pressure for A5 uses on the primary shopping frontages of Wilmslow Road within the district centre in compliance with policy WB6. In addition the proposal would have a much greater benefit than the existing vacancy and previous use in regeneration terms (criterion (a) of policy DC13.1). Currently the premises are permanently shuttered and even when Moativate occupied the premises the shutters on the main window of the shop were rarely opened (only the separate door shutter). The permitting of this proposal will ensure that the shutters remain open during the daytime and operational hours and will greatly improve the streetscene (criterion (d) of policy DC13.1) and environment in the parade.

As indicated earlier there is available, safe and convenient on-street car parking and servicing for the parade (criterion (c) of policy DC13.1). Finally the proposal would not result in the balance between retail and non-retail uses in the immediate shopping area being changed (criterion (e) of policy DC13.1) as the retail use of the premises ceased in 2001. In the wider district centre the proposal will help relieve pressure for A5 development in the primary shopping frontages on Wilmslow Road and will contribute to greater diversity in the overall centre helping to keep Withington a vital and viable shopping centre.

The proposal is fully in accordance with the reasons for Policy DC13.1 that indicates the Council does not wish to restrict the ability of shopping centres to adapt to continuing changes in the retail field. Clearly this parade is very secondary if not tertiary as illustrated by the rapid opening and closure of the shop at 42 Old Moat Lane. The parade is no longer viable for predominantly retail uses as illustrated by the four vacancies and the presence of only one retailer occupying two units out of a total of ten in the parade.

The reasons for Policy DC13.1 also acknowledge that related uses in a shopping centre contribute to the variety of facilities in the centre increasing its overall attractiveness. Whilst the Council correctly protect the primary frontages on Wilmslow Road for retail use this policy WB6 does not apply to the secondary / tertiary Old Moat Lane frontage. Permitting non-retail uses in Old Moat Lane is preferable to units remaining vacant and also adds to the overall diversity and vitality and viability of the district centre in compliance with the reasoned justification for Policy DC13.1. Greater flexibility in the secondary / tertiary frontages also relieves pressure on the

primary frontages for non-retail uses also in compliance with the reasoned justification for Policy DC13.1 and helps to prevent them from being undermined by the growth of non-retail uses.

Conclusions

The relevant Council policies with regard to this type of planning application and these premises are saved UDP policies DC10 Food & Drink Uses, DC13 Non-retail Uses in Shopping Areas and WB6 Shopping & Community Facilities. The proposal is compliant with and supportive of all of these policies.

As the premises are ground floor and level throughout and currently fully accessible by disabled and wheelchair bound people I consider them to fully comply with the relevant accessibility legislation and saved policy DC10.1 of the Unitary Development Plan (UDP) and the application cannot be refused on accessibility grounds.

There is very little demand for retail use in the Old Moat Lane parade as evidenced by the high number of vacancies (33% of units), the high level of non-retail uses (50%) and the low level of remaining A1 shop uses (17%). However, the parade can still contribute to the overall attractiveness and vitality and viability of Withington district centre by providing accommodation for non-retail uses that the Council do not necessarily wish to see locating in the primary frontages of Wilmslow Road (UDP Policy WB6).

If the proposal is supported A5 Takeaways would represent 30% of uses in the parade which is reasonable for a peripheral shopping / commercial area such as this (DC10.2 and DC13.1(e)). If the application is refused the unit is likely to remain vacant for some time or be occupied by another non-retail use. Loss of retail facilities is not a valid reason for refusal as this use ceased over seven years ago in this unit.

However, the proposal can still make a contribution to the overall vitality and viability of Withington district centre by relieving pressure for this type of development in the primary frontages on Wilmslow Road and helping retain them in retail use. At the same time the proposal will provide floorspace for A5 hotfood takeaway use in an appropriate location (DC10.2) and for which there is a demand in the area and which do provide a valuable service to the public and contribute to the diversity of the district centre and its overall attractiveness.

The proposal is located in a shopping paraded outside the designated district centre with no other policy designation shown on the UDP Proposals Map (DC10.1 criterion (a)). There would no adverse effect on the amenity of neighbouring residents who already live alongside / opposite two takeaways within the parade. The nearest ground floor residential use is on the opposite side of Old Moat Lane and these premises are well separated and some distance from the application site. The majority of the upper floors in the parade appear not to be occupied although the flat above adjacent unit at 40 Old Moat Lane is but this is well separated from the proposal. There are no ground floor units in the parade converted to residential use. Therefore this application cannot be refused on residential amenity grounds.

There is adequate on-street car parking on Old Moat Lane which is not restricted and appears to be available at all times. As with the previous use of this building and other existing

takeaways in the parade servicing will be from the front of the unit. The storage of refuse and litter will be the same as the current arrangements for this unit to the rear of the property and collection is from the front. The application cannot be refused on vehicle parking or servicing grounds.

The reasons for Policies DC10.1 to DC10.5 advise that these uses are best located in existing commercial areas as this proposal is. The proposal is fully compliant with policy DC10.2 in that the premises are located in a local shopping parade of more than 8 shops or offices. If the application is not supported the premises are likely to remain vacant for some time as the parade appears to be no longer viable for retailing. The application cannot be refused on commercial grounds and I am advised competition is not a legitimate planning reason for refusal.

It is fully understood that if the Council are supportive of this proposal conditions may be imposed in order to protect the amenity of nearby residents and may include limitations on the hours of opening as well as the control of noise, fumes, smells, the storage of refuse and the collection of litter (policy DC10.4).

My overall conclusion is that the proposal is fully compliant with the development plan policies and I therefore respectfully request that the application is supported and that the Council attach suitable conditions to the planning consent similar to those imposed on other A5 takeaway premises in the parade.