
Appeal Decision

Site visit made on 22 May 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/B4215/W/17/3170660
946 Stockport Road, Manchester M19 3NN

- 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 Jalil Ahmed against the decision of Manchester City Council.
 - The application Ref 110794/FO/2015/N2, dated 21 December 2015, was refused by notice dated 23 January 2017.
 - The development proposed is a 2 storey rear extension, alterations and change of use from shoe repair shop to A5 takeaway hot foods.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use from shoe repair shop to A5 takeaway hot foods. The appeal is allowed insofar as it relates to the extension and alterations and planning permission is granted for a 2 storey rear extension and alterations at 946 Stockport Road, Manchester M19 3NN in accordance with the terms of the application, Ref 110794/FO/2015/N2, dated 21 December 2015, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. The extension and alterations to the property which include a new shop front have already been completed, but the change of use of the property has not taken place. I have determined the appeal on this basis.
3. As mentioned in the Council appeal statement, the *Hot Food Takeaways Supplementary Planning Document* (SPD) was adopted in March 2017, after the determination of the planning application. In the light of this I have sought the views of the appellant regarding this. I have determined the appeal on the basis of the national and local policies as adopted at the present time.
4. The appellant has raised concerns regarding the Council's handling of the case, and in particular the length of time it took to determine the application. This is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

Main Issues

5. One of the Council's reasons for refusal refers to the residential and visual amenity of the area. It is clear from their evidence that this covers both issues relating to character and appearance, and general living conditions for local residents, in terms of the effect on the general ambience of the area.
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6. In the light of this, I consider the main issue in the appeal are:

- The effect of the proposed development on the vitality and viability of Levenshulme District Centre;
- The effect of the proposed development on the residential and visual amenity of the area; and
- Whether or not the proposed development would make adequate provision for the storage of waste.

Reasons

Vitality and Viability

7. The appeal property is a vacant retail unit located in Levenshulme District Centre as defined by the *Manchester Core Strategy Development Plan Document (adopted July 2012)* (MCS). The centre is a large linear centre that stretches along either side of the A6, a main arterial road into, and out of, Manchester City Centre, and has a range of retail, commercial, leisure and community uses. The MCS identifies that retail centres are, in principle, appropriate locations for hot food takeaways. However, Policy C10 of the MCS states that in considering applications for developments that support the evening economy account will be taken of the cumulative impact of the proposal, residential amenity, and the balance between the day time and evening economies.
8. More detailed guidance on hot food takeaways is provided in the SPD. Policy 1 of this indicates that in district and local centres a proposal will be considered harmful to vitality and viability of the centre where it increases the concentration of hot food takeaway ground floor frontages to more than 10% of all non-residential ground floor frontages. However, where a centre has vacancy levels of more than 10%, and there is evidence of no demand for other town centre uses then proposals for hot food takeaways may be considered favourably, even if this would increase the proportion of such to uses to above 10% of ground floor frontages.
9. The Council have indicated that currently 31 (11%) of the 288 units in the district centre are hot food takeaways, and 20 units (7%) are vacant. In the absence of any evidence to the contrary, and given they are based on relatively recent survey data I have no reason to doubt them. In the light of this, and my own observations, even though the number of such uses in the immediate vicinity of the appeal site is limited, the proposal would be detrimental to the overall balance of uses within the centre as a whole, as it would contribute to an over-provision of takeaways. Moreover, although the unit has been vacant whilst waiting for the outcome of the planning application, there is no evidence to show that attracting an alternative use for the unit has been unsuccessful since the refurbishment of the unit has been undertaken.
10. Consequently, I consider that the proposed change of use would adversely affect the vitality and viability of Levenshulme District Centre. Therefore it would be contrary to Policies C1, C2 and C10 of the MCS which seek to maintain the vitality and viability of retail centres within the city.
11. In support of the appeal my attention has been drawn to an appeal decision in Wigan. However, as this is in a centre in different district, with different

development plan policies, the circumstances are not directly comparable with those which apply in this case. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Residential and Visual Amenity

12. The appeal scheme involves a new shop front for the premises, and a 2 storey extension at the rear. The Council has not raised any concerns regarding the new shop front, and from my own observations, I see no reason to come to a different conclusion.
13. Whilst none of the other properties in the terrace have a two storey extension they all have a single storey element that extends to the edge of the communal yard. The rear extension on No 964 does not extend this far, and given this and the adjacent communal area, although two storey in height, it does not appear that the site is over-developed. Moreover, there is very little visibility of the rear extension from the public realm. As such, it does not have a detrimental impact on the character and appearance of the area.
14. The SPD highlights that maintaining a balance between daytime and evening uses helps to ensure centres remain attractive locations for shoppers and residents. In particular the visual amenity of a centre can be affected if there are a number of units with shutters down and inactive frontages for much of the day, and I observed this to be the case in some parts of the district centre. In addition, hot food takeaways can also impact on residential and visual amenity from litter, noise and disturbance.
15. In itself the proposed change of use may not generate significant amounts of noise and litter, or have a detrimental impact through the use of its roller shutter. However, as outlined above, the proposed change of use would further increase the over-concentration of such uses in the centre as a whole. The cumulative impact that would result from this lack of balance between uses in the centre, would negatively impact on the general ambience of the overall centre.
16. I accept that the proposal would bring a vacant unit back into use, and note that whilst it has been vacant the shutter has been down day and night. However, although a condition could be used to ensure the shutter was opened during the day, this does not mean that the use would contribute to the daytime as well as the evening economy, and I consider that a condition ensuring daytime operation of the unit would not be reasonable.
17. As a result, although I consider the new shop front and rear extension are acceptable, the proposed change of use would have an unacceptable impact on the residential and visual amenity of the area. It would therefore be contrary to Policies SP1, C10 and DM1 of the MCS and Policy E3.3 of the *Unitary Development Plan for the City of Manchester (adopted July 1995)* which, amongst other things, seek to ensure that proposals protect and enhance the character and appearance of the area, and do not have an unacceptable impact on amenity.

Storage of waste

18. The appeal property is located in the middle of a short terrace of retail units. These units open out onto a private communal yard at the rear which has a gated access to Farm Yard to the south. A number of the other units have

their waste bins located in this area. It is disputed whether the construction of the extension has resulted in the removal of a boundary wall between the premises and this communal area. However, I observed that this communal area has secure boundary treatments to all sides, and that none of the other units have a wall between the property and this communal area

19. The two storey rear extension does not project as far as the single storey rear element on the other units in the terrace, and there is adequate space adjacent to the extension to store bins for the premises. The bins can then be taken to the access to Farm Yard for emptying as necessary, as is clearly the practice of other nearby units. Therefore, even without a rear boundary wall to the appeal property, I am satisfied that adequate and secure bin storage facilities are provided for the unit, and would not require the storage of refuse containers in neighbouring alleyways or streets.
20. Consequently, I consider that the proposed development would make adequate provision for the storage of waste. Therefore, in this respect, it accords with Policies DM1, SP1, and EN1 of the MCS which, amongst other things, require that developments have regard to refuse storage and collection, and the character and appearance of the area.

Conclusion and Conditions

21. Although I have found that the proposal would make adequate provision for the storage of waste, this would not outweigh the harm that would be caused to the vitality and viability of the centre and to residential and visual amenity in the area. However, my conclusion in these latter two matters relate only to the proposed change of use, not to the new shop front or the rear extension. As the physical alterations to the building are clearly severable to proposed change of use, I consider these elements can be allowed on their own.
22. For the reasons set out above, I conclude the appeal should be allowed in respect of the alterations and the two storey rear extension, but dismissed in respect of the change of use to A5 hot food takeaway. As the alterations and extension to the property have already been completed, I consider that none of the conditions suggested by the Council are necessary.

Alison Partington

INSPECTOR