
Appeal Decision

Site visit made on 16 May 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/B4215/W/17/3166971

Unit 1, Hillbit House, New Street, Manchester M40 8AW

- 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 Kelvin Shaw of Worldwide Waste Management Ltd against the decision of Manchester City Council.
 - The application Ref 112433/FO/2016, dated 8 June 2016, was refused by notice dated 16 December 2016.
 - The development proposed is change of use from Use Class B8 to Use Class B2.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Manchester City Council against Worldwide Waste Management Ltd. This application is the subject of a separate Decision.

Preliminary Matters

3. The application proposes the erection of a 3 metre high brick wall to the site frontages on New Street and Oldham Road as well as change of use. The site has been used for processing of waste plastic since 2014 but the proposed wall has not been erected. I shall consider the proposal on the basis that it is partially retrospective.
4. The proposed change of use relates to a building and adjacent yard area which is used partly for storage of materials and partly for vehicle servicing space. A triangular shaped area at the rear of the yard is owned by Network Rail. The layout plan submitted with the application (Ref 1547-01A) indicates that this area would be used for storage and this is the plan on which the Council based its decision. An amended layout plan (Ref 1547-01B) was submitted with the appeal which excludes the area owned by Network Rail from the proposed storage area. I see no reason why any party would be prejudiced by my taking into account the amended plan in my decision.

Main Issues

5. The main issues in the appeal are:
 - i) the effect of the development on the character and appearance of the area; and
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- ii) the effect of the development on highway safety.

Reasons

Character and Appearance

6. The facility processes waste plastic to produce granulated material for recycling. Some of the waste material is baled and sent elsewhere for processing. The yard area is used for storage of both waste and processed material and this is on the corner of New Street and Oldham Road. The site is at a higher level than the latter road, with a low retaining wall forming the boundary. Above this a concrete block wall of about 1.8 metres in height has been erected along the road frontages. This differs from the proposed wall in terms of the material used and its height.
7. A previous retrospective application for change of use¹ was refused in June 2015 and since then the Council has issued an Enforcement Notice which requires cessation of the use. One of the reasons for the previous refusal was that the appearance of the stored waste, which was visible from Oldham Road before the current wall was erected, was found to be unacceptable. The proposed 3 metre high wall is intended to screen the stored waste from view and as such would address the previous reason for refusal. However this would be of significant height and would be a dominant feature in the street scene. The overall height of the wall would be greater than 3 metres because it would be above the existing retaining wall.
8. The site adjoins a railway line which is at a higher level and there are walls associated with the railway bridges that cross Oldham Road. The proposed wall would be close to the bridge walls and would be seen in association with them but would clearly be a distinct structure. It would be prominently sited on the corner of the two roads and would be at the back edge of the footway which is narrow on New Street. This would provide significant enclosure to the two roads and a generally oppressive appearance.
9. Along Oldham Road there are commercial premises most of which are set back from the road frontages. I saw that there is a brick wall of over 2 metres in height around a garage nearby but for the most part frontages are open. The garage wall has piers and decorative relief which reduce its perceived scale. On the opposite side of New Street there is a transport yard which is enclosed by palisade fencing. For the reasons given I find that the proposed wall would be unduly dominant and that it would unacceptably detract from the character and appearance of the area. This effect would be particularly harmful given that Oldham Road is a key route within the city and the proposed wall would thus be prominent in the context of the wider area. The site is within the East Manchester Regeneration Area as identified in the Manchester Core Strategy (2012) (CS) and the negative appearance of the development would not support the aims of regeneration within that area. The appellant has pointed out that some bagged material is stored within the transport yard opposite but I saw that this is limited in extent and this does not alter my finding on this main issue.
10. The appellant states that as a fall-back position waste plastic could be stored on the site under the existing authorised use which is Class B8 (Storage or

¹ Ref 106866/FO/2014/N1

Distribution)². The *Land Use Gazetteer* confirms that plastic waste storage falls within that Use Class. It has not however been demonstrated that the storage of waste plastic separately from the processing activity and of the volume previously stored in the yard would be viable as a realistic alternative.

11. A number of development plan policies require protection and enhancement of the character and appearance of the area. Policies SP1 and EN1 of the CS require creation of well-designed places and good design particularly on major radial roads. Saved policy E3.3 of the Manchester Plan³ has a similar requirement. Policy EC1 of the CS while providing for economic growth requires enhancement of the sense of place of the wider area and policy EN19 encourages improvement of the environment in connection with waste management facilities. The proposal would not accord with those policy requirements or with policy DM1 of the CS which requires consideration of scale, form and massing in relation to the character of the surrounding area.

Highway Safety

12. The appellant has advised that the largest Heavy Goods Vehicles (HGVs) which service the site are articulated and 16.5 metres in length. There are up to 3 deliveries per day by these vehicles. They arrive in accordance with scheduled time slots so that no more than one HGV should be at the site at any time. In the event that two HGVs visit the site at the same time the appellant has an arrangement with the transport company opposite for an HGV to park within that company's yard temporarily. The proposed servicing arrangement would require HGVs reversing from New Street onto the site. The appellant has demonstrated that this manoeuvre is achievable. There is no on-street parking restriction on New Street however and any parked vehicle could restrict such access.
13. The Council says that over the last 3 years storage of waste has encroached onto the servicing area resulting in HGVs servicing the site from New Street or from partially within the site and has provided photographic evidence of this. Conditions could be imposed requiring maintenance of the servicing area free from stored material and servicing in accordance with an agreed management plan. However based on site observations the Council is not satisfied that acceptable servicing arrangements have been demonstrated. This casts doubt on the effectiveness of any condition in this respect in terms of its enforceability. Furthermore the exclusion of the Network Rail land from the area to be used for storage would increase pressure on the remaining area and the likelihood that stored material would encroach on the servicing area.
14. Given the frequency of servicing movements and the size of vehicles any servicing from the highway would be likely to be prejudicial to highway safety and particularly pedestrian safety. The development would not accord with policies SP1 and DM1 of the CS which require the health, safety and wellbeing of residents, road safety and vehicular access to be taken into account.

Overall

15. The facility employs 10 people and is of benefit in terms of its contribution to the local economy. It also provides a facility for recycling of up to 6,000 tonnes of waste plastic annually as an alternative to it being treated at a lower

² Town and Country Planning (Use Classes) Order 1987 (as amended)

³ The Unitary Development Plan for the City of Manchester (1995)

level in the waste hierarchy. These benefits must be weighed against the harms that I have identified. The employment provided by the facility may be more than would be likely to be provided by a storage and distribution facility as authorised, but there is no evidence before me in this respect. For these reasons I give moderate weight to this benefit. The facility makes a contribution to sustainable processing of waste and I give significant weight to this benefit. The proposed brick walls do not attract any weight as a benefit because they would only serve to mitigate the visual impact of the waste and I have found that they would be visually harmful.

16. The benefits of the development in these respects accord with provisions of the CS. Policy EC1 supports new employment provision in this part of Manchester which is identified as the Regional Centre and Central Park in the Plan. This aspect would also be generally supportive of the local economy within the Regeneration Area. Furthermore policy EN19 of the CS and the Greater Manchester Joint Waste Development Plan are in general terms supportive of the type of waste facility proposed. The development would accord with the development plan in these respects but it would not accord with key provisions in terms of the harms identified. For these reasons the development would not accord with the development plan as a whole. This conflict carries substantial weight.
17. In addition to that substantial weight I give further significant weights to the harms that I have identified in terms of the effects of the development on the character and appearance of the area and highway safety. I have given significant and moderate weights to the benefits of the development but those weights are not sufficient to outweigh the weights that I have given to the harms.
18. The development would accord with the social and economic dimensions of sustainable development by providing employment and contributing to the economy. The sustainable treatment of waste would accord with the environmental and economic dimensions. However the adverse impact on the character and appearance of the area would weigh significantly against the environmental dimension. The harm to highway safety would weigh against all three dimensions of sustainable development. For these reasons when considered as a whole the development would not be sustainable.

Conclusion

19. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR