



Appeal Decision

Site visit made on 23 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/B4215/W/20/3250911

106 Waterloo Road, Cheetham, Manchester, M8 8AF

- 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 Rebin Sanjawi against the decision of Manchester City Council.
 - The application Ref 126398/FO/2020, dated 18 February 2020, was refused by notice dated 7 April 2020.
 - The development proposed is subdivision of a vacant Sui-Generis unit to a Class A1 retail unit and a hot food takeaway (Class A5) with installation of extraction flue.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit the appeal proposal had been implemented. The development is therefore retrospective in nature.

Main Issues

3. The main issues are the effect of the development on:
 - (a) The wholesale trade function of the area; and
 - (b) The character and appearance of the host building and the surrounding area.

Reasons

Wholesale trade function

4. The appeal site consists of a single unit within a terrace of modern premises. The erection of this terrace and the refurbishment of an existing building to form 12 cash and carry units was consented in 2015 (Ref 108717/FO/2015/N1).
5. The Council state that the development was originally approved on the basis that it would enhance the wholesale function of the area. In this regard, saved Policy CC10 of the Unitary Development Plan for the City of Manchester (1995) ('UDP') encourages a continued high level of economic activity in Strangeways and lower Cheetham Hill Road, with particular regard to the wholesale trades which dominate this area. It also recognises the regional role played by this area and seeks to improve the efficiency of wholesale cash and carry and bulk

distributive trades. In addition, the site falls within the Warehouse District as identified in the Strangeways Local Plan (2008), which aims to retain and improve the neighbourhood as a vibrant business location.

6. Saved Policy DC10 of the UDP further 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 plan policies. In this instance, saved Policy DC10 is therefore linked to saved Policy CC10 of the UDP, which refers to the Strangeways and lower Cheetham Hill Road area.
7. The appeal unit forms part of a recent development that consists of high quality, purpose-built wholesale premises. At the time of my site visit, the majority of the units fronting Waterloo Road were occupied by such businesses. These units clearly contribute to the vision for the area set out in Policy CC10 and the Strangeways Local Plan. In contrast, the appeal proposal has introduced non-conforming uses that are more typically found in a shopping parade. These are clearly contrary to the vision for the area and have removed a modern purpose-built wholesale unit from circulation.
8. It is asserted that the appeal building has been marketed for a considerable period of time, garnering little interest for wholesale use. However, the marketing information that has been provided is limited in detail. In this regard, the submitted information is not dated and it is unclear when this marketing took place, and for how long. It is also unclear whether any expressions of interest or offers were received, and no commentary has been provided from the marketing agent to explain any lack of demand. Only 2 screenshots of web advertisements have been submitted, which appear to relate to the wider development rather than this specific unit. In my view, this is insufficient to demonstrate a lack of demand for a wholesale use.
9. Reference is also made to the current Covid-19 pandemic and the effect this may have on demand. However, at this stage the full economic effects of Covid-19 and the speed of any recovery cannot be known.
10. Whilst the appeal proposal is modest in scale and does not in itself dilute the function of the area, it could set a precedent for other similar developments. Whilst each appeal must be treated on its individual merits, allowing this appeal could make it more difficult to resist similar proposals in the future. In this regard, any cumulative impact would exacerbate the harm I have described above.
11. My attention has been drawn to other units along Waterloo Road that are also in retail or non-employment uses. However, the full details of those cases are not before me, and it is unclear whether they benefit from planning permission. Moreover, with regard to the nearby housing charity office, that use is more in keeping with the character and function of the area than the appeal proposal. Separately, the appellant has also highlighted a number of nearby commercial premises that are available to buy or rent. However, given the size of the Strangeways and lower Cheetham Hill Road area it is inevitable that some units will be available at any one point due to turnover of businesses and premises. In any case, the appeal building is a recently constructed, high quality, purpose-built unit.

12. Recent appeal decisions in this area have been drawn to my attention by both main parties. However, the case highlighted by the appellant¹ is on the edge of the city centre and was previously used for purposes unrelated to wholesale trades. That Inspector also concluded that it would result in considerable visual improvements to a key transport route into the city centre, and considerable economic benefits. That is not the case here.
13. Policy CC10 pre-dates the publication of the National Planning Policy Framework ('the Framework'), and the appellant considers that it is significantly time expired. However, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. Moreover, I note that one of the appeal decisions² drawn to my attention concludes that Policy CC10 is not at odds with the Framework. I see no reason to take a different view.
14. The permitted use of the building is 'sui generis' for planning purposes. This term is given to uses that fall outside of the defined limits of any other use class. Changes between sui generis uses are generally not permitted development and the other sui generis uses highlighted by the appellant would therefore require planning permission.
15. For the above reasons, I conclude that the development significantly harms the wholesale trade function of the area. It is therefore contrary to Policies CC10 and DC10 of the Unitary Development Plan for the City of Manchester (1995), Policy DM 1 of the Manchester Core Strategy (2012), and guidance contained in the Strangeways Local Plan. These policies and guidance seek to support economic activity in the area, particularly related to the needs of wholesale trades, and to ensure that new development is appropriately sited.

Character and appearance

16. The surrounding area is predominantly commercial in nature and is characterised by low key daytime uses. In this regard, there are no other late night uses in the immediate vicinity, albeit a petrol filling station is located further to the south. Whilst the development proposes a relatively isolated late night use, it would be positioned on a main road and would not significantly alter the appearance of the building. In my view, it would not be unduly harmful to the commercial character of the area.
17. The appeal building is set forward of the unit to the south, which is also lower in height, and the proposed flue would therefore be visible in longer views along the street. This is shown as a large and unattractive feature on the submitted plans. However, a condition could be imposed requiring details of its siting and design to be submitted and approved.
18. For the above reasons, I conclude that the development would not significantly harm the character and appearance of either the host building or the surrounding area. It would therefore accord with Policies C 10, SP 1 and DM 1 of the Manchester Core Strategy (2012). These policies seek to ensure, amongst other things, that new development has regard to the character of the surrounding area and creates well designed places.

¹ APP/B4215/W/17/3186654

² APP/B4215/W/17/3174366

Other Matter

19. The appeal unit is located on the edge of the Strangeways and lower Cheetham Hill Road areas and residential properties are positioned opposite. However, these properties are in an elevated position and are set back significantly from the road. Waterloo Road is also relatively wide in this location and there is a significant band of mature planting along its western edge. In these circumstances, I do not consider that the proposed hot food takeaway would have a significant effect on the living conditions of neighbouring occupiers.

Conclusion

20. As set out above, I conclude that the development would significantly harm the wholesale trade function of the area. Whilst it would re-use a vacant unit, and would generate new employment and some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR