

Appeal Decision

Hearing Held on 20 October 2020

Site visit made on 21 October 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/B4215/W/19/3243793

Rileys, Kirkmanshulme Lane, Manchester M18 7BA

- 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 Waqar Ahmed against the decision of Manchester City Council.
 - The application Ref 121780/FO/2018, dated 5 November 2018, was refused by notice dated 9 August 2019.
 - The development proposed is part retrospective application for the proposed change of use of former Class D2 Snooker hall to a wedding venue (sui generis use) with associated internal and external alterations including the installation of a mezzanine floor for storage and installation of external canopy and flue, erection of new bin store and bicycle store, creation of new car park within the front garden and reconfiguration of existing car park to create new spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the development description as set out on the Council's decision notice, which is usefully more detailed and comprehensive in its description of the proposal. This description was confirmed by both parties at the hearing and I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - The effects of the proposed development on the character and appearance of the surrounding area;
 - Whether or not the proposed development would make appropriate provision for the parking of vehicles and the consequent effect upon highway and pedestrian safety; and
 - The effects of the proposed development on the living conditions of occupiers of nearby residential properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. Kirkmanshulme Lane is a wide road which, as well as providing a convenient link between Hyde Road to the east and Stockport Road to the west, also serves initially at least from its junction with Mount Road at Hyde Road, a range of predominantly commercial and leisure-based sites and uses. Further west, opposite the speedway stadium and sports centre, the prevailing character begins to change to residential, first on the northern side of the road, then on the southern side.
5. However, the character of the area immediately around the appeal site is predominantly commercial and leisure-based in nature. Initially, Kirkmanshulme Lane is dominated by the open expanses of hard-standing surrounding the Belle Vue greyhound stadium, where wire-mesh fencing enclosing it looks somewhat down at heel and makes little attempt to mitigate these open expanses. Beyond the site, the more thorough planting scheme around the cinema car park and the more recent planting at the speedway stadium go some way to creating a more pleasant environment along Kirkmanshulme Lane.
6. Although now a somewhat untidy area of land between the appeal building and Kirkmanshulme Lane, I heard that it had previously made a more positive contribution, albeit limited, in terms of landscaping to the Kirkmanshulme Lane streetscene. Whilst the value that it presently has is limited, I share the Council's concerns regarding the effect of the areas of proposed car parking on the character and appearance of Kirkmanshulme Lane.
7. The area between the building and the Kirkmanshulme Lane boundary would be given over almost entirely to the parking and manoeuvring of vehicles. As such, this would be little different to the extensive car parking areas which typify much of the area around and near to the appeal building. However, the proposed layout would emphasise and exacerbate the proposed vehicle-led dominance of the area between building and road.
8. When the proposed venue is not in use, this area would be just another open expanse of hardstanding and when operational dominated by cars parked in a tight car parking layout. It was argued that the proposal would incorporate areas of planting and landscaping to soften the appearance of this area but these would be little more than token areas of planting that would, I suspect, be susceptible to damage from vehicles.
9. Moreover, given the limited width of these areas, particularly those around the site's frontage, the practical and visual benefit of planting would be limited. At best, all that would be achieved would be low-level shrub planting. I accept that in the context of the greyhound stadium's surrounds, this might be seen as a minor benefit. However, it instead demonstrates the dominance of the car parking area and that the proposal represents a missed opportunity in the enhancement and improvement of the Kirkmanshulme Lane corridor.
10. Whilst extensive areas of car parking are not uncommon, both the bingo hall's main road frontage (to Hyde Road) and the cinema's car parking are set behind extensive, and extensively landscaped areas. Although those sites are on a different scale to the appeal proposal, they nevertheless demonstrate that

areas of car parking need not be completely desolate areas of hardstanding. Whilst not as large, the area to the front and Kirkmanshulme Lane side of the building would be almost exclusively laid to hardstanding for car parking. It might perhaps have been a bit of a stretch of the imagination to describe this area as existing as a garden, but the proposal would entail the use of all but the smallest of strips around the site's perimeter and a couple of smaller, incidental triangles of land for the parking and manoeuvring of vehicles. These areas would be no more than token landscaped areas that would do little to mitigate the visual impact of the car parking area and the lack of opportunity provided for a meaningful planting scheme.

11. Thus, the proposal represents a significant missed opportunity to improve and enhance the appearance of the appeal site and its road frontage. It would also fail to capitalise on the relatively mature landscaped cinema car park frontage just to the west of site on Kirkmanshulme Lane, and even the newer landscaped buffer of the speedway and sports centre's road frontage, nearby to enhance and improve the visual experience and built and natural environment at this end of Kirkmanshulme Lane. For all of these reasons, the proposal would fail to accord with the provisions and aims of Core Strategy (CS) policies SP1 and DM1 which seek, amongst other things, to ensure that all development has regard to appropriate layout, materials and detail, landscaping and open space, make a positive contribution to neighbourhoods and create well-designed places.
12. The proposal also includes the refurbishment of the building's exterior, particularly its south and east elevations, by way of the installation of extensive glazing to the south elevation and the recladding of the east elevation to create a more distinct and formalised entrance to the building. The latter element of the proposed external alterations would also include the construction of a canopy over the entrance.
13. The Council do not object to these elements of the proposal, and nor do I. These works would enhance the building's appearance, elevating it from a functional 'industrial-park' type building and giving it a more contemporary appearance. In this respect, this element of the proposal would weigh positively in support of the appeal scheme and would broadly align with the aims of CS policies SP1 and DM1. However, whilst positive, the benefits of the building enhancements would be lost, and the opportunity of wider enhancement passed by, because of the treatment of the area immediately surrounding the building and the effect that this would have on the character and appearance of Kirkmanshulme Lane.
14. The building would become an island amidst excessive areas of tarmac and the immediate streetscene dominated by car parking. The utilisation of almost all the available land around three sides of the building for these purposes at the expense of any meaningful landscaping would be a missed opportunity at a part of Kirkmanshulme Lane that would benefit visually from such measures. Thus, whilst noting the Council's longer term aspirations for both the greyhound stadium and cinema sites, the missed opportunity that a more comprehensive landscaping proposal would allow becomes more stark against the somewhat desolate open expanses of the stadium's forecourt and the more pleasant landscaped buffer around the latter's car park. Thus, for these reasons, the proposal would fail to accord with CS policies SP1 and DM1.

Parking and highway and pedestrian safety

15. The appeal scheme would make provision for a total of 89 car parking spaces, with further provision of 3 disabled car parking spaces and space for 3 minibuses. The parking spaces would be provided over three separate areas; the area immediately around the building which would accommodate 30 car parking spaces and the 3 disabled / 3 minibus spaces, with further areas capable of accommodating 20¹ and 39² vehicles, respectively. It was agreed at the hearing that the Council require a total provision of 88 car parking spaces³ for a use of the nature proposed.
16. The areas of land allocated for parking at areas 2a and 3 are a located a short distance from the appeal building; the former a row in the adjacent Gala Bingo car park, the latter a wedge-shaped area adjacent to the side of the Gala Bingo building and the Showcase cinema car park. It was described at the hearing that area 3 is available to the appellant on a long-term lease and I am satisfied that this provides a sufficient degree of certainty and longevity of tenure to be able to provide a substantial proportion of the proposed use's parking provision.
17. Area 2a is available to the appellant by licence rather than lease and, because of its notice periods, provides significantly less longevity and security of tenure than the other two areas of parking. That is not to say that there is any expectation or indication that the licence agreement would be terminated but, were it to be so, there would be a notice period of one month. The loss of this area of parking at any point would take the level of provision below that required by the Council and, without appropriate measures, would mean that parking pressure would spill out beyond the areas included within the appeal site.
18. On the face of it, this might not appear critical given the wider expanses of the bingo hall's car park. However, as a private car park the appellant has not presented any evidence of entitlement to the use of that area for parking in relation to the proposed bingo hall and, in any event, it is quite likely that some of the appellant's intended reception time slots may coincide with busier times at the bingo hall.
19. I heard during the hearing that the appellant had considered a scenario whereby area 2a was no longer available and that through appropriate event management, 'double stacking' of parked vehicles and, where necessary valet parking, the capacity of area 3 could provide sufficient compensatory parking provision. I can certainly see the practical logic of such an approach, particularly given the nature of the wedding venue's operation and characteristics which with focused arrival and departures would lend itself to such collective endeavours with regard the organisation of car parking.
20. Thus, the Council do not object to the quantum of parking provision for a use of the nature and size proposed in this instance. From all that I have heard and seen I am satisfied that those spaces would be appropriately and conveniently located relative to the appeal building and that appropriate event management provisions, which could be secured by way of planning condition,

¹ Area 2a – Drwg No: LU106-P101 Rev D

² Area 3 – Drwg No: LU106-P101 Rev D

³ Excluding the disabled / minibus provision

would ensure the efficient access, egress and occupation of those spaces. Furthermore, I am also satisfied that through the measures secured by an appropriately worded condition the management and use of area 3 for parking would ensure that, should the need arise as a result of the termination of the area 2a licence, sufficient space exists within area 3 to accommodate any parking requirements arising from displaced parking in area 2a.

21. In terms of the capacity of Kirkmanshulme Lane to cope with overspill parking, should any arise, it is a wide and reasonably straight road with limited junctions between Mount Road and Ellen Wilkinson Crescent. Although there are some parking restrictions in place, principally around those junctions, there are lengthy stretches of restriction-free kerbsides on both sides of the rear where vehicles could, and I'm sure already do, park in connection with other uses without prejudice to highway or pedestrian safety.
22. At the time of my visit to the site, which broadly coincided with what would be the afternoon reception 'slot', there was very limited demand for parking along Kirkmanshulme Lane, other than in connection with a COVID-19 testing facility at the National Speedway Stadium. I accept that the parking environment may be different at other times, and perhaps also outwith the current COVID-19 restrictions, but I am not persuaded that any overflow parking would be so great as to overwhelm the capacity of Kirkmanshulme Lane.
23. Although the Council remain concerned about the longer-term security of the 20 spaces within the 'licensed' area 2a, and the 1-month notice period associated with those spaces, I have not been presented with any particular reason to suspect that those 20 spaces would not be available to the appellant. In any event, I am satisfied that it has been adequately demonstrated that the 'leased' area 3 would have sufficient additional capacity to accommodate lost spaces from area 2a through careful event-management measures should they become unavailable. Such measures could include valet parking and the double-banking of spaces, in addition to comprehensive pre-event information regarding arrivals and departures. As such, I am reassured that those measures could be adequately and appropriately dealt with by way of an event management plan secured by way of planning condition.
24. However, I am also mindful of the 19 car parking spaces, 3 accessible parking spaces and pull-in spaces for 3 minibuses that would be provided in the area immediately around the appeal building and 4 of the spaces within area 4. I have already concluded that the devotion of this area so completely to providing these parking spaces would seriously and materially compromise the proposal's ability to successfully and positively enhance the character and appearance of the appeal site, and also that of Kirkmanshulme Lane. The provision of a more robust planting and landscaping scheme within this area to address these concerns would however be likely to entail the loss of a small number of parking spaces from this area and, in turn, lead to displacement of some spaces from this area. In isolation, the displacement of a small number of spaces from this area could, I am satisfied, adequately be accommodated elsewhere, such as within area 3 with the same sort of management arrangements considered above. Were this to coincide with the loss of access to parking within area 2a, the ability of area 3 to accommodate all of the displaced spaces would be less clear.

25. Nevertheless, whilst area 2a is potential not as secure a long-term proposition as area 3, I have no particular reason to suspect that it would not be available to the appellant. Even if it were to become unavailable, I am satisfied that an appropriate event management plan and provisions for managed arrival, car parking and departure would allow the most efficient use of available parking spaces. Furthermore, it has not been adequately demonstrated that Kirkmanshulme Lane could not accommodate the limited overspill parking that could arise from the proposed use in such circumstances. I have no reason to believe that guests of the proposed venue would park irresponsibly on Kirkmanshulme Lane and thus I am satisfied that the proposal would not prejudice highway or pedestrian safety. There would not therefore be conflict with Core Strategy policies SP1, T2 or DM1 in these respects.

Living conditions

26. Although not specified in the reason for refusal, it was confirmed during the hearing that the Council's concern regarding the amenities and living conditions of occupiers of properties in surrounding streets was principally related to residents and properties in Ellen Wilkinson Crescent (EWC). EWC is in the region of 300 metres to the west of the appeal site, beyond the nearby cinema car park and broadly opposite the speedway stadium and is a relatively tightly laid out residential development, with modest residential properties set behind compact front gardens accessed via a twisting cul-de-sac road layout.
27. At the time of my visit to the site there were some cars parked on EWC in places. I appreciate that my visit to the site only allows a snapshot of a particular point in time, and that that time did not coincide with an event at the speedway stadium. However, I have no doubt that large numbers of cars parked on-street in connection with events would be both noticeable and, given the compact nature of the street and residential plots, potentially disruptive in terms of late-evening movements and comings and goings.
28. What has not been adequately demonstrated however, is whether any parking demand arising from the appeal site as a wedding venue would be displaced as far as EWC. Kirkmanshulme Lane is a reasonably straight, wide carriageway with sufficient width to allow parking on both sides of the road for a considerable length between the appeal site and EWC. There are some restrictions on on-street parking, notably around existing junctions, but not to such an extent that I could reasonably conclude that on-street parking would be displaced as far along Kirkmanshulme Lane as EWC.
29. The appellant's conclusions regarding travel patterns to / from the appeal venue and occupancy rates and patterns thereof were not disputed and it was agreed that the provision of 89 parking spaces (plus 3 accessible parking spaces) would be acceptable for the proposed occupancy level of the wedding venue. Given these factors, the only element of potential uncertainty that would remain in this respect is the security of tenure of all of those car parking spaces. However, even given the Council's misgivings regarding the licenced area of car park (20 spaces), I am satisfied that with appropriate event management the leased area of car parking provides sufficient capacity to 'mop up' the spaces from the licenced area should they fall away in the manner the Council fear.
30. In any event, I am not persuaded of the likelihood of a perfect storm of the loss of the licenced area, the inability of the leased area to provide for the

balance of the lost spaces through event management, the reasonably generous Kirkmanshulme Lane being unable to accommodate any overflow parking on-street and that parking stretching as far along Kirkmanshulme Lane as to create a problem at EWC. Even if over-flow parking should occur, I am satisfied from all that I have seen and heard, including from my visit to the site and its surroundings, the Kirkmanshulme Lane would be capable of accommodating such parking without prejudice to either the amenities of residents of EWC or the highway and pedestrian safety thereof.

31. For these reasons, I am satisfied that the proposal would not cause material harm to the living conditions of residents of Ellen Wilkinson Crescent through noise and disturbance from guests at the wedding venue parking and accessing their vehicles. Nor, for the same reasons, am I persuaded that the proposal would cause material harm to the pedestrian or highway safety of users of EWC. There would therefore be no conflict with MCS policies SP1, C10, T2 or DM1 or with saved UDP policy DC26. Together, these policies seek to ensure that development proposals have appropriate regard, and avoid unacceptable harm, to the amenities of neighbouring uses by avoiding, amongst other things, noise and disturbance from traffic whilst supporting proposals that contribute to the evening economy.

Planning Balance and Conclusion

32. The proposal would make adequate parking provision for the level of car parking agreed to be required for a use of the nature and scale proposed. Where circumstances may entail the loss of access to some of those spaces, I am satisfied that the appellant has sufficient control over areas of land which, with appropriate management measures, could accommodate parking requirements from the limited loss of spaces from other areas. It is also clear that Kirkmanshulme Lane is of sufficient width and layout to accommodate on-street parking without detriment to highway or pedestrian safety. Nor am I persuaded that overspill parking pressures from the proposed use would be significant or extend as far as the nearest residential properties on Ellen Wilkinson Crescent, given the nature, layout and limited parking restrictions along Kirkmanshulme Lane. The proposal would not therefore have an adverse impact on the living conditions of occupiers of Ellen Wilkinson Crescent through noise and disturbance from vehicle movements and comings and goings associated with the proposed use.
33. However, in providing a sufficient quantity of parking spaces at and around the appeal building, the space at the front and Kirkmanshulme Lane side of the building would be dominated by hardstanding for the movement and parking of vehicles as a consequence. The absence of meaningful space for the provision of a robust landscaping scheme in a prominent location at the entrance to Kirkmanshulme Lane represents a significant missed opportunity to enhance the appearance of the appeal site as a whole and to link up with other landscaped roadside site frontages nearby. What little space there would be, would be a token provision and would not contribute positively to, or enhance the character of, the site and the surrounding area. The harm to the appearance, character and visual amenities of Kirkmanshulme Lane, and the missed opportunity that the proposal represents, would clearly outweigh the limited benefit to the evening economy that the proposal would provide. The absence of harm in terms of highway and pedestrian safety, and to the

amenities of local residents, are neutral factors and do not alter the conclusion set out above.

34. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Farooq Rafiq BSc (Hons), MCD, MRTPI	Director / Planning Consultant Inspire Planning
Mr Alan Davies MSc, CMILT, MCIHT, MAPM	Director DTPC Northwest
Mr Lewis Stonehouse BA (Hons), MSc, MIOA	Principal Acoustic Engineer Hydrock
Mr Umar Faruque BA (Hons), PG Dip	Architectural Consultant Lumitekton Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Steve McCoombes	Senior Planner Manchester City Council
Mr Andrew Connell	Highways Development Control & Flood Risk Manager Manchester City Council
Mr Neil Bayliss Rowe	Traffic Engineer Manchester City Council