



Appeal Decision

Site visit made on 27 April 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2021

Appeal Ref: APP/B4215/W/20/3263384
197 Chapman Street, Manchester M18 8WP

- 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 Arms Group Ltd against the decision of Manchester City Council.
 - The application Ref 124485/FO/2019, dated 9 August 2019, was refused by notice dated 21 May 2020.
 - The development proposed is the change of use of part of the retail unit/PFS kiosk to restaurant (Use Class A3).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading above is taken from the planning application form. The application was validated using an alternative description determined by the Council, however, the appellant requested that it be reverted to the original description prior to determination of the application. Consequently, this was the basis on which the Council made its decision and is the description I shall use for the purposes of this appeal. PFS abbreviates petrol filling station.
3. Since the time of the planning application revisions to the Use Class Order 1987 have taken place. The former A3 use Class has been subsumed into a broader class, Class E, relating to commercial, business and service uses. Notwithstanding this amendment, the site incorporates a number of uses, including fuel sales. It therefore lies outside of any use class specified in that Order.
4. The appellant indicates that the internal layout of the building is indicative only. However, the application form states that the change of use proposed within the site is limited to an area of 150sqm. This is the basis on which I have determined the appeal.

Main Issues

5. The main issues are:
 - Whether or not the proposal includes sufficient parking, servicing and access arrangements with particular regard to highway safety
 - Whether or not the location is suitable for the proposed use
 - The effect on the living conditions of nearby residents.

Highway safety and parking

6. The site consists of a petrol filling station with a large kiosk building incorporating a retail store for mixed convenience goods and a separate section of the building currently used for general storage. The site also includes a detached building divided into a number of units that, alongside outside areas, are used in association with vehicle repair, maintenance and cleaning. The proposal seeks the change of use of the storage area to a restaurant/café.
7. The site is accessed from two wide entrance points on Chapman Street, a well trafficked road through a mixed residential and commercial area. The access points accommodate two-way vehicular traffic and pedestrian visitors. Two entrances are also present on Stelling Street directly serving 2 units with frontages on the side street which provides access to a local primary school adjacent to the site.
8. The site layout plans suggest the area between the buildings would be utilised for parking in association with the proposed restaurant. Additional parking for other users is shown located within the open forecourt currently occupied by a hand carwash enterprise. At the time of my site inspection the area between the buildings was being used for storage of vehicles in association with the existing businesses in the workshops. External working on vehicles was also taking place there.
9. The scheme shows lines of parking spaces adjacent to the proposed restaurant/cafe and the workshops to serve the development. Whilst these would provide sufficient parking for the floorspace proposed and offer an opportunity to service the restaurant through medium-sized delivery vehicles, the use of the row adjacent to the workshops would prevent access to some of the units. There is little information to indicate any change to the proposed use of that building or, consequently, where the vehicles being worked on or stored there would be relocated to. The displacement of parking and activity from this area would potentially impose pressure on other parts of the site and increase the likelihood of visitors parking on the street close to the site.
10. Increases in the amount of on-street parking would decrease visibility at the existing access points on Chapman Street and/or lead to increased potential for inconsiderate parking in a locality close to a school, in the vicinity of junctions and on approach to a zebra crossing. Reduced visibility at junctions and other crossing points arising from on-street parking would be detrimental to the safety of pedestrians and drivers in the locality.
11. The proposal would also incorporate a new pedestrian access. The route would be directly across one side of the forecourt adjacent to the location of the fuel pumps. This would have the benefit of separating pedestrian access from the existing arrangement of shared access at the main entrances. However, the direct route across the forecourt would lie closer to the fuel pumps where vehicle manoeuvring, including reversing manoeuvres, will inevitably take place. Furthermore, some views to pedestrians entering the site would be obscured by existing frontage signage close to the proposed line of the route. This would provide an unacceptable point of potential conflict between vehicle and pedestrian users.
12. The proposed use of the building would attract greater amounts of vehicle movements within the site. This would include an additional degree of servicing

necessary to meet the combined need of the mixed uses. The southern access on Chapman Street is unmarked and vehicles can enter the filling station forecourt from either direction. In the absence of marked priorities between users of the forecourt, the proposed parking areas and the car wash area adjacent, the proposal would lead to increased likelihood for driver confusion with attendant potential for vehicles waiting at the southern entrance point. This would be particularly so when automatic fuel deliveries were being received.

13. Vehicles unable to freely access the site would cause additional highway safety concerns through vehicle waiting within the carriageway of Chapman Street. In a location where street narrowing has taken place and in close proximity to junctions with side streets, this would be particularly hazardous.
14. For the above reasons, I find that the proposal would fail to provide adequate space for vehicles for the existing and proposed uses of the site. Furthermore, it would increase visits by pedestrians and vehicle users which would not be accommodated in a manner to protect user safety or prevent out-spill of parking on to the surrounding roads. As such it would conflict with Policies T2 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document [2012] (CS) and saved Policy DC10 of the City of Manchester Unitary Development Plan (UDP) as they seek to secure appropriate parking and manoeuvring space, safe access and protect highway safety.

Location of development

15. The site lies in an area dominated by residential use. However, the area benefits from good levels of local shops and services which are situated in short rows and at corner sites along this stretch of Chapman Street. Although the site lies outside of any designated local centre, it forms part of a wider dispersed group of commercial premises which contribute to the offer in the locality, adding to its vitality. The proposed restaurant use would add to the mix of services available and it would be readily accessible by foot, by public transport and could be used in combined trips by private vehicle users.
16. The plans show a total floorspace of about 150sqm with a significant part given over to kitchen and storage space thereby limiting the potential number of covers which could be facilitated. Although the layout of the area is described as indicative, the scale of the public area would be limited by the size of the scale of the building. In any event, the extent of the area open for public occupation could be controlled by planning condition. Accordingly, the proposal would be of a scale which would be commensurate with the character of the locality and services within it.
17. For those reasons, I find that the proposal would add to the offer in a locality benefitting from a range of commercial services and in a manner proportionate with the scale of development found there. It would thereby be consistent with the aims of Policies SP1 and DM1 of the CS and saved Policy DC10 of the UDP as they seek to improve access to services, secure businesses of a suitable scale and reflect the character of the surrounding development, and to direct premises offering food and drink to appropriate locations.

Living conditions

18. Of the commercial premises in the locality there are a number, including general stores and takeaways, that are open during evening hours until 11pm. The service station, however, benefits from 24 hour opening with night time fuel sales (only) taking place via the service window in the kiosk. The use of the restaurant is proposed between the hours of 0700 to 2230hrs to reflect the hours of the adjoining retail store.
19. The position of the unit between existing commercial elements on the site and set back behind the forecourt would provide a buffer to the nearest residential properties lying adjacent and opposite the site. Although the front boundary is substantially open, daytime activity associated with the unit would be in the context of the multiple uses taking place on the site and the busy roadway. Given the scale of the unit, I find any associated activity would not give rise to any significant adverse effects that would be notable against that arising from the existing business uses. This is particularly so given the extent of comings and goings generated by the service station and the associated noise of car doors and vehicle workings taking place on the forecourt and at the workshops.
20. During evening times, the main potential for noise and activity would also be visitors parking and entering or leaving the locality. This would not be dissimilar to the existing use save that users of the restaurant are more likely to have an extended duration of stay. Although some intensification of the use of the site would occur it would largely be experienced against the background of the effects derived from the filling station and shop users. Furthermore, that activity would be dispersed such that no significant observable change would be experienced.
21. Although the Council has concerns with respect of potential for groups of people to congregate outside of the premises, there is little evidence to suggest that would be the case on the site in question, or that if it were to occur, that there would be any significant adverse effects arising from it.
22. As a restaurant/café use the business could provide an ancillary level of takeaway meals or deliveries. I note that the Council adopted a Hot Food Takeaway Supplementary Planning Document [2017] (SPD) that, amongst other things, seeks to limit any adverse effects of takeaways, particularly where they lie in close proximity to schools. I see little reason why restrictions to any takeaway function could not be imposed on the development in question in order to align with those policy requirements. As such, I find that there would be no conflict with the SPD in that regard.
23. Noise arising from extraction units could be similarly restricted through a condition requiring agreement of the details, installation, management and maintenance of a suitable system. This would accord with the approach advocated in Paragraphs 54 and 55 of the National Planning Policy Framework in relation to the use of planning conditions.
24. I note the concerns of residents in respect to the potential for increased litter generation arising from the site. As a restaurant/café use where the majority of meals would be prepared for consumption on the site, the extent of wrappings carried away by customers is therefore unlikely to be significant.

25. For the above reasons, I find that the introduction of a small restaurant facility on the existing commercial site would not result in any undue adverse effects on nearby residential occupiers. It would thereby comply with Policies SP1, C10 and DM1 of the CS and saved Policies DC10 and DC26 of the UDP as, amongst other things, they seek to protect the living conditions of nearby residents from noise, traffic and disturbance.

Conclusion

26. Whilst I have found in favour of the appellant with respect to the matters of living conditions and the suitability of the location for the proposed development, I do not consider these matters outweigh the identified harm in relation to the effects of the parking arrangement and highway safety. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR