



Appeal Decision

Site visit made on 19 October 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/C4235/W/22/3298873

96 Longford Road West, North Reddish, Stockport SK5 6HY

- 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 Huseyin Yalcin against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/081903, dated 9 July 2021, was refused by notice dated 16 November 2021.
 - The development proposed is described as 'The premises are currently used as a Hair Salon. The change of use is to create a fast-food takeaway'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has added to the information they supplied with their application to the local planning authority. This includes revised opening hours for the proposed development and supporting evidence, in the form of two expert reports, a Noise Impact Assessment (NIA) and an Odour Control Report (OCR). As this information formed part of the appellant's Statement of Case, and the Council has had the opportunity to consider and comment upon it as part of the appeal process, I am satisfied that my consideration of this information would not be prejudicial.

Main Issues

3. The main issues are (a) whether this would be a suitable location for the proposal, having regard to encouraging healthy food choices, and (b) the effect of the proposed development on the living conditions of occupiers of nearby residential development, with specific regard to noise and disturbance.

Reasons

Suitability of location for encouraging healthy food choices

4. The appeal site relates to the ground floor of a two-storey terraced property, which lies within a small shopping parade used as a mix of commercial premises. Some first-floor premises are in residential use and the wider area is largely residential also. Outside of service centres, Policy AS-3 of the Core Strategy DPD March 2011 (DPD) requires that proposals for hot food takeaways be located over 300m from schools and parks, in order to encourage healthier food choices for children, by creating a supportive environment.

5. North Reddish Park lies to the east of the appeal premises, along Longford Road West. The dispute between the parties as to the proximity of the park to the appeal site results from the chosen measurement point for the park itself. I observed that the park entrance is clearly defined by signage where Longford Road West meets the footpath extending into the park itself. This entrance to the park is clearly within 300m of the appeal site and is an easy walk, provided by a level footpath, with only one crossing over Ruskin Road. The proposed takeaway would not therefore meet the locational requirement of DPD Policy AS-3.
6. I have been provided with some nutritional information relating to Turkish cuisine, indicated by the appellant to be the intended food option, with grilling highlighted as a healthier cooking method. However, this information is generalised in nature. It highlights both the positives and negatives of Turkish food in terms of the healthiness of various meal options. I am not provided with any specific menu for the proposed premises to demonstrate only healthy credentials, and even if I were, it would not be reasonable to restrict the proposed premises in such a way, nor would it be enforceable. Nor can it be assumed that all children would be accompanied by their parents or guardians, so as to assist with their food choices. Older children could quite feasibly be using the park and visiting local conveniences independently. As such, whilst the intention to provide a healthier food option is commendable, it cannot be guaranteed, given that any permission would relate to a general hot food takeaway.
7. To conclude on this first main issue, the appeal site would not be a suitable location for the proposed hot food takeaway, as its proximity and easy access from nearby North Reddish Park would not encourage healthier food choices. The proposal would not therefore comply with DPD Policy AS-3, the purpose of which has been set out above. The aims of this policy are consistent with the National Planning Policy Framework (NPPF) in terms of supporting healthier lifestyles where this would address local health and well being needs, including access to healthier food.

Noise and disturbance

8. In addition to the appeal site, this small parade includes a convenience store and newsagents. Signage exists for a hot food takeaway at No 94 Longford Road West, but this premises was not open at the time of my visit and I note the Council's confirmation that planning permission has been refused for this hot food takeaway. Some off-road parking exists to the frontage. A further takeaway is located to the north, off Ruskin Road. Semi-detached housing is located to south, west and northwest, set behind short gardens.
9. Amended opening hours have been put forward, which would see the premises closing at 10pm each evening, with the exception of Saturdays, when closing is proposed at 11pm. I noted at my site visit that the adjacent convenience store is open to 11pm each day, whilst the existing takeaway on Ruskin Road is open to 9pm most days, albeit I do not have the planning history for these premises or whether the hours accord with any planning permission. These existing uses are likely to generate some activity and associated noise and disturbance, into the evening.
10. However, this proposal would introduce a further premises, opening late in the evening, close to existing residents. Patrons would potentially arrive by car or

utilise delivery services requiring collection/delivery by car. Given the limited availability of parking to the front of the appeal site, there would be the potential for vehicles to park to the front of houses on Longford Road West. This would inevitably result in increased noise and disturbance to residents over and above the existing situation, from car engines and radios, car doors closing, conversations or shouting, at a time in the evening when residents could reasonably expect quieter conditions.

11. Having considered the NIA and OCR provided by the appellant, the mitigation measures therein have the potential to manage several issues arising from the proposal, including control of odour and internal noise transmission, albeit reference in the NIA to the proposal as a public house (at paragraph 16.2) casts doubt on the robustness of that document. However, these mitigation measures would not address the noise and disturbance issues highlighted above, because these matters would be beyond the operator's control.
12. As such, whilst I appreciate that there may be some support for the proposal within the area, the position of the proposal would result in an unacceptable level of harm to the living conditions of occupiers of nearby residential properties. The proposal would not therefore comply with DPD policies SIE-1 and SIE-3, or saved Policy CDH1.2 of the Stockport Unitary Development Plan Review (May 2006) (UDP), which collectively and amongst other matters, seek to ensure that new development does not introduce unacceptable noise levels in order to provide a satisfactory standard of amenity for existing and future neighbouring residents. Further, it would not meet the policy of the NPPF in terms of achieving a high standard of amenity for existing and future users.
13. A previous appeal decision for a hot food takeaway at 98 Longford Road West has been brought to my attention. However, I have not been provided with the decision itself or the details of the case and so the full circumstances are not before me. Therefore, I have assessed this proposal on its individual merits.

Other Matters

14. I note that the appellant has taken steps to ensure that waste management arrangements would be in place for the proposal. However, these are ordinary requirements for a development such as this. I also appreciate that a further takeaway premises would improve choice for the wider public.
15. These other matters do not outweigh the harm that I have identified in relation to the main issues.

Conclusion

16. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

S Brook

INSPECTOR