

Planning Application Ref 132530/FO/2021 for Change of Use of the ground floor from a Hairdressing Salon to a Restaurant/Bar (Sui Generis), together with a single storey rear extension, installation of extraction Flue and creation of external seating areas

320 Wilmslow Road, Fallowfield M14 6XQ

Rebuttal Report addressing the objections and comments submitted in both support and opposition to the above mentioned Planning Application.

1.0 INTRODUCTION

- 1.1** The following report is being submitted on behalf of the applicant, Miss Natalie Power, to address the concerns and objections submitted regarding the Application. All the submitted comments have been analysed and points set out in the following paragraphs. Having gone through the submitted comments, it is noted that, out of the 94 neighbour consultations, only 8 neighbours have objected.
- 1.2** It is understood the local councillor has now withdrawn his objection following discussions with the Applicant. There are two objections from local resident's groups. The remaining objections are from 'members of the public' (it is noted that one of these has also now been withdrawn), Many of these objections have the same format and the same views, which indicates that this may be a petition-based group objection and, if so, should only be assessed as a single objection. There are 7 letters of support for the application.
- 1.3** Other internal consultees have suggested the application could be reasonably conditioned to ensure the development could be recommended for approval. As discussed with the Planning Officer, time has moved on significantly since the adoption of The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") on 11th July 2012. This policy is almost 10 years old and, as such, everyday life and development processes change and there is such a thing as 'exceptional circumstances'; this application, as a sui generis application, could well be considered to be within this category.
- 1.4** Many of the issues in the objections are repetitive. The document attached in appendix A, which was submitted to request a deferral of the application going in front of the Planning and Highways Committee, shows that the applicant is willing to reduce and avoid any further impact to existing problems in the area by amending some of the details of the planning application.

2.0 OBJECTIONS

- 2.1** As mentioned above and agreed with the Planning Officer, most of the objection are repetitive and predominantly revolve around the following themes:
- Anti-social Behaviour
 - Noise Disturbance
 - Litter
 - Security to side alley
 - Students
 - Mixed Opinions

2.2 ANTI-SOCIAL BEHAVIOUR

- 2.2.1** Many of the 32 objections relate to this issue. However, 2 of these objections have now been withdrawn (one from the local Councillor and one from a member of the public). It is well documented that this is a current and persistent problem in the area. But what is also acknowledged is that much of this is after midnight and in the early hours of the morning.
- 2.2.2** The applicant submitted a statement on the 13th of April, to request to defer the application to allow sufficient time to cross examine all the objections and address them accordingly (please see Appendix A). In this document, the applicant suggested to the Planning Team that in the first instance, and to not enhance this situation, she is prepared to **reduce** the opening hours in the evening and work with the Authority in trying to reduce the impact that this has in the area due to other late night opening establishments.
- 2.2.3** The applicant is also proposing to employ Security personnel on Friday and Saturday evenings, which will assist with the overall policing of this area.

2.3 NOISE AND DISTURBANCE

- 2.3.1** Noise and Disturbance is an issue nationally that affects many towns and cities. This is generally due to licencing in the main, allowing establishments such as hot food take-aways and pubs/clubs to remain open until up to 4am in the morning.
- 2.3.2** The applicant can deal with this issue with proposing earlier closing hours and having a security presence on the application site, as suggested above. With suitable and working planning conditions, it is considered this issue could be reasonably dealt with.
- 2.3.3** The applicant is also prepared to have a condition attached that prevents amplified music piped to the outside seating area to help contain and help with noise control.

2.4 LITTER

- 2.4.1** This is common problem due to the overbearing presence of late night take aways in the local area. In a concerted effort to limit this factor from the proposal, the staff, including the applicant, will maintain regular inspections during opening hours and any litter will be removed and placed in the appropriate waste bins.

2.5 SECURITY TO SIDE ALLEY

- 2.5.1** In the applicant's deferral statement (Appendix A), it is acknowledged that again, this could be dealt with through a suitable planning condition.
- 2.5.2** The applicant is prepared to install lighting and CCTV cameras covering the alleyway and the front seating area, to improve security and anti- social behaviour.
- 2.5.3** The seating area in the alley has been removed from the revised plan. The Salon bin store has been repositioned. This will alleviate the concerns raised by the planning officer and the Police.

2.6 STUDENTS

- 2.6.1** Many of the objectors have made the wrong assumption that this is 'just another student bar' and all the failings that go along with that. This not the case at all. The applicant has worked in this building for 38 years and owned the business for 27 years. As such, she has built up a good rapport with many of the business owners and residents locally. The intention is to provide a café/bar culture for residents and their families alike. An 'alfresco' style business would enhance the area in a well policed and controlled environment.
- 2.6.2** To meet the objective of creating an establishment which is not geared towards students, the applicant would like to introduce an 'over 21' policy in the evenings to reduce the student element. It should be noted that Nest (310 Wilmslow Road) is a strictly 'student only' venue and this is enforced through an ID approach. This bar is closed when the Universities/Colleges are closed for their term breaks. Having a place which is not primarily for students is something the applicant is extremely keen to provide for the residents, as so many within the District Centre are geared towards and encourage particularly the student population.
- 2.6.3** A further point to note with regards to the Core Policy and the District Centre Survey referred to extensively within the Planning Officer's report is that two bars, namely Revolution and Baa Bar have ceased trading recently; one is now a shisha establishment, and the other a burger restaurant. Further to the South of the application site another bar, The Ram and Shackle, has also closed and has recently re-opened as a Gym.

2.7 MIXED OPINIONS

- 2.7.1 One of the submissions, from a member of the public, appears to object to the proposal. However, the final paragraph of the comment suggests that it would support the development - in that and I quote ***"I think it is great that Dylan Roberts is going to remain, even if it is in the basement! Perhaps a nice café with pavement seating would be a more appropriate use of the use of the ground floor level ... we are sorely lacking establishments of this kind in an area that would appeal to families and young professionals"***. The remainder of this comment is aimed at Manchester City Council and the University, and not the proposal itself. It is also worth noting that the local councillor who originally objected has now withdrawn his objection, as has another objector, now they have more specific information regarding the proposal.
- 2.7.2 It is also worth noting that internal consultees had no objections and suggested conditions as part of an approval. Very interestingly, Environmental Health suggested a condition based on the following opening hours:
- Monday- Thursday 08.00-00.00
 - Friday – Saturday 08.00-02.00
 - Sunday and Bank Hols 09.00- 23.00
- 2.7.3 In spite of this suggestion, the applicant has suggested that the opening hours be reduced to 08.00-00.00 Monday – Saturday and 09.00-23.00 on a Sunday. It is hoped that proposing these reduced hours will have a very positive effect, by not contributing any further to the existing anti-social behaviour/litter/noise issues as mentioned in the above paragraphs.
- 2.7.4 The Planning Officer refers to the Core Strategy. It is considered that in recent times, people's life and social aspects have changed, particularly since the Covid 19 pandemic. What is clear is that this policy is 10 years old, therefore outdated and not in keeping with current activities and development opportunities. Therefore, a degree of latitude could be given to improve a declining High Street. The proposal will maintain a day-time use for this part of the District Centre which will encourage the movement of people.
- 2.7.5 The 2019 Fallowfield District Centre survey provided information that there are 72 no. current businesses, citing 4 no. pubs, although there an additional bar has been introduced since this survey was carried out. Two of these pubs/bars have since closed (see paragraph 2.6.3), therefore the issue of balance has changed and this proposal would fill a gap. Fallowfield could follow the development model of Burton Road, West Didsbury, where most licenced premises close at 12.00pm and the issues experienced by residents are greatly reduced. A completely

opposite example of this is Rusholme, which appears to be over developed with many late-opening take aways, pubs and clubs, double parking and rodent infestations. It is considered that our proposals could help to initiate a better night-time model within the Fallowfield District.

- 2.7.6** In the Planning Report, numerous paragraphs refer to the Council's Hot Food Take Away Supplementary Planning Document. This application is not a hot food take away as such we do not see the relevance of this policy. It is assumed that by introducing this that the Council are trying to suggest that this proposal would have an accumulative effect on the night-time economy. This application is in fact trying to introduce a day-time element which would attract residents, families, and young business professionals.

3.0 SUGGESTED PLANNING CONDITIONS

- 3.1** As mentioned in the referral document attached to Appendix A, the applicant clearly states that she does not want to exacerbate the current late night activities and wants a local café/bar for residents throughout the day and night. The applicant is content to have conditions attached to support an ongoing Owner/Operator facility, as follows:

- **Reduce the opening hours to 08.00 – 00.00 Monday – Saturday inclusive and Sunday and Bank Holidays 09.00-23.00**
- **Provide CCTV in the alley, of which the applicant owns half.**
- **Provide uniformed Security at the site on Friday and Saturday evenings to maintain security.**
- **Introduce lighting to the alley to enhance safety and security**
- **Repositioning of Salon bin store so it does not impede visibility**
- **Remove seating from the alley and provide secure cycle parking within the curtilage of the building.**

4.0 CONCLUSIONS

- 4.1** As part of this application at the beginning, local residents and members of the public automatically assumed that this was '**just another student bar**'. This is clearly not the case. It is acknowledged by the applicant that the policies of both the University and the Council have allowed for the student population to spiral out of control. The applicant wants a new business venture as a Café/Bar to accommodate residents, families and young professionals alike, to try and create a vibrant local facility and not a student bar. Once people had been informed of this, objections began to be withdrawn. It is considered that the majority of objections from 'members of the public' are all so similar it appears to be a group objection, and these should therefore be

treated as only one objection. The remaining objections centred around the points listed above, and it is considered these can be covered by reasonable conditions.

- 4.2** The Planning Officer refers heavily on the Core Policy; and cites a survey of businesses in the Fallowfield District Centre from 2019, which states there are four Pubs plus an additional bar. Two of these have now ceased trading. Other pubs, i.e., Wetherspoons, The Friendship Inn and Nest rely heavily on the student population for around 38 weeks of the year, at which point Nest closes when the students are not in town. Wetherspoons is a big chain pub that has no localism for residents and no sense of place.
- 4.3** In examining all comments, there were suggestions for a book shop or bakery. These would be totally financially unviable in this location. Books can be bought on Amazon a lot cheaper and delivered the next day. Sainsbury's already has a bakery and would be able to undercut prices. There was a suggestion of a soft play area for children. We think this, in this location, would be very extremely unviable being alongside the busiest bus route in Europe. The prospects of anything other than a Café/Bar would be very challenging.
- 4.4** The Planning report refers to the Council supporting owner /occupier businesses more so than major brand names. The applicant is the owner/occupier of the whole building, including the registered HMO above, and half the width of the alleyway. Another key factor is that when the Core Strategy was developed and adopted and the District Centre was surveyed, there are now fewer pubs and therefore, in terms of balance, there should be no objection to this application on this basis.
- 4.5** Finally, we believe that the Council are trying to suggest that these proposals would have an accumulative effect on the night-time economy and its associated issues. The applicant has shown that by making the suggested alterations to the proposals, these issues could be addressed successfully. The proposals will introduce a day-time element which would attract residents, families and young business professionals alike and would not be dependent on the student market. This enterprise could therefore be a success, should it be granted approval with conditions like those mentioned above. The proposals would provide a local setting for residents, members of the public. Based on this approach we consider that there are no tangible reasons to recommend refusal.

APPENDIX A – REQUEST FOR A DEFERRAL TO FUTURE PLANNING COMMITTEE

To be quite clear from the outset, this situation could have been avoided should there have been a more open approach to discussions with the Planning department.

The Agents received an email on 15th March to say that the Application was not supported and asking for a response as to whether the applicant wished to withdraw or allow the application to be refused. There was no mention at this time of the application being discussed at Committee.

The Agent responded on 16th March requesting an extension of time to allow time for addressing or rebutting the concerns listed in the Planning Officer's email. A response to this email was not received until 30th March. Only then were we informed that the application was going to Committee; we were not aware of the date of the Committee meeting until 5 April. The Planning Officer indicated to the Agent that her report would be online a week before the committee date but suggested to the agent that she would have sight of it before then. This did not materialise.

The Planning Officer at no time fully engaged with the Agent to discuss any way the objections around the application could be overcome. The Agent found the Planning Officer's report including summarisation of the objections on Friday 8th April, on the Manchester Council Committee agenda by pure chance, as the Planning Officer again did not communicate that the report had been completed to the Agent.

To be quite honest, the Applicant feels the whole process of fair and open planning has not been shown in the way this case has been handled, the process has been utterly disgraceful and secretive. **I have paid a substantial fee for planning guidance as part of this application. My Consultants have never been given the opportunity to rebut any of the comments submitted to the planning department, this could and should have been dealt with much earlier than the 11th hour, with the result being the Agent and other Consultants could not prepare a full rebuttal statement and, as such, we are now resorting to have to provide bullet points to hopefully have the application deferred to the next Committee Meeting - a situation I feel is totally unsatisfactory and extremely unprofessional.**

Having now read through and discussed the planning report with my Consultants (as much as has been possible due to the time constraints), we find that the report is very confusing as on one hand it says this is permissible, and on the other hand it is very detrimental. Sadly, there are no page numbers or paragraph numbers in which to refer to, so paraphrasing is the best way forward to bring some report inaccuracies to your attention.

- The first refers to a 5 bedroom duplex flat. This is not the case - it is in fact a registered HMO which houses students during term time.
- Access to the HMO already exists via the alleyway of which the applicant owns and controls half the width.
- It is not near a major junction as suggested in the report.
- As stated by the Applicant, her current Hair Dressing business has been blighted by the opening of 3 barber shops opposite, but there is no mention of this in the planning report; it demonstrates a significant loss in business, hence the need to diversify to something current.

There are suggestions in the report that some points could be conditioned and managed within the planning system processes. With this in mind, and not reinventing the wheel, Due to the lack

of time my Consultants concluded that the main thrust of objection, from around a 1/3 of those that were consulted, are around ASB, noise, nuisance and litter caused by late night activities of Students and young people. Key to this are the Take-aways that are allowed to operate until 3-4am; this contributes significantly to the concerns but already exists and should not bear detriment to the applicant. It should be noted that these previous decisions to allow this to happen were made by the Council, who have therefore contributed to this ASB situation.

I do not wish to contribute in any way to these anti-social issues. Therefore, in an effort to work positively with the Council, Police, and other interested parties, and to help minimise this existing problems, I am prepared to make changes/amendments to my application as follows:

- **Reduce the opening hours from 2am to Midnight.**
- **Provide CCTV in the alley in which the applicant owns half.**
- **Provide uniformed Security at weekend to maintain order.**
- **Improved lighting to the Alleyway**
- **Repositioning of bin store so it does not impede visibility**
- **Provision of cycle parking**

It is considered that, by implementing the above changes and allowing time for the Consultants to address and rebut any other issues raised, the applicant could be given consent by means of conditions at the next planning committee.

Bearing the above issues in mind, Planning practice guidance states:

- **refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead**