



Appeal Decision

Site visit made on 23 April 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2019

Appeal Ref: APP/B4215/W/18/3217729 72 Wilmslow Road, Manchester M14 5AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Franco Gomez, Holarix Ltd against the decision of Manchester City Council.
 - The application Ref: 121211/FO/2018, dated 10 September 2018, was refused by notice dated 5 November 2018.
 - The development proposed is retrospective planning application for the retention of raised decking and balustrade to forecourt area, installation of removable screens and retractable awning to forecourt area and change of use from A3 restaurant to a mixed use of restaurant (A3) and shisha café (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for retrospective planning application for the retention of raised decking and balustrade to forecourt area, installation of removable screens and retractable awning to forecourt area and change of use from A3 restaurant to a mixed use of restaurant (A3) and shisha café (sui generis) at 72 Wilmslow Road, Manchester M14 5AL in accordance with the terms of the application, Ref: 121211/FO/2018, dated 10 September 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: Block Plan; 18-09/01 Rev.A Existing Plans and Elevations.
 - 3) Details of cycle storage shall be submitted in writing to the Local Planning Authority within one month of the grant of consent. The approved details shall be implemented in full within six months of their approval, and retained whilst the use is in operation.
 - 4) Details of means to accommodate level access into the premises shall be submitted in writing to the Local Planning Authority within one month of the grant of consent. The details shall then be implemented within six months of their approval, and retained whilst the use is in operation.

Main Issue

2. The main issue is the effect of the proposed development on the character, vitality and viability of Rusholme District Centre.

Reasons

3. The appeal site comprises a restaurant, located within a 'parade' of businesses. A fixed canopy overhangs the parade's front forecourt area, which is substantially occupied by seating and tables. The proposal would add a shisha cafe use to the appeal site, a retractable awning in addition to the canopy, and removable screens around the seating area.
4. The area of Wilmslow Road around the appeal site has a diverse mix of businesses including restaurants, takeaways, jewellers, cafes, shisha cafes, food shops, wedding dress retail, pharmacy and opticians. The general impression is of a vibrant business scene with a substantial retail element.
5. Around just over half the businesses in the proposal's host parade are shisha premises, with the remainder including a mixture of eating places, takeaways, an optician and pharmacist. The parade appears vibrant with a distinctive cafe 'feel', which helps to animate the streetscene in front of the otherwise somewhat architecturally plain, postwar 'parade' building. I saw that cafes in the parade are used by a diverse range of customers in a diverse range of ways, with some using shisha, some partaking of food and drink, and some a combination of these. Within this context, I find that the proposal would not be discordant with the character and 'vibe' of the parade.
6. I appreciate the Council's wish to achieve a balanced mix of uses in the area, in order to support the character, vitality and viability of Rusholme District Centre. It is noted that the Council is concerned that the proposal would lead to an over-concentration of non-retail premises in the parade within Rusholme District Centre, to the detriment of the Centre. However, given the context described above, I find that the proposal would complement the parade's character and use, within the street's wider commercial scene. Accordingly, the proposal's contribution to a particular shisha 'flavour' to the parade would not be likely to harm the vibrancy of the parade, or the overall visitor appeal of the 'Curry Mile'.
7. In conclusion, the proposal would not harm the overall character, vitality and viability of Rusholme District Centre. As such, it would not conflict with Policies C2 and C10 of the Manchester Core Strategy (2012). Together the policies seek to ensure that development supports a balanced evening and night-time economy in the area, and contributes to the vitality and character of district centres.

Conditions

8. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case.
9. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition regarding access is necessary

in the interests of accessibility. A condition relating to cycle storage is necessary in the interests of sustainable transport.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

William Cooper

INSPECTOR