The Planning Inspectorate

Appeal Decision

Site visit made on 17 April 2018

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2018

Appeal Ref: APP/B4215/W/18/3193118
13 Grey Mare Lane, Manchester M11 3DQ

- 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 Michael Kehoe against the decision of Manchester City Council.
- The application Ref 115115/FO/2017, dated 24 January 2017, was refused by notice dated 18 August 2017.
- The development proposed is described as this application is to extend the beer garden at the rear/side of the premises and to move the existing car park entranceway – see plans.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties having regard to noise and disturbance.

Reasons

3. The appeal site comprises an existing public house (PH) located in a predominantly residential area close to the Etihad Stadium. The stadium is the home ground of Manchester City Football Club and it also hosts events. The PH has an existing beer garden located to the side and rear of the PH building, with a car park beyond. The existing beer garden has a corrugated roof and is partially enclosed by walling and panelling. The car park is also enclosed by walling and panelling. There is a chip shop to one side of the PH with Howarth Close, a residential street, to the other and another PH opposite. A number of the residential properties on Howarth Close are located opposite the appeal site, near to the PH building, beer garden and car park.

4. I understand from the evidence that the current opening hours of the existing PH and beer garden are 1200 till 2300/midnight, seven days a week. The submitted planning application forms state that the proposed uses would have a start time of 1000 with one form stating no end time and the other stating 2400. The Council's Officer Report states that the beer garden would be operational between 1000 and 2300 every day. The appellant's statement states that the current opening hours will remain unchanged but that the proposed beer garden and part of the existing beer garden nearest to Howarth Close together with an access door onto the Close would be closed

after 2100 on event days (football matches and other events at the stadium). The appellant considers that this would represent an improvement when compared to the existing use of the PH and beer garden.

5. The proposal would significantly increase the size of the beer garden. Whilst it appears that the existing boundary treatment to the car park would be retained, it is unclear from the evidence whether or not the new beer garden would have a roof as is the case with the existing. The extended beer garden would be near to and opposite residential properties on Howarth Close and with the exception of event days, would be available for use by customers of the PH between the hours of 1000 and 2300/midnight, seven days a week.

6. It appears from the evidence that the PH is busiest on event days and whilst I note that the appellant states that the proposal would not increase the number of customers at the PH but rather would improve the customer experience, the provision of a larger beer garden is likely to result in a greater number of customers congregating outside the PH building even if the total number of customers does not increase. This would be likely to result in increased comings and goings and noise and disturbance which would be detrimental to the residential character of the area and would be materially harmful to the living conditions of nearby residential occupiers. The fact that the use of the beer garden and side entrance would be restricted after 2100 on event days would not overcome the harm that would be likely to arise from the proposal having regard to the close relationship with nearby residential properties.

7. In reaching my decision I have had regard to the fact that the existing PH plays an important tourism and leisure role, that it employs a number of people particularly on event days and that it is in an accessible location. Whilst the proposal would enhance facilities for customers at the site and would aid with the efficient operation of the business, these benefits would not outweigh the harm to living conditions that I have identified.

8. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of neighbouring properties having regard to noise and disturbance. It is therefore contrary to Policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document Adopted July 2012. These policies require, amongst other things, development proposals to have regard to the effect on amenity including noise, to have regard to the character of an area and to make a positive contribution to the health and wellbeing of residents.

Conclusion

9. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR