CHORLTON PLANNING LTD

Town Planning & Development Consultants

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR M. KEHOE

AGAINST MANCHESTER CITY COUNCIL'S REFUSAL OF APPLICATION 115115/FO/2017 FOR AMENDMENTS TO CAR PARKING AREA TO FORM EXTENDED BEER GARDEN AND CREATION OF NEW VEHICULAR ACCESS TO CAR PARKING AREA FROM HOWARTH CLOSE

SITE AT MARY D'S, 13 GREY MARE LANE, MANCHESTER, M11 3DQ

APPELLANT'S STATEMENT OF CASE

Prepared by Chorlton Planning Ltd

On Behalf Of

Mr M. Kehoe

A:2176

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1.0 THE SITE

1.1 The appeal site comprises the beer garden and car park to the rear of Mary's D's Beamish Bar on Grey Mare Lane. The site is close to the Etihad Stadium, home to Manchester City Football Club, which lies to the north west.

1.2 There are residential properties on Howarth Close and Penfair Close to the south. An area of landscaped public open space lies to the north and east. Grey Mare Lane connects with the A662 (Ashton New Road) further to the north.

1.3 There is a vacant pub to the west. Immediately to the south of this is a large surfaced area used for car parking on event days at the stadium.



1.4 The site is well located in terms of access to public transport. A frequent bus service is in operation, with a sheltered bus stop immediately outside the pub on Grey Mare Lane. The Metrolink is also close by with the Velopark tram stop located within short walking distance to the north east. Many customers walk to the appeal site from the surrounding places of employment and residential properties.

1.5 A site location plan is provided at Document No. 1.

2.0 THE PROPOSAL

2.1 Planning consent is sought for the extension of the existing beer garden onto land currently used for car parking. The existing vehicular access from Howarth Close will be closed and a sliding, lockable gate installed to allow pedestrians to exit. A new bin store will also be created within this area enclosed by a 1.8m high timber palisade fence and gates.

2.2 A new vehicular access, with a sliding gate, will be created further to the east opposite the junction of Howarth Close with Penfair Close. 18 car parking spaces will be provided within the new car park and a minimum of 6 covered secure wall mounted cycle locking points will be installed on a new 900mm high brick wall adjacent to the boundary. A designated bin storage area will be provided and contained by a 1.8m high timber fence.

2.3 The extension to the beer garden will be approximately 253 m^2 in size.

2.4 The current hours of operation of the public house, and the associated beer garden, are from midday until 11pm/midnight seven days per week. This will remain the same. However, the new section of beer garden will be closed after 9pm on event days.

2.5 In addition, as part of the proposal, the majority of the existing beer garden will also close at 9pm on event days with an area to be sectioned off with a lockable roll down vinyl curtain to restrict customer access to the northern section only, to enable smoking after this time. Access to the beer garden will only be through the building and not from any external access points on event days.

2.6 For the purpose of this appeal an 'event day' is when there is a football match taking place at the Manchester City football stadium and when a concert or similar is taking place within the stadium. This varies depending on football fixtures and the number of concerts being held but on average there are approximately 40 event days per year.

2.7 A copy of the planning application submission is provided at Document No. 2.

3.0 BACKGROUND & DECISION

3.1 A planning application for the proposed development was submitted to the Council in May 2017 (115115/FO/2017).

3.2 The application was refused under delegated powers on 18th August 2017 for the following reason:-

> *"1) The proposed increase in the size of the beer garden would result in an over-intensive use of the site that creates an unacceptable level in comings and goings and noise, in and around the site. It is therefore considered that the proposal has an unduly harmful impact on the residential amenity of neighbouring occupiers due to increased noise and disturbance and is detrimental to the character of the area in general. For these reasons, the development is considered to be detrimental to*

residential amenity within the area, and therefore contrary to saved policies SP1 and DM1 of the Manchester Core Strategy".

3.3 A copy of the decision notice is provided at Document No. 3.

4.0 PLANNING POLICY CONTEXT

4.1 The site is unallocated for any primary purpose on Manchester's Local Development Framework (LDF) Core Strategy Proposals Map. The site falls within 'East Manchester'.

4.2 The following Local Plan Core Strategy policies are relevant:-

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EC1 - Employment & Economic Growth in Manchester

4.3 The following saved UDP policies are also relevant:-

- Policy DC26 - Development and Noise

4.4 It is assumed that the Council will provide a copy of the relevant policies as part of its statement of case.

4.5 Advice contained within the Council's SPD, The Guide to Development in Manchester and, within the National Planning Policy Framework (NPPF) is also relevant.

5.0 GROUNDS OF APPEAL

5.1 The reason for refusal states that:-

"the proposed increase in the size of the beer garden would result in an over-intensive use of the site that creates an unacceptable level in comings and goings and noise, in and around the site".

5.2 The venue has operated successfully as a pub/sports bar for over 20 years and is well known for specialising in catering for customers before and after football matches and events taking place at the nearby football stadium. The pub also attracts 'regulars' throughout the week with opening from midday until late seven days per week. The appellant has owned and run the business since 1993 and there have been no problems or complaints received.

5.3 The building is closely monitored by cctv cameras both inside and outside.

5.4 The venue has a large ground floor area which is split between a rectangular shaped main bar area to the front and an even larger space to the rear which has its own bar, seating and a

small stage – referred to as the 'concert room'. Leading off this area is a covered beer garden which wraps around the northern and eastern elevations of the building. Beyond this to the east is a large car park which is mostly only used on match or event days.

5.5 There are currently several entrance/exit points to the site. The main entrance is to the southern end of the front elevation facing onto Grey Mare Lane. There is a second door to the northern end of this elevation which provides an additional exit onto Grey Mare Lane. There is also an exit door to the southern elevation leading onto Howarth Close. There are then a further three doors leading from the 'concert room' into the beer garden. There is also a gated vehicular access to Howarth Close.

5.6 Due to the capacity of the venue several points of access/exit are required to maintain an efficient and safe flow of people during busy times. This also provides access to the toilet facilities from the beer garden. On event days there are several bars serving drinks, as well as the main bar within the front section of the building, to minimise queuing time and enable fast service.

5.7 The purpose of the proposed beer garden extension is to create a better atmosphere for customers on event days. The licensed capacity of the venue will not alter as a result of the proposal.

5.8 The Council raised concerns regarding increased comings and goings and noise as a result of the proposal. There will therefore be little difference in the number of people visiting the site on event days. The site has a long established used as a pub and whilst the proposed development will make a significant difference in terms of the smooth operation of the venue, it will not have a significant impact on residential amenity. In fact, the amenity of the nearby residential occupants will be improved as the hours of use of the existing and proposed beer garden will be controlled.

5.9 At present, the whole of the existing beer garden can be used at any time during the permitted hours of operation of the pub. A section of the beer garden faces onto Howarth Close where there are residential properties. On non-event days the pub does not tend to attract large numbers of customers and the beer garden, where customers go to smoke, is not well used. However, on event days the outside space is well used to accommodate the numbers of people visiting the pub, in particular before the match. The busiest time on event days is during the hours leading up to the event as people gather to socialise beforehand and then walk the short distance to the stadium. Those people not attending the event, in the case of football matches, stay in the pub to watch the match on the large screens. After the match or event, the majority of people travel straight home and trade in the pub is noticeably much quieter than during the pre-event period.

5.10 As such, it is proposed that on event days, when the potential numbers of customers would be expected to be higher than usual, the new section of beer garden will be closed after 9pm. The gate leading from the existing beer garden to the proposed will be closed and locked. Separate access to the car park is provided. This will ensure that potential noise and disturbance will be minimised as the number of people using the external areas of the premises will be reduced.

5.11 In addition, it is proposed that on event days the existing section of beer garden, the hours of which are currently unrestricted, is also partially closed to further reduce the potential for noise and disturbance. It is proposed that the southern most section of the existing beer garden, facing onto Howarth Close is not used after 9pm on event days. A roll down, lockable vinyl curtain would be installed as indicated on the revised proposed site layout plan to prevent access to this section of the beer garden. There will only be one door leading from the concert room onto the existing beer garden open for use, within the northern elevation. The two access point into the existing beer garden, including the one serving the toilets, will be closed after 9pm on event days. The only access to and from the beer garden will be from the building. This will serve to safeguard the amenity of nearby residents. The situation will be improved when compared to the existing as a result of the proposal. This provides an opportunity for the Council to control the use of the existing beer garden which at present is absent. The door from the main building leading onto Howarth Close will also be locked after 9pm on event days to further safeguard the amenity of residents.

5.12 All of the above details are shown on the plan provided at Document No. 4.

5.13 Core Strategy policy DM1 seeks, amongst other things, to protect amenity. Policy SP1 states that all developments should make a positive contribution to neighbourhoods and the safety and wellbeing of residents. Saved UDP policy DC26 addresses development and noise. The proposal, due to the measures detailed above, will not have an adverse impact on the amenity of the residents within the area and is likely to improve the existing situation by controlling the operation of the external beer garden areas and restricting access onto Howarth Close from the building on event days. This will minimise noise that could have an impact on the residents of Howarth Close and Penfair Close.

5.14 The car park located to the eastern most part of the site will provide 18 spaces. On a general day to day basis the gates to the car park will be closed and locked, as is the case with the existing car park, however on event days the car park will provide valuable car parking spaces for people visiting the stadium. Due to the nature of the use, the majority of customers do not drive to the venue. However, some people visiting the venue before or after attending an event at the nearby stadium may have travelled some distance and need to drive. The car park will be controlled by attendants on these event days. These spaces will help to prevent unauthorised parking within the area and provide safe and convenient parking for visitors.

5.15 The existing car park is spacious and, for the most part, is underused. Whilst the extension of the beer garden will result in the loss of some spaces, the benefits that the extended beer garden will bring are considered to outweigh any impact that the loss of a relatively small number of spaces will have. The proposed car park is well laid out to ensure the safe manoeuvring of vehicles enabling all vehicles to enter and leave the site in a forward gear.

5.16 The existing car park can accommodate more vehicles than the proposed and as such there will be a reduction in the number of vehicles using the car park on event days. As referred to above, the car park is usually closed on non-event days as there is little or no demand for parking in connection with the use. This will ensure that, in line with policy DM1, the amenity of residents is not adversely affected by unacceptable levels of noise or activity associated with the passing of vehicles along Howarth Close.

5.17 In terms of event days, the appellant would be able to provide the Council with a list of the upcoming events in advance so that a record could be kept. This could be done in response to a planning condition.

5.18 The secure covered cycle shelter will further enhance the facilities available at the venue and encourage travel by cycle.

5.19 The screened bin store will improve the functioning of the site and ensure a tidy visual appearance of the site from the public domain.

5.20 The site has an important tourism and leisure role and is well known, particularly by football supporters, as a good venue to meet before the match, in particular those travelling to support the visiting team from across England and even Europe. The venue has a large following on social media and is highly rated on tripadvisor, etc. The business provides employment for local people and on event days up to approximately 35 staff are brought in to meet demand and cover the bar and security. Allowing the development will assist in working towards the aims and objectives of Core Strategy policy EC1 which seeks to encourage employment and economic growth within Manchester, particularly in sustainable locations such as this.

5.21 The proposed development would assist in securing the long term use of the site by enhancing the facilities already available and ensuring the efficient operation of the business.

5.22 In view of the above, the proposed development is considered to be fully compliant with planning policy and it is respectfully requested that the Inspector upholds the appeal.

Chorlton Planning Ltd
December 2017