DH/LMT/CIR.D.0261

3rd June 2009

Richard Llewellyn
Manchester City Council
PO Box 463
Town Hall Extension
Manchester
M60 3NY

Dear Richard

Town and Country Planning Act 1990
Change of Use from Class A1 (Retail) to Class A2 (Betting Shop) – Modification to planning permission ref: 087202/FO/2008/C1 to allow for the change of use of the premises to a Class A2 (Betting Shop) with an alternative means of pedestrian/disabled access
At Units 3, 4 and 5 Courletts House, 38 King Street West, Manchester

Further to our recent telephone discussions, please find enclosed copies of the following:-

1. 4 copies of revised planning application forms (Variation of a Condition).

2. 4 copies of a letter from the Structural Engineers George Elliot and Associates Ltd dated 3rd June 2009.

3. 4 copies of an appeal decision concerning the site at 60 St Mary's Butts, Reading dated September 2008.

Applications forms

You previously indicated that we would need to submit the application on amended forms (for a Variation of Condition) if we are to receive a "free go."

As I explained, Condition 2 of the previous planning permission required the development to be carried out in strict accordance with the approved drawings. The latest application seeks an amendment to one of the approved drawings, in order to allow for an alternative internal layout.

I trust that the amended forms now meet your requirements.

Structural Engineers Advice

My Client has instructed structural engineers to assess whether it is feasible to provide for the previously proposed internal access ramp in view of the steel beam which has been found underneath the floorboards.

Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
Gloucestershire
GL7 1RT

T 01285 641717

F 01285 642348

Also at:
Birmingham
Bracknell
Bristol
Cambridge
Leeds
Nottingham

Pegasus Planning Group LLP is a limited liability partnership registered in England and Wales partnership number OC305545

Registered Office:
6-20 Spitalgate Lane,
Cirencester, Gloucestershire.
GL7 2DE

Partners
Anthony Bateman Andrew Cook John Holden David Stentiford
Stephen Bawtree Mervyn Dobson Gary Lees Jim Tarzey
Mike Carr Nigel Harris Martyn Smith

The conclusion is that whilst an engineering solution can be found, the proposed works would impact upon the occupiers of the basement below and would involve works to parts of the building which are not in my client's control.

In addition, given that the works may affect the structural integrity of the building, it is understood that the landlord would not be willing to allow the works to proceed.

My Client is therefore unable to undertake the works that would be required if the ramp is to be installed.

Appeal Decision

In addition, I enclose a copy of an appeal decision concerning a comparable site in Reading.

From this decision it can be seen that the Inspector was satisfied that a temporary ramp could provide suitable access for disabled persons.

As we have previously rehearsed, there is ample space within the public highway for the ramp to be temporarily installed without causing obstruction to pedestrians. The principles of the appeal decision are therefore equally applicable to the application site.

I trust that the above and enclosed provide you with the information that you require to progress this application towards determination.

Should you have any queries please do not hesitate to contact me at the above address.

Yours sincerely

David Hutchison
Associate

Email: david.hutchison@ppg-llp.co.uk

Encs

PLANNING
CK'D
RECEIVED - 8 JUN 2009
DATE

Appeal Decision

Site visit made on 2 September 2008

by Alan Wood MSc FRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
17 September 2008

Appeal Ref: APP/E0345/A/08/2070502
First Floor Offices, 60 St Mary's Butts, Reading, RG1 2LG

- 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 Daws Investments Ltd against the decision of Reading Borough Council.
- The application Ref 07/01125/FUL, dated 15 August 2007, was refused by notice dated 15 November 2007.
- The development proposed is to change the use of 1st floor offices from existing B1 use to A2 use.

Decision

1. I allow the appeal, and grant planning permission to change the use of 1st floor offices from existing B1 use to A2 use at First Floor Offices, 60 St Mary's Butts, Reading, RG1 2LG in accordance with the terms of the application, Ref 07/01125/FUL, dated 15 August 2007, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) Prior to the commencement of development, full details to show where the temporary access ramp will be stored when not in use, how it will be used to include details of putting it in place and removing it at all times when not in use, the size of the ramp, materials that the ramp will be constructed of and safety features of the ramp are to be submitted to and approved in writing by the local planning authority. The details shall also include the arrangements for the repositioning of the intercom facility to the access doorway and the provision of an additional method of alerting the occupiers of the arrival of a disabled person(s). The ramp shall be used only in accordance with the approved details at all times.

Main issues

2. I consider the main issues to be whether the proposed development would provide suitable access provision for disabled persons and safe pedestrian traffic movement adjacent to the front entrance of the appeal site.

Reasons

3. The access to the existing office accommodation from St Mary's Butts is via a doorway opening which has a step of about 160mm. It is common ground that

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the proposed change of use at first floor level would require the provision of appropriate access for disabled persons. It was acknowledged at the site visit that the pathway immediately adjacent to the doorway is approximately 2 metres in width from the access to a bollard which is sited close to the edge of the carriageway. I saw that this is the widest part of the pavement in this vicinity and the pathway reduces in width both to the northwest and the south east a short distance beyond the doorway. I also noted the presence of an "A board" on the pavement outside a neighbouring property although it was not clear whether the structure benefited from any permission.

4. The appellant has provided information on a range of temporary ramp facilities that could be utilised to effect access for wheelchair users to the office accommodation. I am satisfied in this regard that management arrangements could be put in place that would facilitate the assisted access and departure of disabled persons to and from the offices and that such arrangements could be designed to ensure that any temporary ramp would only be in place for the relatively short period when it would be in use. The lobby into which the access door opens is, in my view, of sufficient size to accommodate the storage of a collapsible ramp.

5. St Mary's Butts has a one way traffic flow to the north-west and the part of the carriageway adjacent to the footpath is in the form of a lay-by which reduces the incidence of moving vehicles adjacent to the pavement. The width of the footpath would, to my mind, be capable of accommodating a temporary ramp, if placed parallel to the elevation of the building, without requiring the majority of passers-by to have to leave the pavement. I note that the figure quoted for wheelchair users by the Disability Rights Commission forms about 6% of the disabled population and I therefore consider the incidence of use would be relatively low.

6. I do not consider that a temporary ramp would need to be fixed in position as it would only be in place for the period of transit to and from the building by those visitors who would benefit from the use of the ramp. In the event of a fire evacuation whilst the ramp was in use I see no reason why it could not be removed immediately to facilitate safe egress from the property. Whilst bulky item deliveries can be arranged so as not to coincide with peak hours, these events would be likely to be more frequent and of longer duration than individual disambulent access.

7. In light of the above I conclude that the provision of a temporary ramp within appropriate arrangements that could be secured by a condition would not result in an unacceptable risk to highway safety but would facilitate suitable access provision for disabled persons in this case. Accordingly, I find that the proposed development would not conflict with Policies KEY1, CUD14 and TRN6 of the Reading Borough Local Plan or Policy CS5 of the Reading Borough Local Development Framework: Core Strategy 2008 which seek to ensure equality of access and highway safety.

Conditions

8. In addition to the standard time limit condition I have imposed a condition requiring details of and arrangements for the temporary ramp to be approved by the Council. I have revised the wording of the latter condition as suggested

by the Council for the purposes of precision and enforceability. I have not imposed the conditions requested by the Council in respect of cycle storage and refuse management as they clearly refer to residential development.

Conclusion

9. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed.

Inspector