The Planning Inspectorate

Appeal Decisions

Site visit made on 21 April 2015

by Nicholas Taylor BA (Hons) MRTPI

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

Decision date: 1 May 2015

Appeal A Ref APP/B4215/W/15/3004529
Appeal B Ref APP/B4215/Y/15/3004522
Appeal C Ref APP/B4215/W/15/3004436
Appeal D Ref APP/B4215/Y/15/3004434
Grosvenor (Soames) Casino, 35-39A George Street, Manchester M1 4HQ

- Appeals A and C are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Appeals B and D are made under section 20 of the planning (Listed Buildings and Conservation Areas) Act 1990 against refusals to grant listed building consent.
- The appeals are made by Grosvenor Casinos Limited against the decisions of Manchester City Council.
- Appeal A application Ref 105571/FO/2014/C2, dated 29 April 2014, was refused by notice dated 7 November 2014. The development proposed is a canopy to front elevation.
- Appeal B application Ref 105572/LO/2014/C2, dated 29 April 2014, was refused by notice dated 7 November 2014. The works proposed are a canopy to front elevation.
- Appeal C application Ref 106845/FO/2014/C2, dated 3 October 2014, was refused by notice dated 4 December 2014. The development proposed is demolition of existing staircase and erection of a smoking shelter incorporating a refuse and recycling store.
- Appeal D application Ref 106910/LO/2014/C2, dated 3 October 2014, was refused by notice dated 4 December 2014. The works proposed are demolition of existing staircase and erection of a smoking shelter incorporating a refuse and recycling store.

Decisions

1. Appeals A, B, C and D are all dismissed.

Main Issues – all appeals

2. The appeal property is a Grade II listed building within a conservation area. Therefore, mindful of my statutory duties in those respects, the main issue common to all the appeals is whether the works and development would preserve the listed building or its setting, and the setting of nearby listed buildings, or any features of special architectural or historic interest it possesses and whether the character or appearance of the George Street Conservation Area would be preserved or enhanced.

3. In addition, in Appeals A and C, a further main issue is the implications of the proposals for users of the highway.

Reasons – all appeals

Listed building and conservation area

4. The appeal property is a large, nineteenth century former cotton manufacturer's warehouse which is currently, and has been for some time, in use as a casino. The building was badly damaged by fire in 1996, so that, according to the Council, there are few surviving internal features of historic or architectural significance and the exterior has been altered to some extent over time. I agree with the Council that this places particular importance on the surviving historic fabric of the external parts of the building. As a listed building, it is a designated heritage asset of national significance.

5. The building's imposing facade, onto George Street, comprises three storeys, in stone, with Italianate features and detailing. It has a number of relatively recent interventions, including a projecting signage and external lights, which do not make a positive contribution to the building's appearance but, as both the Council and appellant acknowledge, these attempt to strike a balance between conservation and current usage. Consequently, the relatively unspoiled façade makes a very major contribution to the building's significance as a heritage asset.

6. The rear of the building, onto St James Street, is, in common with most of its immediate neighbours, seriously marred by numerous alterations, including steps, blocked up openings, bin storage and extraction fans and ducts. Nevertheless, the basic historic form and design of the original building is still clearly discernible. Consequently, the rear of the building also contributes to its significance as a heritage asset, albeit to a lesser degree than the front.

7. There is a cluster of other listed, predominantly commercial or public buildings within the immediate vicinity of the appeal property. A number of these are located in George Street, including the Grade II* listed Athenaeum (city art gallery). Consequently, the façade of the appeal building forms part of a significant group of buildings and of their setting. Similarly, although in a somewhat degraded environment, the rear of the appeal property forms part of the setting of various listed buildings in St James Street. The Council also identifies a number of other nearby buildings which, although not statutorily listed, it considers to be non-designated heritage assets.

8. George Street Conservation Area represents a part of the city which expanded in the cotton and manufacturing boom of the nineteenth century. Whilst the uses within the area are now very varied, the appeal property is representative of the commercial buildings which characterise that important period in the city's history and so contributes aesthetically and historically to the character and appearance of the conservation area and, thereby, to its significance as a designated heritage asset.

9. The four applications can be grouped into two basic schemes. I shall go on to assess the impact of each of the schemes in turn.

Scheme 1 – Appeals A and B

10. The proposed scheme would comprise a short canopy, projecting part way over the pavement from the front of the building. I accept that the canopy would be slender, on slim brackets, but, in black powder coated aluminium with a

polycarbonate roof panel, stretching across the top of two adjacent window openings, it would disrupt the vertical and horizontal rhythm of the façade and appear as an arbitrary, alien appendage. The appellant argues that it would be close to where a previous entrance canopy existed, but that canopy was itself an inappropriate modern addition and should not provide a precedent. The current proposal would bear no visual relation to the signage over the main entrance or any other compositional reference point and would unbalance the elevation. Whilst the four brackets would not be directly attached to historic fabric, they would be very visible at close quarters from the pavement and would appear crude.

11. As a result, viewed from numerous angles, the canopy would create visual clutter which would harm the setting of the nearby listed buildings and non-designated heritage assets and the character and appearance of the conservation area. I conclude, therefore, that scheme 1 would cause unacceptable harm to the listed building and to the conservation area.

Scheme 2 – Appeals C and D

12. At the rear of the building there are currently three, unsightly short staircases projecting from the wall and sitting on the highway, providing access to separate external doors. The council says that the staircases are unauthorised additions to the building. Scheme 2 would replace the central staircase with a platform, at door level, for smokers, with accommodation for refuse and recycling bins underneath. Clad in 1.8 metre high timber vertical 'hit and miss' boarding, the structure would appear crude and alien, yet somewhat insubstantial, in a setting mainly characterised by brick, metal and concrete. Whilst the rear of the building is not currently pretty, the proposal would be unduly prominent, adding to the harmful cumulative impact of various appendages which partly obscure the historic fabric. It would not have the same detailing or compare favourably with the appearance of the stained, close-boarded timber used in a recessed plane on a neighbouring building, or with its substantial timber gates and metal screens across an access. The containment, reasonably discreetly, of refuse and recycling bins would provide only limited benefit in relation to the aesthetic harm.

13. In view of those shortcomings, and despite the existing harmful alterations and additions to some of them, the scheme would cause material harm to the setting of the several adjacent listed buildings. It would be overly prominent within St James Street, harming the appearance of the conservation area.

14. To conclude with regard to scheme 2, the proposed structure would cause unacceptable harm to the listed building, the setting of others and the conservation area.

Conclusions with regard to the two schemes in relation to the first main issue

15. In the light of the above, I conclude that each of the two schemes, in the case of all four appeals, would fail to preserve the listed building, the setting of nearby listed buildings and of non-designated heritage assets or the character or appearance of the conservation area.

16. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the

desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, section 72 of the Act requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Those overarching statutory duties carry considerable importance and weight.

17. Paragraph 132 of the *National Planning Policy Framework* (the Framework) states that great weight should be given to a heritage asset's conservation. Consequently, there would be conflict with the statutory duty and the Framework in the case of all four appeals.

18. Both schemes would conflict with the objectives of relevant development plan policies which include Policies SP1, CC9, DM1 and EN3 of the *Core Strategy for the City of Manchester* (CS) and saved Policies DC18.1 and DC19.1 of the *Unitary Development Plan for the City of Manchester* (UDP). The objectives in common of these policies, taken together, are to achieve development of a high standard which protects and conserves heritage assets.

19. The harm to the listed building arising from each of the schemes would be material but less than substantial, within the meaning of Paragraphs 132 - 134 of the Framework. Paragraph 134 requires that less than substantial harm should be weighed against the public benefits of the proposal.

20. I have taken account of the appellant's desire to provide shelter for customers who wish to smoke, as they are no longer permitted by legislation to do so internally and there is no exemption for listed buildings. I acknowledge the location among the city's Chinese community and that some customers would no doubt appreciate such a facility and that they may be disadvantaged to a very limited degree by my conclusion. However, they would not be prevented from smoking and I have no strong evidence that facilities such as currently proposed would be absolutely essential, noting the Council's view that many city centre establishments, including, presumably, the appeal premises, manage to function with alternative arrangements. Therefore, I am satisfied that there would be no undue disadvantage to any particular ethnic or other social group. Neither is there strong evidence to indicate that the current arrangements threaten either the continuing viability of the building as occupied commercial premises or of the appellant's business as an economic enterprise providing employment.

21. I acknowledge that the appellant has put forward a number of potential schemes to provide shelter for smokers, none of which have found favour with the Council. My conclusion will no doubt provide further frustration. I do not underestimate the challenge involved in finding an acceptable and workable solution but I am not persuaded that the need to provide shelter is so great or the potential options necessarily exhausted, so as to justify either of the current schemes. Consequently, the schemes would provide only very limited public benefits, which would not outweigh the harm to the listed building.

Highways

22. I agree with the Council that the proposed shelter on the front of the building (scheme 1) would be likely to result, as it is designed to do, in the concentrated congregation of people on the pavement. The pavement is not

particularly wide at that point and its effective width for through movement is reduced further by a line of bollards some 1.5 metres from the front of the building and a lamp post beside the shelter's location. The requirement within the Council's *Design for Access 2* document, for a minimum unobstructed width of 1.8 – 2 metres would not be met. Consequently, there is a strong likelihood that, at busy times when the casino is open, pedestrians moving along the pavement would find their passage obstructed, potentially creating the risk of people spilling into the road. Whilst the passage of mobility scooters, wheelchairs and pushchairs may not be a common occurrence at the casino's busy times, there is also the increased potential for such users to be obstructed. Those considerations lead me to conclude that scheme 1 would, at best, inconvenience users of the highway and, at worst, pose a material risk to their safety.

23. I can understand the appellant's concern about smokers congregating at the entrance. However, non-smoking customers' exposure to passive smoke would be temporary, if at all. Moreover, there is only slight difference in pavement width and, judging by the appellant's management plan, it is likely that casino staff would be better able to manage any issues of congestion and cleanliness near to the entrance than further along the street. Consequently, those concerns do not outweigh the harm.

24. The Council states that the existing staircase at the rear of the property is located on the public highway. St James Place has a narrow carriageway, with very narrow pavements – where they exist at all – which are currently obstructed in places by the three staircases at the rear of the appeal property and, on other properties, extraction ducting, refuse bins and other paraphernalia. Rear doors to premises, including kitchens, open directly onto the back street. My site visit indicated that the street is used by delivery vehicles, through traffic, pedestrians, staff having a smoke and others. Were people with some mobility impairment to attempt to use the street, they would be likely to find access difficult. Although the proposal would not significantly exacerbate the current unsatisfactory situation and the appellant emphasises that, if the appeal is dismissed, the staircase would not be removed, it would, nevertheless, consolidate it, making it less likely that that section of frontage could be improved in the future.

25. Overall, therefore, I conclude that both schemes would be harmful to the interests of users of the highway. That need is not outweighed by the benefit to people when smoking or to the business. That would indicate conflict with the objectives of CS Policies SP1, DM1, CC10 and T1, with regard to design, movement, accessibility and, in particular, the accessibility needs of all members of the community.

Overall conclusion – all appeals

26. In the light of the above, all the appeals should be dismissed.

Nicholas Taylor

INSPECTOR