The Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2014

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 14 November 2014

Appeal Ref: APP/B4215/A/14/2223374
25 Park Street, Manchester, M3 1EU

- 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 Amour Spa Ltd against the decision of Manchester City Council.
- The application Ref 105994/FU/2014/N1, dated 13 June 2014, was refused by notice dated 1 August 2014.
- The development proposed is the change of use from business (B1) to sui generis members club (leisure spa).

Decision

1. The appeal is allowed and planning permission is granted for the retrospective change of use from business (B1) to sui generis members club (leisure spa) at 25 Park Street, Manchester, M3 1EU in accordance with the terms of the application, Ref 105994/FU/2014/N1, dated 13 June 2014, subject to the conditions in the attached Schedule:

Procedural Matters

2. The development applied for has been carried out.

Main Issues

3. The main issues in this appeal are the effect of the development on the character of the area, having regard to the Council's regeneration aspirations for Strangeways, and whether it would be likely to increase opportunities for crime and antisocial behaviour.

Reasons

4. This appeal relates to a large three-storey hipped roof building that is located within the predominantly commercial area of Strangeways close to Manchester City Centre. Strangeways is characterised by warehouses and depot type buildings of generous footprints and a number of large cleared areas that are now in use as car parks. The appeal building is set back from the Park Street highway, behind a secure gate and yard area. All but one window within the first and second floor elevations have been boarded up internally.

5. The Council has not raised any objections to the loss of employment land but has argued that the use perpetuates the lack of activity and vibrancy in the area, which in turn undermines its successful regeneration. In considering this matter I have had regard to the North Manchester Strategic Regeneration Framework (SRF) and the Stangeways Local Plan (SLP) which seek, amongst

other things, to create a vibrant employment led mixed use neighbourhood attractive to a range of business occupiers that is safe, welcoming and secure.

6. The appeal site is located away from residential properties and is seen in the context of other industrial type buildings. Whilst the majority of the appeal building's windows have been boarded up, these are from the inside and do not conceal any of the external fenestration details, such as the glazing, frames, heads or cills. I recognise that these alterations dilute the interest of the façade somewhat; however its architectural expression is retained and in this way it can still be considered to be active and in keeping with the character of the original building and the surrounding area.

7. Activity at the appeal premises is for private members only, contained within the building and is not be visible from the street. It is uncontested that the appeal building has been vacant for a period of time and it is therefore inevitable that activity in this area has materially increased as a result of its use. Although I accept the Council's argument that the development is not the most vibrant of uses, there is little compelling evidence before me to suggest that a safe, well managed private members club in this location would necessarily deter investors, or inhibit future development or the success of this area's regeneration.

8. Both main parties agree that the area suffers from crime and I have no reason to question this. I also appreciate that given its industrial nature there is a low footfall along Park Street particularly outside daytime working hours. However a glazed first floor staff room window is to be retained and given its high vantage point and position directly facing Park Street it offers some natural surveillance along this frontage. The Greater Manchester Police Crime Prevention Team (GMPCPT) has also not raised any objections to the development subject to a planning condition for a security management plan to include measures such as CCTV and external lighting.

9. However this appeal is for a retrospective change of use and little evidence has been submitted to explain how this club currently operates. Details of membership rules or vetting procedures for staff or clients, with a view to membership or employment have not been provided. No details of who would be employed or for what purpose are before me or how the club advertises and what sort of members they are looking to attract. Indeed, very little description of the core activities, hours of operation and access arrangements have been provided.

10. I am mindful that the Council has raised concerns regarding the development attracting prostitution, drug related problems, sexual harassment and anti-social behaviour in an area that already suffers from some of these types of crime. There would be some surveillance of its immediate locality through lighting and CCTV however there is insufficient evidence to demonstrate the appellants' claims for the way it would operate. I am therefore unable to conclude that there is not a risk of it becoming a draw, or focus, for crime and anti-social behaviour.

11. Nonetheless, the appellant has expressed willingness for a temporary planning consent. I am mindful of advice within the Planning Practice Guidance: *Use of planning conditions* which suggests that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area.

12. Whilst the Council has not suggested such a condition, I consider that a temporary permission for 12 months is necessary and reasonable in this instance. This would allow the Council, further to approving an acceptable operation management strategy, to monitor the situation in regards to crime and antisocial behaviour and to see subsequently whether it might be appropriate to grant a permanent conditional planning permission after this period.

Other Matters

13. Although research undertaken in the London Borough of Camden has been referred to by the Council's Community Safety Manager, this is not before me, and I am informed that it relates to lap dancing clubs. These are typically brightly-lit, or at least clearly advertise themself, and would appear to be much more likely to attract men late at night than the type of club proposed here. As a result I do not consider that this research would directly relate to the appeal proposal.

14. A number of other matters have been raised which include the potential future sale of alcohol, late hours of operation, noise and disturbance, and activities that have been witnessed in the yard area of the appeal site. However the Council's Environmental Health Section has not raised any objections in regards to noise subject to a planning condition for the submission and approval of an acoustic treatment scheme. The serving of alcohol would be the subject of other legislation as would any public indecent exposure.

Conditions

15. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance: *Use of planning conditions*. I agree that a condition is needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. Conditions relating to an operation management strategy, and schemes for sound insulation and bin storage, are also considered to be necessary for the reasons put forward by the Council. However given that the operation management strategy requires details of the hours of opening to be submitted and approved by the local planning authority I do not consider that it is necessary to repeat this requirement through a further planning condition. Furthermore, the appeal building is located within an industrial area that is a considerable distance away from residential properties. There is no evidence that harm to the living conditions of residents would arise from uncontrolled delivery times. As such I do not consider the conditions restricting the hours of delivery to be reasonable or necessary in this instance.

16. For the reasons given above, I conclude that the appeal should be allowed and that a limited period (temporary) planning permission should be granted.

Mark Caine

INSPECTOR

SCHEDULE OF CONDITIONS

1) The use hereby permitted shall be for a limited period of one year from the date of this decision. At the end of this period the use hereby permitted shall be discontinued and all equipment brought onto the premises in connection with the use shall be removed and the land shall be restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: BW/100, BW/101 and site location plan scale 1:1250.

3) Within one month of the date of this planning permission the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within two months of approval and retained as such thereafter.

4) Within one month of the date of this planning permission an operation management scheme shall be submitted to and approved in writing by the local planning authority. The details and security measures within the strategy shall include:

   i) Procedures for staff to report inappropriate behaviour;

   ii) Exclusion/removal of undesirable customers;

   iii) Premises opening and closing procedures for staff;

   iv) Consideration for lone staff (and customers) travelling to and from the premises at quiet times;

   v) Installation of CCTV and external security lighting and the inspection, service and repair of these security features.

   The approved scheme shall be implemented within one month of approval and retained as such thereafter.

5) Within one month of the date of this planning permission a scheme to include details of siting and appearance of a waste storage area, together with a waste management strategy shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within one month of approval and retained as such thereafter.