WILMSLOW ROAD CANOPY EXTENSION(RETROSPECTIVE)

SSH PROPERTY INVESTMENT LIMITED (MOCHA MOOD LIMITED)

PLANNING STATEMENT

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REFERENCE: 1405B/J240014
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1 INTRODUCTION 1

2 SITE CONTEXT 2

3 THE PROPOSAL 4

4 PLANNING HISTORY 8

5 PLANNING POLICIES 10

6 PRINCIPLE 12

7 CONCLUSION 15

Figure 1: Site Location 1
Figure 2: Wilmslow Road 2
Figure 3: Aura Lounge 2021 4
Figure 4: Front elevation 5
Figure 5: Canopy extension 6
Figure 6: Approved plans 9
Figure 7: Wilmslow Road 2023 13

1 INTRODUCTION

1.1 This planning statement has been prepared on behalf of SSH Property Investment Limited (Mocha Mood Limited) and accompanies a retrospective planning application for a canopy extension over an outside seating area to the front of Aura Lounge on Wilmslow Road.

1.2 The property has permission for use as a shisha bar and is located along the 'Curry Mile' in Rusholme, Manchester. The site is indicated on the map below.

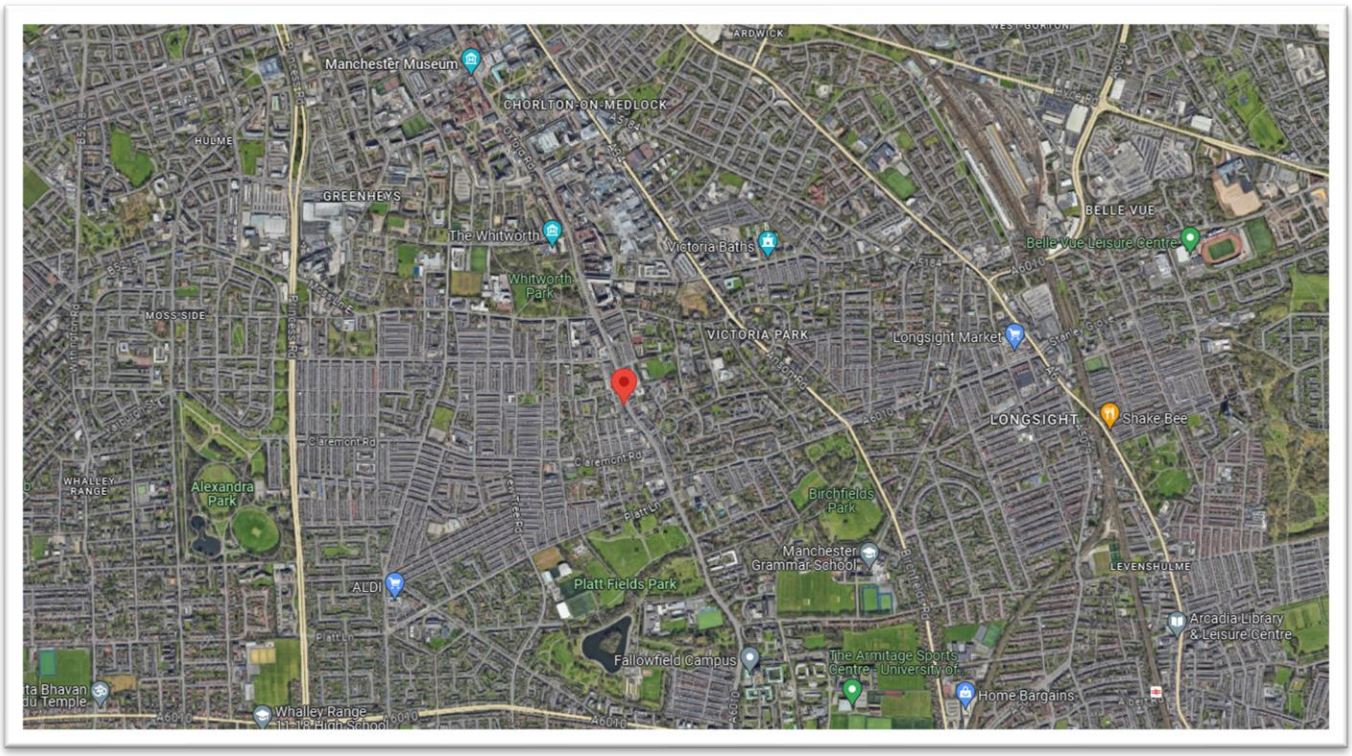


Figure 1: Site Location

2 SITE CONTEXT

2.1 The property operates as a shisha lounge and also sells some food and drink. It forms part of a 1960s/70s architecturally plain parade with commercial premises at ground floor and residential on the upper floors. The vast majority of businesses along the parade have enclosed and covered outside seating areas to the front. There is some consistency in that many of the businesses are enclosed by dark brown wooden-effect balustrades with clear screens above, and covered with canopies as can be seen in the image below.



Figure 2: Wilmslow Road

2.2 As can be seen in the image, signage along this part of the Wilmslow Road is bold, colourful and diverse adding to the vibrant and colourful streetscene. Indeed, in 2019, a Planning Inspector, dealing with an appeal at the application site, described this stretch of Wilmslow Road in the following terms:

"The area of Wilmslow Road around the appeal site has a diverse mix of businesses including restaurants, takeaways, jewellers, cafes, shisha cafes, food shops, wedding dress retail, pharmacy and opticians. The general impression is of a vibrant business scene with a substantial retail element."

"The parade appears vibrant with a distinctive cafe 'feel', which helps to animate the streetscene in front of the otherwise somewhat architecturally plain, postwar 'parade' building. I saw that cafes in the parade are used by a diverse range of customers in a diverse range of ways, with some using shisha, some partaking of food and drink, and some a combination of these"[1]

[1] Appeal Decision (APP/B4215/W/18/3217729)

2.3 The description of the immediate area provided by the Inspector emphasises the diverse nature of the street and the vibrancy of the area's character, which includes the application property.

3 THE PROPOSAL

3.1 The original parade along Wilmslow Road was constructed with a solid and substantial permanent canopy that projects approximately 3 metres from the host building. The canopy is still in existence and for the most part, this forms the most significant element of the 'cover' above the outside seating areas that are present along the parade. As can be seen in the image below, many of the businesses have attached their signate to a fascia board that runs across the full width of the parade, although some signage is visible on the upper part of the parade itself.

3.2 At street level, in order to enlarge the outside seating areas, most premises have opted to use a variety plastic or fabric canopies. The variety and range of canopies can be seen in the photograph below and shows the application building in 2021 on the far left of the image with a plain, grey-coloured canopy. However, the old canopy was weathering and was affecting business viability and offer. Nevertheless, canopies of one form or another, are commonplace along the parade.

3.3 The canopy, together with the screens and balustrade, created an almost fully enclosed seating area that met the top of the screens. However, it was not especially robust and was noisy when windy or raining and did not provide great shelter from bad weather. There were the inevitable drips when it rained and head height was poor where the canopy met the screens, which put customers off from entering.



Figure 3: Aura Lounge 2021

3.4 To support the shisha business and for an enhanced customer experience, a rigid canopy extension has been added which is supported by upright posts. In between the posts retractable screens to provide an extra level of protection against inclement weather, as shown in the image below:

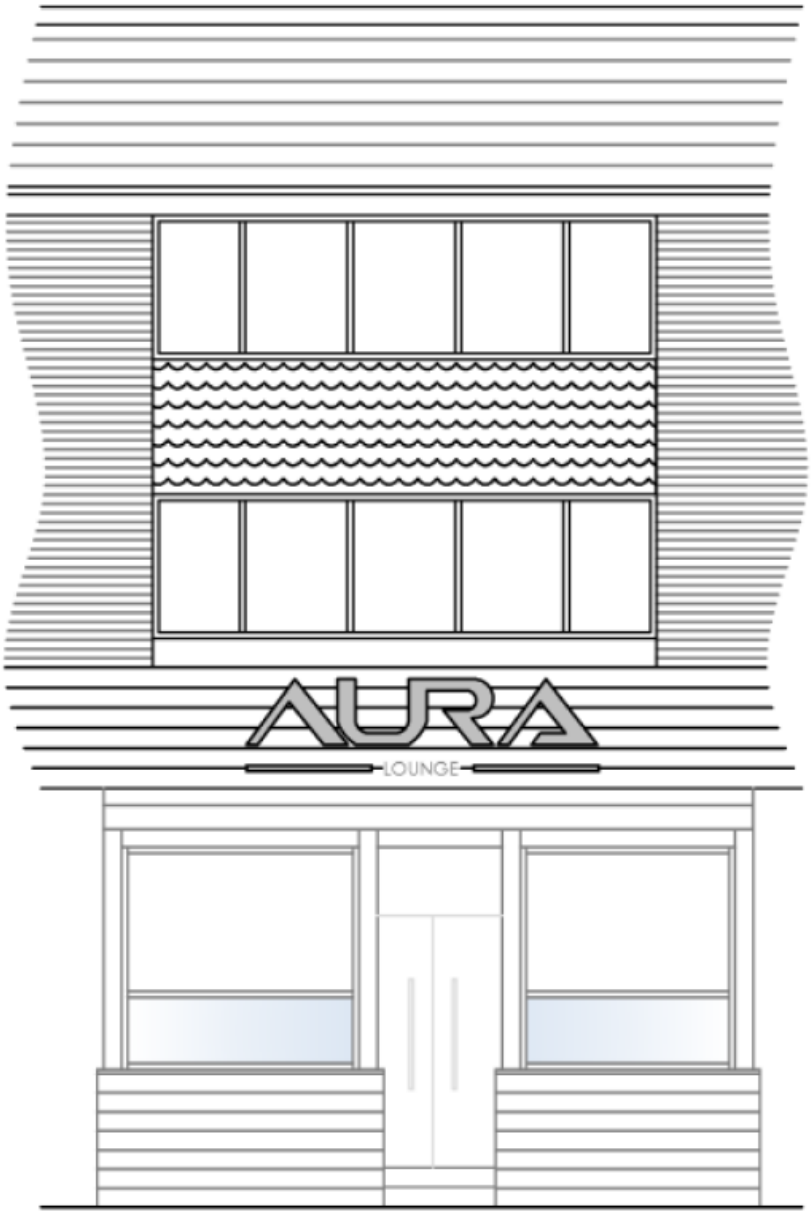


Figure 4: Front elevation

3.5 None of the canopy has extended the outside seating area, it has simply provided a more formal supported cover. It is not higher than the original building canopy and does not extend further than either of its neighbouring canopies. Nevertheless, the architecture and rhythm of the host building remain visible and uninterrupted by the proposals.

3.6 The structure is constructed using quality materials, which is dark brown in colour to match the timber balustrade and has a subtle and neat appearance that easily blends into the background in this vibrant and brightly coloured street scene.



Figure 5: Canopy extension

4 PLANNING HISTORY

4.1 The following section sets out the relevant planning history for 72 Wilmslow Road and identifies the key principles established.

4.2 The Planning history is set out in the below table:

Reference No	Proposal	Decision	Date
121211/FO/2018	Retrospective application for the change of use from restaurant (A3) to mixed use as a restaurant (A3) and shisha cafe (Sui Generis) and retention of raised decking and balustrade, removable screens and retractable awning to forecourt area	Refused	05/11/2018
APP/B4215/W/18/3217729	Retention of raised decking and balustrade to forecourt area, installation of removable screens and retractable awning to forecourt area and change of use from A3 restaurant to a mixed use of restaurant (A3) and shisha café (sui generis).	Allowed	05/06/2019
CDN/19/0573	Discharge of Conditions 3 (level access) and 4 (cycle storage) attached to application 121211/FO/2018	Approved	28/08/2019

Table 1: Planning History

4.3 A retrospective application for a change of use and retention of raised decking with a balustrade, full-height glazing and a canopy was submitted in 2018 and refused as being contrary to Core Strategy policy C10. A subsequent appeal was allowed with the Inspector concluding that:

It is noted that the Council is concerned that the proposal would lead to an over-concentration of non-retail premises in the parade within Rusholme District Centre, to the detriment of the Centre. However, given the context described above, ***I find that the proposal would complement the parade's character and use within the street's wider commercial scene. Accordingly, the proposal's contribution to a particular shisha 'flavour' to the parade would not be likely to harm the vibrancy of the parade or the overall visitor appeal of the 'Curry Mile'.***

In conclusion, the proposal would not harm the overall character, vitality and viability of Rusholme District Centre. As such, it would not conflict with Policies C2 and C10 of the Manchester Core Strategy (2012).[2]

4.4 The Inspector confirmed that the shisha café would not harm the area and would actually complement the character of the wider commercial scene. As such, the Inspector ruled that the proposal was compliant with Core Strategy policies.

4.5 The approved plans for the raised decking, balustrade and screens are shown below:

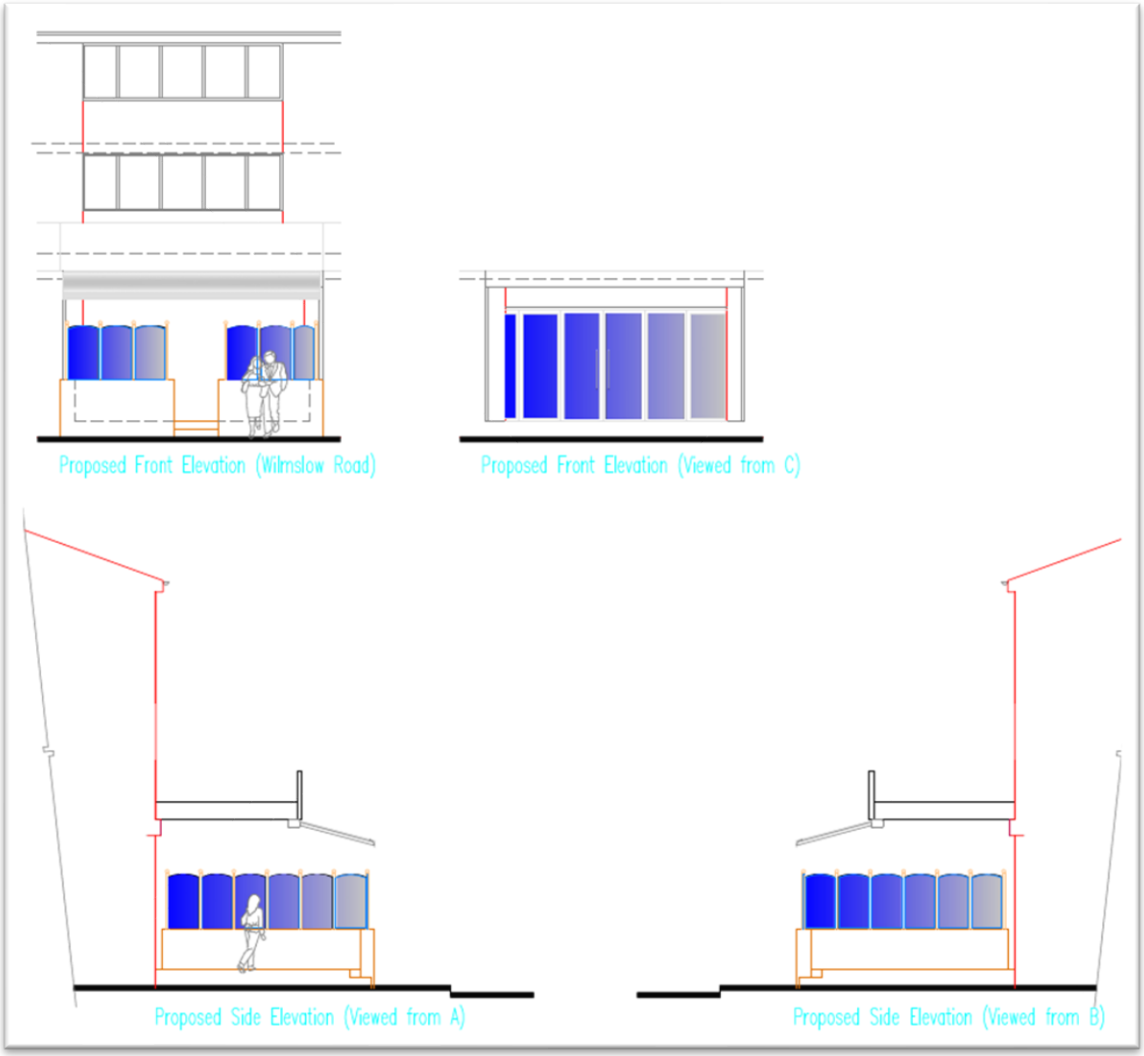


Figure 6: Approved plans

[2] Appeal Decision (APP/B4215/W/18/3217729)

5 PLANNING POLICIES

5.1 The following section will set out the local and national relevant policies and assess the proposal's compliance against them.

LOCAL PLAN

5.2 The Core Strategy is the key document within Manchester's Local Development Framework and was adopted in July 2012. The Strategy covers 2012 to 2027 and sets out both a vision for Manchester and the policies that aim to deliver this vision.

5.3 Policy C2 supports thriving district centres and encourages the delivery of 'visitor' services, including retail, commercial, and food and drink.

5.4 Policy C10 encourages the evening economy and proposals that contribute to the vitality of district centres.

5.5 Policy DM1 requires development to have regard to specific considerations, including siting, layout, appearance, amenity, and access.

5.6 Policies EC2 and EC10 seek to retain existing employment space and, in district centres, support mixed-use developments which provide local employment opportunities.

5.7 Policy SP1 sets out the priorities of the Core Strategy, including "economic and commercial development, retail, leisure and cultural activity", whilst requiring consideration for transport and access, design, character, environment and the provision of jobs.

SAVED POLICIES FROM THE UNITARY DEVELOPMENT PLAN

5.8 Some planning applications and decisions in this area give regard to saved policies from the now-replaced Unitary Development Plan. This section sets out the most relevant of these:

5.9 Policy E3.3 sets out the Council's vision for the City's major roads to encourage development of the highest quality.

5.10 Policy DC10 sets out considerations to be made when regarding proposals involving the sale of food or drink for consumption, including the location, residential amenity, car parking, and access.

5.11 Policy DC26 identifies noises as a key consideration to be made when assessing developments in the City.

NATIONAL PLANNING POLICIES

5.12 The National Planning Policy Framework (NPPF) sets out national planning policies and guidance from the government on development.

5.13 Paragraph 2 of the NPPF sets out the regard decision-makers should give to the NPPF statutory policies and paragraph 8 sets out the three overarching objectives of the national planning system – economic, social and environmental objectives. The economic objective sets out national support for growth, innovation and improved productivity.

5.14 Paragraph 11 sets out the presumption in favour and applies this to decision-making: *"approving development proposals that accord with an up-to-date development plan without delay".*

5.15 Paragraph 85 describes the significant weight that should be given to the need to support economic growth and productivity. The Paragraph states that decisions should create *"the conditions in which businesses can invest, expand and adapt".*

5.16 In terms of design, paragraph 135 requires that policies and decisions should ensure that developments will:

> *a) will function well and **add to the overall quality of the area**, not just for the short term but over the lifetime of the development;*
>
> *b) **are visually attractive** as a result of good architecture, layout and appropriate and effective landscaping;*
>
> *c) are **sympathetic to local character**, including the surrounding built environment;*
>
> *d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to **create attractive, welcoming and distinctive places to live, work and visit;***
>
> *e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development **and support local facilities** and transport networks; and*
>
> *f) **create places that are safe, inclusive and accessible and which promote health and well-being**, with a high standard of amenity for existing and future users;*

6 PRINCIPLE

6.1 This section will establish the principle of development and assess it against the above local and national policy.

PRINCIPLE

6.2 To a great extent, the principle of the development is established by the fact that almost all the properties along this parade have had their outside seating areas enclosed in one form or another. Indeed, the planning appeal decision at this property which sought to enclose the outside areas was considered to complement the immediate area and the visitor appeal of the 'Curry Mile'[3].

6.3 The Inspector had specific regard to Core Strategy policies C2 and C10 and considered the development compliant with these. The principle of enclosing the outside space is therefore considered to be acceptable and in accordance with these policies.

6.4 Policies EC2 and EC8 focus on existing employment space and employment opportunities throughout Manchester. They give specific regard to the provision of local employment in district centres, including Rusholme, as applies here. The applicant considers the canopy structure essential to the ongoing viability and appeal of his business by providing an attractive and comfortable space for customers.

6.5 Paragraph 85 of the NPPF describes the significant weight that should be given to the need to support economic growth and productivity. This should be applied to this proposal in order to create the conditions in which businesses can invest, expand and adapt.

6.6 Therefore, at a national level, the business is supported by policy, and at a local level, the Aura Lounge should be supported as a local-level employer, as per policies EC2 and EC8, and as a visitor service, as per policies C2 and C10.

FURTHER CONSIDERATIONS

6.7 The Core Strategy policies DM1 and SP1 and Unitary Development Plan (UDP) policies DC10 and DC26 outline key considerations to be made when assessing a proposal such as this. These key considerations include context, design, and appearance, residential amenity and noise, transport and access, flood risk and drainage, and open space.

6.8 The following sections will establish the proposal with reference to these key considerations.

[3] Appeal Decision (APP/B4215/W/18/3217729)

CONTEXT, DESIGN AND APPEARANCE

6.9 The surrounding properties along Wilmslow Road establish the principle of a canopy and balustrade as the majority of these properties feature these as pictured below.

6.10 The canopy extension continues the line of existing canopies albeit in a more structured way. As such, the proposal only seeks to continue to use the building's existing outdoor space in a manner that improves shelter and efficiency.

6.11 The proposal features a simple, subtle dark brown material that matches the dark brown wood-like finish used across the parade. From a visual perspective, the structure is smart, simple and subtle and recedes into the street scene.

6.12 In contrast, the Google Streetview image below from 2023 shows how the fabric or plastic-coated canopies can weather, fade, stain and generally deteriorate and can create an untidy and uneven-looking feature in the street scene which is discouraging to customers and harmful to the street scene.



Figure 7: Wilmslow Road 2023

6.13 The proposal has improved the overall design quality, is visually attractive and the canopy will not deteriorate in the same way as plastic or fabric canopies would and is therefore a more sustainable design solution. It is sympathetic to the surrounding style and provides a welcoming place to visit by optimising the space on site in a manner that will support the existing business.

RESIDENTIAL AMENITY AND NOISE

6.14 The canopy extension simply encloses an existing outdoor seating area and does not impact the existing amenity in the area with any greater impact than the existing permitted use of the premises as a shisha lounge.

6.15 Furthermore, given the loud and busy nature of Wilmslow Road and the visitor attraction the 'Curry Mile' provides, any noise or disturbance impacts on existing amenity is considered negligible.

TRANSPORT AND ACCESS

6.16 The Aura Lounge is in a well-connected area with a main road in the immediate vicinity and bus and tram stops within walking distance. As such, the location of this business is advantageous to employees and the visitor economy, with sustainable transport options easily at hand.

FLOOD RISK AND DRAINAGE

6.17 The proposal is not within a flood risk area of concern, and there are no drainage concerns given the limited nature and scale of the proposal.

OPEN SPACE

6.18 This proposal does not result in the loss of any open space or green infrastructure.

7 CONCLUSION

7.1 Retrospective approval is sought for a canopy extension at this existing commercial property located within Manchester's 'curry mile'.

7.2 The principal of a covered canopy is acceptable as can be seen in the many and varied canopies that exist along Wilmslow Road.

7.3 The proposal has provided an improved design solution for the outside seating area in a sustainable manner. It is attractive and blends into the street scene and provides a welcoming place to visit by optimising the space on site in a manner that will support the existing business.

7.4 This application statement establishes the principle of this development from a policy perspective and confirms that the proposal will support an existing business.

7.5 As such, it is respectfully requested that this application be approved without delay.