

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132785/FO/2022

Date registered valid: 4 March 2022

Proposal: Installation of outdoor decked seating area for existing business

Address: 66C Beech Road, Manchester, M21 9EG

Ward(s): Chorlton Ward

Applicant: McAlpine, Bisous Bisous, 66C Beech Road, Manchester, M21 9EG

Agent (if any): N/a

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 May 2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 5 April 2022

Standard consultations: Printed: 11 March 2022 Expired: 1 April 2022

Neighbour notifications: Printed: 11 March 2022 Expired: 1 April 2022

Site notice: Posted: 5 April 2022 Expired: 26 April 2022

Press advert: Published: 15 March 2022 Expired: 5 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Wilbraham Road/Edge Lane (Extension) Conservation Area 2007

Tree Preservation Order: Not applicable

The application relates to a two storey end-terrace Class E unit within a commercial parade on the corner of busy Beech Road and residential Stockton Road, operated by Bisous Bisous bakery. The ground floor unit features a grey painted shopfront with gold branding and an existing pavement seating area.

Description of area

The site is located within the Wilbraham Road/Edge Lane Conservation Area, close to Chorlton District Centre. Beech Road features many independent shops, eateries and bars/pubs, with greenspace at each end in the form of Chorlton Green and Beech Road park.

Description of development

The applicant is seeking permission to install an area of raised decking and planters with access ramps to form an improved outdoor seating area for customers, similar to others in the area.

Consultations & Notification Responses

Local residents and businesses, via letters and site notice – One letter of objection received, which raised the following concerns:

- Noise and disturbance from outdoor diners, impacting upon residents of Stockton Road
- Harm to the Victorian building and wider conservation area from the timber decking
- Proposed opening hours (until 11pm 7 days a week) are inappropriate

- Overlooking of homes from seating area causing loss of privacy for residents

Highway Services – No objection to the proposal. Requested that the distance from the development to the edge of the public footpath should be no less than 2m and made comments relating to the potential requirement for a section 278 agreement, pavement licence and skips/hoardings, with contact details – these have been attached as informatives.

Environmental Health – No objection to the proposal but requested the hours of outdoor operation be restricted to 9pm every day and that no music/amplified sound be played outside. These have been attached as conditions.

Chorlton Voice – No comments received.

Beech Road Traders – No comments received.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain saved policies are still considered of relevance:

- Policy DC18 - Conservation Areas

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EN3 - Heritage

The National Planning Policy Framework (NPPF, 2021):

- Chapter 12 - Creating well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Issues

Principle – Installing a raised decking area with planters, ramps and furniture, to provide additional and improved space for an existing outdoor seating area is acceptable in principle, particularly given the location within an established parade close to a district centre, however consideration must be given to the proposal's siting, scale and design and its impact upon visual amenity, the character of the conservation area and the residential amenity of nearby occupants.

Siting, scale and massing – The decking would have a height of 0.135m, to match the internal floor level, which would include two access ramps to improve the accessibility of the site. It would occupy the full width of the Stockton Road elevation at 12.2m, with a depth of 3.55m, leaving a gap of 2m to the edge of the road and 0.9m to the boundary shared with No.33 Stockton Road. Within this would be a 1:15 ramp up to the door which leads to the flat(s) above the bakery. On the Beech Road elevation would be a ramp to the main door, with a gradient of

1:15 and a width of 1.5m, and two benches within the site curtilage, also 2m from the edge of the road. Highways confirmed that the design accords with their policies and several informative have been attached regarding highway safety and various licences. The deck and seating would be surrounded by 1.05m high planters which will hide the furniture from view of the street. The decking and seating area is relatively small in scale and considered subservient to the host building. The works are sited appropriately within the curtilage, hence the siting, scale and massing of the proposal is considered appropriate, in line with policies DM1 and SP1.

Appearance and impact upon conservation area – The decking, ramps, planters and benches will all be constructed of tanalised natural timber, which is to be expected of this type of development and has been conditioned. A local resident objected on the grounds that the timber structure would harm the Victorian building to which it would sit in front of, as well as the character of both Stockton Road and Beech Road. There already exists many similarly designed seating areas outside the front of other Class E units along Beech Road, including at Zitano, Bar San Juan, The Laundrette, Barrio and Lead Station, therefore a precedent has been set. Due to the nature of a timber structure, the works would be reversible in future and it is not considered to significantly harm the visual amenity of the building nor wider street scene given the relatively low height and standard design and materials. Instead the proposal would arguably improve the appearance of the existing outdoor seating area and this visual improvement brought by the cafe will improve the visual amenity of the parade as a whole, pursuant to policies DM1 and SP1. Therefore on balance the development is considered to cause less than substantial harm to this designated heritage asset, pursuant to saved policy DC18, Core Strategy policy EN3 and chapter 16 of the NPPF.

Noise and hours – The objector raised concerns that the development would cause disamenity to occupiers of nearby flats and residents of Stockton Road via noise and overlooking. It is worth noting that there already exists an informal outdoor seating area at the premises and the opening hours of the unit are not proposed to change, therefore any noise and overlooking from a small area of decking (0.13m high) should be no worse than the existing situation. Environmental Health requested two conditions be attached to protect residential amenity, including a noise condition and an hours condition. The former is to limit the hours of use, therefore the outdoor area is to close at 9pm every day, and the latter involves the prohibition of any music or amplified sound within the outdoor area. These two conditions are proposed to limit any potential disamenity to nearby residents. It is also worth noting that the 1m high planters with planting within the top will screen some of the view from tables within the area, therefore providing less overlooking of nearby properties than existing. Therefore on balance, the proposal is considered acceptable in terms of its impact upon residential amenity.

Conclusion – Although an objection was received, the issues raised will either be controlled by planning conditions (attached to the end of this report, as requested by Environmental Health) or relate to the existing use, which is already permitted and was not the basis for this application. The revised proposal complies with the aforementioned policies and therefore the proposal is deemed acceptable by the City Council and development may commence in accordance with the following conditions and approved drawings.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, matters concerning noise and hours were discussed and appropriate conditions have been attached to the end of this report.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the drawings numbered 'L02_02' stamped as received by the City Council as Local Planning Authority on the 27th January 2022 and 'L05_02 Beech Road Elevation', 'L05_02 Stockton Road Elevation' and 'L12_01_B', stamped as received by the City Council as Local Planning Authority on the 4th March 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The outdoor seating area shall not be in use outside the following hours:
9am - 9pm every day.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) No music or amplified sound shall be played within the proposed outdoor seating area.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) The materials to be used on the external surfaces of the works hereby permitted shall match those specified in the email received on the 10th May 2022, including tanalised natural timber.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Informative(s)

MCC Highways:

The proposed access ramp to the café entrance will be located on the adopted highway. It is requested that a footway of 2m is available on the adopted highway to meet MCCs adopted standards. The works will also require a Section 278 agreement since it will be located on the adopted highway. Should the planning application be approved, the applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed access ramp. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

The applicant should be advised that any requirements for licensing, hoarding/scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Contact Manchester 0161 234 5004.

All furniture is to be stored internally within the premises outside of operational hours. This is considered appropriate in preventing unnecessary obstruction of the adjacent highway.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice
Beech Road Traders

31 Chorlton Green, Manchester, M21 9FQ
14 Stanley Grove, Chorlton, Manchester, M21 9DT
40 Stockton Road, Manchester, M21 9ED
46 Stockton Road, Manchester, M21 9ED
137A Beech Road, Manchester, M21 9EQ
Belgravia House, 68 - 70 Beech Road, Manchester, M21 9EG
137 Beech Road, Manchester, M21 9EQ
66A Beech Road, Manchester, M21 9EG
72 Beech Road, Manchester, M21 9EG
48 Stockton Road, Manchester, M21 9ED
59 Whitelaw Road, Manchester, M21 9HG
31 Stockton Road, Manchester, M21 9FB
52A Stockton Road, Manchester, M21 9ED
68A Beech Road, Manchester, M21 9EG
Flat 2, 141 Beech Road, Manchester, M21 9EQ
Flat 1, 141 Beech Road, Manchester, M21 9EQ
11 Stanley Grove, Chorlton, Manchester, M21 9DT
2 Stanley Grove, Chorlton, Manchester, M21 9DT

6 Stanley Grove, Chorlton, Manchester, M21 9DT
31A Stockton Road, Manchester, M21 9FB
33 Stockton Road, Manchester, M21 9FB
42 Stockton Road, Manchester, M21 9ED
Beech Mews, Beech Road, Manchester, M21 9EQ
5 Stanley Grove, Chorlton, Manchester, M21 9DT
Flat 1, 38 Stockton Road, Manchester, M21 9ED
7 Redbridge Grove, Manchester, M21 9GX
Flat 2, Beech Mews, Beech Road, Manchester, M21 9EQ
Horse And Jockey, 9 Chorlton Green, Manchester, M21 9HS
19 Chorlton Green, Manchester, M21 9FQ
21 Chorlton Green, Manchester, M21 9FQ
25 Chorlton Green, Manchester, M21 9FQ
27 Stockton Road, Manchester, M21 9FB
27 Chorlton Green, Manchester, M21 9FQ
44 Stockton Road, Manchester, M21 9ED
13 Stanley Grove, Chorlton, Manchester, M21 9DT
8 Stanley Grove, Chorlton, Manchester, M21 9DT
4 Stanley Grove, Chorlton, Manchester, M21 9DT
17 Stanley Grove, Chorlton, Manchester, M21 9DT
52 Stockton Road, Manchester, M21 9ED
29 Stockton Road, Manchester, M21 9FB
9 Stanley Grove, Chorlton, Manchester, M21 9DT
7 Stanley Grove, Chorlton, Manchester, M21 9DT
9 Redbridge Grove, Manchester, M21 9GX
Flat 1, Beech Mews, Beech Road, Manchester, M21 9EQ
72 Whitelow Road, Manchester, M21 9HR
12 Stanley Grove, Chorlton, Manchester, M21 9DT
141 Beech Road, Manchester, M21 9EQ
63 Whitelow Road, Manchester, M21 9HG
61 Whitelow Road, Manchester, M21 9HG
16 Stanley Grove, Chorlton, Manchester, M21 9DT
3 Stanley Grove, Chorlton, Manchester, M21 9DT
64 Beech Road, Manchester, M21 9EG
70 Beech Road, Manchester, M21 9EG
Flat 3, 131 Beech Road, Manchester, M21 9EQ
Flat 1, 131 Beech Road, Manchester, M21 9EQ
15 Stanley Grove, Chorlton, Manchester, M21 9DT
10 Stanley Grove, Chorlton, Manchester, M21 9DT
139 Beech Road, Manchester, M21 9EQ
50 Stockton Road, Manchester, M21 9ED
82 Whitelow Road, Manchester, M21 9HR
78 Whitelow Road, Manchester, M21 9HR
3 Redbridge Grove, Manchester, M21 9GX
70 Whitelow Road, Manchester, M21 9HR
129 Beech Road, Manchester, M21 9EQ
19 Stanley Grove, Chorlton, Manchester, M21 9DT
Flat 2, Belgravia House, 68 - 70 Beech Road, Manchester, M21 9EG
18 Stanley Grove, Chorlton, Manchester, M21 9DT
Flat 1, 64 Beech Road, Manchester, M21 9EG
11 Redbridge Grove, Manchester, M21 9GX
74 Whitelow Road, Manchester, M21 9HR
23 Chorlton Green, Manchester, M21 9FQ
133 Beech Road, Manchester, M21 9EQ

Flat 3, 64 Beech Road, Manchester, M21 9EG
68 Whitelow Road, Manchester, M21 9HR
135 Beech Road, Manchester, M21 9EQ
Flat 2, 64 Beech Road, Manchester, M21 9EG
5 Redbridge Grove, Manchester, M21 9GX
Flat 2, 131 Beech Road, Manchester, M21 9EQ
68 Beech Road, Manchester, M21 9EG
Flat 1, Belgravia House, 68 - 70 Beech Road, Manchester, M21 9EG
29 Chorlton Green, Manchester, M21 9FQ
139A Beech Road, Manchester, M21 9EQ
15 Chorlton Green, Manchester, M21 9HS
84 Whitelow Road, Manchester, M21 9HR
80 Whitelow Road, Manchester, M21 9HR
Flat 2, 38 Stockton Road, Manchester, M21 9ED
76 Whitelow Road, Manchester, M21 9HR

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Wilbraham Road/Edge Lane (Extension) Conservation Area 2007
Historic Landfill Site 250m Buffer
Area Team Boundary - Name: SOUTH