

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132166/FO/2021

Date registered valid: 8 November 2021

Proposal: Installation of enclosed pergola structures to front and rear outdoor seating areas of existing restaurant and associated works

Address: 700 Wilmslow Road, Manchester, M20 2DN

Ward(s): Didsbury West Ward

Applicant: Mr Alan Crowshaw, One Eight Six, C/o Agent

Agent (if any): Mr Ralph Taylor, Paul Butler Associates, 31 Blackfriars Road, Salford, M3 7AQ

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 04.04.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 30.11.2021

Standard consultations:

Printed: 17 November 2021 Expired: 8 December 2021

Neighbour notifications

Printed: 17 November 2021 Expired: 8 December 2021

Site notice

Posted: 30 November 2021 Expired: 21 December 2021

Press advert

Published: 23 November 2021 Expired: 14 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Not applicable

Conservation area: Blackburn Park Conservation Area 1979

Tree Preservation Order: Not applicable

Description of development

Installation of enclosed pergola structures to front and rear outdoor seating areas of existing restaurant and associated works

Consultations & Notification Responses

Highway Services - The site is located adjacent to the adopted highway. A Taxi Clearway (7am-7pm) and Bus Stop Clearway is in place along Wilmslow Road west. Cycle lanes are in place on both sides of Wilmslow Road. No Waiting at Any Time and No Loading at Any Time is in place along Barlow Moor Road. The property has an existing outdoor seating area at the front and the rear, and the proposals will retain these. The outdoor seating areas will be situated within the red line boundary of the development site and not impinge on the adopted highway at Barlow Moor Road or Wilmslow Road.

HIGHWAYS RESPONSE: The proposed tables and chairs will not be located on the adopted highway and therefore a tables and chairs licence will not be required. The existing area of outdoor seating at the front of the property is to be retained. It is understood that no part of the adopted highway will be impacted by the development. 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.

RAMP: The existing ramp and entrance are to be retained. The ramp extends only within the redline boundary of the site and as such, does not impinge upon the adopted highway. It should be ensured that all aspects of the ramp including the gradient, resting/ landing platform and handrailing is DDA compliant, as referenced within Design for Access 2 documents.

PERGOLA: The Pergola is noted to extend only within the site's perimeter and therefore a Projection Over License will not be required on this occasion. Should the canopy project over the adopted highway, relevant over sailing license will be required, subject to the applicant's expense. It is requested that a minimum headway clearance of 2.3m is in place for the pergola. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

REFUSE: The existing waste storage and collection will be retained. Bins are stored at the rear of the site and the property is serviced by a private waste contractor who collects the waste via the gated access on Barlow Moor Road. It should be ensured that the waste collector adheres to the existing TROs in this location. GMP have been consulted and it is envisaged that they will comment in relation to proposals from a hostile vehicle mitigation perspective.

CONSTRUCTION MANAGEMENT: The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Neighbourhood Team Leader (Arboriculture) - No comments received

Greater Manchester Police – No comments received

Didsbury Civic Society – No comments received

Environmental Health - Requested the submission of a noise report. On receipt of the noise report they recommended construction hours (controlled by separate legislation) and made the following comment:

“Satisfied that the outdoor area will be suitable with the pergola and that noise levels from patrons should not exceed the existing ambient noise levels and be detrimental to the amenity of nearby residents.

However, this report has said that they are planning on having speakers and background music within the pergolas. This is in contradiction to section 4.14 of the Paul Butler Associates Planning Statement dated November 2021 which stated that “There will be no amplified music played within the seating areas.” I would not advise that amplified music be played in these areas as there is always the potential to turn up the volume plus once people have been drinking there is always the chance that this may encourage them to ‘sing’ along to the songs, which in turn could disturb the residents.

I had already recommended that no music be played in these areas, but on looking back at my initial recommendations I realise that the first noise condition contradicts the second one. I have therefore removed one of the paragraphs regarding amplified music as this is really intended for indoor venues. I have attached an amended memo.

The AEC acoustic report has recommended that “to ensure that noise levels from the seating area do not exceed night-time background noise levels in the area (48dBLA90), the pergola would need to be shut from around 2200 - 2300h each night.” I will need confirmation of the times when the applicant intends to close these areas.

To discharge part b of the NSE1 noise condition will need a verification report on completion of the works.”

Following an exchange of further information comments were received as follows:

“The noise report does say that the background noise level will not be exceeded at nearby residents once the pergola is closed at night time – I think the wording was a bit ambiguous and I read it differently to the way it was meant. I am happy for the pergola area to be used after 10pm if the roof, windows and doors are closed. A verification report will be needed on completion of the work to ensure that the background noise levels are not being exceeded. I would still recommend that there is no amplified music in this area as this may still be audible at nearby residential receptors and it could also result in patrons singing along to the music, which would increase the likelihood of disturbance to nearby residents.”

Policies

The relevant development plan in Manchester is the Core Strategy Development Plan Document 2012-2027 (the “Core Strategy”), adopted in July 2012, and the saved policies from the Manchester Unitary Development Plan (UDP), adopted July 1995. The Core Strategy is the key document and sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. The proposals are considered to be consistent with the following Core Strategy Policies SP1, EN3, DM1 for the reasons set out below.

Policy SP1 - Spatial Principles. This sets out the key special principles which will guide the strategy. Development in all parts of the City should “make a positive contribution to neighbourhoods of choice including creating well-designed places that enhance or create character, make a positive contribution to the health, safety and wellbeing of residents, consider the needs of all members of the community regardless of disability and protect and enhance the built and natural environment.”

Policy EN3 - Heritage. The proposal would have an impact upon Blackburn Park Conservation Area. This is discussed in more detail later in the report.

Policy DM1 - Development Management. This sets out the requirements for developments in terms of sustainability and outlines a range of general issues that all development should have regard to. Of these, the following issues are or relevance to this proposal:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Design for health;
- Adequacy of internal accommodation and amenity space;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- That development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- Accessibility to buildings, neighbourhoods and sustainable transport modes;
- Impact on safety, crime prevention and health; adequacy of internal accommodation, external amenity space, refuse storage and collection, vehicular access and car parking; and
- Impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

These issues are considered full, later in this report.

The following saved UDP policies need to be considered in relation to the application.

DC18.1 Conservation Areas – It is considered that the proposal would maintain the character

and appearance of the Blackburn Park Conservation Area. This is discussed in more detail later in the report.

It is considered that the proposal is consistent with the policies contained within the UDP.

National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF was revised in July 2021 and is a material consideration in the determination of all planning applications.

The NPPF states that where proposed development accords with an up-to-date Local Plan it should be approved. The proposals would create additional residential accommodation in a sustainable location and as set out in this report are indicated as being in accordance with the up to date Core Strategy Development Plan Document and therefore accord with the main principles and expectations of the revised National Planning Policy Framework.

Legislative requirements

Section 72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Issues

There is no issue with the principle of the installation of an enclosed pergola structures to front and rear outdoor seating areas of existing restaurant and associated works subject to the detailing and impacts of the proposal.

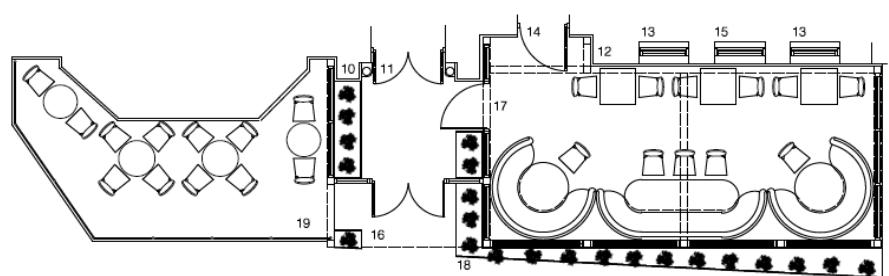
Appearance

The elevations of the proposed enclosed pergola structures are included below, showing a glazed pergola to the Wilmslow Road frontage with black metal framing with a retractable aluminium roof structure. There would be other elevational alterations associated and an additional seating area.

To the rear, existing railings and gates to the boundary wall would be replaced with glazing and a glazed entrance doorway. The pergola structure in this location would offer cover for an external seating area. The access to the residential accommodation would be maintained by the proposals.

The material palette would be sympathetic to the materials utilised in the host dwelling and buildings in the Conservation Area.

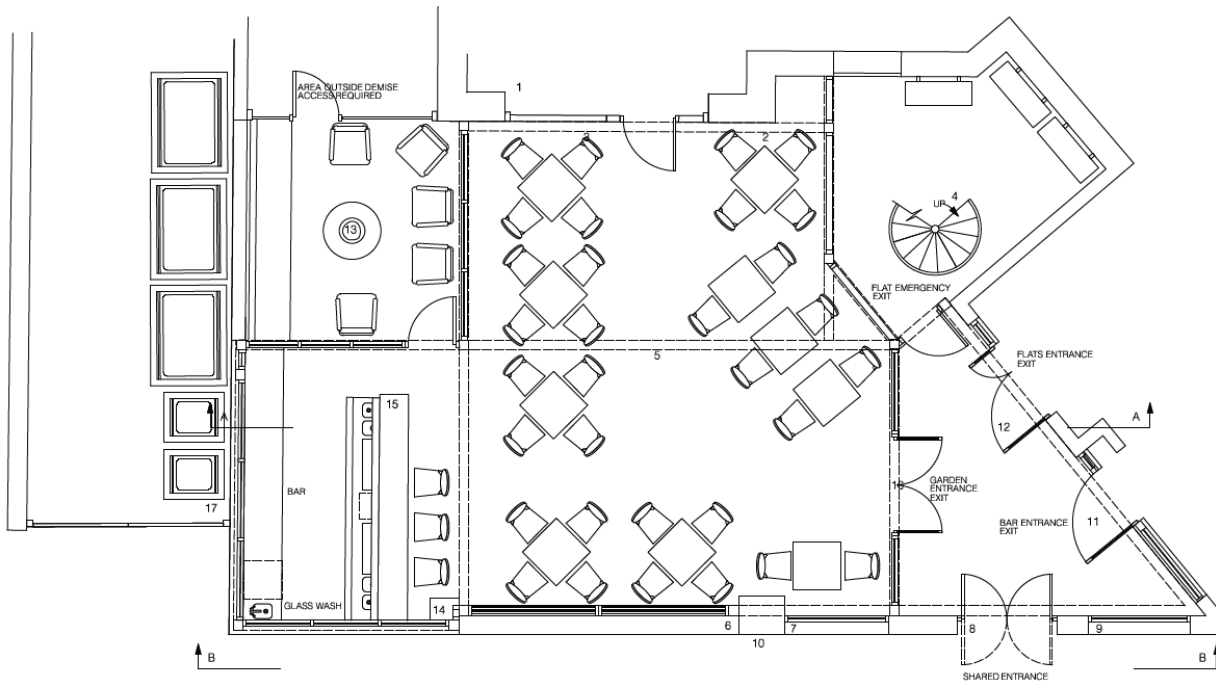
Alterations to the site frontage to Wilmslow Road



INTERNAL PLAN PROPOSED SHOWING FURNITURE



Alterations to the site frontage to Barlow Moor Road





Heritage Impact of the proposals

Paragraph 199 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

It is considered that the development proposals would cause less than substantial harm to the significance of the Blackburn Park Conservation Area.

The pergola structure to the Wilmslow Road frontage would be lightweight in detailing and does not obscure details of the façade. The proposal would not alter views towards neighbouring listed buildings at 694 Wilmslow Road, the Library and the Emmanuel Church.

Residential Amenity

Queries were raised by Environmental Health with regards to the possibility of noise breakout from the pergolas proposed, particularly having regard to the use of the upper floors of the building for four self contained apartments. A noise report has been submitted that states that the pergolas will not be utilised after 10pm and Environmental Health are satisfied subject to the imposition of appropriate conditions relating to hours of use and about amplified music.

The proposal would not adversely impact upon the visual amenity of any neighbouring property or lead to a loss of light, loss of privacy or provide an overbearing impact, by virtue of the separation distances maintained to neighbouring property.

The application was accompanied by a note from Greater Manchester Police showing the security considerations that have been taken into account.

Accessibility

The proposals will enable disabled accessibility throughout which is not in place currently, this is considered to be appropriate.

Bin Storage

The level of bin storage is maintained and has been assessed as being acceptable.

Trees

One tree is located in the rear yard area, an arboricultural assessment has been submitted with the application that sets out that the Ash tree is in poor condition and has been assessed as a U category tree that may be subject to Ash Dieback in the near future. It is proposed to remove the tree and replace it with a Heavy Standards Pear Tree in a drained tree pit. It is considered given the land availability and the health of the existing specimen that this is an appropriate response. The implementation of the planting of this tree is conditioned.

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

The application was determined in a positive and proactive manner. No significant problems have arisen during the consideration of this application.

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 following drawings and documents:

186-01-12 REV 20 GROUND FLOOR PLAN
186-01-35-R8 Rear Garden Area Proposed
186-01-36-R1 Rear Garden Area Layout Rev 1
186-01-37-R1 Rear Garden Area Layout Rev 1 Roof Open
186-01-22-R2 External elevation rear proposed
186-01-24-R2 External elevation rear proposed
186-01-32-R1 Front External Pergola Plans Existing and Proposed Internal
186-01-33-R1 Front External Pergola Plan showing furniture
186-01-34-R1 Front External Pergola Plans showing roof open and closed
186-01-15-R1 Front Elevation Proposed
186-01-38 Front Section AA Existing and Proposed
186-01-39 Front Section BB Existing and Proposed

Technical product specifications:

- o James Robertshaw Bespoke Awnings & Blinds The Retractable Roof Collection.
- o Adjustable Parapet System specification.
- Planning and Heritage Statement prepared by Paul Butler Associates.
- Arboricultural Report by Murray Tree Consultancy;
- Waste Management Strategy Pro-forma; and,
- Greater Manchester Police Design for Security Consultation Letter.
- Pre-construction Information document.

Received 08 November 2021

Acoustic Report prepared by AEC

Received 15 February 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 materials to be used on the external surfaces of the development hereby permitted shall be as stated on the specified plans listed at condition 2.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4. The retractable roof to the pergola structure hereby approved shall not be opened after 22:00. Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

5. The development approved shall not allow for the use of amplified sound or any music in the external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

6. The approved landscaping scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Neighbourhood Team Leader (Arboriculture)
Environmental Health
Greater Manchester Police
Didsbury Civic Society

List of those notified on Uniform

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 - Blackburn Park Conservation Area 1979
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH