

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132616/FO/2021

Date registered valid: 29 December 2021

Proposal: Erection of aluminium framed glazed enclosure with retractable roof over existing outdoor seating area

Address: 513 Wilmslow Road, Manchester, M20 4BA

Ward(s): Withington Ward

Applicant: Mr Mumtaz Awad 509A Wilmslow Road, Manchester, M20 4BA

Agent (if any): Miss Susan Russell 49 Alness Road, Manchester, M16 8HW

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 18.02.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17 January 2022

Standard consultations:

Printed: 14 January 2022 Expired: 4 February 2022

Neighbour notifications

Printed: 14 January 2022 Expired: 4 February 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a two storey property being one end of a short parade of three units. The ground floor is currently being refurbished as a restaurant within Class E of the use Classes Order. Previous applications on the site suggest that there is living accommodation above the property. The property has a deep forecourt for which planning permission for use as an outside seating area was granted in September 2011 reference 096631/FO/2011/S1. An hours condition was attached to the consent restricting the use to the following hours, 09.00 to 23.00 hrs seven days a week. There is an approximately 1.8 metre high fence along the southern boundary of the forecourt.





Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

This is an area of mixed uses outside of, but close to the southern end of Withington district centre and sits just outside the Conservation Area. The parade of shops of which the application site is one, is located on the corner of Wilmslow Road and Arnfield Road. Adjoining the site to the south is a residential property, being used as an unauthorised large HMO (sui generis). There appear to be residential units above the shops and houses to the rear of the site. Facing across Wilmslow Road is the Red Lion Public House a detached grade II listed building.

Description of development

The scheme has been amended and this decision relates to drawing 2117.PR1 revision E.

Consent is sought for the erection of a canopy on the front elevation of the property covering the whole of the forecourt. The canopy would project approximately 6 metres, and would be the full width of the property and the passage to the side, a total of approximately 7.4 metres. The canopy would have a mono pitch roof, 2.6 metres high at the back of footpath and 3.3 metres high where it adjoins the building just below fascia level. The canopy would be enclosed to the north and the back of footpath by glazed panels in a powder coated aluminium frame about a uPVC clad plinth. There would be a similar glazed panel about the retained timber fence on the shared boundary with 515 Wilmslow Road. The roof would have a solid central portion with retractable awnings to either side.

-With specific regard to planning the purpose of the Withington Village Framework is to support existing planning policy by:

1 Establishing a vision supported by the community, to guide and inform development decisions

2 Generating confidence in the prospects of the Village to encourage further investment

-The draft Framework was used as the basis for a public consultation exercise involving local businesses, residents, investors and other key stakeholders and the overwhelming majority of the respondents were supportive of the framework proposals.

-The Council has charged WVRP with overseeing the implementation of the Framework.

-The Framework was formally approved by Manchester City Council on 17th March 2021 with the Executive noting that the Planning and Highways Committee should take the framework update into account as a material consideration when considering planning applications for the area.

-Pertinent to this application the Framework notes:

"There are limited areas to dwell and enjoy the district centre;"

-Manchester City Councils Vital and Viable Withington report (2019) by the Institute for Place Management, which informed the WVF, advised on a number of interventions for the Village, including:

* Developing connectivity to nearby attractors, such as The Christie

* Encourage people to dwell and linger in the Village

-The WVRP believes this proposal in providing a more attractive and all weather space will help address the problem of limited dwell spaces in Withington and also help to provide better connectivity and footfall between the Village and Withingtons major attractor, The Christie.

-The Vital and Viable report also noted *"a need for investment in Withington and a number of vacant units in the Village that offer scope to broaden the diversity of the offer and appeal of the district centre to a wider audience"*. This unit has been vacant for some considerable time and its re-use as a high quality independent restaurant should be welcomed in investment / regeneration terms.

-Under "Opportunities" the WRF notes *"Repurposing the Village Centre, with an offer focused around attracting enterprising bars and cafés that recapture spend and increase footfall in Withington"* Again a high quality independent restaurant will help to achieve this objective.

-Under "Weaknesses" the WVF notes "There is a lack of public space and places to dwell". Whilst it is acknowledged this would essentially be a private space it will still be an attractive, south facing outdoor space where the community can meet and dwell of which there is a dearth in Withington.

-Under "Regeneration" the WRF notes it is important to *"Support an attractive evening economy"* The WVRP believes this proposal would add to and improve Withingtons evening economy which is important to the community.

-Under "Reinventing" the WRF notes it is important to "Create destination places and spaces for people to meet and dwell". Again the creation of a good quality indoor/outdoor space attached to a high quality restaurant will help to create an enhanced destination space for the community to meet and dwell.

-In summary the Withington Village Regeneration Partnership believes this application is appropriate in design and usage terms and will serve to represent a new and important facility within Withington

Environmental Protection

Have requested a condition requiring agreement to be reached in respect of the hours of use of the area beneath the canopy. The are concerned about the noise potential of the retractable awnings and want a noise management plan for the area.

Highways

No comments

Policy

Core Strategy

The relevant Core Strategy policies are C10 and DM1

Policy C10 seeks amongst others, to protect the amenity of residents from food and drink related uses.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development. The policy includes the need for good design as well as seeking to protect the amenity of residents

Unitary Development Plan

The relevant saved UDP policies are DC10 and DC26

Policy DC10 sets down the criteria to be considered in determining applications for food and drink uses including the need to protect the amenity of residents.

Policy DC26 Seeks to protect residents from noise generating activities.

Withington Village Regeneration Framework.

The draft regeneration framework was approved by the Council in March 2021 and the Planning and Highways Committee were advised that it was to be regarded as a material consideration in the determination of application for planning permission.

The framework seeks to improve the viability and vitality of the centre whilst seeking to preserve the amenity of residents.

Issues

Principle

The property is located outside of Withington District centre and is in a parade of less than 8 units, the Council's policies would not therefore normally allow a food and drink establishment in this location although recent changes to the UCO means that restaurant uses are now permitted in any unit falling within the new class E. Whilst these premises have previously traded as a hot food take away the use appears to predate records held on the planning register. As the property is in an area of mixed uses consideration needs to be given to the implications of enlarging any commercial activity on the amenity of the area. The relevant issues are discussed in the following sections.

Scale

The proposed canopy covers the whole of the forecourt to the property and in doing so extends beyond the side elevation of the property. Whilst the adjoining residential uses and indeed the

application site has low level enclosures at the front, there are no precedents for extensions in front of the building line. Whilst the structure is single storey it is considered that the scale of the canopy is such that it would be visually intrusive in the street scene.

Design

The materials to be used for the frames of the canopy have been changed in response to comments from the Withington Village Regeneration Project. Nevertheless it is considered that the design of the proposed canopy fails to reflect the host property and consequently appears incongruous on the front of the property.

Character of the area

The property lies outside of the conservation area and district centre. This part of Wilmslow Road is typified by deep forecourts or front gardens to properties and where there are means of enclosure these tend to be quite low retaining the openness of the area between the buildings and the highway. The proposed canopy would intrude into this open area appearing both over dominant and incongruous.

Residential amenity

The adjoining property is in residential use and there is living accommodation above the commercial units. The current open seating area, whilst it can be used until 11.00pm seven days a week, is to a degree self policing in that the vagaries of the weather will limit the amount that the area can be used thus providing respite to residents. The proposed canopy will enable the more intensive use of the area and any noise attenuation attributable to the structure would be limited, particularly with having an openable roof. As such it is considered that the proposed canopy would result in an increase in the intensity of use and that this would impact upon the amenity of the residents. It is noted that Wilmslow Road is a busy transport route that is noisy in its own respect, however, traffic noise tends to die down latter in the day.

Precedents

The applicant has cited three sites which they consider to be comparable. 4 and 5 Lapwing Lane is in the Albert Park Conservation Area. Both properties have canopies, albeit not original and these are replacements for those. The 315 Wilmslow Road property is listed Grade II. The canopy was granted consent, but before the current development plan was adopted.

Notwithstanding each application has to be considered on its merits and not two sites are directly comparable.

Conclusion

The proposed development is outside of the district centre close to residential properties and despite the support the application has received it is considered that the harm attributable to the scale, design and intensification of the use outweigh any benefits. As such the proposed development is contrary to the Council's policies.

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: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed canopy by reason of its excessive scale would form an over dominant and visually intrusive feature in the street scene to that would be out of character with the historic pattern of development found in the area. The proposed development is therefore contrary to the provisions of Core Strategy policy DM1.

2) The erection of the proposed canopy would facilitate the more intensive use of the external area and by reason of its design and ability to be openable would give rise to unacceptable impacts on the amenity of the occupiers of nearby residential properties by reason of noise and disturbance associated with the use. The proposed development would therefore be contrary to the provisions of Core Strategy policies SP1, DM1 and C10 and saved Unitary Development Plan policies DC10 and DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Withington Civic Society
Withington Village Regeneration Partnership

517 Wilmslow Road, Manchester, M20 4BA
515 Wilmslow Road, Manchester, M20 4BA
Flat At, Red Lion Hotel, 532 Wilmslow Road, Manchester, M20 9BT
Red Lion Hotel, 532 Wilmslow Road, Manchester, M20 4BT
Ground Floor, 509 Wilmslow Road, Manchester, M20 4BA
509 Wilmslow Road, Manchester, M20 4BA
511 Wilmslow Road, Manchester, M20 4BA
519A Wilmslow Road, Manchester, M20 4BA
509A Wilmslow Road, Manchester, M20 4BA
519 Wilmslow Road, Manchester, M20 4BA

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH