

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130177/FO/2021

Date registered valid: 13 May 2021

Proposal: Installation of window and door to shop front and creation of outdoor seating area on the Hardy Lane frontage

Address: 355 Barlow Moor Road, Manchester, M21 7FZ

Ward(s): Chorlton Park Ward

Applicant: Mr. Hawadi Sharfeden C/O Agent

Agent (if any): Miss. Hannah Hiscock MZA Planning 14 Devonshire Mews, London, W4 2HA

Case officer: Dave Morris
Tel: 0161 600 7924
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Recommendation: Approve

Date of recommendation: 01.07.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 11 June 2021

Standard consultations:

Printed: 18 May 2021 Expired: 8 June 2021

Neighbour notifications

Printed: 18 May 2021 Expired: 8 June 2021

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 end of parade unit comprising a commercial ground floor with residential above. The property is located at the junction of Barlow Moor Road and Hardy Lane. There is a single storey side and rear extension and a large garden to the rear. The property has forecourts to the front and side. The front forecourt has recently been enclosed with timber planters. The forecourt at the side of the property is used for unofficial parking.



In March 2021 Prior Approval was granted for the change of use from betting shop (sui generis use) to Cafe (A3 Use Class).

Listed building: Not applicable

Conservation area: Not applicable

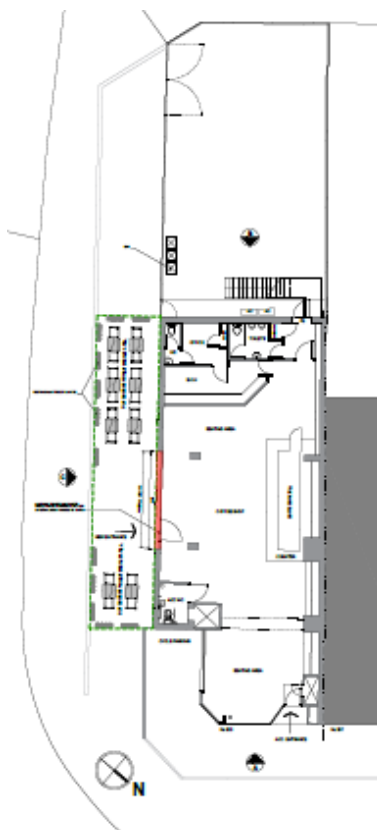
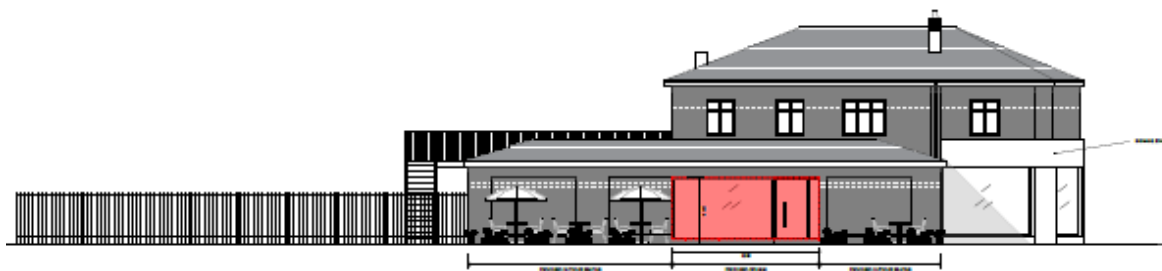
Tree Preservation Order: Not applicable

Description of area

The property is within a small local centre on Barlow Moor Road at its junction with Hardy Lane/Mauldeth Road West. The Metrolink light rail runs past the site along Hardy Lane beyond which is the car park to a commercial unit also on Barlow Moor Road. Behind the commercial frontage to Barlow Moor Road there are residential properties on Hardy Lane. Facing the site across Barlow Moor Road is Chorlton Park Primary School.

Description of development

Consent is sought to install a display window and doors in the Hardy Lane frontage of the single storey side extension to facilitate the use of the forecourt at the side of the property as an outside seating area.



The outside seating area would be defined by a series of timber planters, which would enclose the area between the back of footpath for the full length of the single storey extension.

Consultations & Notification Responses

Consultations

Local residents/businesses

No representations received

TfGM

No objections

Highways

No objections although the furniture should be stored internally when not in use.

Policy

Core Strategy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Unitary Development Plan

The relevant saved UDP policy is DC26 which seeks to protect residents from the harmful impact of noise.

Issues

Principle

Council policies support the principle of outside seating for cafes and the proposed development will bring activity to what is otherwise around 50 metres of dead frontage.

Design

The side elevation is a blank brick wall with relief in the form of recessed panels. The introduction of the large window and door will introduce interest to the side elevation. The proposed planting appear to be in a similar style to those recently installed at the front of the property. This will further add interest to the frontage.



On balance the design is considered acceptable.

Hours

The prior approval granted for the use of the premises as a café had an hours condition of 7.00am to 9.00pm. This is considered appropriate for the outside area.

Enclosure

It is considered that the enclosure of the forecourt is important to prevent the use either spilling onto the public footpath or getting closer to the residential properties. Appropriate conditions are proposed.

Residential Amenity

Other than the accommodation above the property which would not expect the same levels of amenity as a dwelling in a more suburban setting the nearest residential property is approximately 31 metres away from the outside seating area. It is considered that with the restrictive hours and the distance involved it is unlikely to significantly impact on residential amenity.

It should be noted that to use the outside area would not in itself require consent but the creation of the access to the area provides an opportunity to control it.

The existing of Metrolink passing the site will already impact on the amenity of residents and it is not considered that this use would make matters significantly different.

Conclusion.

The proposed development is considered to accord with Council policy and is generally acceptable in all respects.

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 in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

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

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:

003 received 26 April 2021

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 development hereby approved shall be constructed using the materials specified on the approved plans

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.

4) The outside seating area hereby approved shall only be used between the following hours:- 7.00am to 9.00pm seven days a week.;

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 planters defining the extent of the outside seating area shall be installed prior to the use of the outside seating area commences and retains for as long as the use is in operation. No tables or chairs shall be positioned outside of the designated area.

Reason

To ensure that the use does not spill into the adjacent public areas or closer to nearby residential accommodation. pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policies DC10 and DC26

6) There shall be no playing of live or amplified music in the outside seating area.

Reason To protect the amenity of residents from the adverse impact of noise pursuant to Core Strategy policy DM1 and saved UDP policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Transport For Greater Manchester

5 Hardy Lane, Manchester, M21 7JY
7 Hardy Lane, Manchester, M21 7JY
355A Barlow Moor Road, Manchester, M21 7FZ
2 Hardy Lane, Manchester, M21 7JZ
357 Barlow Moor Road, Manchester, M21 7FZ
357A Barlow Moor Road, Manchester, M21 7FZ

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