

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130967/FO/2021

Date registered valid: 6 July 2021

Proposal: Remodelling of existing conservatory; removal of existing smoking shelter and erection three new gazebos and introduction of new external lighting.

Address: Red Lion Hotel, 532 Wilmslow Road, Manchester, M20 4BT

Ward(s): Withington Ward

Applicant: David Young, JW Lees, Greengate Brewery, 3 Middleton Junction, Manchester, M24 2AX

Agent (if any): Mr Daniel Ramsay, Turley, 1 New York Street, Manchester, M1 4HD

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

Recommendation: Approve

Date of recommendation: 11.11.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 30.07.2021

Standard consultations:

Printed: 15 July 2021 Expired: 5 August 2021

Neighbour notifications

Printed: 15 July 2021 Expired: 5 August 2021

Site notice

Posted: 23 July 2021 Expired: 13 August 2021

Press advert

Published: 20 July 2021 Expired: 10 August 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The Red Lion is a grade II listed building. It is a detached part single part two storey property set in its own grounds. The property has been extended over the years including a large conservatory to the rear.





The deep forecourt is used for outside seating whilst there is a further outside seating area to the south of the public house between one of the car parks and the bowling green. This area has an existing timber smoking shelter. It is separated from the car park by a brick wall.



There are further car parks to the north of the building and to the rear adjacent to the bowling green.



Listed building: Grade II

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: Not applicable

Description of area

The site is located within Withington District Centre and Conservation area. At this point the District centre is petering out and the area is becoming more residential.

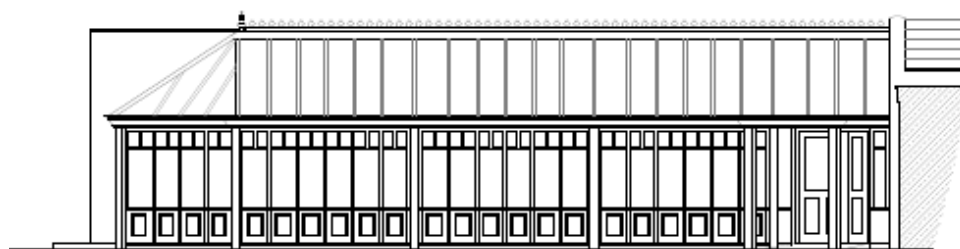
Facing the site across Wilmslow Road are both residential and commercial properties. To the south across Tatton Grove is the side elevation of a commercial unit on Wilmslow Road and the gable elevation and gardens of a terrace of houses on Tatton View. Adjoining the site to the west are the side elevation and rear gardens of houses on Tatton Grove and the rear gardens of houses and a flat development on Palatine Road. In the north west corner of the site is a substantial electricity sub station on Marriott Street. To the north across Marriott Street is the gable elevation of a commercial unit fronting Wilmslow Road. To the northeast of the site across Wilmslow Road is Withington Fire and Rescue Station.

Description of development

This application relates to a wider refurbishment of this listed public house and relates only to those works requiring planning permission. Other works are addressed in application reference 130950/AO/2021 for Advertisement Consent and reference 130968/LO/2021. This latter will address the heritage implications of the items forming part of this application.

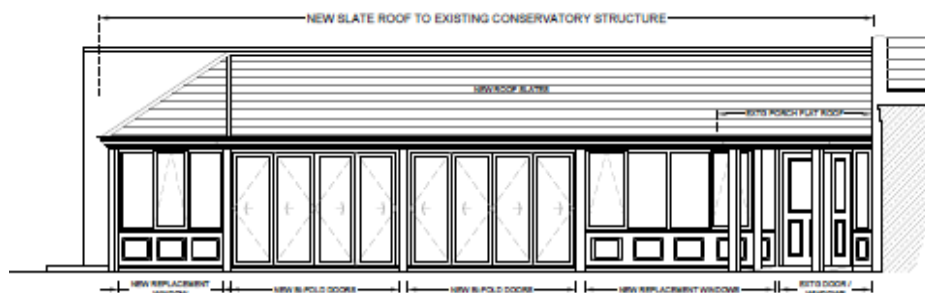
This application has been substantially amended in response to issues raised by the City Council.

Consent is sought to remodel the existing conservatory, originally it was proposed to demolish and rebuild the conservatory. The scheme now replaces the glazed roof with a solid tiled roof and the panels on the side elevation which will include bi folding doors.



EXISTING SOUTH ELEVATION

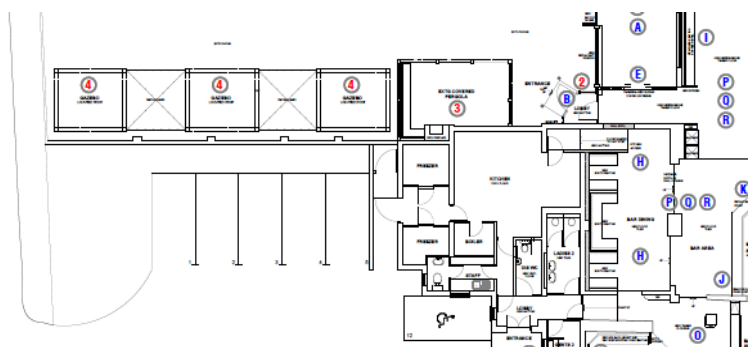
SCALE 1:100



PROPOSED SOUTH ELEVATION

SCALE 1:100

It is also proposed to install three powder coated gazebos adjacent to the wall separating the beer garden/bowling green from the car park to the south of the public house. These are simple box like structures in a row with festoon lights strung between them.



Consultations & Notification Responses

Local residents/Businesses

Two letters have been received making the following comments.

- Residents have had issues with noise from the public house, particularly during the pandemic when tables and chairs were moved to the bowling green. Residents are concerned that the proposal will result in additional noise.
- The noise survey is incomplete as the pub was not fully operational due to the pandemic. It is not therefore creditable to fully assess the impact of the development.
- The applicant has not engaged with residents prior to the application being submitted.
- It is believed that there is already a separate restriction on the operating hours for the outside areas, and it is of course important to us that this remains in force.
- New floodlighting was erected to cover the outside drinking areas and the car park some months ago. One of the lights covering the car park shines directly in to our front room window, and is extremely annoying. We spoke to one of the pub managers about that some time ago and he promised to adjust it, but nothing appears to have changed.

Environmental Protection

No objections subject to conditions in respect of the noise insulation of the new structure, an hours condition on the use of the outside areas and the acoustic insulation of any new or relocated external plant or equipment.

Cadent

Have referred to the presence of their plant and equipment in the area. The comments have been forwarded to the applicant.

Highways

- The revised parking layout is acceptable.
- The existing provision for cycle parking is noted.
- Alterations to the lighting will not impact on the highways.
- No objections to the proposal.

Greater Manchester Ecology Unit.

- The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).
- The Report concluded that the site supports a building which is due for repair and that has some value to bat roosting, whilst the surrounding habitats within the site are of only local and in part limited value to biodiversity.
- There is currently no known reason to contradict the findings of the Report and the application can be forwarded to determination in respect of biodiversity without the need for any further work.
- It is recommended that in order to comply with planning policy a number of conditions/informatives should be attached to any permission if granted, as follows: -
 - Ø Protection of retained trees & hedgerows this should be conditioned
 - Ø Invasive non-native species An informative should be used to alert the applicant to the presence of rhododendron and cotoneaster (schedule 9 Wildlife & Countryside Act 1981) and their duty to ensure that these species are disposed of to an appropriate tip in order to avoid causing them to spread in the wild.
 - Ø Design of the external lighting scheme, particularly to the rear gardens. To be conditioned
 - Ø Breeding birds (section 5.5.1) – Condition vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid the breeding season (March – August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981).
 - Ø Repair work under Reasonable Avoidance Measures – The Report has made an adequate assessment of the risk to bats. The Report recommends however, that a RAMS approach would be suitable for repair work to the exterior of the pub due to the location of potential roost features. The guidance provided at section 9.3 of the submitted Report should be adhered to in the clearance of the site including the removal of any structure bases. This can be secured via a condition.
- The Report makes limited recommendations (section 5.10 – 5.12) in respect of biodiversity enhancement as guided by the NPPF (February 2019, paragraph 175 d)) and details of what is proposed including numbers, specification and location need to be provided. This can be conditioned on any permission if granted.

Policy

Core Strategy

The relevant Core Strategy policies are DM1 and EN3

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy EN3 Seeks to protect the City's heritage assets from the adverse impact of development.

Unitary Development Plan

The relevant saved UDP policies are DC18 and DC26

Policy DC18 seeks to preserve or enhance the City's Conservation Areas

Policy DC26 seeks to protect the amenity of an area from noise generating uses.

Issues

Principle

The proposed works involve a face lift to a dated conservatory and the provisions of gazebos in the beer garden and the addition of festoon lights. In view of the existing use of the property this changes are considered to be acceptable in principle.

Impact on Historic Fabric

The impact of the works the subject of this application and the internal works to this grade II listed building are the subject of a separate application for listed building consent.

Elevational changes.

The replacement of the existing glass roof with tiles and the introduction of full height bi folding doors into the existing conservatory are considered to be acceptable in design terms subject to the approval of the materials to be used.

Gazebos

The gazebos would comprise a powder coated aluminium frame with a louvred roof They are situated adjacent to an existing 2.8 metre high wall separating the car park from the outside seating area. The gazebos have a clean contemporary feel and are considered to be acceptable in design terms.

Noise

The grounds of the public house form part of the planning unit and as such can be used for outside seating without the need for planning permission. It is not therefore possible to attach planning conditions restricting the use of the outside areas as the use of these areas is not the subject of the application. Licensing can however, limit the use of these areas.

Lighting.

The addition of the festoon lighting is following a current trend and does not normally require consent although the supporting structures may. A condition is proposed requiring the approval of the lighting scheme.

Residential amenity

Noise, whilst concern has been expressed about the impact of noise it is not considered that the gazebos would significantly add to this as there are to a degree weather dependant. However, the introduction of the bi folding doors to the conservatory introduces the potential for additional noise break out from the building. It is therefore suggested that a condition be attached requiring the doors to be closed at 10.00pm until the following day. It is also proposed to impose a condition requiring the approval an implementation of an acoustic insulation scheme for the remodelled conservatory.

Subject to these conditions it is not considered that the development would significantly affect noise from the development.

Impact on the Character of the Conservation Area

The proposed works to the conservatory would not result in it being increased in size only changes to its appearance. On balance it is not considered that these would have a significant impact on the character of the Conservation area.

The proposed gazebos are lightweight structure located behind a high wall and as such their visual impact would be minimal. Again, it is not considered that they would have a significant impact on the character of the conservation area,

Conclusion.

The proposed changes to the building are not considered to be significant and accord with Council policy.

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:

4007-PL04 revision F received 18 October 2021

4007-PL05 revision E received 18 October 2021

4007-PL06 revision C received 18 October 2021

Covering Letter from Turley's dated 1 July 2021

Design and Access Statement reference 2021 FUS2007-001B received 6 July 2021

Supplementary Planning Addendum received 18 October 2021

Noise Assessment by Miller Goodall dated 20 May 2021 reference 102578 received 15 July 2021

Ecology Report by The Environment Partnership received 6 July 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) No alterations to the external appearance of the conservatory hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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) None of the gazebos hereby approved shall be erected unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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.

5) The bi folding doors in the conservatory shall be closed at 10.00pm daily and not be reopened again until the public house reopens the following day.

Reason - to limit the breakout of noise from the refurbished conservatory pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

6) a) Before installation, details of any new external lighting shall be submitted to and approved by the City Council so as to control glare and overspill onto nearby residential properties.

b) Prior to the first use of the approved lighting scheme a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light 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 criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to Core Strategy policy DM1.

7) a) The remodelled conservatory shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use of the conservatory commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the use of the remodelled conservatory commencing 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 the building and occupiers of nearby properties pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

8) a) Any new or repositioned externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to the installation of the plant or externally mounted equipment the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

b) Prior to the plant of externally mounted equipment being first used a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26

9) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

10) Vegetation clearance including trees, shrubs and undergrowth (e.g. bramble) should avoid of the bird breeding season (March - August inclusive) unless it can be demonstrated that there is no nesting activity present.

Reason - All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981).

11) The recommendations contained in section 5 of the Ecology Report by The Environment Partnership received 6 July 2021 shall be implemented in full as part of the development.

Reason -To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy.

Informatives

1) Please be aware of the presence of rhododendron and cotoneaster (schedule 9 Wildlife & Countryside Act 1981) and your duty to ensure that these species are disposed of to an appropriate tip in order to avoid causing them to spread in the wild.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit

519 Wilmslow Road, Manchester, M20 4BA
2 Tatton View, Manchester, M20 4BU
534 Wilmslow Road, Manchester, M20 4BY
531A Wilmslow Road, Manchester, M20 4BA
515 Wilmslow Road, Manchester, M20 4BA
517 Wilmslow Road, Manchester, M20 4BA
Flat At, Red Lion Hotel, 532 Wilmslow Road, Manchester, M20 9BT
513 Wilmslow Road, Manchester, M20 4BA
533 Wilmslow Road, Manchester, M20 4BA
4 Tatton View, Manchester, M20 4BU
Flat 1, 524 Wilmslow Road, Manchester, M20 4BT
Flat Above, 534 Wilmslow Road, Manchester, M20 4BY
525 Wilmslow Road, Manchester, M20 4BA
Top Flat, 528 Wilmslow Road, Manchester, M20 4BT
525A Wilmslow Road, Manchester, M20 4BA
509 Wilmslow Road, Manchester, M20 4BA
527A Wilmslow Road, Manchester, M20 4BA
536 Wilmslow Road, Manchester, M20 4BY
8 Tatton Grove, Manchester, M20 4BP
Parsonage Court, Palatine Road, Manchester, M20 4BL
Flat 2, 507 Wilmslow Road, Manchester, M20 4AW
Flat 1, 23 Palatine Road, Manchester, M20 3LH
Rear Flat, 526 Wilmslow Road, Manchester, M20 4BT
511 Wilmslow Road, Manchester, M20 4BA
529 Wilmslow Road, Manchester, M20 4BA
523 Wilmslow Road, Manchester, M20 4BA
10 Tatton Grove, Manchester, M20 4BP
519A Wilmslow Road, Manchester, M20 4BA
Flat 11, 21 Palatine Road, Manchester, M20 3LH
Flat 5, 19 Palatine Road, Manchester, M20 3LH
Flat 9, 23 Palatine Road, Manchester, M20 3LH
5 Parsonage Court, Palatine Road, Manchester, M20 3LA
Flat 3, 21 Palatine Road, Manchester, M20 3LH
3 Parsonage Court, Palatine Road, Manchester, M20 3LA
Flat 17, Parsonage Court, Palatine Road, Manchester, M20 4BL
Flat 18, Parsonage Court, Palatine Road, Manchester, M20 4BL
5 Marriott Street, Manchester, M20 4BN
11 Marriott Street, Manchester, M20 4BN
3 Tatton Grove, Manchester, M20 4BP
509A Wilmslow Road, Manchester, M20 4BA
526 Wilmslow Road, Manchester, M20 4BT
7 Marriott Street, Manchester, M20 4BN
523A Wilmslow Road, Manchester, M20 4BA
Ground Floor, 509 Wilmslow Road, Manchester, M20 4BA
Flat 2, 19 Palatine Road, Manchester, M20 3LH
Flat 1, 19 Palatine Road, Manchester, M20 3LH
Flat 2, 17 Palatine Road, Manchester, M20 3LH
Flat 3, 19 Palatine Road, Manchester, M20 3LH

7 Parsonage Court, Palatine Road, Manchester, M20 3LA
524 Wilmslow Road, Manchester, M20 4BT
Flat 11, 507 Wilmslow Road, Manchester, M20 4AW
8 Parsonage Court, Palatine Road, Manchester, M20 3LA
1 Tatton Grove, Manchester, M20 4BP
Flat 16, Parsonage Court, Palatine Road, Manchester, M20 4BL
507 Wilmslow Road, Manchester, M20 4AW
Flat 4, 23 Palatine Road, Manchester, M20 3LH
2 Parsonage Court, Palatine Road, Manchester, M20 3LA
Flat 6, 21 Palatine Road, Manchester, M20 3LH
Flat 12, 507 Wilmslow Road, Manchester, M20 4AW
Flat 13, 507 Wilmslow Road, Manchester, M20 4AW
Flat 9, 507 Wilmslow Road, Manchester, M20 4AW
Flat 3, 17 Palatine Road, Manchester, M20 3LH
9 Parsonage Court, Palatine Road, Manchester, M20 3LA
13 Marriott Street, Manchester, M20 4BN
Flat 13, Parsonage Court, Palatine Road, Manchester, M20 4BL
Flat 6, 19 Palatine Road, Manchester, M20 3LH
6 Parsonage Court, Palatine Road, Manchester, M20 3LA
4 Parsonage Court, Palatine Road, Manchester, M20 3LA
Flat 5, 507 Wilmslow Road, Manchester, M20 4AW
Flat 10, 23 Palatine Road, Manchester, M20 3LH
Flat 7, 23 Palatine Road, Manchester, M20 3LH
Flat 4, 19 Palatine Road, Manchester, M20 3LH
Flat 4, 17 Palatine Road, Manchester, M20 3LH
11 Parsonage Court, Palatine Road, Manchester, M20 3LA
Flat 8, 21 Palatine Road, Manchester, M20 3LH
Flat 1, 17 Palatine Road, Manchester, M20 3LH
12 Parsonage Court, Palatine Road, Manchester, M20 3LA
10 Parsonage Court, Palatine Road, Manchester, M20 3LA
1 Parsonage Court, Palatine Road, Manchester, M20 3LA
Flat 5, 21 Palatine Road, Manchester, M20 3LH
Flat 1, 507 Wilmslow Road, Manchester, M20 4AW
Flat 2, 21 Palatine Road, Manchester, M20 3LH
531 Wilmslow Road, Manchester, M20 4BA
Flat 14, 507 Wilmslow Road, Manchester, M20 4AW
Flat 10, 507 Wilmslow Road, Manchester, M20 4AW
6 Tatton Grove, Manchester, M20 4BP
527 Wilmslow Road, Manchester, M20 4BA
521 Wilmslow Road, Manchester, M20 4BA
528 Wilmslow Road, Manchester, M20 4BT
Flat 4, 507 Wilmslow Road, Manchester, M20 4AW
505 Wilmslow Road, Manchester, M20 4AW
3 Marriott Street, Manchester, M20 4BN
1 Marriott Street, Manchester, M20 4BN
Flat 14, Parsonage Court, Palatine Road, Manchester, M20 4BL
9 Marriott Street, Manchester, M20 4BN
Flat 15, Parsonage Court, Palatine Road, Manchester, M20 4BL

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 - Withington Conservation Area 1983
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH