

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131724/FO/2021
Date registered valid: 4 October 2021
Proposal: Retention of timber framed canopy to front of premises
Address: 97 Beech Road, Manchester, M21 9EQ
Ward(s): Chorlton Ward

Applicant: Mr Gurpal Singh, 23 Manor Road, Stretford, Manchester, M32 9HT
Agent (if any): Mr Paolo Bonato, 808 Fresh, 138 Chapel Street, Manchester, M3 6DE
Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 25.11.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 8 October 2021

Standard consultations:

Printed: 5 October 2021 Expired: 26 October 2021

Neighbour notifications

Printed: 5 October 2021 Expired: 26 October 2021

Site notice

Posted: Expired:

Press advert

Published: 12 October 2021 Expired: 2 November 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a two storey mid parade property on the south side of Beech Road. The property has consent for use as a Café within Class E on the ground floor and it appears to be in residential use above. The property has its own shallow forecourt.

Listed building: Not applicable

Conservation area: Chorlton Green (Extension) Conservation Area 2007

Tree Preservation Order: Not applicable

Description of area

The property is located with the Beech Road local centre and the Chorlton Green (extension) conservation area. There are commercial properties to either side both of which have canopies although the one to the east does not accord with what was granted planning permission. There are further commercial properties facing the site across Beech Road.



Unauthorised canopy to east



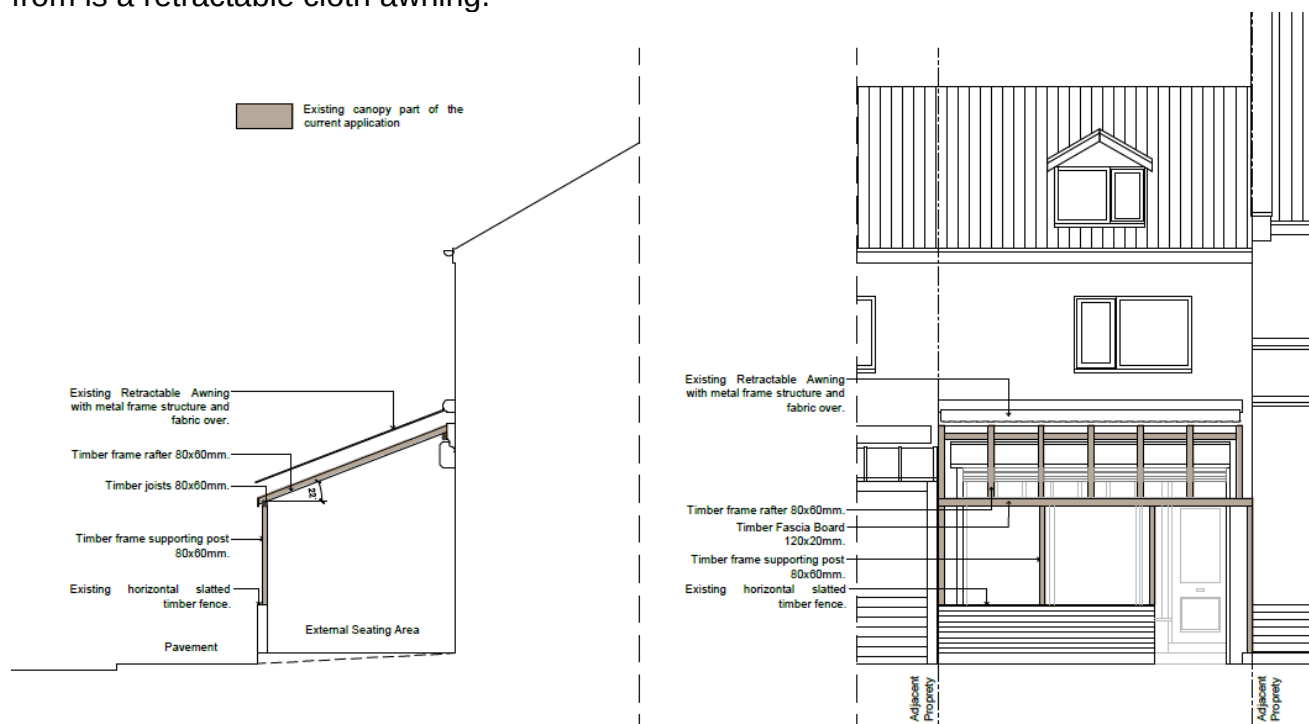
Canopy to west

Description of development

Consent is sought to retain the timber framed canopy over the forecourt of the premises.



The ground floor enclosure pre dates the canopy and did not require consent above the canopy from is a retractable cloth awning.



The application forms show the opening hours as 10.00am to 11.30 pm Monday to Friday, 10.00am to Midnight Saturday and 10.00am to 11.00pm Sundays and Bank Holidays.

Consultations & Notification Responses

Local Residents/businesses

One letter has been received objecting to the proposed development. The issues raised are summarised below.

- The timber framed canopy as it is not in keeping with the area.
- The area has lost some of its quaint identity and looks worse as a result.
- The appearance needs to be improved.
- The original application for the site looked completely different.
- The applicant has a history of breaking planning decisions and has been developing the site in contradiction to the original planning decision whether it is running the site as a bar with the exclusion of food, rather than a cafe or running past their stipulated hours.

Environmental Health

Notes a discrepancy in the hours in the application and those approved.

Highways

No objections

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 the impact of noise.

Issues

Principle

Al fresco dining is increasingly a popular feature of local centres and in particular Beech Road. With it comes the need to provide some means of providing protection from the elements and of ensuring that the use does not spill onto the public highway. It is therefore considered that the principle of providing a canopy is acceptable.

Scale

The canopy as installed covers the shallow forecourt and finishes below the level of the existing retractable canopy. The scale is also comparable with the approved canopy on the adjoining site. On balance the scale of the canopy is considered acceptable.

Design

The scale of the materials used for the frame is sufficient for the structure to appear robust but not excessively so. The retractable cover gives a degree of flexibility and lessens the impact of the canopy. On balance the design is considered acceptable.

Hours

The applicant had failed to discharge the hours condition in respect of the use of the outside area attached to the original permission. The hours shown on the application form also deviate from what was approved for the building. It is therefore considered prudent to condition the hours of use of the outside area. Consent was recently granted at 105 Beech Road which allowed the forecourt to be used up to 11.00pm seven days a week. For consistency it is proposed to allow the outside area to be used up to 11.00pm seven days a week. The applicant was contacted in respect of the hours, however, no response received.

Residential Amenity

The outside seating area faces the commercial centre with commercial properties facing. There is however, residential accommodation above some of the shops. It is considered that by restricting the use of the outside area to 11.00pm the impact would not be unreasonable for someone resident within a commercial centre.

Impact on the Character of the Conservation area.

Canopies are relatively uncommon in the Beech Road local Centre although there are some that have received consent. It is considered that the rustic nature of the canopy sits comfortably within the centre and when it ceased to be required it can quite easily be removed. On balance it is considered that the canopy would have a neutral impact of the character of the Conservation area.

Conclusion

On balance it is considered that the retention of the canopy will not harm either the character of the conservation area or impact significantly on residential amenity and is therefore considered to be acceptable.

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:

PA100-003 revision A received 22 September 2021

PA100-004 revision A received 22 September 2021

Design and Heritage Statement received 22 September 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 shall only be used during the following hours.

8.00am to 11.00pm Monday to Saturday and

10.00am to 11.00pm Sundays and Bank Holidays.

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

53 Crossland Road, Manchester, M21 9DU
45 Crossland Road, Manchester, M21 9DU
95 Beech Road, Manchester, M21 9EQ
101A Beech Road, Manchester, M21 9EQ
Flat D, 93 Beech Road, Manchester, M21 9EQ
Flat B, 93 Beech Road, Manchester, M21 9EQ
49 Crossland Road, Manchester, M21 9DU
43 Crossland Road, Manchester, M21 9DU
37 Crossland Road, Manchester, M21 9DU
93 Beech Road, Manchester, M21 9EQ
The Lead Station, 99 Beech Road, Manchester, M21 9EQ
Flat A, 93 Beech Road, Manchester, M21 9EQ
Flat C, 93 Beech Road, Manchester, M21 9EQ
101 Beech Road, Manchester, M21 9EQ
42 Beech Road, Manchester, M21 9EL
51 Crossland Road, Manchester, M21 9DU
47 Crossland Road, Manchester, M21 9DU
41 Crossland Road, Manchester, M21 9DU
39 Crossland Road, Manchester, M21 9DU
48 Beech Road, Manchester, M21 9EG
44 Beech Road, Manchester, M21 9EL
46A Beech Road, Manchester, M21 9EG
46 Beech Road, Manchester, M21 9EG

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 - Chorlton Green (Extension) Conservation Area 2007
Area Team Boundary - Name: SOUTH