

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131171/FO/2021
Date registered valid: 6 August 2021
Proposal: Creation of outdoor seating area and installation of awning
Address: 463 Barlow Moor Road, Manchester, M21 8AU
Ward(s): Chorlton Park Ward

Applicant: Mr Ryad Rahman 254 Manley Road, Manchester, M21 0RD
Agent (if any):
Case officer: Melanie Tann
Tel: 0161 234 4538
Email: melanie.tann@manchester.gov.uk

Recommendation: Approve
Date of recommendation: **1st October 2021**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 3 September 2021

Expired: 24 September 2021

Neighbour notifications

Printed: 3 September 2021

Expired: 24 September 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

The property is a ground-floor commercial premises located in the middle of a terrace of other commercial uses

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property falls within the Chorlton District Centre

Description of development

Creation of outdoor seating area and installation of awning

Consultations & Notification Responses

Local residents – One letter of objection has been received. The main comments are:

- I'm a resident on Claude Road - there's already an ongoing problem with parking on our road with access to local businesses. We're often faced without the ability to park outside or close by to our house - this includes staff for the likes of M&S, KFC, Tesco etc.
- Additionally, we're often faced with additional noise from these businesses - and we fear that the planning application may add to both of these current issues.

Highways - As the proposed tables and chairs are to be located on the private forecourt in front of the property, a tables and chairs licence will not be required. The proposed development is located on a length of footway, subject to a high volume of pedestrian movement. In this location, street furniture in the form of street lighting is located on the adopted footway. Fencing

will be installed around the external seating area. The proposed seating area is situated on a private forecourt that was used as parking by the property. The external seating area will not impact on the adopted highway and therefore will not impact on pedestrian movements. 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.

It is understood that the awning is situated within a private forecourt of the property and therefore will not extend over the adopted highway. Should there be any projection over the adopted highway, a Projection over License would be required at the applicant's own expense. It is recommended that the awning has a sufficient headroom clearance of 2.3m, compliant with the MCC minimum standards.

The Plans and Elevations show an internally illuminated fascia sign. If comments are sought on the proposed signage it is requested that information regarding the dimension and illuminance levels is submitted to Highways.

GMP have been consulted and it is envisaged that they will comment in relation to proposals from a hostile vehicle mitigation perspective.

Environmental Health – request the addition of a condition relating to the hours of use of the external areas.

Policies

National Planning Policy Framework

The National Planning Policy Framework 2021 sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy DM1 seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice.

DM1 covers the issues which need consideration and those relevant to this scheme are considered below.

Unitary Development Plan for the City of Manchester (Saved Policies)

Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted

Issues

Principle - Due to the district centre location of the premises along a commercial frontage containing other similar uses with external seating areas, the principle of the proposal is considered to be acceptable. The impacts of the proposal in terms of visual and residential amenity need to be assessed and are set out below.

Residential Amenity – There are residential properties situated nearby on side streets to the rear of the application site, however, it is believed that there would not be any undue impact upon the amenity levels currently enjoyed by occupants and that any impact can be mitigated by a restriction on the hours the outdoor seating area can be used, this issue can be adequately controlled by appropriate planning conditions.

The application property is located within a district centre which contains a number of businesses which contribute towards the night-time economy. It is believed that activities associated with the application property would be concentrated along the Barlow Moor Road frontage and are unlikely to exacerbate existing conditions to such a degree that there would be a significant impact upon residential amenity.

In light of the above and given the context of the site it is believed that measures proposed and the use of planning conditions would prevent any significant, adverse impact upon residential amenity. On balance, it is considered that the amenity of residents would not be so adversely affected as to warrant refusal in this location, therefore complying with policies DM1 of the Core Strategy and saved policy DC26 of the UDP.

Car Parking – The site has an existing private forecourt that could be used for off road parking, which it has previously been used for. However, this would be removed as part of the proposals.

The application property is located within Chorlton District Centre a highly sustainable, easily accessible location which is in close proximity to a number of bus routes and the Metrolink network. The lack of dedicated car parking spaces for patrons or staff is therefore not considered to be significant in this instance.

Visual Amenity – The proposed outdoor seating area would utilise removable tables and chairs, within an enclosed forecourt, the materials for which will need to be formally agreed by way of condition. The proposed awning would attach to the shop front and provide an attractive feature within the street scene. It is considered that the proposal would not form an incongruous feature within the street, therefore complying with policies SP1 and DM1 of the Core Strategy. It is noted that an adjacent property has been recently refused permission for a installed boundary treatment and proposed canopy over. The current proposals are considered to have a better visual relationship to the street scene with the inclusion of glazed panels providing more visual relief than the more stark wooden panels on the adjacent property.

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 problems arising in relation to dealing with the planning 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:

Proposed plans and elevations 01, stamped as received 26th July 2021;

Proposed awning 02, stamped as received 26th 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) The use of the external areas within the application site shall only be used in accordance with a schedule of days and hours of operation to be submitted to and approved in writing by the City Council as local planning authority prior to the first use, no amplified sound or any music shall be used in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to saved UDP policy DC26 and policy DM1 of the Core Strategy.

4) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy DM1 and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

1B Beech Road, Manchester, M21 8BX
1A Beech Road, Manchester, M21 8BX
461B Barlow Moor Road, Manchester, M21 8AU
10 Claude Road, Manchester, M21 8BY
8B Claude Road, Manchester, M21 8BY
8A Claude Road, Manchester, M21 8BY
10B Claude Road, Manchester, M21 8BY
10A Claude Road, Manchester, M21 8BY
12B Claude Road, Manchester, M21 8BY
12A Claude Road, Manchester, M21 8BY
Flat Above, 318 Barlow Moor Road, Manchester, M21 8AY
Flat 2, 459 Barlow Moor Road, Manchester, M21 8AU
First Floor Flat, 320 Barlow Moor Road, Manchester, M21 8AY
326 Barlow Moor Road, Manchester, M21 8AY
322B Barlow Moor Road, Manchester, M21 8AY
Flat 3, 459 Barlow Moor Road, Manchester, M21 8AU
Flat 1, 459 Barlow Moor Road, Manchester, M21 8AU
318 Barlow Moor Road, Manchester, M21 8AY
461A Barlow Moor Road, Manchester, M21 8AU
322 Barlow Moor Road, Manchester, M21 8AY
465 Barlow Moor Road, Manchester, M21 8AU
461 Barlow Moor Road, Manchester, M21 8AU
457 Barlow Moor Road, Manchester, M21 8AU
455 Barlow Moor Road, Manchester, M21 8AU
Police Station, Barlow Moor Road, Manchester, M21 8DQ
7 Claude Road, Manchester, M21 8BZ
3 Claude Road, Manchester, M21 8BZ
1 Claude Road, Manchester, M21 8BZ
4 Claude Road, Manchester, M21 8BY
2 Claude Road, Manchester, M21 8BY
332 Barlow Moor Road, Manchester, M21 8AY
328 Barlow Moor Road, Manchester, M21 8AY
6 Claude Road, Manchester, M21 8BY
5 Claude Road, Manchester, M21 8BZ
HOOKAHS, Ground Floor, 320 Barlow Moor Road, Manchester, M21 8AY
465A Barlow Moor Road, Manchester, M21 8AU
463A Barlow Moor Road, Manchester, M21 8AU
330B Barlow Moor Road, Manchester, M21 8AY
330A Barlow Moor Road, Manchester, M21 8AY
1C Beech Road, Manchester, M21 8BX

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) -
Area Team Boundary - Name: SOUTH