

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130555/FO/2021

Date registered valid: 26 May 2021

Proposal: Change of use from A1 (Retail) to Sui Generis (Off Licence and Bar) together with associated elevational alterations including installation of retractable awning

Address: 2 Chorlton Place, Manchester, M21 9AQ

Ward(s): Chorlton Ward

Applicant: Sarah Webster, Reserve Limited Unit, 32, Stretford Motorway Estate, Manchester, M32 0ZH

Agent (if any): Jenny Mckean, SPC Partnership, Sale Rugby Club, Unit 10, Heywood Road, Sale, M33 3WB

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

Recommendation: Approve

Date of recommendation: 26.07.2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 11 June 2021

Standard consultations:

Printed: 7 June 2021 Expired: 28 June 2021

Neighbour notifications

Printed: 7 June 2021 Expired: 28 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 commercial unit within Chorlton Shopping precinct. The property which is currently vacant was last used within Cass E. The property has a flat roof and there are display windows to two frontages. The front elevation faces a pedestrian area forming part of the precinct. The side elevation has a deep forecourt fronting Wilbraham Road. Refuse for the premises is stored in the communal refuse storage area for the precinct.





Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located within Chorlton Parade a small shopping precinct within the larger Chorlton District Centre. The premises are adjoined to the north by a commercial unit and there are further commercial uses facing and to the rear of the site and well as to the south across Wilbraham Road.

Description of development

Consent is sought to use the premises from retail Class E to a hybrid off licence (Class E) and bar sui generis. The submitted drawings show on the ground floor a retail area and bar, together with seating and an accessible wc. There is an outside seating area shown along the Wilbraham Road frontage enclosed by non-fixed canvas screens. On the first floor would be staff facilities and toilets for use by patrons.

It is proposed to install retractable canopies to both elevations projecting 2metres over the respective forecourts.

The proposed opening hours are 8.00am to 11.00pm Monday to Saturday and 8.00am to 10.30pm Sundays. Which are the same as have been applied for in their license application.

The premises would continue to use the existing refuse storage arrangements.

Consultations & Notification Responses

Local residents /businesses

No representations received.

Chorlton Voice.

Object to another food and drink premises in this part of the centre as it would undermine the aim of achieving a balance of uses and further erode the retail offer in the Centre.

Environmental Health

Are happy to go with the hours in the license, as the site is within the district centre and they are comparable with other premises in the area.

The refuse storage is acceptable. Conditions are required in terms of acoustic insulation of both the building and any external plant and also in respect of any external lighting.

Highways

No objections although they have suggested that secure cycle parking is provided.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1 and C10

Policy SP1 is a generic development management policy relevant to most applications within the City. The Policy sets down the key spatial principles which will guide the strategic development of Manchester to 2027, these are:

Beyond the regional centre and the airport the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.

Policy SP1 also sets down the Core Development Principles

Development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including, amongst others:-

- making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

Policy DM1 is relevant as it seeks to protect the amenity of an area from the adverse impacts of development. The policy states that All development should have regard to the following specific issues, amongst others:-

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Community safety and crime prevention.

Design for health.

Refuse storage and collection.

Vehicular access and car parking.

Policy C10 relates specifically to applications for food and drinks uses. The policy states that new development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
 2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
 3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.
- When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also:

The existing number of similar establishments in the immediate area and their proximity to each other;

The type and characteristics of other uses, such as housing, shops and public houses;

The existence of vacant shop units and the condition of the unit;

The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;

The character of the centre and its frontage, and the nature of the use proposed;

The potential impacts of the proposal on the wider community; and

Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Unitary Development Plan

The relevant saved Unitary Development Plan policy is DC10.

Policy DC10 is relevant as it is a development management policy that sets down the Councils approach to food and drink uses. The policy states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to:

- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;
- b. the effect on the amenity of neighbouring residents;
- c. the availability of safe and convenient arrangements for car parking and servicing;
- d. ease of access for all, including disabled people; and
- e. the storage and collection of refuse and litter.

Policy DC10 goes on to say that the Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

The policy also states that development will not normally be permitted where:

- a. it is proposed outside the general locations mentioned above, or
- b. there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

Policy DC26 relates to developments with the potential for generating noise and seeks to protect the amenity of an area from the adverse impact of noise.

Issues

Principle

The application site is located within a large district shopping centre and the principle of location food and drink uses in centres is established within policies C10 and DC10 .

Viability and vitality

Concern has been expressed that the proposal will impact on the retail offer within the centre, the proposed development is however, for a hybrid use involving retail as well as a drinking establishment. As such it is not considered that the change of use would significantly impact on the loss of retailing.

Canopies

The use of retractable canopies is considered to be appropriate in this location, They do not project excessively and are sufficiently high not to give rise to any issues.

Hours

This is a predominantly commercial area and there is no living accommodation above the properties or those in the immediate vicinity. Environmental health have raised no issues with the proposed hours for either in the premises or outside seating area. On balance the proposed hours are considered acceptable.

Refuse

The proposed use will use the existing communal facilities for the precinct. This is considered acceptable.

Residential amenity

There are no residential uses in the immediate vicinity of the premises and the premises are sufficiently far from any houses for patrons leaving the premises to disperse. On balance it is considered that the proposed development would not impact significantly on residential amenity.

Conclusion

The proposed development involves a hybrid retail/bar use within a district centre location. It is considered that the proposed development accords with Council policy and will not impact adversely on the centre.

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:

RW-CHOR-UNIT-2-003 revision A received 26 May 2021

RW-CHOR-UNIT-2-004 received 26 May 2021

RW-CHOR-UNIT-2-006 revision A received 26 May 2021

RW-CHOR-UNIT-2-007 received 21 June 2021

Design and Access statement received 26 May 2021

Waste Management Strategy plan received

Waste Management Pro Forma received 26 May 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 premises and outside seating area shall not be open outside the following hours:-
8.00am to 11.00pm Monday to Saturday and 8.00am to 10.30pm Sundays

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.

4) a) The premises 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 commences or as otherwise agreed in writing by the City Council as local planning authority.

Before the use hereby approved commences, the premises 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 proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified

maximum internal noise levels. Any scheme approved in discharge of this condition shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as Local Planning Authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

b) Prior to occupation of the development 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 UDP policy DC26

5) a) Before the use hereby approved commences external lighting shall be designed and installed in accordance with a scheme approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties.

b) Prior to occupation of the development 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

6) a) 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 commencement of the use hereby approved 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 occupation of the development 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

7) The details of the approved scheme for the storage of refuse shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that there are satisfactory arrangements for the storage of refuse pursuant to Core Strategy policy DM1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

First Floor, 595 - 597 Wilbraham Road, Manchester, M21 9AJ
Ground Floor, 595 - 597 Wilbraham Road, Manchester, M21 9AJ
D K Sports, 1 Chorlton Place, Manchester, M21 1AQ
Shoe Repairs, 1 Chorlton Place, Manchester, M21 1AQ
Crockatt Cleaning, 1 Chorlton Place, Manchester, M21 1AQ
3 Chorlton Place, Manchester, M21 9AQ
466B Wilbraham Road, Manchester, M21 9AS
466A Wilbraham Road, Manchester, M21 9AS
466 Wilbraham Road, Manchester, M21 9AS
1 Chorlton Place, Manchester, M21 9AQ
478 Wilbraham Road, Manchester, M21 9AS
478A Wilbraham Road, Manchester, M21 9AS
4 Chorlton Place, Manchester, M21 9AQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - South Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH