

Planning

Growth & Development

Delegated officer report for planning application

Application no.	133374/FO/2022
Date registered valid:	4 April 2022
Proposal:	Change of use from estate agent's office (Class E) to bar and associated shop (Sui Generis) and erection of canopy to the front.
Address:	698 Wilmslow Road, Manchester, M20 2DN
Ward(s):	Didsbury West Ward
Applicant:	Mr Lake Juicebox, 82 The Greenhouse, Media City, Salford, M50 2EQ
Agent (if any):	Mrs Deborah Baker Barnett, Zerum, 4 Jordan Street, Manchester, M15 4PY
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	27 May 2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 April 2022

Standard consultations:

Printed: 6 April 2022 Expired: 27 April 2022

Neighbour notifications

Printed: 6 April 2022 Expired: 27 April 2022

Site notice

Posted: 13 April 2022 Expired: 4 May 2022

Press advert

Published: 12 April 2022 Expired: 3 May 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

698 Wilmslow Road is a 2 storey mi-terraced commercial property located within Didsbury District Centre and the Blackburn Park Conservation Area. The property is currently vacant but was last used as an estate agents with associated accommodation above.

There is a vacant food and drink use to the south, while to the north there is another estate agent's office.

Listed building: Not applicable

Conservation area: Blackburn Park Conservation Area 1979

Tree Preservation Order: Not applicable

Description of development

Change of use from estate agent's office (Class E) to bar and associated shop (Sui Generis) and erection of canopy to the front.

Consultations & Notification Responses

Local Residents and Businesses – No Comments received.

Didsbury Civic Society – No comments received.

Highway Services – Highways Services have made the following comments:

- It is understood that the proposed canopy is located on the area of private forecourt and does not overhang the adopted highway. As such a Projection over License will not be required.

- No parking is proposed within the application and considering the site's location and proximity to sustainable travel offer, this is acceptable in principle. As such, no parking concerns are raised from a Highways perspective by the proposals.
- The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.
- A communal refuse storage area is noted within the site at the rear of the site. Staff will be responsible for taking the bin to/from the bin store to the collection point. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.
- It is understood that the proposed development will offer local delivery service by bike, running between 17:00-20:00. This will be managed internally by staff and the single delivery bike will be stored within the venue outside of operating hours. This arrangement is acceptable to Highways.
- The proposed seating area retains a footway clearance of at least 2m from the back of the seating area (located on a area of private forecourt) to the kerbside. This is considered sufficient to accommodate pedestrian demands in this location.

Environmental Health – Suggests the imposition of a number of conditions designed to protect residential amenity and public health.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework 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, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the above, Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 197 in Section 16 states that in determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 207 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

Paragraph 208 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies – Policy DC18 is considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Issues

Principle of the Proposal – Given the location of the premises within the Didsbury District Centre the principle of its use as a bar with associated retail element (craft foods, deli style offerings) is considered acceptable. Notwithstanding this, the impact upon visual and residential amenity, as well as the character of the Blackburn Park Conservation Area must be assessed.

Design of the Canopy – A simple canopy structure is proposed to the front of the premises, along the line of that seen at no. 694 Wilmslow Road. It would consist of a lightweight metal frame and topped by a retractable canvas awning. The design of the canopy is considered acceptable as it would not detract from the overall appearance of the parade or the overall character of the district centre and conservation area. Accordingly, it is not considered that the proposal would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

Residential Amenity – As there are no residential properties in close proximity to no. 698 Wilmslow Road it is not anticipated that the proposal would have a detrimental impact upon existing levels of residential amenity. Notwithstanding this, given the comments of Environmental Health, it is considered prudent to attach a number of conditions to any approval granted in order to prevent noise breakout and ensure waste is stored correctly.

Impact on the Character of the Blackburn Park Conservation Area – Lying close to the centre of Didsbury, five miles south of the city centre, is the residential area known as Blackburn Park. It was designated a conservation area by the City Council in December 1979, and comprises the area bounded by Barlow Moor Road, Palatine Road, Lapwing Lane and Wilmslow Road.

Blackburn Park is principally an area of large family houses with spacious gardens, arranged along tree-lined roads which criss-cross the level ground of the park. However, there is a small number of commercial premises located along Wilmslow Road and Barlow Moor Road which are also located within the conservation area.

The majority of the properties in the conservation area that front Wilmslow Road are food and drink establishments and several have been fitted out with canopies or awnings. Given this and the fact that the proposed canopy would be a light-weight structure, it is not considered that the change of use and erection of the associated canopy would have a detrimental impact upon the overall character of the Blackburn Park Conservation Area.

Waste Storage – As requested by Environmental Health, a waste storage condition would be attached to any consent granted.

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

The application was determined in a positive and proactive manner. No significant problems have arisen during 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:

- a) Location plan, stamped as received on 10 March 2022
- b) Drawing nos. LML-01-04 to 06, stamped as received on 10 March 2022
- c) Canopy drawing, stamped as received on 4 April 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The development hereby approved shall be implemented using the materials detailed on drawing no. 13727-206, stamped as received on 21 March 2022 and referenced in the email (Zerum Consult Ltd) dated 26 May 2022.

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 Manchester Core Strategy.

4) The premises shall not be open to the public outside of the following hours:-

- Mondays to Fridays - 1200hrs to 2300hrs
- Saturdays - 1200hrs to 2300hrs
- Sundays and Bank Holidays - 1200hrs to 2100hrs

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 Manchester Core Strategy.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

Mondays to Sundays - 0730rs to 2000hrs

Sundays and Bank Holidays - no deliveries/waste collections

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 Manchester Core Strategy.

6) The outdoor seating area shall not be used outside of the following hours:-

Mondays to Fridays - 1200hrs to 2145hrshrs

Saturdays - 1200hrs to 2145hrs

Sundays and Bank Holidays - 1200hrs to 2045hrs

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 Manchester Core Strategy.

7) 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.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB 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 (Leq,5min), respectively.

b) Prior to the operational phase 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 - 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 Manchester Core Strategy.

8) Prior to the commencement of the operationla phase of the development, a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

Informatives

1) Informative for Condition no. 8 - The proforma/ Waste Management Strategy must include the following information:

Details of internal and external stores for both waste and recycling, including any plans and designs;

Location of the proposed collection point and details of the route the collection vehicle will take;

Details of how waste will be transferred between stores and to the collection location; and

Details of number and capacity of bins proposed and collection frequency.

Other details as per 'Waste Proforma v1.0' - refer to guidance at:
http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

Information for Developers guidance documents can be downloaded using the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Didsbury Civic Society

2 Barlow Moor Road, Manchester, M20 6TR

Flat At, Dog And Partridge, 667 Wilmslow Road, Manchester, M20 0RA

Flat 4, 700 Wilmslow Road, Manchester, M20 2DN

Flat 3, 700 Wilmslow Road, Manchester, M20 2DN

Flat 2, 700 Wilmslow Road, Manchester, M20 2DN

Flat 1, 700 Wilmslow Road, Manchester, M20 2DN

696 Wilmslow Road, Manchester, M20 2DN

694 Wilmslow Road, Manchester, M20 2DN

Dog And Partridge, 667 Wilmslow Road, Manchester, M20 6RA

663 Wilmslow Road, Manchester, M20 6RA

661 Wilmslow Road, Manchester, M20 6RA

659 Wilmslow Road, Manchester, M20 0RA

Didsbury Library, 692 Wilmslow Road, Manchester, M20 2DN

700 Wilmslow Road, Manchester, M20 2DN

663A Wilmslow Road, Manchester, M20 6RA

671 Wilmslow Road, Manchester, M20 6RA

675A Wilmslow Road, Manchester, M20 6RA

661A Wilmslow Road, Manchester, M20 6RA

O'Neills, 655 - 657 Wilmslow Road, Manchester, M20 6RA

675 Wilmslow Road, Manchester, M20 6RA

673 Wilmslow Road, Manchester, M20 6RA

669 Wilmslow Road, Manchester, M20 6RA

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 - Blackburn Park Conservation Area 1979

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH