

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129463/FO/2021

Date registered valid: 19 February 2021

Proposal: Extension of existing front terrace, with the installation of a covered shelter

Address: Lord Nelson, 3 Fox Fold, Manchester, M18 7FA

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr John Ashley, Hawthorn Community Pub Co Touchstone, Pinewood Business Park, Coleshill Road, Marston Green, B37 7HG

Agent (if any): Mr Ian Murray IMD & Associates 1 Sentinel Court, Wilkinson Way, Blackburn, BB1 2EH

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19 April 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 7 March 2021

Standard consultations:

Printed: 24 February 2021 Expired: 17 March 2021

Neighbour notifications

Printed: 24 February 2021 Expired: 17 March 2021

Site notice

Posted: 7 March 2021 Expired: 28 March 2021

Press advert

Published: 3 March 2021 Expired: 24 March 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to an existing public house – The Lord Nelson.

The public house comprises a part single, part two storey building, incorporating a slate roof, with white painted render to the front elevation.

The building is set back from the Hyde Road, with a medium sized car park separating the building from the road. Immediately to the front of the building is a terrace area for outdoor drinking/dining. This consists of a flagged, enclosed area to the right hand side of the building, to the front of the two storey element and a further ad hoc area to the left hand side, single storey element, subject to the current application and which presently accommodates unenclosed bench seating.

The site is enclosed by a combination of timber panel fencing and posts with rope to the frontage.

The is bounded by Hyde Road to the south and to the east, west and north by open space, which separates the premises from neighbouring residential uses.

Listed building: Not applicable

Conservation area: Gore Brook Valley Conservation Area 1994

Tree Preservation Order: No

Description of area

The application site lies on the northern side of Hyde Road – a busy, east/west arterial route which links the city centre with the M60 motorway.

The immediate area is mixed use in nature, comprising residential and community uses, including a church, open space, funeral directors, van sales business and public house.

The site lies on the fringe of the Gore Brook Valley Conservation Area and opposite a cluster of listed buildings, including a Grade I listed church (Brookfield Church) and Grade listed Brookfield Court and 716 Hyde Road. The side roads off Hyde Road are predominantly residential in character.

Description of development

Planning permission is sought for the erection of a small canopy structure to provide shelter to an existing outdoor seating area at the front of the public house.

The canopy comprises a timber framed structure, comprising Oak posts and hit and miss timber balustrade, with a smooth, polycarbonate roof, with falls to allow for drainage. A new resin floor is also proposed.

The canopy area sited to the left-hand side of the front of the public houses and will partially enclose an area which can accommodate up to 30 covers. To the right-hand side of the public house is an existing, hard-landscaped, uncovered seating area which will remain.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services - The covered shelter will be sited only within the curtilage of the site and on existing terraced area and will not impinge onto the adopted highway, as such a projection over license will not be required. This is acceptable to Highways.

Environmental Health – The hours of use are satisfactory. A condition is recommended relation to the prohibition of amplified sound.

Greater Manchester Police (Design for Security) – Security advice is provided with respect to outside seating areas.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, EN3 and SP1 of the Manchester Core Strategy;
- Saved policies DC18.1 and DC19.1 of the UDP;
- National Planning Policy Framework (NPPF).

Issues

Principle

The principle of allowing improvements to commercial premises to aid their function is generally considered acceptable subject to assessing in this case, the impact to residential and visual amenity.

Moreover, in light of the ongoing pandemic, measures to allow for outdoor dining/area for existing establishments is encouraged to allow for their continued function, in the interests of public safety and to protect the economic interests.

Specific planning matters are outlined further below.

Residential and Visual Amenity

The proposed canopy area relates to an existing outdoor seating area and adjacent to an existing enclosed seating area.

Given the immediate context, the modest scale and its position set back from the Hyde Road frontage, coupled with its separation from the road by an intervening car park, it is not believed there would be any significant impact to either residential or visual amenity.

The submission indicates that the canopy will comprise of an Oak timber frame, with a polycarbonate roof, which will be obscured by the frame. This represents a revised design in order to overcome the Council's initial concerns surrounding the quality of proposed materials.

The indicative materials are now considered acceptable. A condition has been attached to ensure compliance with the details shown on the submitted drawing.

On balance, given the immediate context, the scale of the development and the separation of the site from residential uses, it is not considered that the canopy would be noticeably sensitive, over-dominant or out of character.

In terms of the use of the area and its impact in terms of levels of activity or associated noise and disturbance, it should be noted that the canopy seeks to cover an established outdoor seating area. As such, the impact would be negligible, given that it is a pre-existing situation.

Whilst Environmental Health in their consultation response, question the proposed hours of opening, the use of the outdoor area forms part of an established planning unit, with the operation and use of the existing public house not controlled by planning conditions. The established area is a pre-existing situation governed by licensing restrictions and therefore given its long established use as part of the public house, it is considered onerous in planning terms, to impose a planning condition to control operating hours. It is understood the area will operate in accordance with present opening hours 12 (midday) to 11pm daily and is controlled by the premises licence. A planning condition has been included to prevent any amplified sound or music, in order to protect the amenity of nearby occupiers.

Impact to Heritage Assets

The application site lies within the Gore Brook Valley Conservation area and opposite a cluster of Grade I and II listed buildings on the opposite side of Hyde Road. These include including a Grade I listed church (Brookfield Church) and Grade listed Brookfield Court and 716 Hyde Road. Accordingly, it is necessary to consider the impact upon such heritage assets.

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Policy EN3 of the Core Strategy and saved policy DC18.1 refer to the need for the consideration to be given to the impact of new developments on heritage assets, including the safeguarding of the city's conservation areas.

Saved Policy DC19.1 of the UDP similarly seeks to preserve and enhance the setting of listed buildings and specifically seeks to prevent development which would have adverse effect on its architectural or historic character.

Relevant to this application, Section 16 of the NPPF is also of relevance and relates to Conserving and Enhancing the Historic Environment.

Paragraph 192 states that: *'In determining 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 193 states that:

'When considering the impact of a proposed development on the significance of a designated 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 196 advises further that:

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

In this case, given the scale and design of the proposed development, its immediate, detached context and intervening car park and road uses, with only limited view available from the road frontage, it is not considered that there would be any significant impact to neighbouring heritage assets or the character and appearance of the conservation area.

It is considered that the proposed development would have a less than substantial impact upon visual amenity or the character, setting and appearance of heritage assets and that the public benefits that the proposal would deliver, would outweigh any concerns on this occasion. On this basis, the proposed development is considered acceptable and compliant with relevant Development Plan policy and guidance.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in 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:

Location plan numbered 14081.02 and drawing numbered 14081.02/D received by the City Council as Local Planning Authority on 19 February 2021 and 19 April 2021 respectively.

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 only be implemented in accordance with the materials shown on drawing numbered 14081.02/D received by the City Council as Local Planning Authority on 19 April 2021.

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, pursuant to policies SP1, EN3 and DM1 of the Core Strategy.

4) The outdoor seating area hereby approved, shall not be used in conjunction with the playing of amplified sound or any music at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

5 Peel Square, Manchester, M18 8WE
3 Peel Square, Manchester, M18 8WE
39 Kirk Street, Manchester, M18 8UE
35 Kirk Street, Manchester, M18 8UE
11 Peel Square, Manchester, M18 8WE
9 Peel Square, Manchester, M18 8WE
25 Brookfield Grove, Manchester, M18 7FD
23 Brookfield Grove, Manchester, M18 7FD
41 Kirk Street, Manchester, M18 8UE
724 Hyde Road, Manchester, M18 7EF
Lord Nelson, 973 Hyde Road, Manchester, M18 7FB
716 Hyde Road, Manchester, M18 7EF
Flat At, Lord Nelson, 3 Fox Fold, Manchester, M18 7FA
3 Lord Nelson, 973 Hyde Road, Manchester, M18 7FB
6 Kirkman Close, Manchester, M18 7EA
4 Kirkman Close, Manchester, M18 7EA
2 Kirkman Close, Manchester, M18 7EA
31 Kirk Street, Manchester, M18 8UE
21 Brookfield Grove, Manchester, M18 7FD
7 Peel Square, Manchester, M18 8WE
1 Peel Square, Manchester, M18 8WE
37 Kirk Street, Manchester, M18 8UE
33 Kirk Street, Manchester, M18 8UE
29 Kirk Street, Manchester, M18 8UE
973 Hyde Road, Manchester, M18 7FB
Flat 30, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 29, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 28, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 27, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 26, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 25, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 24, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 23, Chapman House, 70 Chapman Street, Manchester, M18 8DS
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Flat 3, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 2, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Flat 1, Chapman House, 70 Chapman Street, Manchester, M18 8DS
Chapman House, 70 Chapman Street, Manchester, M18 8DS
13 Peel Square, Manchester, M18 8WE

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Gore Brook Valley Conservation Area 1994
Area Team Boundary - Name: NORTH2