

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129123/FO/2021

Date registered valid: 15 February 2021

Proposal: Installation of framed covered structure to form outdoor dining area together with the installation of an external access stair and associated door for residential first floor apartment

Address: 101 Manchester Road, Manchester, M21 9GA

Ward(s): Chorlton Ward

Applicant: Susan Pun 101 Manchester Road, Manchester, M21 9GA

Agent (if any): Mr Andy Wilde Buju Architects 8 Brooks Street, Stockport, SK1 3HS

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

Recommendation: Refuse

Date of recommendation: **12.04.2021**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: None undertaken due to Covid 19 Pandemic. Online resources reviewed

Standard consultations:

Printed: 19 February 2021 Expired: 12 March 2021

Neighbour notifications

Printed: 19 February 2021 Expired: 12 March 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 three storey end of parade property comprising a commercial ground floor use with residential above. The front elevation of the property comprised a shop front at ground floor level; set forward of the main face of the property. At first floor level there is a bay window and above that the second floor is accommodated in the roof void with a large gable at the front of the property. At the side of the property is what appears to be an original door and balcony in the gable, there is a window at first floor level. At the rear of the property there is a two storey outrigger, up one side of which is an enclosed stair leading to the first floor accommodation. There are also a series of single storey extensions at the side and rear of the property. There is a flue on the side of the outrigger. There remains a small enclosed yard. The property has a deep forecourt.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property is located within Chorlton District Shopping Centre. It is the southernmost property of a parade of five commercial units with residential above. To the south are two pairs of semi detached commercial properties with residential above. All of the properties have a deep forecourt some of which have been enclosed. There are no canopies within this run of commercial uses.

To the rear are the gable elevations of residential terraces on Kensington Road and Ransfield Road. Facing the site across Manchester Road is a large detached retail unit with a car park.

Description of development

There are two elements to the proposed development, an enclosed seating area at the front of the property and an external stair at the side to the first floor living accommodation.

The proposed canopy to the forecourt seating area would be approximately 2.5 metres high and projecting approximately 4.5 metres. It would be the full width of the property. The canopy would be constructed of timber with a polycarbonate sheet roof.

The stair would be attached to the side of the property and be constructed of stainless steel. It would be positioned behind the existing gates at the side of the property and lead to a new door, replacing the existing side window at first floor level. The stair would be open to the elements.

Consultations & Notification Responses

Local Residents/businesses.

No representations received

Chorlton Voice

The group has no objection in principle to the erection of canopies on shop forecourts. However, in this case, the scale and design of the proposed covered structure would be an obtrusive feature in the street scene. The proposed structure extends too far from the front of the building. The flat roof and simple framing construction would be unattractive in such a prominent location.

Greater Manchester Police

- It is recommended that the apartment is fitted with a monitored alarm system with PIR monitors
- The apartment entrance door must be compliant with and certified to BS PAS 24. It is advised that these doors do not have fixed sidelights, and are provided with door viewers instead.
- Access control systems should be operable by swipe card or fob, and not numeric key pads.
- Dusk 'til dawn lights, operated by photoelectric cell/daylight sensor, should be installed to all external doors (manual override is also permissible).
- External lighting must be provided to the side passageway and rear of the building, operated by photoelectric cell/daylight sensor (manual override is also permissible). PIR security lighting is not recommended for these locations and should not be employed unless advised.
- Fittings should produce 'white' light.
- The upkeep of a development over its lifetime can be crucial to the level of security and safety within. Aspects of a development, which are left to deteriorate, have the potential to attract further crime – a process known as 'the broken window theory'. A maintenance plan should be drawn up to address issues such as:
 - § Litter removal
 - § Repair to communal areas (lighting, signage, access controls)
- The use of temporary plain canvas screens from street level to waist height (approximately 1m), held between posts is recommended.

- Sturdy temporary barriers/screens/planters should extend from the building to define the entire licensed area be used and to enclose the tables and chairs. There should be only one entrance / exit point for customers.
- Typically, there should be a minimum clear pavement width of 1 metre between the licensed area and the kerb. 'Clear width' is the width available to pedestrians either on a footway or a shared surface between the area being used for tables and chairs and any other obstructions e.g., trees or parking metres. We will require a wider area on streets with high pedestrian flows.
- Tables and chairs should be heavy enough to resist movement by wind.
- Tables must be of a design that are suitable for attaching 'property clips' to secure handbags/laptop bags and, if necessary, can be stacked for storage without damaging the clips. Customers should be shown how to use the clips. As an alternative use tables with shelves or net bags under the table top.
- Use chairs with rounded rather than square backs to deter customers from hanging bags on them.
- Arrange the layout of furniture to reduce opportunities for crime and ensure staff are trained to be alert to all non-customers approaching tables at all times. The presence of staff in the tables and chairs area will act as a deterrent as well as ensuring tables and chairs are cleared promptly preventing littering of the street.
- Where natural or street lighting is insufficient, the management of the premises should provide lighting for the area occupied by tables and chairs.
- Dusk-till dawn lighting should be installed at the front of the property.
- A CCTV system should be used on this site.
- The success of the development will be dependent upon the effective management and maintenance of the site. A security management plan should include measures to deal with the following:
 - Frequent inspection and prompt repair of security features (e.g. lighting CCTV, signage, barriers, locks, fencing and rails).
 - The tables, chairs and any other moveable items should be removed and stored within a secure storage area when the premises are closed.
 - Arrangements should be put in place for clearing and cleaning the area at the end of business.

Environmental Health

The application does not give any specific details as to the proposed size of the outdoor seating area (i.e. the number of covers) and it does state any proposed hours for when the outdoor seating area will be in use. Concern is expressed that disamenity will be caused to nearby residents due to noise from diners using the outdoor seating area. The application also does not include a waste management strategy to detail how the additional waste from the additional covers will be accommodated.

Highways

It appears the proposed canopy/seating area is to be located on private forecourt and the adjacent footway will be maintained. It is noted that there is a services box adjacent and this impacts the effective footway width however there is a kerb build out at the crossing which provides additional footway/waiting area. Due to the adjacent pedestrian crossing, Highways would not support the development impacting any of the adopted footway width - this should be confirmed. The proposed canopy height is acceptable at circa 2.5m Highways also require the following:

- o Any table/chair/divider/ planter should not be affixed to the highway, they must be

removable. o Furniture should be stored inside/appropriately secured when not in use. o Any A Boards, if used, must be kept within the application area.

Policy

Core Strategy

The relevant Core Strategy policies are SP1 and DM1.

Policy SP1

Sets down the Spatial principles that guide development in the City. Development in all parts of the City should make a positive contribution to creating neighbourhoods of choice by amongst others, creating well designed places that enhance or create character.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Issues

Principle

The Council does not object to the principle of outside seating areas for its restaurants and bars within district centres, however, in considering the provision of canopies it is important that the design and choice of materials results in a high quality scheme. The provision of a stair to replace the existing one from the yard is considered to be a positive move in principle as it would be less vulnerable to criminal or anti social behaviour.

Canopy Scale

Historically there are no precedents for canopies on the sops that form this small parade within the district centre, and whilst the property is the end one of a short parade it is located roughly centrally between Kensington Road and Ransfield Road. Thus, any structure the size proposed would appear incongruous and be visually intrusive. On balance it is considered that the scale of the proposed canopy is excessive.

Canopy Design

The proposed canopy would be constructed of timber with an almost flat polycarbonate sheet roof. The drawing also indicate that the structure will need to be braced but not details are provided as to how this will be achieved. It is considered that a canopy of the design proposed and using the pallet of materials would be visually intrusive and not serve to make a positive contribution to the character of the district centre.

Stairs design

It is considered that whilst the provision of an open stair is acceptable, a better design solution would involve the creation of an extension to enclose it. However, there is a precedent for external ironwork to the side of the property in the form of the existing and original second floor balcony. On balance it is considered that the design of the proposed stair is acceptable.

Stairs Security

A copy of the comments from GMP have been forwarded to the applicant although no response has been received.

By locating the stair to the side the security of people accessing the living accommodation would be improved as the stair and people using it would be more visible from the public domain. Whilst GMP have suggested security measures to make it scheme acceptable it is considered that these would be better served by housing the stair within an extension with a door opening directly onto the street rather than an open stair behind what appears to be a flimsy wooden gate.

Residential amenity

The use of the forecourt for outside seating would not be development for which planning permission is required as it is part of the planning unit. However, it is recognised that there is the potential for the outside seating to have an adverse impact on residential amenity and if consent were to be granted it would provide an opportunity to impose an hours condition.

Refuse

There is no approved scheme for the storage of refuse. The first application relating to the property was in 1991 when it was referred to as a restaurant. Then in 2008 a CLU was granted for the use of the premises as a hot food take away.

Way forward

It has been suggested to the applicant that a more appropriate form of shelter would be a retractable canopy and that this current application should be withdrawn.

Conclusion.

The proposed canopy would have an unacceptable impact on the character of the area and would therefore be contrary to Council policy regarding design.

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: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed canopy by reason of its scale, design and materials would form an over dominant and visually incongruous feature in the street scene to the detriment of the visual amenity of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Chorlton Voice

Ground Floor, 99 Manchester Road, Chorlton, Manchester, M21 9GA
Flat Above, 101 Manchester Road, Chorlton, Manchester, M21 9GA
103A Manchester Road, Chorlton, Manchester, M21 9GA
1 Kensington Road, Manchester, M21 9GH
99 Manchester Road, Chorlton, Manchester, M21 9GA
103 Manchester Road, Chorlton, Manchester, M21 9GA
2 Ransfield Road, Manchester, M21 9QH

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) -
Area Team Boundary - Name: SOUTH