

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128413/FO/2020

Date registered valid: 4 November 2020

Proposal: Elevational alterations in association with the creation of an external customer area including the installation of a raised deck

Address: Bowling Green Hotel, Brookburn Road, Manchester, M21 9ES

Ward(s): Chorlton Ward

Applicant: Mr Mark Canny, Bowling Green Hotel, Brookburn Road, Manchester, M21 9ES

Agent (if any): Mrs Polly McCue, Just H Architects Ltd, The Stusio, 11 Fryern Close, Hampshire, SO53 2LF

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

Recommendation: APPROVE

Date of recommendation: 11 December 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16 November 2020

Standard consultations:

Printed: 5 November 2020 Expired: 26 November 2020

Neighbour notifications

Printed: 5 November 2020 Expired: 26 November 2020

Site notice

Posted: 16 November 2020 Expired: 7 December 2020

Press advert

Published: 10 November 2020 Expired: 1 December 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a red brick detached public house. The public house occupies a large open site with the building adjacent to Brookburn Road. The property has an outside seating area to the west with a pair of permanent canopies. At the rear adjacent to Brookburn Road is an existing yard area enclosed by a 1.8 metre brick wall. The remainder of the site is occupied by car parking and a bowling green.

Listed building: Not applicable

Conservation area: Chorlton Green Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The site is located at the southern end of the Chorlton Green Conservation area. Facing the site across Brookburn Road are residential properties under construction. To the north is a graveyard, to the east beyond the bowling green are residential properties on Finney Drive and to the south east is a private parking court for a flat development on Lawngreen Avenue.

Description of development

Consent is sought to enlarge an existing window to form a door providing access from the public bar to the existing enclosed yard. The yard would be decked to provide a level surface contiguous with the floor level of the public house, the creation of fixed seating and tables and the installation of festoon lighting.

Consultations & Notification Responses

Local residents

No representations received.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1 and EN3

Policy SP1 sets down the spatial principles that guide development in the City

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

Policy EN3 seeks to protect the City's heritage assets from the adverse impact of development.

Unitary Development Plan

The relevant saved UDP policy is DC18 which seeks to preserve or enhance the City's conservation areas.

NPPF

Paragraphs 184 through 202 relate to Conserving and Enhancing the Historic Environment.

Paragraph 184 says these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 185 refers to the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.

Paragraph 192 says 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 says 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 195 says 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 196 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 197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 201 states that not all elements of a Conservation Area or World Heritage Site 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 or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Issues

Principle

The yard in question forms part of the planning unit that is the Bowling Green public house and therefore planning permission is not required to use it for outside seating. The issues therefore are the impact of the physical works.

Proposed entrance

It is proposed to create a new entrance from the building by enlarging an existing window and replacing it with a door. These works are largely invisible from outside of the yard and the impact on the character of the building minimal.

Seating

It is proposed to create fixed table and bench seating adjacent to the boundary wall. The proposed works raise no design issues.

Decking

The decking will level the rear yard with the interior of the public house and improve the accessibility of the area for everyone.

Lighting

The proposed lighting is now a common feature of public house and bars, in terms of its impact on the appearance of the property it will be minimal.

Residential amenity.

The use as a beer garden does not require consent. Of the proposed works none will directly impact on the amenity of residents other than the lighting. In respect of the lighting a condition is proposed requiring it to be on a timer set to switch the lights off at 11.00pm (this is the same as for the nearby Beech Inn).

Impact on the Character of the Conservation area.

Most of the works are located behind the existing yard wall and as such have a neutral impact on the conservation area. The lighting is a fashion that is easily removed and again its impact is considered to be minimal.

Conclusion

On balance these are minor works that have little impact and accord with Council policy.

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:

Drawing PL02 received 27 October 2020

Design and Access Statement reference AP01 received 4 November 2020

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 be constructed using the materials specified on the approved plans.

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 Core Strategy.

4) The festoon lighting hereby approved shall be fitted with a timer set to switch the lights off at 11.00pm and the lights shall remain off until the premises open for business the following day.

Reason - To protect the amenity of residents from the impact of glare pursuant to Core Strategy policy DM1.

Appendix 1 – List of consultees & neighbours notified

Chorlton Voice

A Perry, Brookburn Road, Manchester, M21 9ES
8 Finney Drive, Manchester, M21 9DS
Chorlton Evangelical Church, Chorlton Green, Manchester, M21 9FG
Flat At, Bowling Green Hotel, Brookburn Road, Manchester, M21 9ES
Flat 4, Allan Court, Ivygreen Road, Manchester, M21 9FR
Flat 2, Allan Court, Ivygreen Road, Manchester, M21 9FR
12F Finney Drive, Manchester, M21 9DS
14D Finney Drive, Manchester, M21 9DS
13F Lawngreen Avenue, Manchester, M21 8FH
13C Lawngreen Avenue, Manchester, M21 8FH
11F Lawngreen Avenue, Manchester, M21 8FH
11C Lawngreen Avenue, Manchester, M21 8FH
6 Brookburn Road, Manchester, M21 9ES
6 Finney Drive, Manchester, M21 9DS
16 Finney Drive, Manchester, M21 9DS
10 Finney Drive, Manchester, M21 9DS
Flat 6, Allan Court, Ivygreen Road, Manchester, M21 9FR
Flat 5, Allan Court, Ivygreen Road, Manchester, M21 9FR
Flat 3, Allan Court, Ivygreen Road, Manchester, M21 9FR
Flat 1, Allan Court, Ivygreen Road, Manchester, M21 9FR
14F Finney Drive, Manchester, M21 9DS
14E Finney Drive, Manchester, M21 9DS
12E Finney Drive, Manchester, M21 9DS
12D Finney Drive, Manchester, M21 9DS
14C Finney Drive, Manchester, M21 9DS
12C Finney Drive, Manchester, M21 9DS
14B Finney Drive, Manchester, M21 9DS
12B Finney Drive, Manchester, M21 9DS
14A Finney Drive, Manchester, M21 9DS
12A Finney Drive, Manchester, M21 9DS
13E Lawngreen Avenue, Manchester, M21 8FH
13D Lawngreen Avenue, Manchester, M21 8FH
13B Lawngreen Avenue, Manchester, M21 8FH
13A Lawngreen Avenue, Manchester, M21 8FH
11E Lawngreen Avenue, Manchester, M21 8FH
11D Lawngreen Avenue, Manchester, M21 8FH
11B Lawngreen Avenue, Manchester, M21 8FH
11A Lawngreen Avenue, Manchester, M21 8FH

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 - Chorlton Green Conservation Area 1970
Flood Zones Type 2 (low to medium risk) -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH