
Application Number	Date of Appln	Committee Date	Ward
141642/JO/2024	2nd Dec 2024	3 rd July 2025	Withington Ward

Proposal Variation of conditions 3 (hours of opening), 5 (outdoor seating), 7 (external equipment), 8 (refuse), 9 (boundary wall), and 10 (noise) attached to planning permission 123650/FO/2019

Location 9 Egerton Crescent, Manchester, M20 4PN

Applicant Nigel Tobias , Something More Productive

Agent Clare Gascoigne, Emery Planning

Executive Summary

The applicant is seeking to vary conditions 3 (hours of opening), 5 (outdoor seating), 7 (external equipment), 8 (refuse), 9 (boundary wall), and 10 (noise) attached to planning permission 123650/FO/2019 at No.9 Egerton Crescent. The property is not listed; however, it is situated within the Withington Conservation Area.

44 neighbouring dwellings were notified of the proposed development with 180 letters of support and 8 letters of objection received in response to the first neighbour consultation and a further 7 letters of support received in response to the second neighbour consultation. The key issues that were raised were concerns relating to the proposal's impact upon the visual and residential amenity of the area. These are fully considered within the main body of the report.

The application has been brought before the Planning and Highways' Committee for consideration due to the high level of public and ward member interest.

Description

The application site is located along a street that is mixed in terms of its character, predominantly consisting of terraced and semi-detached residential dwellinghouses and flat conversions in addition to commercial units, such as the neighbouring post office, and a large area of hardstanding used for parking. Egerton Crescent is located off Wilmslow Road, Withington's main commercial high street, and is bounded to the south by Parsonage Road. Situated within the Withington ward of Manchester, the premises is also located within Withington District Centre, possessing an abundance of bars, restaurants, and shopping facilities.



Aerial view of application site



Map of Withington District Centre with application site identified by black dot

The application relates to the building known as No.9 Egerton Crescent which features a café and bar use at ground floor level. Constructed of redbrick with a grey slate dual pitch roof, the property features a mixture of white uPVC and grey aluminium-framed windows, with a large, glazed cream-coloured shopfront with roller shutters, a retractable awning, and a small outdoor seating area to the front. The upper floor of the building accommodates a small House in Multiple Occupation.

Planning permission was granted for a change of use from retail (Use Class A1) to a mixed use of retail and bar (Sui Generis) and part of the building from residential to enlarged ground floor together with associated elevational alterations and replacement boundary treatment in October 2019. It is understood that the current business, Something More Productive, has been operating since opening in October 2023. Prior to this, Wilderness Records had been in operation at the property since April 2019. A number of the conditions attached to original consent 123650/FO/2019 have not been discharged. Permission is now sought to regularise and vary these outstanding conditions. The existing conditions to be varied state the following:

- Condition 3 (opening hours):

The premises shall not be open outside the following hours:-

Monday to Sunday/Bank Holidays 09:00 - 21:00

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.

- Condition 5 (outdoor seating):

Within 1 month of the decision hereby approved a schedule of hours and seating layout for the external seating area shall be submitted to and approved by the City Council as local planning authority.

The forecourt shall be operated in accordance with the approved hours and seating layout.

Reason - In the interests of residential and visual amenity of the area in which the premises are located pursuant to policies SP1 and DM1 of the Core Strategy.

- Condition 7 (external equipment):

Prior to the installation and first use of the 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.

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. The approved scheme shall be completed before the premises is occupied.

Upon completion 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 the noise criteria has 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 policies SP1 and DM1 of the Core Strategy.

- Condition 8 (refuse):
Within 1 month of the decision hereby approved a scheme for the storage and disposal of refuse shall be 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 amenity and public health, pursuant to policies SP1 and DM1 of the Core Strategy.

- Condition 9 (boundary wall):
Within 1 month of the decision hereby approved samples, specifications and design of all materials to be used on boundary wall shall be submitted to and approved in writing by the City Council as local planning authority.

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.

- Condition 10 (noise):
Within one month of the decision hereby approved a scheme for the acoustic insulation and treatment to limit the break out of noise from the premises in accordance with a noise study of the premises shall be submitted to the 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.

Upon completion 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 has 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 policies SP1 and DM1 of the Core Strategy.

It is understood that the premises has been opening in accordance with the following hours: 08:00 – 22:30 from Sunday to Thursday and 08:00 – 00:00 on Fridays and Saturdays and these are the hours now proposed as part of this application. The property's outdoor seating area is also operating and open for use.

The property also features a Premises License, which was varied in December 2024, permitting the following opening hours: 08:00 – 22:30 from Sunday to Thursday and 08:00 – 01:00 on Fridays and Saturdays alongside the following hours for the sale of alcohol for consumption on the premises: 11:00-22:00 from Sunday to Thursday and 11:00 – 00:30 on Fridays and Saturdays. The varied Premises License also features the following condition: "The external area shall be cleared of customers by no later than 22:00 daily with the exception of Friday and Saturday whereby it shall be cleared of customers by 00:00."

Relevant Planning History

9/11 Egerton Crescent - 123650/FO/2019 - Proposed change of use from retail (Use Class A1) to a mixed use of retail and bar (Sui Generis) and part of building from residential to enlarged ground floor together with associated elevational alterations and replacement boundary treatment – Approved (03.10.2019).

11 Egerton Crescent - 138532/LE/2023 - Use of property as a small house in multiple occupation (Class C4) – Approved (12.01.2024).



Application property in August 2024



Application property in December 2024



View eastwards along Egerton Crescent towards application property

Consultations

In response to the first consultation of the application, **8no. letters of objection** were received from local residents. Their concerns are summarised as follows:

- Existing noise disturbance, loitering, and anti-social behaviour issues would be exacerbated by the extended hours of use.
- Increased litter and waste as a result of the business, which is unsightly and a safety hazard.
- Increased strain on local residents, disrupting ability to rest, and compromising the quality of life in this area.
- The wellbeing of the community should be prioritised over the convenience of additional nightlife venues.
- The business currently operates beyond their approved hours of use and, as such, are in breach of their planning permission.
- Egerton Crescent is a residential street and a café/bar with extended hours of use would be out-of-keeping with the residential character of the area.

180no. letters of support were received from local residents in response to this application. Their comments are summarised as follows:

- Extended hours would be a great addition for local residents, adding more life to Withington.
- Never experienced any antisocial behaviour associated with the business since they opened.
- The business is a valuable part of the community and an asset to Withington.
- The extended hours pose no issues with local residents.
- We should support this local business; it adds significant value to Withington, uses local produce, encourages employment and training within the area and is community minded.
- Extending the hours of this business would add a more relaxed nightlife space to Withington.
- SMP is an incredible local hub and meeting point for the community.
- Lovely and wholesome establishment.
- Extending the hours of this business will allow it to survive.

Following the receipt of additional information and a further notification period, an additional 7 letters of support have been received reiterating the points listed above.

A Change.org petition to 'Grant Something More Productive's Friday & Saturday Evening Service!' received **1,258no. verified signatures**.

Ward Councillors:

Councillor Chris Wills and **Councillor Becky Chambers** indicated their support for the proposal, highlighting that 'Something More Productive' is a highly reputable and popular business in the area that has constructively and proactively engaged with residents and residents groups. No issues have ever been raised to councillors regarding the operation of this business. Extending their hours would ensure the

business survives and continues to make a positive contribution to the local economy, culture, and community in Withington.

Councillor Gavin White indicated support for the proposal. Highlighting that the business has worked constructively with local members and residents groups to agree suitable hours. They are a well-run and well-managed local venue, café and premises who contribute to the local economy and high street offer. Extending their hours would support further jobs being retained in the hospitality sector at this venue.

Members from the adjoining ward have also submitted comments which can be summarised as follows:

Councillor Suzannah Reeves and **Councillor Garry Bridges** indicated their support for the proposal, indicating that 'Something More Productive' is a well-run and well-managed business who contribute positively to the local economy in Withington. They are very welcoming and support other local businesses in Manchester.

Highways Services made no objection to the proposal, however indicated that condition 4 of 123650/FO/2019 relating to hours of deliveries, servicing and collections should continue to be adhered to. The seating area is within the red-line boundary of the site and, as such, will not impinge upon the adopted highway. The proposal would also not have an impact on the external highway network. Refuse servicing will continue as present with bins stored within the curtilage of the site and transferred to the highway on waste collection days. The boundary treatments were also confirmed as being acceptable from a Highways perspective and would not compromise highway safety in and around the site. All gating should be inward-opening to prevent obstruction to pedestrians on the footpath.

Environmental Health raised concerns in relation to the original proposal on the basis that a number of conditions attached to the original consent 123650/FO/2019, including acoustics conditions relating to noise breakout from the premises, remained outstanding. They indicated that acoustic reports and information on the management of noise from the building should be required. Following the receipt of additional information, further comments have been received indicating that they could support the proposed opening hours in principle, however, further information would be required which addresses noise frequency bands and noise levels in the adjoining residential properties.

Policies

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 DM1: Development Management - This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- 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.
 - Design for health.
 - Adequacy of internal accommodation and external amenity space.
 - Refuse storage and collection.
 - Vehicular access and car parking.
 - Effects relating to biodiversity, landscape, archaeological or built heritage.
 - Green Infrastructure including open space, both public and private.
 - The use of alternatives to peat-based products in landscaping/gardens within development schemes.
 - Flood risk and drainage.
 - Existing or proposed hazardous installations.
 - Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.
-

Policy C2: District Centres – This policy states that development will support thriving district centres, with distinct local character, providing a good range of

accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services.

Development in District Centres should:

- Prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink;
- Promote the development of employment which provides opportunities for local people;
- Contribute positively to the diversity and mix of uses within centres without undermining their primary retail function. Development should also promote a range of retailers and shop formats;
- Promote choice and competition particularly where development will support the independent sector;

Policy C6: South Manchester District Centres – Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington – This policy states that, in Withington, development which creates more diverse centres will be supported, in particular involving improvement to the retail offer to meet the full range of residents in surrounding neighbourhoods and promoting community uses.

Policy C10: Leisure and the Evening Economy – This 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.
-

Policy EN3: Heritage – This policy states that, 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.

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 EN19: Waste – This policy states that the Council will require all developers to demonstrate the proposal's consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling/composting, energy recovery, final disposal) and to submit a waste management plan to demonstrate how waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Unitary Development Plan for the City of Manchester (1995):

The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant and are relevant to the current proposal. These are outlined below:

Policy DC10: Food and Drink Uses – This 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 (whether or not other activities, such as a nightclub, are included), 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 DC18: Conservation Areas – This policy states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

- 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 street trees);
 - iv) the effect of signs and advertisements;
 - v) any further guidance on specific areas which has been approved by the Council.
-

Policy DC26: Development and Noise – This policy states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Guide to Development In Manchester:

The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development appropriate to Manchester. It seeks to retain the essential distinctiveness of its character areas, whilst not precluding new development.

National Planning Policy Framework (2024):

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF was updated in December 2024 and 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 NPPF 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 this 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.

Relevant chapters include:

- Chapter 6: Building a strong, competitive economy
- Chapter 7: Ensuring the vitality of town centres

- Chapter 8: Promoting healthy and safe communities
 - Chapter 12: Achieving well-designed places
 - Chapter 16: Conserving and enhancing the historic environment
-

Places for Everyone Joint Development Plan Document (2022-2049):

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

Policy JP-S1: Sustainable Development

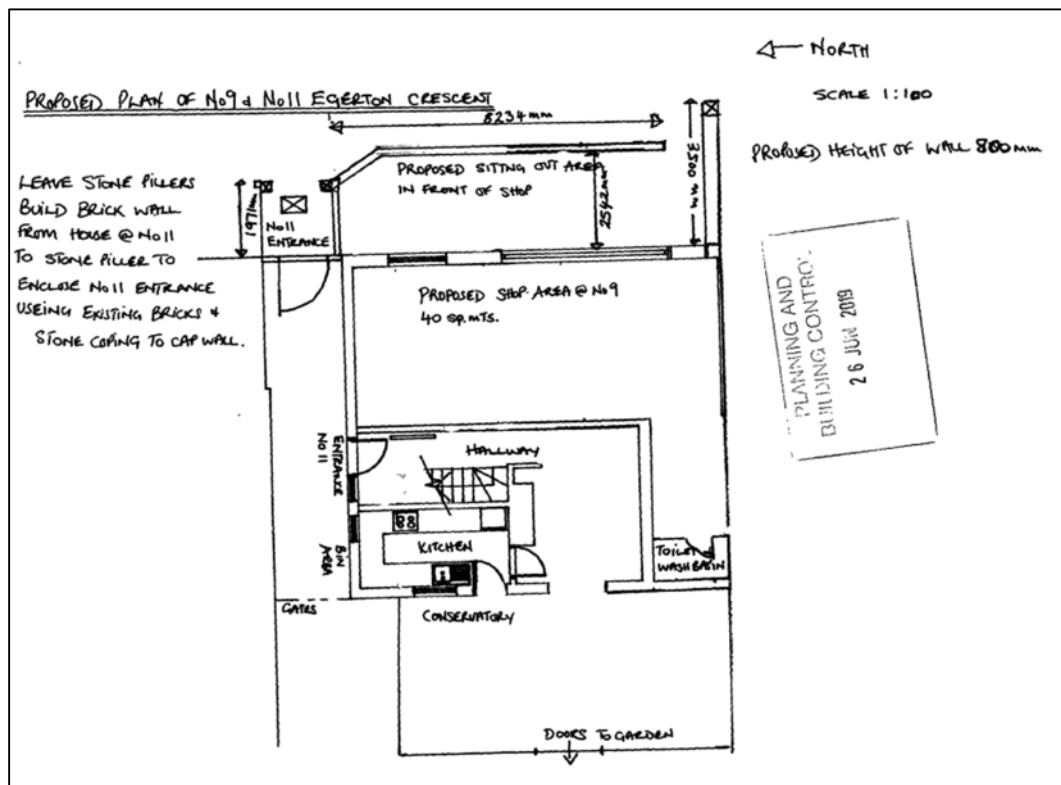
Policy JP-P1 Sustainable Places

Policy JP-P2: Heritage

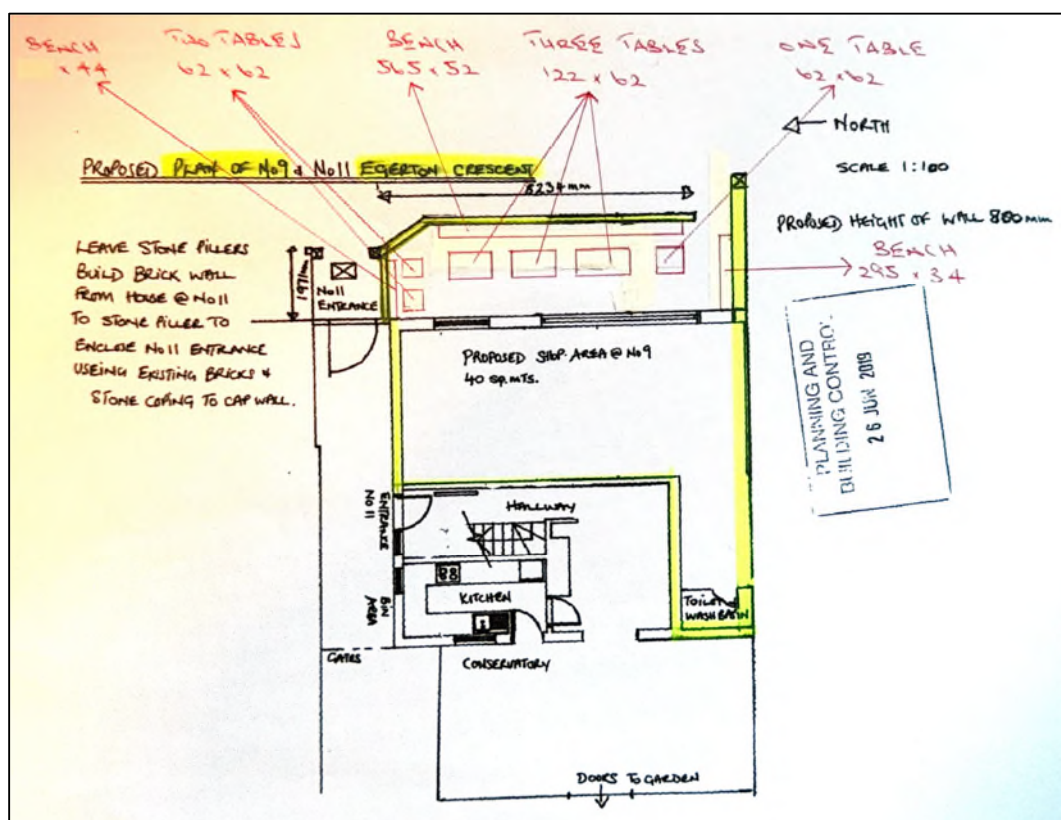
These policies outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places, whilst protecting and enhancing our historic environment, heritage assets, and their settings.

Other Legislative Requirements:

Equality Act 2010 - Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.



Approved ground floor plan of 123650/FO/2019, stamped as received by the City Council as Local Planning Authority on the 26th June 2019



Submitted proposed outdoor seating layout of No.9 Egerton Crescent



Submitted photographs of outdoor seating area

Issues

Principle – the principle of applying to vary conditions 3 (hours of opening), 5 (outdoor seating), 7 (external equipment), 8 (refuse), 9 (boundary wall), and 10 (noise) attached to planning permission 123650/FO/2019 is acceptable given that this would address and regularise a number of outstanding conditions attached to the original consent whilst also enabling a local business situated within Withington District Centre to thrive and flourish.

Condition 3 (hours of opening) – the proposal seeks to alter the opening hours of the premises. These are currently conditioned as being 09:00 – 21:00 Monday to Sunday/Bank Holidays. The proposed opening hours are 08:00 – 22:30 from Sunday to Thursday and 08:00 – 00:00 on Fridays and Saturdays.

It is acknowledged that concerns were raised by local residents in relation to the proposed extended opening hours and their potential to exacerbate existing noise disturbance, loitering, and anti-social behaviour issues in the area to the detriment of residential amenity as well as being out-of-keeping with the residential character of Egerton Crescent.

However, it should be noted that the application property is located within the eastern edge of Withington District Centre, therefore, despite the premises' close proximity to existing residential units with a HMO situated above and other flat conversions and dwellinghouses located to the north, south, east and west, it would not be inappropriate to extend the property's opening hours in this way, particularly given its

proposed 22:30 closure during weekdays, as it would be in-keeping with the existing commercial uses present along Wilmslow Road to the west, would contribute positively to the creation of a more diverse centre by providing a valuable community hub and event space, as indicated by local residents in their letters of support, and would enable the survival of an independent local business to the benefit of the surrounding area, pursuant to policies C2, C6, C10 of the Manchester Core Strategy.

It should also be noted that the proposed opening hours (08:00 – 22:30 from Sunday to Thursday and 08:00 – 00:00 on Fridays and Saturdays) are similar to those of other premises operating within the surrounding area, including No.455-459 Wilmslow Road which operates from 10:00 – 23:00 throughout the week (as approved under 137509/FO/2023) and No.461-463 Wilmslow Road which operates from 09:00 – 00:00 throughout the week (as approved under 090834/FU/2009/S1), amongst others. The proposed opening hours would therefore be in-keeping with the existing late night character of the area. The application property, although not located on the busy main road, is located within the successful and busy District Centre, and there is regular activity associated with the centre on this road, including commercial property and a car park. Residential properties on this road and above the application property already experience activity and comings and goings associated with a District Centre and the proposed use is considered to be appropriate within a centre of this type.

Further to this, the applicant has demonstrated their responsibility as a business owner and commitment to limiting noise breakout and disturbance associated with the business through their submission of a Noise Management Plan and Noise Assessment which include details of a noise mitigation strategy for internal and external noise, waste management, and operations.

This includes:

- The use soft internal furnishings to minimise internal reflections of noise (e.g., thickly padded wooden seats, wooden flooring, rubber feet to tables and chairs to reduce noise produced by moving furniture across the floor),
- The regular maintenance of all mechanical equipment (e.g., refrigeration units, coffee machines, kitchen appliances) to ensure they operate at minimal noise levels,
- In the event of replacement – the installation of quieter appliances (e.g., lower-noise coffee machines).
- Management of customer noise through courteous staff service and encouragement to leave in a calm and quiet manner in the evenings,
- The closing of windows and doors by 22:00 on weeknights and 23:30 on Fridays and Saturdays,
- No movement and disposal of glass recycling to external waste bins between the hours of 23:00 and 08:00.

- Training of staff to ensure a professional and reasonably quiet atmosphere is maintained during light-night and early-morning operations, including receiving deliveries.
- The use of a single Sonos speaker behind the bar at a moderate volume to avoid excessive disturbance to nearby residents.
- Infrequent acoustic music performances with no amplified sound, finishing no later than 23:00.

The noise mitigation strategy also indicates that the outdoor seating area would be cleared by 22:00 from Sunday to Thursday and 23:30 on Fridays and Saturdays. However, it should be noted that a condition requiring the outdoor seating area to be closed after 21:00 throughout the week has been recommended in order to reduce noise levels in and around the site.

The Council's Environmental Health Service reviewed these details and highlighted that further information relating to noise frequency bands and noise levels in the adjoining residential properties would need to be submitted to further safeguard the residential amenity of neighbouring occupiers, however made no objection to the principle of extending the premises' opening hours, subject to this information being provided. The requested information has been recommended to be secured by condition with suitable restrictions regarding live music and amplified music being in place until those requirements have been determined.

To further safeguard the residential amenity of neighbouring occupiers in light of the extended opening hours, personal and temporary conditions are recommended in order to provide a mechanism for review, should any noise complaints be received, and in order to ensure that the current applicants continue to manage the property in accordance with the detailed management plan.

Condition 5 (outdoor seating) – condition 5 attached to 123650/FO/2019 required the submission of details of opening hours of the external seating area and details of seating layout.

These details have been provided. These details indicate the location of the tables and chairs for the external seating area, as seen on page 17 of this report. In total, a maximum of 18no. persons could be seated in this area, accommodated by 3no. tables seating 2no. persons, and 3no. tables seating 4no. persons. These provisions include a long bench against the front boundary treatment with tables located in front with freestanding chairs opposite. The external seating area would be in operation between 08:00 – 21:00 throughout the week. No glass bottles or glasses would be permitted in this area during the evening.

It should be noted that the principle of the outdoor seating area has already been accepted and approved under 123650/FO/2019. Moreover, whilst it is acknowledged that the use of the outdoor seating area is likely to give rise to further noise and activity in and around the application site, such activity is not considered to be unduly

harmful to the residential amenity of the area given that the outdoor seating area would accommodate a maximum of 18no. persons and would not be used after 21:00 throughout the week within a District Centre. There is a relevant condition recommended to control the hours of use.

Condition 7 (external equipment) – condition 7 attached to 123650/FO/2019 required the submission of details of any externally mounted plant/equipment to be agreed along with any associated acoustic measurements/details etc.

The applicant has confirmed that no external plant has been installed on the premises. As such, this condition will not be re-attached to the consent.

Condition 8 (refuse) – condition 8 attached to 123650/FO/2019 required the submission of details of a scheme for refuse storage and waste bin collection.

The agent acting for the applicant has confirmed that appropriate bin storage and waste facilities are provided by a private contractor. Refuse collection for all waste products associated with the venue are indicated as being handled by via a Directive Waste Service Agreement. The following bins are provided at the premises: 1no. 110L mixed municipal waste bin, 1no. 240L glass bin, and 1no. 240L cardboard bin. All bins are stored to the rear of the unit with access available via the private access route to the north of the building. All glass is emptied into the bins during the working day to avoid noise disturbance to neighbours in the evening.

It is acknowledged that concerns were raised by local residents in relation to the proposal's potential to result in increased litter and waste to the detriment of visual amenity and public safety.

However, the Council's Environmental Health Service confirmed the acceptability of the submitted information in managing waste associated and generated by the premises. This has been recommended to be conditioned accordingly.

Condition 9 (boundary wall) – condition 9 attached to 123650/FO/2019 required the submission of details of the boundary wall/treatment.

Confirmation has been received that the boundary treatment which encloses the outdoor seating area to the front is constructed of timber planters and posts, measuring to a maximum of 800mm in height. The elevation fronting Egerton Crescent has been clad in corrugated metal (painted dark green), whilst the internal elevation facing the application property has been clad in vertically boarded timber with a flat timber top.

The boundary treatment is considered to be relatively standard in terms of its design for developments of this type and would provide an appropriate means of enclosure for the property's outdoor seating area, clearly delineating its extent. Sited at the front of the property, the boundary treatment would be visible within the street scene and public realm, however, its use of appropriate materials, finishes, and colours would

match those featured on the building itself and should ensure that it does not form a visually incongruous or overly dominant feature. Hence, the overall character of the property and its surrounding area would not be significantly harmed by these works.

Further to this, it should also be noted that the application property is situated within the Withington Conservation Area. However, given that the boundary treatment would use appropriate materials, finishes, and colours, which would be visually subservient to the application property itself, it is considered that the degree of harm caused to the visual amenity of the area and the character of the Withington conservation area would be very limited, and the benefits of its use outweigh any low level harm.



The proposal is therefore considered to accord with paragraph 202 of the NPPF, which stipulates 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”, as well as policy DC18 of the UDP, policy EN3 of the Core Strategy and policy JP-P2 of Places for Everyone.

The boundary treatment would provide benefits in the form of a clear means of enclosure for the property’s outdoor seating area, therefore avoiding overspill of customers onto the adjacent public footpath and highway, which would outweigh the potential harm caused to the Withington conservation area as a result of the works.

It should also be noted that the proposal would also not affect the most significant aspects of the conservation area as the architectural and historic interest – centred on the townscape character that is founded principally in its historic village high street would be largely unaffected.

Condition 10 (noise) – condition 10 attached to 123650/FO/2019 required the submission of a scheme for the acoustic insulation and treatment to limit any noise outbreak.

A Noise Assessment and Noise Management Plan has been submitted. The agent indicated that the “the report provides details of all measurements undertaken and suggested mitigation measures” and concludes that “noise generated by the premises is minimal compared to traffic and industrial noise from nearby Wilmslow Road”.

The Council’s Environmental Health Service has reviewed these details and highlighted that further information relating to noise frequency bands and noise levels in the adjoining residential properties would need to be submitted to further safeguard the residential amenity of neighbouring occupiers together with any necessary mitigation. The requested information has been recommended to be secured via condition with safeguards included to ensure that no amplified sound or live music is played until the condition has been discharged.

Conclusion – given the above issues and subject to the aforementioned details being secured via condition, it is considered that the proposal is acceptable in terms of its principle, appearance, impact upon the visual and residential amenity of the area, the character and significance of the conservation area, waste management, and noise, overcoming and regularising a number of outstanding conditions attached to the original consent 123650/FO/2019. This would allow ongoing employment and will be an acceptable use which will benefit the vitality and viability of the District Centre.

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 the right to a fair hearing and to this end the Committee 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 of the application 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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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

1) The permission hereby granted is for a limited period of 18 months only, expiring on 4th January 2027.

Reason - In order to assess the suitability of the use and in the interests of residential amenity, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

2) The permission hereby granted is for the temporary period set out in condition one and can only be implemented by Nigel Tobias of the company 'Something More Productive'.

Reason - In order to assess the suitability of the use and in the interests of residential amenity, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

3) The development hereby approved shall be carried out in accordance with the following documents:

‘PROPOSED PLAN OF No9 & No11 EGERTON CRESCENT’, stamped as received by the City Council as Local Planning Authority, on the 26th June 2019.

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

4) The premises shall not be open outside the following hours:

Sunday to Thursday: 08:00 – 22:30

Friday to Saturday: 08:00 – 00:00

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:

Monday to Saturday: 07:30 – 20:00

Sundays/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 external seating area shall not be used outside the following hours:

Monday to Sunday: 08:00 – 21:00

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) The external seating area hereby approved shall be operated in accordance with the following documents:

- Details shown on the drawing included in Appendices EP3 – Marked up seating plan of the submitted covering letter, titled ‘PROPOSED PLAN OF No9 EGERTON CRESCENT’, stamped as received by the City Council as Local Planning Authority, on the 2nd June 2025.

- Site photographs included in Appendices EP4 – Photographs of external dining area of the submitted covering letter, stamped as received by the City Council as Local Planning Authority, on the 2nd June 2025.

Reason - In the interests of the residential and visual amenity of the area in which the premises is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

8) No amplified sound or any music shall be produced or played in any part of the site outside of the building.

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.

9) The development hereby approved shall be carried out in accordance with waste storage and management scheme as detailed within the following documents:

- Waste management details included on page 5 of the submitted covering letter, stamped as received by the City Council as Local Planning Authority, on the 2nd June 2025.

- Site photographs included in Appendices EP5 – Photographs of waste bins and access of the submitted covering letter, stamped as received by the City Council as Local Planning Authority, on the 2nd June 2025.

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 amenity and public health and to ensure that there are adequate waste storage receptacles for occupiers of the development, pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

10) The boundary treatment hereby approved shall be carried out in accordance with following documents:

- Boundary treatment details included on page 6 of the submitted covering letter, stamped as received by the City Council as Local Planning Authority, on the 2nd June 2025.

Reason – In the interests of the visual amenity of the area in which the premises is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

11) a) Notwithstanding the details included within Appendices EP6 – Noise Management Policy and SMP Noise Assessment of the submitted covering letter, stamped as received by the City Council as Local Planning Authority, on the 2nd June 2025, within three months of the decision hereby approved, a scheme for the acoustic insulation and treatment to limit the break out of noise from the premises in accordance with a noise study of the premises shall be submitted and approved 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) Upon completion 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 has 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.

There shall be no live or amplified sound or music inside the premises, at any time, unless and until this condition has been successfully discharged.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

Informatives

1) To discharge condition 11, Environmental Health have indicated that the following criteria has not been addressed within Appendices EP6 – Noise Management Policy and SMP Noise Assessment of the submitted covering letter:

“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 (Leq,5min), respectively.”

The above criteria has not been addressed as the report submitted does not look at noise frequency bands and does not assess the levels in the adjoining residential properties. Whilst only one band currently plays at the premises, this may change in future and so the applicant will need to look at how amplified noise will be controlled to the above levels. The submitted report states that there is no amplified music at the premises but the jazz band that plays uses an electric bass guitar, which will use an amp. No information as to how noise levels from this will be controlled has been submitted so far.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 141642/JO/2024 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health

Flat 5, 19 Egerton Crescent, Manchester, M20 4PN
Flat 4, 19 Egerton Crescent, Manchester, M20 4PN
Flat 3, 19 Egerton Crescent, Manchester, M20 4PN
Flat 2, 19 Egerton Crescent, Manchester, M20 4PN
Flat 1, 19 Egerton Crescent, Manchester, M20 4PN
5 Egerton Crescent, Manchester, M20 4PN
Flat 2, 19 Parsonage Road, Manchester, M20 4PW
Flat 1, 19 Parsonage Road, Manchester, M20 4PW
Flat 1, 19A Egerton Crescent, Manchester, M20 4PN
Flat 2, 19A Egerton Crescent, Manchester, M20 4PN
17A Egerton Crescent, Manchester, M20 4PN
19A Egerton Crescent, Manchester, M20 4PN
Flat 2, 17 Egerton Crescent, Manchester, M20 4PN
Flat, Downing House, 14 Swinbourne Grove, Manchester, M20 4PP
Flat 3, 11 Parsonage Road, Manchester, M20 4PB
Flat 8, 6 Egerton Crescent, Manchester, M20 4PN
Flat 6, 6 Egerton Crescent, Manchester, M20 4PN
Flat 1, 17 Parsonage Road, Manchester, M20 4PW
22 Swinbourne Grove, Manchester, M20 4PP
16 Swinbourne Grove, Manchester, M20 4PP
2A Egerton Crescent, Manchester, M20 4PN
Flat 1, 17 Egerton Crescent, Manchester, M20 4PN
Downing House, 14 Swinbourne Grove, Manchester, M20 4PP
Flat 5, 4 Egerton Crescent, Manchester, M20 4PN
Flat 7, 6 Egerton Crescent, Manchester, M20 4PN
Flat 9, 8 Egerton Crescent, Manchester, M20 4PN
Flat 2, 17 Parsonage Road, Manchester, M20 4PW
Flat 4, 11 Parsonage Road, Manchester, M20 4PB
Flat 2, 11 Parsonage Road, Manchester, M20 4PB
Flat 1, 11 Parsonage Road, Manchester, M20 4PB
23 Egerton Crescent, Manchester, M20 4PN
18 Swinbourne Grove, Manchester, M20 4PP
Withington Post Office, 15 Egerton Crescent, Manchester, M20 4PL
11 Egerton Crescent, Manchester, M20 4PN
Flat 4, 2 Egerton Crescent, Manchester, M20 4PN
Flat 3, 2 Egerton Crescent, Manchester, M20 4PN

Flat 2, 2 Egerton Crescent, Manchester, M20 4PN
Flat 1, 2 Egerton Crescent, Manchester, M20 4PN
7 Egerton Crescent, Manchester, M20 4PN
Flat 3, 17 Egerton Crescent, Manchester, M20 4PN
9 Parsonage Road, Manchester, M20 4PB
15 Parsonage Road, Manchester, M20 4PW
13 Parsonage Road, Manchester, M20 4PW
20 Swinbourne Grove, Manchester, M20 4PP

A map showing the neighbours notified of the application is attached at the end of the report.

Relevant Contact Officer : Holly Wright
Telephone number : 0161 219 6381
Email : holly.wright@manchester.gov.uk

