

Planning Statement

For Elle R Leisure Ltd | 24-090

Side extension - Albert's Didsbury Restaurant and Bar 120 -122 Barlow Moor Road,
Didsbury, Manchester, M20 2PU

Project: 24-090
Site Address: Albert's Didsbury, 120 -122 Barlow Moor Road, Didsbury, Manchester,
M20 2PU
Client: Elle R Leisure Ltd
Date: 14 January 2025
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1. Introduction

- 1.1 This planning statement has been prepared in support of a planning application for a side extension at Albert's Didsbury, 120-122 Barlow Moor Road, Didsbury. The extension would provide a lift and stair access to the first floor of the building which would then be used for an accessible and inclusive private dining area.
- 1.2 The site is situated within the Albert Park Conservation Area. It will be demonstrated that there would be no adverse impact on the character of the area as a result of the proposals. Notwithstanding this, should the local planning authority consider that there is less than substantial harm to the character and appearance of the conservation area, there are public benefits that would outweigh this harm.
- 1.3 It will be demonstrated that the principle of development is acceptable. The proposed development would comply with the policies set out in the development plan and the National Planning Policy Framework (the Framework) and therefore in accordance with paragraph 11 of The Framework, planning permission should be approved. There are no material considerations to indicate otherwise.



2. Context

Site location and description

- 2.1 The application site comprises a detached, three storey building fronting onto Barlow Moor Road with vehicular access to the car park obtained from Old Lansdowne Road. The main original building is finished in white render with contemporary brick rear and side extensions.
- 2.2 The building is in use as a bar and restaurant occupied by Albert's with a restaurant and bar on the ground floor, customer WCs at basement level and storage and staff welfare facilities at first floor level. There is an existing side extension which provides back of house and staff access to the first floor from within staff areas on the ground floor. There is currently no stair free access between the floors.
- 2.3 The surrounding area is primarily residential, interspersed with commercial uses. Many dwellings in the area comprise red brick Victorian villas.
- 2.4 The site is situated within the Albert Park Conservation Area.

The applicant

- 2.5 The applicant is a Manchester based property and leisure business. Castlefield Estates Limited, is the property development arm and Elle R Leisure Limited, operates leisure activities from sites acquired and developed by Castlefield Estates. The portfolio currently consists of a range of offices, restaurants, bars and hotels across Manchester, Leeds and North Wales. The business is family owned and operated with the emphasis on longevity. The business makes significant capital investment into all its sites with a view to retaining ownership and obtaining returns over a longer period. Profits are retained in the businesses to develop new sites and the company does not rely on bank financing for acquisition or development.
- 2.6 Castlefield Estates originally started in Castlefield in the centre of Manchester in the late 1980's and has helped develop the area into the vibrant community that it is today. This has included developing a number of historically significant buildings in a sympathetic manner and bringing them back into a commercially viable use. Elle R Leisure sought to maximise the leisure potential of the area, and so Dukes 92 was opened in September 1991. The site was further developed over the coming years to include events spaces and finally with the opening of Albert's Shed in 2004. This created a large multi- purpose destination site incorporating a bar, restaurant and events space.



2.7 The company has continued the brand development with the opening of three other sites, Albert's Didsbury, Worsley and Standish. Albert's Worsley and Standish currently offer popular and successful private dining facilities. This offer is not currently available at Albert's, Didsbury.

Relevant planning history

2.8 Relevant planning history is as follows:

- 089976/FO/2009/S2: erection of canopy to front elevation, single storey rear extension with glazed atrium above, elevational alterations to front, side and rear elevations together with landscaping and boundary treatment following demolition of bay windows at ground and first floor of front elevation, single storey front and side extensions, part single/part 2 storey rear extensions and boundary wall – approved 1 July 2009.
- Installation of revised design of glazed canopies, fenestration and fencing as approved under planning permission 089976/FO/2009/S2 – approved 3 December 2009
- Removal of condition 14 for the requirement of a Secured by Design accreditation on planning approval reference 089976/FO/2009/S2 – approved 29 March 2011
- 120901/FO/2018: erection of a part single/part two storey side extension and a first floor side and rear extension to form stores and erection of a 2.1 metre boundary wall to bin enclosure – withdrawn 4th December 2018
- Variation of condition no 7 (servicing and delivery hours) from planning approval reference 089976/FO/2009/S2 to allow deliveries and waste collections on Sundays between the hours of 8am and 11am – withdrawn 12 January 2021
- 134104/FO/2022: erection of a first floor side extension – approved 19th August 2022. As set out above, this extension provides back of house/staff access to the first floor from within the staff areas on the ground floor. The stairs within this extension provide the only access between the floors.

Consultation and background

2.9 Pre-application advice has been sought on the proposals. The advice received by email dated 25th September 2024 is copied below:

The building under consideration, constructed in mid to late 19th century as two semi-detached villas, occupies a prominent position in Albert Park Conservation Area. It is regarded as a key building that contributes positively to the streetscene, local distinctiveness and historic character of the area.

The single storey extension to the rear and side of the building, and the canopy to frontage, have been installed in the early 2010s under the approved planning application 089976/FO/2009/S2. The alterations to the front elevation, implemented



as part of this application, have had a particularly detrimental impact on the architectural and historic interest of the existing property, which nonetheless remains an important contributor to the local area, as set out above. More recently, an upward extension to the modern side extension and associated external alterations were approved under 134104/FO/2022, which created internal access to the upper storeys.

The proposed extension would add to the overall footprint and increase the overall mass of the proposed extensions, intensifying the urban grain of the conservation area, and, on account of the proposed position and appearance, erode the legibility and appreciation of the original frontage of the 19th century non-designated heritage asset under consideration – symmetrical, well-balanced and cohesive, causing adverse change to the local streetscene, distinctive character and sense of place and history of the area. Thus, the proposed extension would cause a degree of harm to the conservation area and the NDHA. Albeit the harm would be less than substantial in NPPF terms, it would nonetheless be material.

The public benefits of the development are not clear. For example, further information on step-free access to upper floor would be required – whether that is provided at present, or whether this will be accommodated as part of the new extension, which would deliver the public benefits required to outweigh the harm. In the absence of improved access or other clear public (rather than private) benefits, the extension cannot be supported due to the harm identified, as per paragraph 208 of the NPPF.

Should the extension be supported on account of the perceived public benefit, minor alterations and further information are required to achieve a high-quality sympathetic development that contributes positively to the NDHA and the conservation area, and to support the application with particular consideration of Policies EN3 and DM1 of the Core Strategy, JP-P1 and JP-P2 of Places for Everyone, saved UDP Policy 18.1 and the guidance within Sections 12 and 16 of the NPPF.

The contemporary design approach is supported, creating a clear distinction between the historic elements and the modern extension. The extension should be recessed from the main frontage as much as possible, with critical dimensions included on the proposed drawings. The timber weatherboard must match existing, and be a carved timber element – with the drawings amended accordingly. Further information is also required on the proposed materials and detailing, including brickwork, glazing, roofing and reveals (depth, materials and finishes), and assumed panelling between glazing [please confirm].

At least some safeguards and additional information as listed must be provided at application stage, including depth of the reveals and quality of the materials proposed. Samples of the brickwork and mortar should be conditioned.



3. The application

- 3.1 The application proposes the construction of a small side extension to accommodate a new lift and staircase between the ground and first floors. This could be accessed both internally and externally. The extension would provide accessible access to the first floor for both staff and customers and enable the first floor to be used as a private dining room.
- 3.2 The modest extension would be constructed on an area currently used as a service yard and outdoor furniture store which sits behind an 1800mm high timber fence. The size of the extension would be consistent with the width and roof profile of the existing side extension and would be set back 300mm from the primary building façade with the ridge of the proposed mono-pitch roof set below the eaves level of the existing main building. The external appearance of the extension would match that of the existing extension.



4. Policy context

- 4.1 Section 38 of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions.

Development plan context

- 4.2 The development plan comprises the Places for Everyone (PfE) Joint Development Plan (2024), the Manchester Core Strategy (2012) and the saved policies from the Manchester Unitary Development Plan (1995).

Places for Everyone (PfE) (adopted March 2024)

- 4.3 The following PfE policies are considered to be relevant:

- JP-S1: Sustainable Development
- JP-P1: Sustainable Places
- JP-P2: Heritage

Core Strategy (adopted July 2012, amended March 2024)

- 4.4 The following Core Strategy policies are considered to be relevant:

- SP1: Spatial Principles (as amended by PfE Policy JP-S1)
- DM1: Development Management
- EN1: Design Principles and Strategic Character Areas
- EN3: Heritage (as amended by PfE Policy JP-P2)
- CC9: Design and Heritage
- CC10: A Place for Everyone

Saved UDP Policies (adopted July 1995)

- 4.5 Saved Policy DC18: Conservation Areas is of relevance to this application.



Other material considerations

- 4.6 The Guide to Development in Manchester - Supplementary Planning Document and Guidance (SPD) was adopted in April 2007.



5. Planning considerations

Principle of development

- 5.1 The application proposes a modest side extension to the commercial building. The site is situated within the settlement boundary and the proposed extension is considered acceptable in principle.
- 5.2 Policy SP1 'Spatial Principles' states that one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The policy goes on to state that 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 - *The proposed extension has a contemporary design approach to create a clear distinction between the original building and the modern extension.*
 - Making a positive contribution to the health, safety and well-being of residents – *the proposal would provide step-free access to the first floor creating an accessible and inclusive dining area.*
 - Considering the needs of all members of the community – *the proposed extension would be accessible to all.*
 - Protect and enhance the built and natural environment. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible – *the proposal makes good use of an existing building and an area of under utilised previously developed land.*
 - Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision – *the proposal is a minor extension to an existing commercial facility in a sustainable location.*
- 5.3 Policy DM1 'Development Management' all development should have regard to the following:
- Appropriate siting, layout, scale, form, massing, materials and detail – *the proposed extension would be a subservient addition to the main building.*
 - 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 – *as set out above, the proposal would be designed to create a clear distinction with the existing building.*
 - 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 – *the site is an existing commercial facility, there would be no change in this regard.*

- Community safety and crime prevention – *as above.*
- Design for health – *the proposals provide an accessible facility which would contribute to social interaction and in turn towards healthy communities.*
- Adequacy of internal accommodation and external amenity space – *there would be no change in this regard.*
- Refuse storage and collection. Vehicular access and car parking – *there would no change in this regard. The existing refuse facilities would accommodate any additional waste and the site is in an accessible location.*

5.4 The proposed extension is acceptable in principle.

Heritage

Policy context

5.5 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under the provisions mentioned in subsection (2), special attention must be given to the desirability of preserving or enhancing the character and special appearance of that area.”

5.6 This test can be met by either development which makes a positive contribution to an area’s character or by development which leaves the character and appearance unharmed.

5.7 Case law in “Bramshill (2021)” and “Safe Rottingdean” has set out how the legislation should be applied, within the context of the earlier decisions of Barnwell Manor, Forge Field, which established the principle that the statutory duty to be given to the preservation of designated heritage assets is such that heritage harm carries “considerable importance and weight” in the planning balance. These cases, along with the decision in the Called-In Whitechapel Bell Foundry Case have identified, in summary, that:

- Heritage “harms” (harm caused to significance) and heritage “benefits” (wherein heritage significance is enhanced) should both be afforded considerable importance and weight in the planning balance, and therefore weigh equally against each other.
- The decision maker is free to take a rational approach to balancing harms and benefits; it is acceptable for an “internal balance” to be undertaken, considering heritage harms and benefits alongside each other, before reaching a view on the “net” heritage impact, whether harmful or beneficial, and considering this residual impact against public benefits.



5.8 The judgement in *Safe Rottingdean* concluded that a proper application of the legislation requires an ‘internal’ consideration of harms and benefits, in relation to the special interest of heritage assets and their settings, before reaching a view as to whether the statutory duty is complied with or not. As Sir Duncan Ouseley noted in judgement,

“I do not think that giving considerable weight to the desirability of achieving the statutory duty requires separate views to be reached on each part, and then the beneficial parts to be put to one side where there is some harm, however relatively unimportant.

That is not to say that the harm becomes irrelevant; it is simply that the statutory duty can be complied with, in line with the jurisprudence, even if there is some harm to a setting, if it is not as significant as the benefit to the building and its setting, as was obviously the case here. Quite the reverse; considerable weight has to be given to the overall benefits” (*Safe Rottingdean*, paras 86 and 87)

5.9 Turning to the development plan, Policies EN3 of the Core Strategy and JP-P2 of the PfE encourage development which complements and takes advantage of distinct historic and heritage features of the area. Policy JP-P2 further sets out to positively conserve, sustain and enhance our historic environment and heritage assets and their settings. It also advises that development proposals affecting designated heritage assets and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.

5.10 Chapter 16 of the Framework is entitled ‘conserving and enhancing the historic environment’. ‘Conservation’ for the purposes of heritage policy is defined in the Framework glossary as:

‘ the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance’.

5.11 In other words, national policy is not concerned with preventing change but managing it sensitively.

5.12 The section of the Framework which refers to the historic environment states:

“203. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;

b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

c) the desirability of new development making a positive contribution to local character and distinctiveness; and



d) opportunities to draw on the contribution made by the historic environment to the character of a place.”

5.13 Paragraph 207 of the Framework states:

“207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

5.14 Paragraph 210 of the Framework states that:

“210. 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.*
- c) The desirability of new development making a positive contribution to local character and distinctiveness”.*

5.15 The Framework confirms that in 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 (paragraph 205).

Designated heritage asset

5.16 The designated heritage asset in this case is the Albert Park Conservation Area. Clearly it is desirable to sustain and enhance the designated heritage asset having regard to paragraph 212 of the Framework. Saved Policy 18 of the UDP seeks to preserve or enhance the character of its designated conservation areas by carefully considering the effect of major changes to the appearance of existing buildings.

5.17 The Heritage Statement prepared by Dickinson Waugh provides an assessment of the significance of the building and its contribution to the Conservation Area. It states at paragraph 6.2 that:

“The building is a local landmark and significant contributor to the street scene and historic character and appearance of the conservation area within which it is considered to be a ‘key building’.”

5.18 In terms of the impact of the proposals on the non-designated heritage asset, the Heritage Statement concludes at paragraph 8.2.3:



“The proposed extension does not appear to undermine one’s ability to experience and appreciate the assets nor does it adversely impact on their visual relationship and therefore the impact is considered to be neutral.”

- 5.19 In respect of the impact of the proposals on the Conservation Area, the Heritage Statement concludes the following at paragraph 8.1.2:

“Aside from head on views of the façade from the south, the proposed extension will not be visible from within the public realm and will not feature in any views that are considered to be of significance, it is therefore considered that the proposals at least preserve the distinctive character and appearance of the conservation area and meet the objectives of the council in managing change within the area as they intend to aspire to enhance the prosperity of the area whilst acknowledging its distinctive architectural and visual character.”

- 5.20 The Heritage Statement concludes that the proposed works present no significant risk in terms of unnecessarily compromising the significance of the Conservation Area and non-designated heritage assets, and that the objectives set out by Historic England and the Framework have been met.
- 5.21 In summary, the overall impact of the proposals would preserve the character and appearance of the Conservation Area. As such paragraphs 213-215 of the Framework do not apply, as confirmed within the accompanying Heritage Assessment.
- 5.22 The development accords with Policy EN3 of the Core Strategy, Policy JP-P2 of the PfE, as well as Paragraphs 200 and 203 of the Framework this weighs heavily in favour of approval.

Public benefits

- 5.23 Notwithstanding this conclusion, although we would reiterate that the applicant’s case is that there is no harm, there are some public benefits that would flow from the development. Public benefits are not prescribed by the Framework. The NPPG provides guidance on public benefits at paragraph 18a-020-20190723. It states that:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of a benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

Examples of heritage benefits may include:



- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting.
- Reducing or removing risks to a heritage asset.
- Securing the optimum viable use of a heritage asset in support of its long-term conservation.

5.24 In this case, it is considered that the public benefits are as follows:

Economic:

5.25 The following economic benefits would flow from the development:

- **Creation of construction jobs:** During the build programme, construction related employment and indirect employment would be created. This would benefit local contractors and suppliers.
- **Creation of operational jobs:** Albert's currently employs 19 full time staff and 42 part time staff. The proposals would lead to the creation of an additional 2 full time and 2 part time positions.
- **Accessible working facilities:** the provision of lift free access to the first floor would be of benefit to the employees of the restaurant, promoting equality in the workplace.

5.26 Paragraph 85 of the Framework states that significant weight should be placed on the need to support business needs and wider opportunities for development.

Social:

5.27 The key benefit of the proposal is accessibility. The upper floor of the business are currently only accessible by stairs. The proposal would enable a lift to be accommodated to serve the first floor and ensuring that all customers and staff can access the first floor.

5.28 Paragraph 98 of the Framework explains that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should, amongst other things, plan positively for the provision and use of shared spaces to enhance the sustainability of communities. Although this is a private dining facility, it provides an inclusive and accessible space where families, friends and other groups can get together. In doing so, it would promote social interaction, providing opportunities for people to meet and relax.

Environmental:

5.29 Paragraph 002 Reference ID: 18a-002-20190723 of the NPPG states:

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed



buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation.

- 5.30 The proposals would make good use of an existing building and ensure that the building remains in a viable use and continues to contribute to the character and vitality of the area.
- 5.31 Moderate positive weight is attached to the enhanced accessibility of the building with minor positive weight attached to each of the other considerations.
- 5.32 Should the local planning authority conclude that there is less than substantial harm to the conservation area, taking the above benefits into account and weighing those benefits against any less than substantial harm, should the local planning authority reach that conclusion, it is considered that the public benefits of the proposals outweigh the less than substantial harm even after considerable importance is given to the harm to the conservation area.



6. Summary

- 6.1 This planning statement has been prepared in support of a planning application for a side extension at Albert's Didsbury, 120-122 Barlow Moor Road, Didsbury. The extension would provide a lift and stair access to the first floor of the building for both staff and customer. The first floor space would then be used for an accessible and inclusive private dining area.
- 6.2 The principle of the extension is acceptable and the proposals comply with Policies SP1 and DM1 of the development plan. Furthermore, paragraph 85 of the Framework states that significant weight should be placed on the need to support business needs and wider opportunities for development.
- 6.3 The site is situated within the Albert Park Conservation Area. It has been demonstrated that there would be no adverse impact on the character of the area as a result of the proposals. Notwithstanding this, should the local planning authority consider that there is less than substantial harm to the character and appearance of the conservation area, there are public benefits that would outweigh this harm. These benefits comprise:
- Enabling the upper floors of the building to be accessible for all customers and staff. This would result creation of an inclusive and accessible space for social use and accessible working facilities for employees.
 - Creation of construction jobs during the build programme,
 - The proposals would lead to the creation of an additional 4 jobs once operational.
 - Making good use of an area of under utilised previously developed land. The proposals would make good use of an existing building and ensure that the building remains in a viable use.
- 6.4 Moderate positive weight is attached to the enhanced accessibility of the building with minor positive weight attached to each of the other considerations.
- 6.5 Taking the above benefits into account and weighing those benefits against any less than substantial harm, should the local planning authority reach that conclusion, it is considered that the public benefits of the proposals outweigh the less than substantial harm even after considerable importance is given to the harm to the conservation area.
- 6.6 The proposed development would comply with the policies set out in the development plan and the National Planning Policy Framework (the Framework) and therefore in accordance with paragraph 11 of The Framework, planning permission should be approved. There are no material considerations to indicate otherwise.



