

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135690/FO/2022
Date registered valid: 7 December 2022
Proposal: Installation of delivery collection window
Address: 95 Lapwing Lane, Manchester, M20 6UR
Ward(s): Didsbury West Ward

Applicant: Pizza Express Restaurants Ltd
Agent (if any): Mr Chris Moseling, Butler Associates Limited
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 30 January 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 6 January 2023

Standard consultations: Printed: 20 December 2022 Expired: 10 January 2023

Neighbour notifications: Printed: 20 December 2022 Expired: 10 January 2023

Site notice: Posted: 6 January 2023 Expired: 27 January 2023

Press advert: Published: 27 December 2022 Expired: 17 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Not applicable

Conservation area: Ballbrook Conservation Area 1992

Tree Preservation Order: Not applicable

The application relates to Pizza Express, a restaurant and bar with a private forecourt, located within the Didsbury West ward of Manchester. It is bound to the southwest by Lapwing Lane and is situated adjacent to a busy crossroads, opposite the Metrolink tram line, in the Ballbrook Conservation Area of West Didsbury. The area is characterised by a short strip of commercial facilities, whilst the surrounding streets are populated by predominantly semi-detached residential properties dating to the Victorian era.



Figure 1. Photograph of the principal elevation of No.95 Lapwing Lane.

Description of development

The applicant is seeking permission for the installation of a delivery collection window.

Recent Planning History

134428/AO/2022 - Advertisement consent for the display of 1no. halo illuminated fascia sign; 1 no. externally illuminated fascia sig; 2 no. internally illuminated projection signs; 1 no. internally illuminated entrance sign - **APPROVED**

135762/AO/2022 - Advertisement consent for the installation of 1no. halo illuminated fascia sign – **APPLICATION PENDING CONSIDERATION**

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Ballbrook Conservation Area Group – no comments or objections received.

Highways recommended continual monitoring of parking demands, for both vehicles, cycles and pedestrians, that may be generated on the highway network due to the installation.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC10 – Food and Drink Uses
- Policy DC18 – Conservation Areas
- Policy DC22 – Footpath Protection

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage

The National Planning Policy Framework (NPPF, 2021)

- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 - Conserving and Enhancing the Historic Environment

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Principle – The principle of installing a delivery collection window in order for a business to operate a delivery and collection service for the provision of hot takeaway food is acceptable, however consideration must be given to the proposal’s impact upon existing levels of visual and residential amenity, public safety and the impact it would have upon the Ballbrook Conservation Area.

Visual Amenity – The delivery collection window would be situated adjacent to Lapwing Lane within the grounds of Pizza Express.

Located along the building’s principal elevation, the delivery collection window would be situated to the left of the restaurant’s main entrance within the frame of an existing window. The existing window is set to be modified, forming a new side hung casement window within the existing steel frame. The new window is set to match the existing window as close as reasonably possible and comprise of a painted steel frame.

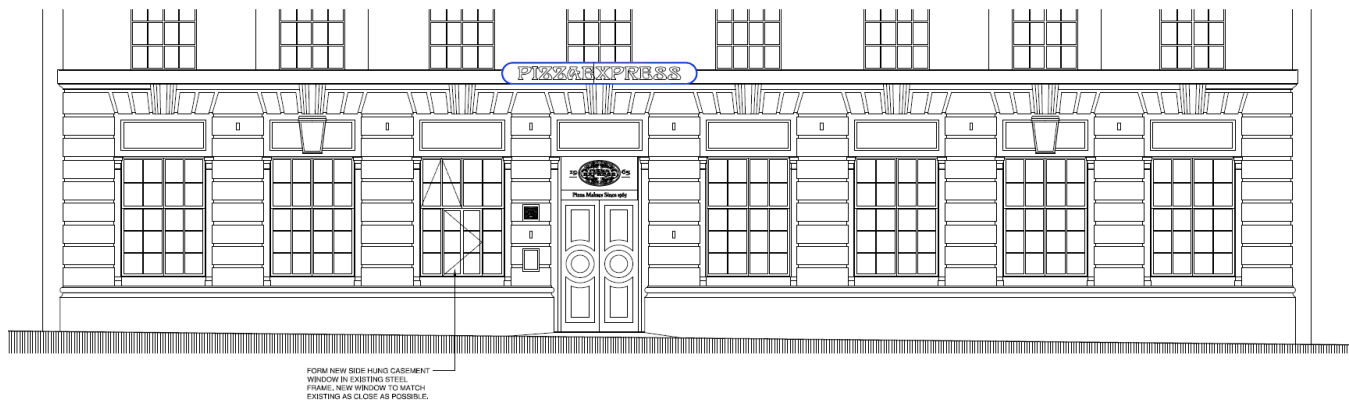


Figure 2. Proposed principal elevation of No.95 Lapwing Lane, depicting location of the proposed delivery collection window.

Considering the characteristics of the proposed window, combined with its clear relevance to the site and the fact that it would be in-keeping with the commercial precedent already existing in this locale, the proposal is not considered to harm the visual amenity of the area as it is relatively standard in design and scale, is in an acceptable position in regard to its distance and relationship with Lapwing Lane and does not significantly detract from the historic character of the Ballbrook Conservation Area. The proposed window is therefore considered to be well-designed and would have minimal detrimental impact upon the street scene and visual amenity, thereby according with policies DM1 and EN1 of the Core Strategy and DC10 of the UDP.

Residential Amenity – The proposal would be located away from residential property and the main pedestrian thoroughfare, within the confines of the private forecourt of Pizza Express. As such, the proposal is not considered to impact the availability of pedestrianised footways located directly in front of the restaurant, thereby according with policy DC22 of the UDP. Moreover, it is highly likely that a delivery/collection service already exists at the site and so the installation of a delivery collection window would merely aid the practicality and functionality of this service, rather than inherently introduce it. As such, it is believed that the installation of this proposal would not significantly contribute to congestion (either pedestrian or vehicular) in this locale as delivery/collection activities are likely to already be taking place, thus mitigating Highways' concerns regarding parking demands. Its siting along a commercial high street away from residential property should also ensure that detriment is not caused to the aural amenity of the area.



Figure 3. Photograph of No.95 Lapwing Lane, illustrating the considerable width of the pavement as well as the private forecourt of Pizza Express.

The proposal is therefore considered acceptable in regard to its minimal impact upon residential amenity as it would not reduce the availability of pedestrianised footways, would not result in an unbearable degree of noise pollution and would ease the delivery/collection services likely to already be taking place at the site. The proposed development therefore accords with Core Strategy policies DM1 and SP1 and saved policy DC10 of the UDP.

Impact upon the Ballbrook Conservation Area – The proposal involves a very minimal elevational alteration to one of the windows already present at Pizza Express. The window located to the left of the main entrance of the building is set to be modified so that it forms a new side hung casement window within the existing steel frame, which will match the existing window as close as is reasonably possible. The proposed development is therefore considered to be extremely minor and would have little to no impact upon the overall character of the building and would therefore avoid causing any visual harm or detriment to the existing characteristics of the conservation area.

With this in mind, the proposal is considered to be acceptable in regard to its minimal impact upon the architectural and historic significance of the Ballbrook Conservation Area as it not thought to cause undue visual harm or negatively affect its historic character. The proposal therefore accords with Core Strategy policy EN3, saved policy DC18 of the UDP and chapter 16 of the NPPF.

Conclusion – Given the above issues, it is considered that the proposal is acceptable in terms of its impact upon both visual and residential amenity as well as its minimal impact upon the Ballbrook Conservation Area, thereby according with policies SP1, DM1, EN1 and EN3 of the Core Strategy, policies DC10, DC18 and DC22 of the UDP and chapters 7, 12 and 16 of the NPPF.

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.

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 problems arising in relation to dealing with the planning application. Minor 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 development must be begun not later than the expiration of three years beginning with the date of permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the drawings labelled: '2272/P01', '2272/100' and '2272/101', stamped as received by the City Council as Local Planning Authority on the 7th December 2022.

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

3) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved drawings, stamped as received on the 7th December 2022.

Reason - To ensure the appearance of the development is not adversely affected by the materials to be used in its construction, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Ballbrook Conservation Area Group

Northern Lawn Tennis And Squash Club, Palatine Road, Manchester, M20 3YA

Craig House, 33 Ballbrook Avenue, Manchester, M20 3JG

Flat 2, 35 Ballbrook Avenue, Manchester, M20 3JG

Flat 1, 35 Ballbrook Avenue, Manchester, M20 3JG

91 Lapwing Lane, Manchester, M20 6UR

Second Floor Flat, 108 Palatine Road, Manchester, M20 3ZA

First Floor Flat, 108 Palatine Road, Manchester, M20 3ZA

Flat 2, 99 Lapwing Lane, Manchester, M20 6UR

Flat 1, 99 Lapwing Lane, Manchester, M20 6UR

93 Lapwing Lane, Manchester, M20 6UR

West Didsbury Post Office, 99 Lapwing Lane, Manchester, M20 6UT

97 Lapwing Lane, Manchester, M20 6UR

108 Palatine Road, Manchester, M20 3ZA

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 - Ballbrook Conservation Area 1992

Area Team Boundary - Name: SOUTH AREA