

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135773/FO/2022
Date registered valid: 5 January 2023
Proposal: Erection of smoking shelter to side of building
Address: Whitehouse Club, Middleton Road, Manchester, M8 4JZ
Ward(s): Crumpsall Ward

Applicant: Dappa Homes Ltd
Agent (if any): Mr Matthew Gray, Grays Architecture Ltd
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 21.02.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 17 January 2023 Expired: 7 February 2023

Neighbour notifications

Printed: 17 January 2023 Expired: 7 February 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The application site is approximately 1.59 hectares and contains the existing Whitehouse club building, car park and associated bowling green which is located off Middleton Green. The club building is currently going through a refurbishment and gained planning permission (application reference. 115468/OO/2017).

The site is accessed by Middleton Road to the eastern boundary of the site which is surrounded on all sides by residential properties. The properties which lie to the north and west of the site are two storey in nature whilst the properties to the south are a mixture of low rise apartment building.

Description of development

The application seeks planning permission for the erection of single storey smoking shelter to the side of the building. This application is in conjunction with the previously approved application 115468/OO/2017 that is revitalising the Whitehouse Club with building works currently ongoing.

Consultations & Notification Responses

Local residents were notified however no responses were received.

Greater Manchester Police Comments: at the time of the consultation had no objections to the proposal.

Environmental Health Comments: had no objections to the proposal and recommended the following condition;

Shall only allow use of external areas within the application site in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority, and shall not allow for the use of amplified sound or any music in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties.

Policy

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

The Manchester 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. Development in all parts of the City should make a positive contribution to neighbourhoods of choice including:-

- o Creating well designed places that enhance or create character,
- o Making a positive contribution to the health, safety and wellbeing of residents,
- o Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income,
- o Protect and enhance the built and natural environment.

Policy DM1 - Development Management - Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- o Development should have regard to the character of the surrounding area.
- o 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.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Design for health.
- o Adequacy of internal accommodation and external amenity space.
- o Refuse storage and collection.
- o Vehicular access and car parking.
- o Effects relating to biodiversity, landscape, archaeological or built heritage.
- o Green Infrastructure including open space, both public and private.
- o The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- o Flood risk and drainage.
- o Existing or proposed hazardous installations.

Policy SP1 - Spatial Principles - This Policy refers to the key spatial principles which will guide the strategic development of Manchester to 2027, together with Core Development Principles. It is stated that developments in all parts of the city should create well designed places which

enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. All development should have regard to the character, issues and strategy for each regeneration area as described in the Strategic Regeneration Framework and the Manchester Strategic Plan.

The relevant saved UDP policies are DC26. Policy DC26 seeks to protect the amenity of an area from the effects of noise.

Policy DC26.1 States-

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 the 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

Policy DC26.4 States-

Where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of measures they propose to deal satisfactorily with it. Such measures might include the following:

- a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose built barriers
- b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or non critical rooms within a building; and
- c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission

Issues

Principle

The principle of allowing businesses to adapt their premises to meet changing economic needs and to contribute to the vibrancy of the evening economy is considered acceptable notwithstanding this, consideration must be given to any impact upon existing levels of residential and visual amenity.

Residential Amenity

The erection of the outdoor smoking shelter could result in the more intensive use of the outside areas and potentially give rise to amenity issues despite the area being used. The nearest residential properties are situated to the north of the site along Middleton Road and White House Avenue. It is therefore considered appropriate to attach an hours condition to the shelter which requires the hours to be agreed. This should coincide with the approved hours of the Social Club. It is also proposed to condition any approval to prohibit the playing of music outside.

On balance given the distance to the closest neighbouring properties (being approx. 13 metres to 195 Middleton Road) and subject to the conditioned outlined above the impact on residential amenity will not be significant.

Design

As submitted the proposed shelter would have approx. dimensions of Height 2.2m x Width 3.1m x Depth 2.1m. The shelter has been positioned close to the proposed Social Club and it is considered that these free standing structures are more of an appropriate design and interfere less with the host building. On balance the design of the smoking shelter is considered to be acceptable.

Conclusion

No objections were received in regards to this application and the relevant conditions have been attached to the end of this report, as requested by Environmental Health. The proposal complies with the policies contained within the Core Strategy, therefore the proposal is deemed acceptable by the City Council and development may commence in accordance with the following conditions.

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: APPROVAL

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. The

application has been determined in a timely manner and in accordance with the policies with the Development Plan.

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

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing: PLANS stamped as received by the City Council as Local Planning Authority on 16 December 2022

Drawing: Location Plan

Drawing: SMOKING SHETLER PROPOSALS REV A

All stamped as received by the City Council on 05 January 2023

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

- 3) The materials to be used on the external surfaces of the extension hereby permitted shall be implemented in accordance with the approved details set out in the documents and drawings as specified in Condition 2 of this approval.

Reason- To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, 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.

- 4) The external areas shall only be used in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as Local Planning Authority. The use of amplified sound or any music shall not be allowed in these external areas at any time.

Reason- To protect the amenity of nearby residential properties pursuant to Core Strategy policy DC1 and saved Unitary Development Plan policy DC26.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

20 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
19 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
18 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
17 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
16 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
15 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
14 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
13 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
12 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
10 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
9 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
7 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
5 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
4 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
1 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
150 Middleton Road, Manchester, M8 4LB
195 Middleton Road, Manchester, M8 4JZ
40 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
33 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
31 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
28 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
26 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
11 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
8 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
6 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
2 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
152 Middleton Road, Manchester, M8 4LB
3 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
39 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
38 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
37 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
36 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
35 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
34 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
32 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
30 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
29 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
27 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
25 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
24 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
23 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
22 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP
21 Tarnside House, 2 Counthill Drive, Manchester, M8 4JP

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA