

Planning

Growth & Development

Delegated officer report for planning application

Application no.	134357/FO/2022
Date registered valid:	24 August 2022
Proposal:	Creation of external seating area on Wilmslow Road
Address:	Dog And Partridge, 667 Wilmslow Road, Manchester, M20 6RA
Ward(s):	Didsbury East Ward
Applicant:	Mr Lee Montgomery GM Clubs Limited, 665-667 Wilmslow Road, Manchester, M20 6RA
Agent (if any):	Miss Elizabeth Mullett, 8 Parkside Walk, Stockport, SK7 3JD
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	14/10/2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 September 2022

Standard consultations:

Printed: 30 August 2022 Expired: 20 September 2022

Neighbour notifications

Printed: 30 August 2022 Expired: 20 September 2022

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

Description of site/building/area

The Dog and Partridge PH is located on Wilmslow Road, within the Didsbury District Centre. It is located to the north of the junction with Warburton Street and situated opposite the eastern boundary of the Blackburn Park Conservation Area.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to install two sets of benches and associated seating to the front of the premises to form an outside drinking area.

Consultations & Notification Responses

Local Residents – One letter of objection has been received, the comments are summarised below:

- The proposal would make it difficult for disabled people and people with prams to pass the building safely.

Didsbury Civic Society – No comments received.

Ward Councillors – Cllr Andrew Simcock objects to the proposal, stating that the pavement is too narrow for the external seating to work safely in this busy night-time location.

Highway Services – Although the submitted plans do take into account the existing tree and the illuminated traffic sign, the practical clearance between the tree and the proposed table and chairs

arrangement is only 1.9m which is considered insufficient in this area of heavy footfall. Highways also have concerns that patrons may potentially overspill out of the outdoor seating and cause further conflict. Therefore, Highways do not support this application.

Environmental Health – Suggests the hours of use of the external seating area should be conditioned to those applied for, i.e. 1200hrs to 2300hrs.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It 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 National Planning Policy Framework 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 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.

Core Strategy Development Plan Document – 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 a number of specific issues, of which the following are considered the most relevant:

- 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.

Issues

Pedestrian and Highway Safety – There are number of food and drinks uses within the Didsbury District Centre that benefit from external seating areas and it is not an uncommon feature found in other district centres throughout the Manchester.

However, in this case it is considered that the siting of the seating in the location proposed would reduce the width of the pavement to unacceptable levels, which in this busy location would have an unduly detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along this stretch of Wilmslow Road. For this reason, it is not considered that the proposal can be supported.

Residential Amenity – Siting the seating in this location would not have a detrimental impact upon the existing levels of residential amenity enjoyed by the residents of Warburton Street.

Visual Amenity – It is not considered that siting the seating in this location would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

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: Refuse

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document and the guidance contained within the National Planning Policy Framework. The applicant was advised that the siting of the external seating area in the location proposed would narrow the pavement to such a degree so as to prove detrimental to pedestrian and highway safety. As a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached, the application has been determined accordingly.

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

1) The proposal, due to its siting, would restrict the width of the pavement which would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along this section of Wilmslow Road, contrary to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Didsbury Civic Society

7 Warburton Street, Didsbury, Manchester, M20 6WA

4 Warburton Street, Didsbury, Manchester, M20 6WA

Orchard Interiors, 2 Warburton Street, Didsbury, Manchester, M20 6WA

Flat At, Dog And Partridge, 667 Wilmslow Road, Manchester, M20 0RA

Flat 4, 700 Wilmslow Road, Manchester, M20 2DN

Flat 3, 700 Wilmslow Road, Manchester, M20 2DN

Flat 2, 700 Wilmslow Road, Manchester, M20 2DN

Flat 1, 700 Wilmslow Road, Manchester, M20 2DN

698 Wilmslow Road, Manchester, M20 2DN

696 Wilmslow Road, Manchester, M20 2DN

694 Wilmslow Road, Manchester, M20 2DN

663 Wilmslow Road, Manchester, M20 6RA

661 Wilmslow Road, Manchester, M20 6RA

659 Wilmslow Road, Manchester, M20 0RA

700 Wilmslow Road, Manchester, M20 2DN

5 Warburton Street, Didsbury, Manchester, M20 6WA

3 Warburton Street, Didsbury, Manchester, M20 6WA

1 Warburton Street, Didsbury, Manchester, M20 6WA

663A Wilmslow Road, Manchester, M20 6RA

671 Wilmslow Road, Manchester, M20 6RA

675A Wilmslow Road, Manchester, M20 6RA

661A Wilmslow Road, Manchester, M20 6RA

675 Wilmslow Road, Manchester, M20 6RA

673 Wilmslow Road, Manchester, M20 6RA

669 Wilmslow Road, Manchester, M20 6RA

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA