

Planning

Growth & Development

Delegated officer report for planning application

Application no.	134397/FO/2022
Date registered valid:	18 July 2022
Proposal:	Retention of retractable roof and supporting structure to existing external area
Address:	577 Barlow Moor Road, Manchester, M21 8AE
Ward(s):	Chorlton Park Ward
Applicant:	Mr Paul Thompson, Rudys Pizza, 8 Hewitt Street, Manchester, M15 4GB
Agent (if any):	N/a
Case officer:	Constance Phillips Tel: 0161 234 5792 Email: constance.phillips@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	12 September 2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 11 August 2022

Standard consultations: Printed: 25 July 2022 Expired: 15 August 2022

Neighbour notifications: Printed: 25 July 2022 Expired: 15 August 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a ground floor class E unit, previously a bank and now a restaurant, within a three storey end-terrace building in Chorlton District Centre. The terrace is brick built in buff and red brick with roof slates, grey painted sills and timber sash windows to the upper floors.

Description of area

The site is located south of the 'four banks' crossroads, within an established commercial parade, mainly consisting of restaurants and takeaways. The area is well-served by buses, trams and taxis.

Description of development

As part of the previous approval (131058/FO/2021) for elevational alterations, outdoor seating, a small rear extension and pizza oven flue, in relation to a PD change of use from bank to restaurant, retractable fabric canopies were permitted, to protect outdoor seating from the weather. The applicant(s) instead built a platform with railings and retractable sides as well as fabric canopies, to create a permanent outdoor seating area. This was unauthorised and the current application is for its retention.

Consultations & Notification Responses

Local residents, as per appendix 1 – No comments received.

Chorlton Voice – No comments received.

Environmental Health – *As the development is on a really busy road, traffic noise is the predominant noise source. As long as the external area is managed appropriately and the following condition is added to the planning consent, I would not have any objections. Schedule of hours and days of use of external areas to be agreed.*

Highway Services – *The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway. The proposed retractable roof extends within the private forecourt of the site and does not extend onto the adopted highway. As such, a Projection over License will not be required.*

A sufficient headroom clearance, compliant with the 2.50m minimum, should be in place for the retractable awning. The proposed tables and chairs are to be located on an area of private forecourt associated with the property and therefore will not extend onto the adopted highway. Therefore, a tables and chairs licence will not be required.

The proposed seating area is located off the adopted highway and therefore there is no impact on the width of the adopted highway. A footway clearance of 2m is retained from the back of the seating area to the kerbside. This is considered sufficient to accommodate pedestrian demands in this location. All furniture is to be stored internally within the premises outside of operational hours. This is considered appropriate in preventing unnecessary obstruction of the adjacent highway.

Therefore, Highways would suggest that the seating area and associated structure and therefore headroom clearance is acceptable.

Policies

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:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF 2012, amended in 2021):

- Chapter 12 - Creating well-designed places

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



Issues

Principle – Installing a platform, metal frame and fabric panels to provide an improved weather-proof outdoor seating area for an existing restaurant is acceptable in principle, particularly given the location within an established parade in a district centre, however consideration must be given to the proposal's siting, scale and design and its impact upon visual amenity of the street scene and the residential amenity of nearby occupants.

Siting, scale and massing – The footprint and height of the new seating area, adjacent to the northern elevation, is very similar to the approved canopies from the original application, however, although the sides and roof are still retractable, the platform and frame are permanent. The platform/decking is 0.15m high, with a 1m high balustrade along its length and a canopy with a minimum height of 2.3m and a maximum height of 3m. The footprint occupies the space between the northern windows and door, and the edge of the adopted highway, with a width of 2.8m and a depth of 14m. The principle of a covered outdoor seating area had already been established and permitted by the previous approval and the overall dimensions are similar, hence the siting, scale and massing of the proposal is considered appropriate, in line with policies DM1 and SP1.

Appearance and visual amenity – The external seating area is constructed of a raised timber deck with timber steps to the front, a dark grey aluminium frame and balustrade and green and cream retractable fabric sides and roof. Aside from the incorporation of the speed sign and lamppost into the decking, the development is visually relatively tidy and sturdy looking, with acceptable massing, which is not dissimilar to other external seating areas within Chorlton District Centre and the nearby Beech Road area. Compared to the dilapidated, vacant/bank use previously, this Silverwood Avenue elevation is now attractive and in-keeping with the Barlow Moor Road streetscene. The colours and materials are appropriate for the unit and the design is considered acceptable, pursuant to policies DM1 and SP1.

Residential amenity – Although no objections have been received from local residents, Environmental Health had concerns that the outdoor seating area might lead to noise

complaints from residents of Silverwood Avenue and the flats above this parade if not controlled by conditions. They recommended to not permitted music and amplified sound within the external area and one requiring a schedule of hours for the external area to be submitted and approved, see both attached below, which will protect nearby residents from excessively loud or late night noise and music and ensure the development does not pose a nuisance, pursuant to policy DM1.



Highway Safety – Highway Services did not object to the proposal but did raise a couple of concerns. The first being the headroom/clearance beneath the new retractable roof, generally which should be minimum 2.5m. This only gives a clearance of 2.3m at the eaves and 2.1m internally, however following additional information and photos, the Highways officer deemed this acceptable given the nature of the proposal and location on a side avenue, away from the cycle lane. Secondly they were concerned the road sign (20mph speed sign) which has been clumsily incorporated into the timber steps, would pose a risk to patrons entering or leaving via these steps due to the height, however the underside of the sign is shown as 2.27m high, with the platform 0.15m and the doorway into the area 2.3m, slightly lower than the sign itself, hence there is no risk to pedestrian safety. Highways also confirmed that the signage appears to be on the applicant's private land.

Conclusion – The proposal complies with the policies contained within the Core Strategy and received no objections, therefore the proposal is deemed acceptable by the City Council and development may remain, in accordance with the following conditions and approved drawings.

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/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, matters concerning noise and hours were discussed and appropriate conditions have been attached to the end of this report.

Condition(s) to be attached to decision for approval

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 revised drawings numbered '402/02 Rev D' and '402/03 Rev D', stamped as received by the City Council as Local Planning Authority, on the 6th September 2022.

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) Within 1 month of the date of this permission, a schedule of days and hours of operation for the use of the external seating area shall be submitted to and approved in writing by the City Council as Local Planning Authority. The external area shall be used in accordance with the approved details.

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.

4) No music or amplified sound shall be played within the outdoor seating area at any time.

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.

Informatives

- 1) All furniture is to be stored internally within the premises outside of operational hours. This is considered appropriate in preventing unnecessary obstruction of the adjacent highway.
- 2) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

6 Silverwood Avenue, Manchester, M21 8BN
3 Silverwood Avenue, Manchester, M21 8BN
Flat Rear Of, 428 Barlow Moor Road, Manchester, M21 8AD
Flat 2, 573A Barlow Moor Road, Manchester, M21 8AE
Flat 1, 573A Barlow Moor Road, Manchester, M21 8AE
Second Floor, 575 Barlow Moor Road, Manchester, M21 8AE
First Floor, 575 Barlow Moor Road, Manchester, M21 8AE
Kentoms Garage, Silverwood Avenue, Manchester, M21 8BN
430A Barlow Moor Road, Manchester, M21 8AD
Flat 1, 432 Barlow Moor Road, Manchester, M21 8AD
Flat 2, 5 Silverwood Avenue, Manchester, M21 8BN
430 Barlow Moor Road, Manchester, M21 8AD
426A Barlow Moor Road, Manchester, M21 8AD
Flat 1, 5 Silverwood Avenue, Manchester, M21 8BN
Flat 2, 432 Barlow Moor Road, Manchester, M21 8AD
Flat 3, 5 Silverwood Avenue, Manchester, M21 8BN
426 Barlow Moor Road, Manchester, M21 8AD
432 Barlow Moor Road, Manchester, M21 8AD
428 Barlow Moor Road, Manchester, M21 8AD
424 Barlow Moor Road, Manchester, M21 8AD
575 Barlow Moor Road, Manchester, M21 8AE
579 - 581 Barlow Moor Road, Manchester, M21 8AE
4 Silverwood Avenue, Manchester, M21 8BN
577A Barlow Moor Road, Manchester, M21 8AE
424A Barlow Moor Road, Manchester, M21 8AD

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)
Susceptible to Surf Water Flood (Middle)
Area Team Boundary - Name: SOUTH AREA