

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133521/FO/2022

Date registered valid: 8 June 2022

Proposal: Change of use of first floor to kitchen and prep room together with the installation of rear fire escape.

Address: 56 Beech Road, Manchester, M21 9EG

Ward(s): Chorlton Ward

Applicant: Mr Juan Jose Martineze Ibanez, Bar San Juan, 56 Beech Road, Manchester, M21 9EG

Agent (if any): Mr John Cummins, MTPC, My Town Planning Consultancy, 9 Astley Hall Drive, Bury, BL0 9DF

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 October 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: July 2022

Standard consultations:

Printed: 14 June 2022 Expired: 5 July 2022

Neighbour notifications

Printed: 31 August 2022 Expired: 14 September 2022

Site notice

Posted: 13 July 2022 Expired: 3 August 2022

Press advert

Published: 21 June 2022 Expired: 12 July 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The property that is the subject of this application is identified as 56 Beech Road in the Chorlton ward of the City. It is a brick built 2 storey terraced property with a third floor within the roof space. To the rear is a three- storey original outrigger. The ground floor is occupied by an established Tapas bar, and the first floor is occupied by a 1 bedroom flat. The first- floor flat is accessed via a fire escape to the rear. The flat has one bedroom and one two store/box rooms, as well as a bathroom, lounge and kitchen, spread over the first floor and in the loft space. There is a yard area to the rear of the property which is accessed down a side alleyway that runs between the terraces. The waste management has three bins for glass is stored within the rear yard with the remainder of the waste disposed of in the large communal Euro bins which are a shared facility and are stored within the rear alleyway

Listed building: Not applicable

Conservation area: Wilbraham Road/Edge Lane (Extension) Conservation Area 2007

Tree Preservation Order: Not applicable

Description of area

The area is predominantly commercial / retail comprising of many small independent traders. The side roads off Beech Road are primarily residential in nature. The property is located within the Edge Lane/ Wilbraham Road Conservation area

Description of development

The submission was originally for a change of use of the first floor from a residential flat to additional restaurant seating area, however that changed and the proposal now under consideration is for the change of use from a first floor flat to a new kitchen prep area to serve the tapas bar to the ground floor. The fire escape will be reconfigured and there will be a new internal staircase constructed to internally access the first floor. This will also access the loft space which will be used for office/ storage space in association with the ground floor restaurant. Two toilets will be constructed beneath the reconfigured fire escape these will be

within a single storey flat roof extension that would be in matching brickwork and sit underneath the reconfigured fire escape. There are currently two flues that serve the property, one of these will be adapted and relocated to serve the new kitchen. In the front elevation overlooking Beech Road to the first floor there is a UPVC double glazed window. It is proposed to replace this with a timber sash window within the same opening.

Consultations & Notification Responses

Local residents/ businesses were informed- no representations have been received.

Environmental Health- No objections subject to the attachment of conditions relating to noise, fumes and

Highways-No comments received (highways not impacted by change to kitchen rather than restaurant)

Chorlton Voice-No representations received.

Issues

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 saved policies are still considered of relevance:

- Policy DC18 - Conservation Areas

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

- Policy EN3 - Heritage

The National Planning Policy Framework (NPPF, 2021):

- Chapter 12 - Creating well-designed places

- Chapter 16 - Conserving and enhancing the historic environment

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

Principle - The principle of creating an improved kitchen and prep area for an existing restaurant / bar is considered acceptable in principle, as is the reconfiguration of the external yard area and WC provision, particularly given the location within an established commercial parade close to a district centre, however consideration must be given to the proposal's siting, scale and design and its impact upon visual amenity, the character of the conservation area and the residential amenity of nearby occupants. The changes are internal, with small changes being made within the external yard in the form of the reconfigured fire escape and the creation of the two toilets beneath.

Siting, scale and massing - The external fire escape would be in the rear yard as is the current situation. The single storey building that will form the two toilets would sit beneath. The existing flue will be adapted and re-positioned. The siting and scale are considered acceptable, with the majority of the works being internal to the yard area they would be hidden behind the high brick- built boundary wall.

The works are sited appropriately within the curtilage, and the siting, scale and massing of the proposal is considered appropriate, in line with policies DM1 and SP1.

Appearance and impact upon conservation area - The flues already exist and if anything, now that one of the flues is to serve the first floor, there would be less of the relocated flue on view as it is to be shortened. There is a window being replaced on the front elevation, however this would be aesthetically an improvement as the current window is a modern 50/50 split UPVC window. It is to be replaced with an authentic timber sash window which is more sympathetic to the property and the conservation area within which it is located.

The remainder of the works proposed which are in the rear yard area are not highly visible from within the street scene, only being viewed from the rear alleyway or within the private yard itself, and it is not considered to significantly harm the visual amenity of the building, nor the wider street scene given the relatively low height and simple design and matching materials. Instead, particularly given the installation of the sash window would arguably improve the appearance of the existing building and the visual amenity of the parade as a whole, pursuant to policies DM1 and SP1. Therefore, on balance the development is considered to cause less than substantial harm to this designated heritage asset, pursuant to saved policy DC18, Core Strategy policy EN3 and chapter 16 of the NPPF.

Noise and hours - The proposal would only be to improve the existing offer, and subject to a robust insulation scheme (which is to be covered by condition) the use is not likely to exacerbate the existing situation. Environmental Health requested that conditions be attached to protect residential amenity, including a noise condition, Fumes, construction hours and waste management. These conditions are proposed to limit any potential disamenity to nearby residents. On balance, the proposal is considered acceptable in terms of its impact upon residential amenity.

Waste Management- A scheme submitted with the application has been assessed which will see the glass storage within the rear yard, and communal waste storage within the rear alleyway. This is collected by a private contractor. It is considered that the Waste Management Strategy is considered acceptable and a condition requiring its implementation has been attached to any consent granted.

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. The application has been determined in accordance with both national and local policies.

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:

002C-Proposed Ground Floor Layout received 6th June 2022

002.1C- Proposed First Floor Layout received 6th June 2022

002.2C- Proposed Second Floor Layout received 6th June 2022

006C- Proposed Front and Rear Elevation received 6th June 2022

006.2C Proposed Section Through received 6th June 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) The materials to be used on the external surfaces of the extensions hereby permitted shall match those of the existing building in type, size, colour and texture, including the mortar and patching in.

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy, and the requirements of the National Planning Policy Framework.

4) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) a) Notwithstanding the detail in the Hepworth Acoustic report prior to the use hereby approved becoming operational, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) a) Any Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the use hereby approved commencing a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) The details of the approved waste Management strategy submitted 6th June 2022 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

8) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm
- Sunday / Bank holidays: No work

9) Prior to the use hereby approved becoming operational, details of the hours of use of the first floor kitchen shall be submitted to and agreed in writing by the City Council as local planning authority, the agreed hours shall be adhered to so long as the use approved is operational.

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

65 Acres Road, Manchester, M21 9EB
67 Acres Road, Manchester, M21 9EB
44 Chequers Road, Manchester, M21 9DY
113A Beech Road, Manchester, M21 9EQ
First And Second Floors, 111 Beech Road, Manchester, M21 9EQ
58A Beech Road, Manchester, M21 9EG
54C Beech Road, Manchester, M21 9EG
54B Beech Road, Manchester, M21 9EG
113 Beech Road, Manchester, M21 9EQ
111 Beech Road, Manchester, M21 9EQ
58 Beech Road, Manchester, M21 9EG
54 Beech Road, Manchester, M21 9EG
56A Beech Road, Manchester, M21 9EG
54A Beech Road, Manchester, M21 9EG

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 - Wilbraham Road/Edge Lane (Extension) Conservation Area 2007
Area Team Boundary - Name: SOUTH