

Application Number	Date of Appln	Committee Date	Ward
109606/FO/2015/S1	14th Aug 2015	2nd Jun 2016	Chorlton Ward

Proposal Installation of 1no. air input and 1no. extract grille to side elevations, 1no. mechanical extract fan to side and 3no. 300mmsq high level ventilation extraction grilles to side and rear, together with replacement of existing rear door with new triple glazed double doors and glazing to either side of the doors

Location 135 Beech Road, Chorlton, Manchester, M21 9EQ

Applicant Mr Tim Wass , Spirit Pub Company, Sunrise House, Ninth Avenue, Burton Upon Trent, DE14 3JZ,

Agent Miss Vicky Davies, Fusion by Design, Rodley House, Coal Hill Lane, Leeds, LS13 1DJ,

Description

This application site relates to an historic public house (Class A4), located on the southern side of Beech Road. The property, which contains an existing beer garden to the rear is situated within a stretch of commercial premises, containing a variety of small-scale commercial uses, including a restaurant next door (Mish Mash) and a café/restaurant (Chorlton Green Brasserie). To the rear of the site, on Stanley Grove there are residential properties.



The site is situated towards the western edge of the Beech Road Local Centre, and within the Chorlton Green Conservation Area. The surrounding area is mixed use in nature comprising a variety of small-scale commercial activities with a number of night-time uses. The side roads off Beech Road, including properties to the rear of the application site are largely residential in character.

To the rear, it is proposed to install an extraction flue and to the side towards the rear it is proposed to install a small extraction unit and 2no. condensing units. The condensing units would be screened within the proposed bin store towards the rear of the side. These works are proposed in order to facilitate internal changes to the building to allow the provision of a new kitchen in order for the public house to provide cooked food for customers. These internal works do not in themselves require planning permission.

Consultations

The application has been advertised as affecting the character of a conservation area in the form of a site notice and an advertisement in the Manchester Evening News.

Member for Chorlton Cllr Sheila Newman – Has submitted an objection to the planning application.

The plans are for an extended kitchen in the pub, moving the toilets upstairs and providing extra flues and fans to enable this to happen. There are also new rear doors from the pub into the beer garden.

I believe these proposed changes will change the nature of the pub and increase its focus on serving food. It is therefore likely that more customers will be sitting out in the beer garden, which will have a negative impact on local residents particularly those who reside in Stanley Grove.

Stanley a Grove is a quiet residential cul de sac, which is just over the other side of the wall of the Trevor Arms beer garden.

The resident at the far end of the cul de sac main wall is about two metres from the main wall of the Trevor Arms. Increased use of the beer garden will make it very difficult for residents to enjoy their home and garden. Late night noise from patrons in the beer garden will make it difficult for residents to sleep. They are likely to be disturbed by noise from the fans, which are like a constant humming noise.

If patrons at the Trevor are enjoying a meal, as well as food they are likely to linger longer and stay later creating more noise and disturbance.

The changes may only seem minor but could have a big negative impact on a small group of nearby neighbours, behind the pub who may be overlooked.

Kitchens are usually very hot so the rear doors are likely to be left open creating further noise from the kitchen. Can a condition be added that does should be kept closed except for access and egress.

Please take this into account before any decisions are made. I hope these plans will go to Committee and not just be decided by delegated powers.

Local Residents - Six letters from four local residents have been received their comments are as follows:

- Residents already experience noise disamenity from a neighbouring restaurant and their extractor fans;
- Concerns from odour and smells from the cooking on the premises;
- Concerned that live music may become a feature of the premises, further increasing noise disruption;
- Requests that given the systems that are being put in place to reduce noise and odour require regular servicing, that the premises license has a requirement/term added to it that the ventilation and extraction systems (including odour control) are maintained and serviced as recommended by the supplier with evidence submitted to the licensing authority, which is similarly used on other licenses granted in Chorlton;
- An adjacent property has its gable wall directly abutting the beer garden of the Trevor Arms and is therefore, directly affected. In addition there are concerns about items being stored close to and against the gable wall;
- Requests are made to control certain aspects of the development through conditions including: that the playing or relaying of music of any type should be prohibited; that the outdoor dining area be enjoyed as a generally quiet area; that the rear door to the indoor area to be kept closed at all times when there is any event (TV, a match, music, quiz etc) taking place indoors; that customers be asked, possibly through polite individual notices on each table, to keep their voices down and respect the homes and the privacy of residents; that last orders for meals to be taken and complete by 8pm; the yard should be cleared by 10.30pm; bottles and cans etc should not be cleared into bins beyond 10:30pm;
- That triple glazing should be installed to replace inadequate window separating inner from outer dining area, to provide better insulation against noise escape and heat loss;

Correspondence has also been received that indicates that the amended plans and supporting documentation which the developer has re-submitted are much more preferable than the last set of plans and addresses concerns raised.

Strategic Area and Citywide Support - Environmental Health - have reviewed the submitted report: Acoustic Consultancy Report, ref 75464/3/1/4, External Plant Assessment for the Trevor Arms, prepared by LCP, and can advise that the proposed plant machinery is acceptable if installed in accordance with the report design.

It is understood that the use of the property and external areas are historic uses that are not subject of planning control therefore, whilst there are concerns with the use of the external area Environmental Health understand that there are existing Premises Licence conditions in place that provide controls with respect to the use of the external areas.

Chorlton Civic Society - No comments received

Beech Road Traders - No comments received

Policies

National Planning Policy Framework

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a presumption in favour of sustainable development. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

As set out in the remainder of this report the proposals are considered to comply with the Manchester Core Strategy and is sustainable development and therefore complies with the National Planning Policy Framework.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- o creating well designed places,
- o making a positive contribution to health, safety and well-being,
- o considering the needs of all members of the community, and
- o protecting and enhancing the built and natural environment.

Policy EN3 - states that throughout the City, the Council will encourage development that compliments and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including conservation areas.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development including road safety and traffic generation. Consideration will also be given to the appropriateness of the site layout, scale form, massing and materials.

Policy C10 states that new development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. Cumulative impact - in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
2. Residential amenity - the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also:

- o The existing number of similar establishments in the immediate area and their proximity to each other;
- o The type and characteristics of other uses, such as housing, shops and public houses;
- o The existence of vacant shop units and the condition of the unit;
- o The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- o The character of the centre and its frontage, and the nature of the use proposed;
- o The potential impacts of the proposal on the wider community; and
- o Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

As set out within this report the proposal is considered to accord with the policies of the Core Strategy and will provide a use that compliments the current mix of uses within the Local Centre.

Unitary Development Plan for the City of Manchester (Saved Policies)

The below saved policies of the Unitary Development Plan are considered relevant:

Policy DC10 (Food and Drink Uses) states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, the Council will have regard to, in this instance:

- o The general location of the proposed development.
- o The effect on the amenity of neighbouring residents.
- o The availability of safe and convenient car parking
- o Access for all

- o The storage and collection of refuse.

As set out within the issues section of this report the proposal is considered to be acceptable in this location and accords with policy DC10.

Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted

This matter is considered in more detail within the issues section of this report but given this is a long standing existing use of the premises, within a busy local centre the proposal is not considered to give rise to unacceptable impacts in terms of noise generation.

Issues

Principle – The proposed development involves the creation of a commercial kitchen within the premises in order for the pub to be able to provide hot food. However, as the existing use of the property and its external areas is as a Class A4 public house, and the provision of hot food would be ancillary to the main established use, planning permission is not required for this element. Planning permission is only required for the installation of the extraction systems and the elevational alterations.

Due to the local centre location of the premises along a commercial frontage containing other similar uses, the principle of installing an extraction system and elevational alterations is considered to be acceptable and broadly compliant with the principal overarching policy contained within saved policy DC10 of the Unitary Development Plan and C10 of the Core Strategy. These policies consider the impact of food and drink uses and seek to support proposals that contribute to the vitality of centres, in particular those that contribute to the evening economy. The impacts on residential amenity need to be assessed and are set out below. Notwithstanding this, as the property is located within the Chorlton Green Conservation Area, due consideration must also be given to the proposals possible impacts upon the character of the conservation area.

Residential Amenity - There are residential properties located directly to the rear of the premises on Stanley Grove, it is believed that the proposed development would not cause any undue impact upon the amenity levels currently enjoyed by occupants and that any impact from the proposed extraction systems can be mitigated by the implementation of the measures proposed within the submitted acoustic report.

In terms of using the beer garden, this does not require planning permission. The applicant's agent has indicated that there are no plans to increase the capacity of the beer garden and by revising the layout of the rear yard the beer garden would be somewhat reduced in size.



Rear Of Trevor Arms and gable wall of No. 19 Stanley Grove

The application property is located within a local centre. Environmental Health have assessed the applicants submitted acoustic information and technical details for the extraction systems to be installed. They have confirmed that the proposed system is acceptable to mitigate against noise and odour generated by the internal kitchen facilities. Although there are residential properties to the rear of the site, it is believed that activities associated with the application property would be concentrated along the Beech Road frontage and are unlikely to exacerbate existing conditions to such a degree that there would be a significant impact upon residential amenity.

In light of the above and given the context of the site it is believed that measures proposed and the use of planning conditions would prevent any significant, adverse impact upon residential amenity. On balance, it is considered that the amenity of residents would not be so adversely affected as to warrant refusal in this location, therefore complying with policies DM1, and C10 of the Core Strategy and saved policies DC10 and DC26 of the UDP.

Visual Amenity/Impact upon Conservation Area - Due consideration must be given to the impact of the proposal upon the character of the Chorlton Green Conservation Area. Following concerns raised regarding the original design of the proposed flue, the applicant has amended the extraction system to provide a system which would be much more efficient in terms of noise emissions and would be housed more internally and therefore, have very little visibility external to the building.

The proposed elevational alterations to the rear are considered to be appropriate in terms of design and choice of materials. It is considered that the amended proposals would not have an unacceptable impact on the Conservation Area.

Noise and Odour – After careful consideration of all the documentation provided to support the application, Environmental Health have indicated their satisfaction with the proposed extraction systems provided they are installed in accordance with the acoustic reports design.

In addition given concerns raised by ward members and residents, the applicant has agreed to install triple glazed doors with sidelights to the rear of the premises in order to reduce the outbreak of noise from within the premises.

A majority of concerns raised by local residents relate to the use of the existing external beer garden. The use of the beer garden is an historic one that predates planning controls. As such it would be unreasonable to attach planning conditions prohibiting the use of the beer garden in this instance as this is a long standing lawful use, however, members of Committee should be aware that there are a number of suitably worded conditions attached to the premises license for the public house that specifically deal with a number of the concerns raised by residents; these conditions state:

‘Additional patrols shall take place by members of staff, internally and externally, to limit any noise pollution when regulated entertainment is taking place’; and ‘Notices shall be prominently displayed asking customers to respect residents of any neighbouring properties when leaving the premises’. Furthermore, there are conditions attached to the premises license also stating that windows and doors are to remain closed during licensable activities, and signs are put outside requesting patrons to respect neighbours and moderate their language.

In order to ensure the correct installation of the proposed extraction system a suitably worded condition is proposed to be attached to any approval.

Conclusion - The proposed development will make a positive impact within the conservation area and local centre and is not considered to give rise to unacceptable impacts in terms of residential amenity or visual amenity of the area. The proposals therefore accord with the principles of Core Strategy policies C10, EN3 and DM1.

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 the right to a fair hearing and to this end the Committee 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 polices of the Unitary Development Plan, the Head 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 approval of the application is proportionate to the wider

benefits of approval 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. In this instance changes have been made to the proposed fume extraction systems and proposed elevational alterations.

Conditions to be attached to the decision

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:
revised drawings numbered 3009-PL02 rev D received by email 21st December 2015.

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 elevational alterations hereby permitted shall match those of the existing building in type, size, colour and texture.

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 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the submitted scheme as detailed in the 'Ventilation package' received by email 22nd October 2015 and additional design calculation sheet received by email 7th January 2016, before the use commences; any works approved shall be implemented before the use commences and be retained thereafter whilst the use is in operation. .

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

5) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance

with the submitted scheme as detailed in the report by Lee Cunnigham Partnership 'Acoustic Consultancy Report' 75464/3/14 dated 29th March 2016, in order to secure a reduction in the level of noise emanating from the equipment. The scheme shall achieve a noise level of 5db below the existing background (LA90) in each octave band at the nearest noise sensitive location. The approved acoustic insulation scheme shall be retained thereafter whilst the use is in operation.

Reason - In order to ensure that when the use commences the property is adequately acoustically insulated in order to safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 109606/FO/2015/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

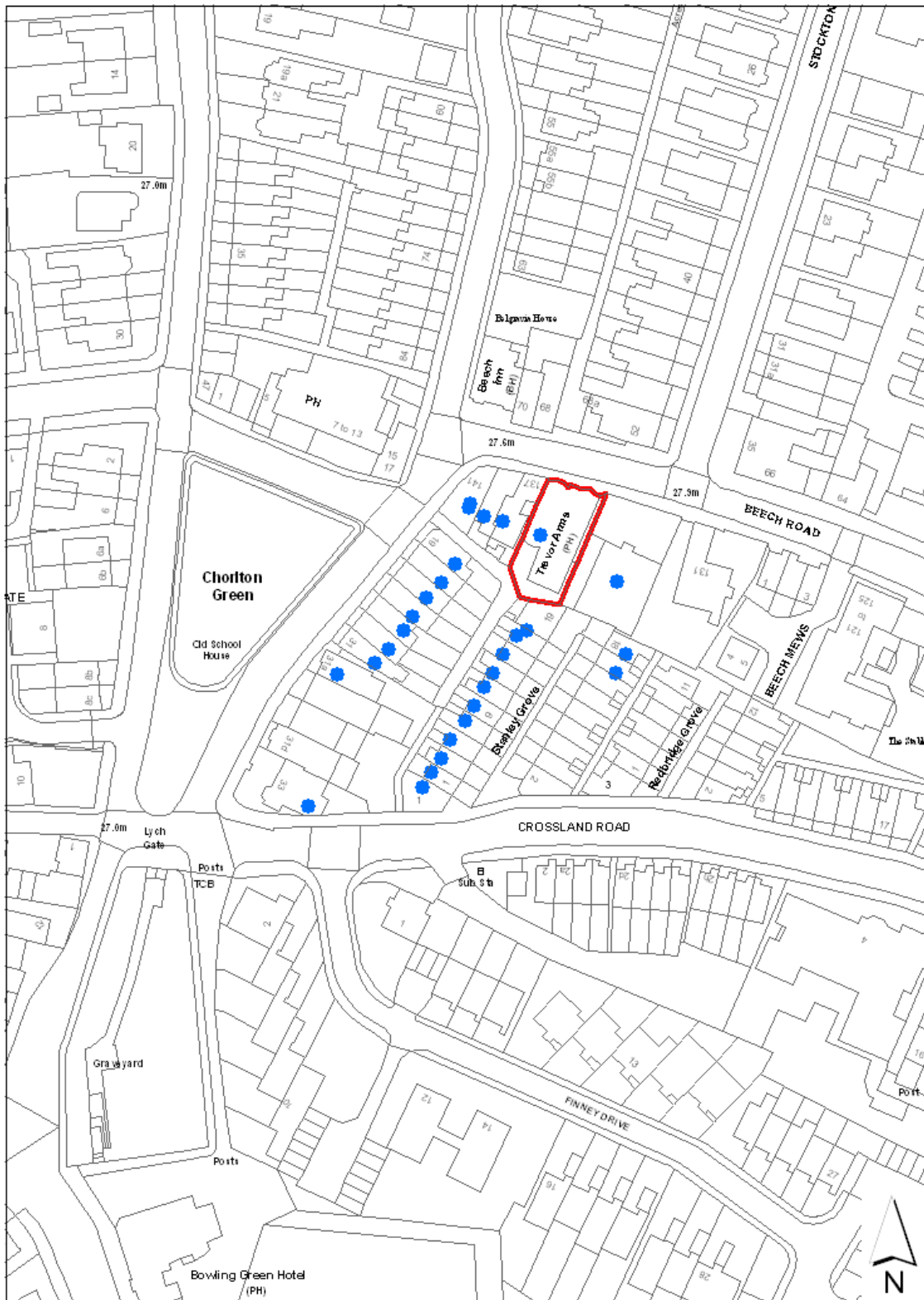
Environmental Health
Chorlton Civic Society
Beech Road Traders
Environmental Health
Chorlton Civic Society
Beech Road Traders
Environmental Health
Chorlton Civic Society
Beech Road Traders
Chorlton Civic Society

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

23 Chorlton Green, Manchester, M21 9FQ
19 Stanley Grove, Manchester, M21 9DT
18 Stanley Grove, Manchester, M21 9DT
16 Stanley Grove, Manchester, M21 9DT

Relevant Contact Officer : Melanie Tann
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Email : m.tann@manchester.gov.uk



 Application site boundary  Neighbour notification
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