

Application Number	Date of Appln	Committee Date	Ward
114416/FO/2016	23 rd Nov 2016	9 th Mar 2017	Didsbury West

Proposal Erection of single-storey timber building to form bar servery and pizza kitchen under the existing pergola.

Location The Woodstock, 139 Barlow Moor Road, Manchester, M20 2DY

Applicant Mitchells & Butlers , 27 Fleet Street, Birmingham, B3 1JP,

Agent Mr Mac McCarty, McCarty Associates, The Granary, Bishton Lane, Tidenham, Chepstow, NP16 7LG,

Description

The Woodstock (139 Barlow Moor Road) is a large 2 storey detached property dating from the late 19th Century. Originally built as a house, it was then occupied by the British Council and used as offices before it was converted into a public house. The Woodstock is a Grade II listed building. Trees within the site are covered by a Tree Preservation Order.

To the front (north) of the building there is a small car parking area and beyond that a mature landscaped boundary running along the Barlow Moor Road frontage. On the opposite side of Barlow Moor Road there are residential properties which are located within the Albert Park Conservation Area. To the south of the building is the larger car parking area and beyond that a row of mature trees and then the residential developments of Tall Trees and Langham Court. To the west of the site lies no. 139a Barlow Moor Road, a day nursery, operated by Kids Unlimited. To the east of the building there is an external drinking/eating area which consists of a mix of hardsurfaced and lawned areas. The hardsurfaced area is occupied by a 4 metres by 13 metres wooden pergola (consented in 2007, ref. 084367/FO/2007/S2) under which there is additional seating and an external BBQ facility and a range of seats and tables. Beyond the lawned area is a mature landscaped boundary running along the Mersey Road frontage, on the opposite side of Mersey Road there are office and residential properties.

The applicants are proposing to erect a single storey timber building underneath a section of the existing pergola to form an external bar area and pizza kitchen. The proposed timber building is shown below, while overleaf its position is annotated by the red X on the photograph.

- Local residents already suffer from the aforementioned establishment's clientele with unruly behaviour, broken bottles on the Mersey Road. Further expansion of their operations will inevitably increase such acts to an intolerable level and adversely affect the quality of life for the neighbouring residents.
- There's already an issue with customers of Woodstock and Albert's parking in the 'safe' residential grounds of neighbouring properties. Customer voice/noise levels will increase with increased outdoor custom plus the noise of outdoor catering facilities/equipment that comes with it on a regular on-going basis would be relentlessly intrusive to residents in surrounding properties.
- The proposal would have a detrimental impact upon the character of the listed building.

One residents suggested that the applicants be asked to ensure all patrons are inside the pub after 11pm. A similar condition has been placed at the Fletcher Moss pub and they understand it is working well.

Ward Councillors – Letters of objection have been received from Cllrs Leech and Tuebler. Their comments are outlined below:

Councillor J. Leech – The proposal will lead to an intensification of use and the potential for further problems relating to traffic and parking. The Woodstock is listed, and the development will negatively impact the appearance of the listed building. The proposal will encourage additional outside activity, which is already a noise problem during nice weather and which has a negative impact on the amenity of nearby residents.

Councillor J. Tuebler – The proposal will lead to problems of noise and litter for local residents and there are concerns about the impact upon the existing trees.

Environmental Health – Have suggested the imposition of fume extraction and acoustic insulation conditions.

Neighbourhood Team Leader (Arboriculture) – Arboriculture have stated that as the proposed layout is annotated with “remove very small trees and trim back branches” a tree survey and specification of works will need to be submitted.

Greater Manchester Police (GMP) – GMP have raised concerns about the security of the log cabin and have stated that either no stock or cash is left in it overnight when not supervised by staff, or it should be constructed from solid masonry with Secure by Design compliant doors, windows and glazing +alarm.

They have also recommended that:

- Any new fittings should be certified by Secure by Design.
- The tables, chairs and temporary barriers should be removed and secured stored within a locked storage area no later than 11pm.
- The barriers, tables and chairs are removed and stored within the premises between the hours of closing.
- Chelsea clips should be added to the tables.

- Chairs should have rounded backs to deter customers from hanging bags on them.
- The seating area is managed in accordance with the Pavement Licence Management Plan July 2016; and, If, for good operational reasons – e.g. demonstrations in the vicinity where there is potential for disorder - Greater Manchester Police request that the tables and chairs are temporarily removed, that your client will agree to such a request

West Didsbury Residents Association – WDRA wish to object to this proposal on the following grounds:

- The proposal would constitute an intensification of existing permitted use of the grounds which would have a negative visual impact upon the setting of a listed building.
- Increase in customer numbers would generate additional site vehicle parking and manoeuvring.
- Additional and reconfigured lighting would be to the detriment of the welfare of birds and bats as detailed by Environmental Officer below.
- Documentation of site trees is inaccurate and incomplete (see Environmental Officer Report below).
- Proposed tree and bush removal would result in customers seeing, hearing and smelling more of the high levels of pollution from traffic along Barlow Moor Rd.
- The submitted plans have not annotated the trees correctly and several have been omitted. Any works to trees (including the attachments of signs and lighting) should be considered and appropriate reports submitted.

Policies

The National Planning Policy Framework (NPPF) – The NPPF was published on the 27th March 2012 and replaces and revokes a number of Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF constitutes guidance for local planning authorities and decision-makers both in drawing up plans and as a material consideration in determining planning applications. It does not change the statutory status of the development plan, i.e. the Core Strategy, as the starting point for decision making and it states further that development that accords with an up-to-date local plan, such as the Core Strategy, should be approved unless other material considerations indicate otherwise.

The NPPF states that the planning system must contribute to the achievement of sustainable development. Of relevance in this instance is Section 12 (*Conserving and enhancing the historic environment*).

Section 12, *Conserving and enhancing the historic environment* – Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with conservation.

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
- the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation. The more important the asset, the greater weight it should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to loss or loss of a grade II listed building, park or garden should be exceptional.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Finally, paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As the public house is listed, this is relevant to this application and the impact of the proposal in this regard is set out below.

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 EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

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 scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset. As already noted The Woodstock is listed and issues around heritage impact must be assessed.

DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant specific issues are detailed below:-

- 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.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.

Saved UDP Policies – Policy DC19 is considered of relevance in this instance:

Policy DC19, *Listed Buildings* – Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;

- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

The Planning (Listed Buildings and Conservation Areas) Act 1990 – , Section 16 (2) states *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 (1) of the Act sets out the authority’s general duty as respects listed buildings in exercise of planning functions:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest in which it possesses.”

For reasons to be outlined below, it is considered the proposal accords with these policies.

Issues

Principle of the Proposal – The Woodstock has an existing outdoor seating area which allows for food and drink to be both served and consumed. It is also noted that there is an external BBQ. Given the existing outside drinking and eating arrangements and that there is a structure already in-situ beneath which the new facility will be sited, the principle of the proposal is considered acceptable.

Notwithstanding this, the potential for the proposal and its future use to impact upon the levels of residential and visual amenity enjoyed within the vicinity of the site, as well as upon the character of this Grade II listed building and the nearby conservation area, must be considered fully.

Residential Amenity – The proposed bar servery and pizza kitchen would be sited on a part of the external drinking/eating area that is currently occupied by a BBQ cooking range and seats/tables. It is recognised that the proposal would introduce an external bar area and would replace one external cooking facility with another, it is not considered that this would lead to an undue increase in the number of customers visiting the site to use the external eating and drinking area.

In addition to this, as the proposal will be 39, 41 and 78 to 86 metres away from the residential developments of Woodsend, Tall Trees and Langham Court respectively,

it is not considered that activity in and around the bar/kitchen itself will have a detrimental impact upon the levels of residential amenity currently enjoyed by the occupants of that accommodation.

Notwithstanding the above, acoustic insulation and fume extraction conditions are recommended to be attached to any approval granted, along with an hours of use condition that, in line with the Premises License, requires these external facilities to close at 11.00pm.

Given the location of the proposal in relation to the surrounding apartment buildings and the imposition of the aforementioned conditions it is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed within the vicinity of the site.

Visual Amenity – Given the mature boundary landscaping that exists along the Mersey Road and Barlow Moor Road frontages, it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Design and Siting – The proposed bar servery and pizza kitchen will take the form of a wooden shed-like mono pitch structure. It is considered that this approach, rather than the use of masonry or some form of cladding material, will ensure that the proposal harmonises with the existing pergola structure and does not compete with the main Grade II listed building. Overall, the design of the proposal is considered acceptable.

Siting – The siting of the wooden building on the existing hardsurfacing and partially beneath the existing pergola limits the visual impact of the proposal and limits the site coverage of these external features/furniture. As such the siting of the proposal is considered acceptable.

Impact on the Listed Building – The proposed wooden building is to be located within the existing pergola, a structure which is detached from and located 6 metres away from The Woodstock. The relationship and choice of materials is such that it is not considered that the proposal would have a detrimental impact upon, or cause harm to, the character and fabric of this Grade II listed building.

Impact on the Character of the Adjoining Conservation Area – The proposal is sited over 40 metres away from the southern boundary of the Albert Park Conservation Area and separated from it by the public highway and a thick mature landscaped belt. Given this it is not considered that the proposal will have a detrimental impact upon the character of the Albert Park Conservation Area.

Impact on Trees – None of the trees within the site will be felled or pruned to facilitate the development.

Local residents have raised concerns about proposed works to trees as the submitted drawings did refer to general trees works within the site. However, those works do not form part of this application and are being considered separately under a TPO application (ref. 114997/TPO/2017).

Crime Reduction and Anti-social Activity – In response to GMP's concerns the applicant has confirmed that no cash will be kept in the proposed wooden structure overnight. GMP's other recommendations will be attached to any approval granted as informatives.

In respect of anti-social activity associated with the proposal, particular late at night, it should be noted that the recent variation to the Premises Licence (granted 10th January 2017) included 10 conditions attached by the Licensing Authority which are designed to protect amenity. Of relevance in this case are the following 5 conditions:

- Beer garden shall not to be used after 2320 hours.
- Notices shall be displayed all exits asking patrons to leave quietly.
- No external speakers
- Supply of alcohol (in the outside area only) to terminate at 22:45hrs each day.
- Supply of Late Night Refreshment (in the outside area only) to terminate at 23:00hrs each day.

It is considered that these Licensing conditions will ensure the impact of the proposed bar and pizza servery will minimised.

Waste Management – The applicants have confirmed that any waste generated by the proposal would be stored within the existing segregated waste storage facility located in the rear compound. The number and type of bins is detailed below:

- 2 x 1,100ltr wheelie bin for general waste.
- 3 x 1,100ltr wheelie bin for dry mix recycling.
- 4 x 240ltr wheelie bin for food waste.
- 9 x 240ltr wheelie bin for glass.

The disposal of the waste is then undertaken by a commercial operator.

Ecology – The proposal does not raise any ecological concerns.

Drainage – The proposal does not raise any drainage concerns as it will be sited on what is a predominantly hardsurfaced area.

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 to resolve any problems arising in relation to dealing with the planning application.

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:

- a) Drawing no. WSD04, stamped as received on 7th November 2016
- b) Drawing no. WSD15 rev 4, stamped as received on 30th January 2017
- c) Drawing no. WSD16 rev 2, stamped as received on 7th November 2016
- d) Drawing no. WSD18, stamped as received on 7th November 2016

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) 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; any works approved shall be implemented before the use commences.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to Policy DM1 in the Core Strategy Development Plan Document for Manchester

4) 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. 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.

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 Policy DM1 in the Core Strategy Development Plan Document for Manchester.

5) The development hereby approved shall not be used outside the hours of 10.00am to 11.00pm.

Reason - In the interests of residential amenity, pursuant to Policy DM1 in the Core Strategy Development Plan Document for Manchester.

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: 114416/FO/2016 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:

Greater Manchester Police
West Didsbury Residents Association


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:

Councillor J. Tuebler
Councillor J. Leech
Greater Manchester Police
West Didsbury Residents Association
Flat nos. 1, 7, 10, 14, 15, 21, 24, 27, 69 Langham Court, Mersey Road, Manchester, M20 2 PX
Flat nos. 6, 12, 22, 27 Ravenswood, 1 Spath Road, Didsbury, Manchester, M20 2GA
Flat no. 6, Woods End, 135A Barlow Moor Road, Didsbury, Manchester, M20 2PW
Flat nos. 2, 29, Tall Trees, 8 Mersey Road, Manchester, M20 2PE

Relevant Contact Officer : David Lawless
Telephone number : 0161 234 4543
Email : d.lawless@manchester.gov.uk



 Application site boundary  Neighbour notification
© Crown copyright and database rights 2017. Ordnance Survey 100019568