

| <b>Application Number</b> | <b>Date of Appln</b> | <b>Committee Date</b> | <b>Ward</b>   |
|---------------------------|----------------------|-----------------------|---------------|
| 115766/FO/2017            | 28th Mar 2017        | 29th Jun 2017         | Chorlton Ward |

**Proposal** Change of use from shop (Class A1) to a cafe (Class A3) including external seating area to front and installation of flue to rear

**Location** 97 Beech Road, Manchester, M21 9EQ

**Applicant** Mr Goldring, 83 Ivygreen Road, Manchester, M21 9FJ

**Agent** Claudia Gilbert, Creative Planning, First Floor, 12 Hilton Street, Manchester, M1 1JF,

## **Description**

This application relates to the ground floor of a two-storey, mid-terrace property on the south side of Beech Road, within the Chorlton Green Conservation Area. The ground floor is currently vacant but was previously a shop. There is a small, sloped forecourt in front of the property and a small rear yard opening on to an alley way to the rear. The application site is located within the Beech Road local centre and the frontage uses to Beech Road are a mix of shops, cafes and bars. The properties directly adjacent to the application site are Chorlton Bakery and the Lead Station café bar. Away from the main road frontage, properties are mainly residential and there is a terrace of two-storey houses backing on to the alley way to the rear of the site. The proposal involves the change of use of the ground floor to a café (A3) with an external seating area to the forecourt. No shopfront alterations are proposed

## **Consultations**

Local Residents – Two objections have been received. They have raised issues of:

- Additional noise due to customer activity, mechanical extraction, disposal of glass and deliveries which would cause residential disamenity;
- The flue would be an eyesore;
- The opening and closing hours would have an adverse impact on residential amenity due to anti-social behaviour associated with such uses;
- Parking and traffic congestion is already a problem in the area;
- The area already has sufficient places to eat and drink, including with outdoor seating areas.

Three letters of support have been received. They say that the proposal will be a welcome addition to the local centre, serving a need that is not currently met due to the provision of power points, internet and earlier opening times.

## Highways Services

- The site is well located in terms of transport and is situated within a local shopping centre and is within a ten minute walk to Chorlton District Centre.
- There is no parking provision with this development. Given the availability of on-street parking and the location of the site, this is accepted in principle.

- It is noted there is no cycle storage proposed within the property boundary. It is recommended that 100% cycle stand provision is offered to encourage sustainable modes of transport.
- If the outdoor tables and chairs are not to be fixed, they will need to be removed at the end of the day and stored indoors.
- Information on deliveries has been noted and accepted.

#### Environmental Health

- Hours of operation should be restricted to 8.00am to 11.30pm Monday to Saturday and 10.00am to 11.00 pm on Sundays and 10.00am to 11.30pm on Bank Holidays.
- The up-dated acoustic report is acceptable so long as only background music is played
- The waste storage and disposal information is acceptable.
- There is a drawing of the proposed flue, but further details of the level of control are required, therefore a condition is requested
- Deliveries should be restricted to 7.30am to 8.00pm Monday to Saturday
- The external areas within the application site should only be used in accordance with a schedule of days and hours of operation submitted to and approved by the Council and this shall not allow for the use of amplified sound or any music in the external areas at any time
- External plant should achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location and confirmation that the limits can be achieved shall be submitted for approval

Greater Manchester Police – have advised the applicant of recommendations for improved security in relation to outdoor seating, lighting, CCTV and management.

#### Publicity

The proposal was advertised in the press and on site as affecting the setting of a conservation area.

### **Policy**

#### **National Planning Policy Framework**

The National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development

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

**Policy DM1** (Development Management) - seeks to ensure that new development contributes to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities and particularly by contributing to neighbourhoods of choice. This policy also seeks to protect the amenity of an area from the adverse impacts of development.

**Policy C10** (Leisure and the Evening Economy) - This policy promotes support of the evening and night-time economy. Special regard needs to be paid to the cumulative impact of development, the effects on residential amenity and how developments maintain a balance of uses which maintain a Centre's vitality and viability.

**Policy T2** (Transport) - The Council will actively manage the pattern of development to ensure that new development is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and education opportunities.

**Saved UDP Policies DC10.1 to DC10.4** set out the considerations to be made when assessing proposals for food and drink uses.

**DC10.1** states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises (whether or not other activities, such as a nightclub, are included), the Council will have regard to:

- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;
- b. the effect on the amenity of neighbouring residents;
- c. the availability of safe and convenient arrangements for car parking and servicing;
- d. ease of access for all, including disabled people; and
- e. the storage and collection of refuse and litter.

**DC10.2** states that the Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

**DC10.3** states that development will not normally be permitted where:

- a. it is proposed outside the general locations mentioned above, or

- b. there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

**DC10.4** states that where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle; conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, storage of refuse and the collection of litter.

**Saved UDP Policy DC26.1** – seeks to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both the effect of new development proposals which are likely to be generators of noise; and the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

### **Issues**

**Principle of use** - The property lies in a local shopping centre, and meets the locational criteria set by saved UDP policy DC10.2. The centre is characterised by a mix of shops and food and drink uses and the principle of a cafe use would generally be considered acceptable within such an area, subject to consideration of the issues below.

### **Vitality and viability of the local centre**

The application site is located within the Chorlton ward where this type of use has become increasingly popular over the last few years, particularly with regard to an increase in the independent A1 and A3 use offer, and it is recognised that there is a lively and vibrant independent day-time and night-time offer. The application site would trade as an independent cafe/restaurant with a maximum of 25 covers, (including the external seating area) open throughout the day. A recent survey of the uses on this stretch of Beech Road shows that 33% of the current businesses are operating as food and drink uses, including pubs, bars, cafes, restaurants and take-aways ( 30 units in non-food uses, 15 in food and drink). It is considered therefore that the proposed A3 use, which offers 41 sq m of additional A3 floorspace, would not result in a predominance of this type of use to the detriment of the character of the local centre, and the proposed hours of operation would not create an imbalance in relation to the day-time and night-time economies. Therefore the principle is also considered acceptable in relation to the criteria set out in Policy C10 of the Core Strategy.

### **Permitted development rights and changes of use**

Under recent changes to planning legislation, a change of use from Class A1 to Class A3 on units of less than 150 sq m is classed as permitted development, subject to an application for prior approval. In addition, a temporary change for a period of 2 years from an A1 to A3 on a unit of 150 sq m or less, requires notification only, not an application to the local planning authority.

The applicant's agent has now notified the Council that the applicant intends to exercise the right to carry out a temporary change of use from 30 June, but still wishes to pursue a permanent consent for the use.

**Residential amenity** - The site lies on a busy road and although the main parade is commercial, there are residential properties to the rear of the site on Crossland Road and at upper levels in the parade. Given this, the impact that the proposed A3 use may have on these occupiers needs to be fully considered. The applicant has submitted an acoustic assessment of the proposal and Environmental Health colleagues are satisfied that the information provided is satisfactory to safeguard nearby residences from noise breakout from the premises, subject to there being only background music played in the premises and no music or other amplified sound in the outdoor seating area. The use could result in an increase in comings and goings later in the evening than at present and there could be some disturbance associated with this. However, this is a relatively small unit and the drawings indicate a maximum of 25 covers and the layout of the site means that the activity would be concentrated at the front of the site, away from the properties on Crossland Road at the rear. A small outdoor seating area is proposed, and these are a common feature on this frontage. The applicant has stated that outside drinking will cease at 10.00pm. It is considered that the proposed use would not be more detrimental to nearby residents than other uses in the parade nor is the proposal likely to exacerbate existing conditions to such a degree that there would be a significant impact upon residential amenity. The imposition of conditions as recommended by the Environmental Health Officer, relating to noise and hours of operation, limiting the times the forecourt is used for outside seating and preventing playing of amplified music, should mitigate the impact of the development on those residents.

### **Disabled access**

The proposal will result in a more accessible unit. There is a gentle slope up to the entrance of the premises and the internal alterations will involve the provision of accessible toilet facilities.

### **Parking**

The application site is in a lively local centre, well located in relation to public transport opportunities. There is on-street parking available and it is considered that the addition of this one, small unit will not increase the demand for parking to such an extent that it would cause demonstrable harm. There is no provision for cycle storage within the scheme. It is a small unit with no space internally to accommodate cycle storage, and externally the space is also limited.

### **Waste**

Separate bin stores for the residential and commercial uses are shown on at the rear of the property and will include recycling and food waste bins. These can be placed in the alley way to the rear on collection days. The commercial waste will be collected under a commercial contract. Environmental Health colleagues have stated that this arrangement, along with the information provided in the waste management strategy is acceptable.

## **Deliveries**

Deliveries will be restricted to standard office hours during the day and will be made on Neale Road at the side of the bakery or via the rear alley way.

## **Flue**

A flue is proposed on the outrigger at the rear of the property. Given the layout of the application site and the adjoining property together with the proposed location of the flue, views of the flue would be limited and it is considered it would not have an adverse impact in the street scene.

## **Conclusion**

The recommendation is one of approval. The recommendation is made having balanced the benefits of the scheme against the impacts of the proposal. It is considered that any impact can be mitigated through the imposition of appropriate conditions.

**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 policies 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 of the application 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**

No significant issues arose during the processing of the application. The application has been determined in accordance with the policies within the Development Plan.

**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 following drawings and documents:

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 refuse storage arrangements set out in the Waste Management Strategy and indicated on the approved drawings shall be made available before the use hereby approved commences and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that there are adequate facilities for the storage of refuse pursuant to Core Strategy policies DM1 and SP1.

4) The premises shall not be open outside the following hours:

- 8.00am to 11.30pm Monday to Saturday,
- 10.00am to 11.00 pm on Sundays, and
- 10.00am to 11.30pm on Bank Holidays.

Reason - In interests of residential amenity, pursuant to Policies SP1 and DM1 of the Core Strategy.

5) No loading or unloading shall be carried out on the site outside the hours of Monday to Saturday 7.30 am to 8.00 pm  
No deliveries/waste collections etc on Sundays or Bank Holidays

Reason - In order to protect the amenity of local residents, pursuant to policies SP1 and DM1 of the Core Strategy.

6) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties, pursuant to Policies SP1 and DM1 of the Core Strategy.

7) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the Acoustic Survey carried out by Braiden Acoustics Ltd ref 10530 dated 14 March 2017.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy.

8) The use of external areas within the application site must be limited in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority, and shall not allow for the use of amplified sound or any music in these external areas at any time. Any chairs and tables shall be removed from the outside areas at the end of the agreed periods.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to Policies SP1 and DM1 of the Core Strategy.

9) 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. The scheme shall be implemented with the development and remain in situ for the life time of the use.

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 Policies SP1 and DM1 of the Core Strategy.

10) Prior to the first use of the development hereby approved, a management plan detailing the times for the disposal of glassware and drinks bottles into the external glass recycling bin shall be submitted to and be approved by the City Council as Local Planning Authority. Thereafter the disposal of glassware and drinks bottles shall only be undertaken in accordance with the approved management plan.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 of the Core Strategy.

11) Prior to the hereby approved extraction flue being installed a scheme to paint the flue to enhance its visual appearance shall be submitted and approved in writing by the City Council as local planning authority. The approved scheme shall be installed in full and remain in perpetuity.

Reason - In the interests of visual amenity 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: 115766/FO/2017 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:**



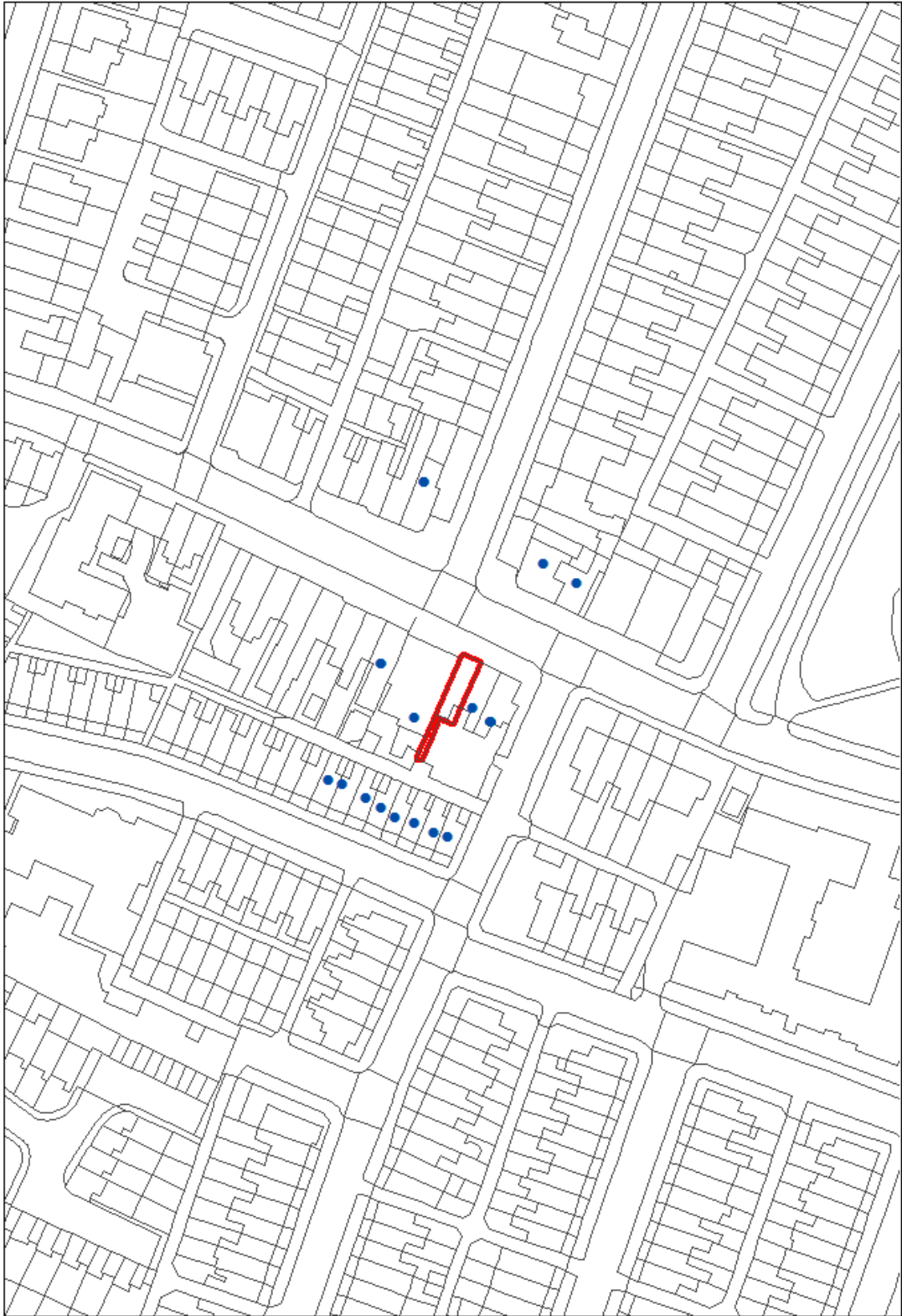
Highway Services  
Environmental Health  
Greater Manchester Police  
Beech Road Traders

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:**

67 Labrador Quay, Salford, M50 3YH  
53 Chequers Road, Chorlton cum Hardy, Manchester, M219DX

**Relevant Contact Officer :** Dave Morris  
**Telephone number :** 0161 600 7924  
**Email :** d.morris@manchester.gov.uk



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