

Application Number	Date of Appln	Committee Date	Ward
132530/FO/2021	20th Jan 2022	14 Apr 2022	Old Moat Ward

Proposal Change of use of ground floor from Hairdressing Salon to Bar/Restaurant (sui generis) together with single storey rear extension, installation of extraction flue and creation of external seating areas

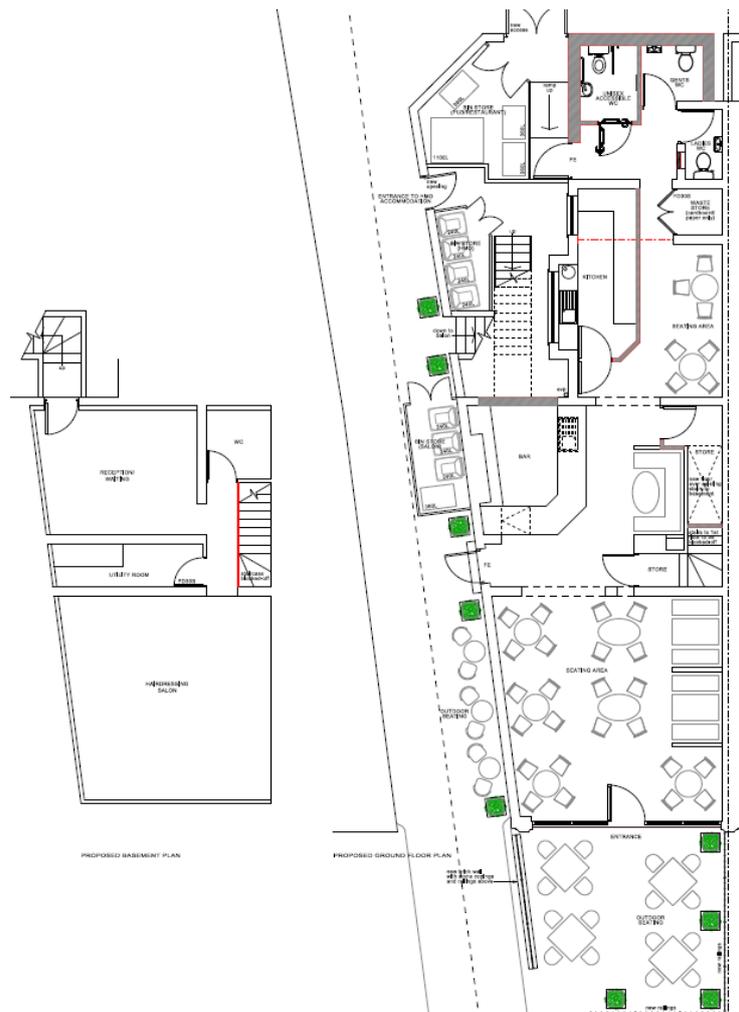
Location 320 Wilmslow Road, Manchester, M14 6XQ

Applicant Mrs Natalie Power, 12 Dene Hollow, Stockport, SK5 6XX,

Agent Mrs Suzanne Bratley, Bratley Architectural Ltd, PO Box 3870, Chester, CH1 9DQ

Executive Summary

The application is for a change of use of the ground floor of a long-established hair salon / barbers in the Fallowfield District Centre, to provide a bar-restaurant at ground floor with a reduced-scale salon in the basement. A 5-bedroom duplex residential flat above the property will be retained.



Proposed ground floor, basement and external areas layout

The proposed bar/restaurant provides 34no. covers internally and in two external seating areas. These offer a further 22no. covers. External seating is proposed in two locations; on the front forecourt which will be separated from the public footpath by a small brick wall with railings and planters, and on a section of unadopted alleyway alongside the site that is within the site edged red. A small (11.2m²) single storey rear extension is also proposed to accommodate a toilet block.

Access for the basement salon and flat is proposed via the unadopted alleyway and a new entrance in the rear yard. Segregated bin storage for the bar and residential flat will be taken from the rear yard. A new bin store for the salon is proposed in the side alleyway between the seating area and rear yard access.

There is no off-road parking associated with the site as at present, but it is well-served by public transport along Wilmslow Road.

The submission states that the application has arisen following a reduced demand for hairdressing / barbering services due to the number of barbers opening locally and following the Covid-19 pandemic. Details of the 2019 District Centre Survey data are included below, but a more recent survey found that there is still a predominant focus on restaurant (now Class E) and takeaway uses.

The key issues are the balances of uses in the District Centre on the day and night-time economy, residential amenity, crime and access.

The site is within a Licensing Committee Special Policy (2021-2026) area on account of elevated levels of crime within the local police division (E) compared to neighbouring areas. Further details on this policy are set out below.

A total of 7no. letters of support and 33no. objections, including from 2no.local residents' groups and a Ward Member have been received. Most objectors are concerned about the prospect of another bar in the area and ongoing issues with noise, disturbance, crime and litter, which they perceive will be further intensified by any approval of the application.

The proposed days and hours of operation of the bar/restaurant are:

Monday to Saturday 8.00am to 2.00am
Sundays / Bank Holidays 9.00am to 11pm

A total of 3no. Full time and 1 no. Part time jobs will be created.

Description

The application site is an end of terrace commercial hair salon of 90.3m² that has operated from the premises for approximately 30 years. It is within a parade of 6no. ground floor shop units on the western side of Wilmslow Road with an unadopted alleyway alongside and an adopted alleyway to the rear. The two storeys above the premises offer a 5-bedroom duplex flat.



Front elevation and alleyway to the side

Other commercial units in the parade comprise of 2no. hot food takeaways, a café, estate agents and a student bar with health club above. In front of the site is a deep tarmac forecourt adjacent to the pedestrian footpath. A bus stop with services from South Manchester is located a few metres away and a traffic-light controlled crossing is a few metres to the south. At the rear of the site is Morris Court, a supported housing block of flats for vulnerable adults. Immediately south of the unadopted alleyway is a hot-food takeaway with a McDonalds drive-through and sit in restaurant to the south of that.

The 2019 Fallowfield District Centre survey notes that of the 72no. business premises surveyed the character of the Centre comprises of (totals):

- A3 bars / restaurants (17)
- A5 hot food takeaways (15)
- Vacant units (12)
- A1 shops (12)
- A2 financial / professional (10)
- A4 pubs (4)
- D2 non-residential (2)
- B8 warehousing (2)
- Sui Generis (2)

As noted above, an up to date survey (2022) was conducted of all premises in the centre to ascertain whether permitted development changes (Class E uses) and the intervening Coronavirus pandemic had impacted on the make-up of the centre. The mix is largely unaltered and there is still a predominant focus on restaurant (now Class E) and takeaway uses.

Consultations

A total of 94no. neighbours and 1no. resident's association were notified of the application. 32no. objections and 7no. letters of support were received. A summary of the points raised is set out below:

OBJECTIONS

Yet another bar/restaurant in the Fallowfield area.

Blighted by anti-social behaviour from students coming back late at night drunk including on neighbouring roads.

Thought should be given to the wellbeing of the permanent residents in this area.

Noise disturbance and anti-social behaviour of students.

More demands on police services.

Permanent residents put up with noise and asb (awful and ongoing refuse issues, drug dealing and street noise all night long as well as partying).

Fallowfield needs to be regenerated as a more balanced community.

More bars, especially with outside seating will add to current issues.

Safety and environmental issues (bins - disability obstruction, fly tipping, graffiti)

Unbalance in the neighbourhood; greater number of takeaways/licensed premises than other shops and community amenities.

Perpetuates the view that Fallowfield is an area for students alone.

Fallowfield needs to be rebalanced as a neighbourhood for families; need to think about the make-up of shops and businesses.

An upmarket restaurant and bar can encourage movement. However, another licensed premises is likely to exacerbate existing problems which make Fallowfield extremely unattractive to most families or working people.

This is a Cumulative Impact Area. Consider the impact on the local community.

Transient noise is damaging resident's health; frequently woken by drunken people, screaming and shouting in the street in the early hours of the morning. Streets are littered with takeaway wrappers and broken bottles from people eating after frequenting these bars.

Have lost many varied shops and businesses to bar after bar after bar, and fast food place after fast food place.

More local amenities like smaller shops are needed for residents that aren't just students. Maybe a bookshop, greengrocers, bakery etc.

Countless bars exist in the local area and regularly change hands, leading to a complete lack of identity.

Why should a viable business at the location for many years be forced out to become yet another bar.

The Council should be including diversity and helping to build back high streets with a wide range of local business, not just repeatedly selling out everything to flat developers, takeaways and restaurant bars.

Rejecting this proposal will show continued commitment to developing the area away from its existing status as party town with a smattering of disgruntled permanent residents, and into a thriving South Manchester conurbation. An area with diverse businesses, diverse culture and not simply the drab heterogeneity of cheap beer, bad kebabs and severe haircuts.

Can see no benefit of this application to the community.

Any bar or restaurant will only last during the academic months and then close leaving the residents with closed establishments until another bar or restaurant opens, as it has happened several times before. This cycle really needs to be stopped as it's really damaging to the community.

Relocation of the salon to the basement. How will this help, there is no DDA access

Location of the application would only increase the problems due to the closeness to the Nest bar, Friendship Inn and McDonalds.

Use of outside drinking area by a main traffic junction would be a public safety concern.

For older people and children, Fallowfield is becoming unsuitable and uncomfortable.

The whole venue can be sold on to a club promoter as a nightclub venue with all the resultant problems of ASB.

Building of bin store on the side alley would impede access for emergency services that could be required for either the basement salon or the rental accommodation.

Waste management arrangements for the salon should be co-located with the 'pub/restaurant' bins.

This part of Fallowfield is not an extension of university campuses, full-time residents comprising families, senior citizens, supported living homes, a mother and children refuge, residents with day jobs live here and should expect a good quality of life and not suffer from sleep deprivation. I really don't think this application will make a positive contribution to the neighbourhood (Core Policy SP1).

The applicant notes there is no real opportunity for a sit-down drink/coffee in any of the local establishments. For example, we do actually have a coffee shop in Sainsbury's, there is also Creams together with a Costa outlet. Wetherspoons is another outlet to have a drink/coffee.

The application makes reference to creating a 'high quality community hub, to promote café culture in the area.' I cannot remember how many times we have read this wording in other licence applications and subsequently seen no evidence of high quality when an application has been given the green light and then fails. What guarantee do we have?

The location is at the junction of a very busy road with the resultant air pollution.

There does not appear to be any provision for those patrons who may cycle to this establishment, rather than walk.

Hope that there will be no loudspeakers located within any part of the outdoor seating area and any amplification is contained within the building of 320 Wilmslow Road, facing inwards.

Ward Councillors

Councillor Gavin White

Already a large number of bars in this area - cumulative impact of this needs to be looked at.

The opening hours till 2am is a concern – Not the hours of a cafe or community hub. Hours and outside area would cause further and significant harm to local residents and add to the loss of residential amenity through increased noise, litter and ASB.

External seating area outside 310 Wilmslow Road, has caused numerous and significant local issues with increased ASB, Noise and Litter.

South East Fallowfield Resident's Group

Cumulative Impact Licensing policy shows that premises of this nature have been linked with a range of anti-social behaviours, in particular, related to alcohol consumption.

This a densely populated residential area, not a city centre.

Any loud comings of goings from these premises will have an adverse impact on local residents and affect their ability to get a decent night's sleep.

At every residents' meeting, noise and litter have been highlighted as major concerns. The cumulative effect is damaging health and wellbeing. Support diversity and balanced neighbourhoods. It is an homogeneous area – not good for the health and wellbeing of the community as a whole.

A daytime cafe/bookshop/playgroup etc would be much more appropriate.

Hard to understand how a hairdressing salon which is described as 'not secure' can successfully operate in the basement of a bar.

If this hairdresser's does not survive, we are left with a ground floor bar with the possibility of further extension into the basement.

Planned outdoor seating will exacerbate noise and litter problems in the area - we often notice broken bottles; cigarette ends and general rubbish around local bars and this is more apparent when there is outdoor seating.

The premises does not have parking and so patrons will have to park on nearby side streets - cause problems for residents on streets nearby. Members already report that they have their driveways blocked by people visiting the pub.

Fallowfield Community Guardians

Another late-night bar will be detrimental to the residential amenity of residents. There are many residential properties nearby.

Another bar will add more noise, nuisance and litter to our area which is already overburdened with all of these issues.

Opening hours are completely inappropriate in a residential suburb - detrimental to residential amenity and wellbeing.

This is within a Cumulative Impact Policy area and is the only one in Manchester. MCC and GMP have evidenced the problems linked to the large concentration of licensed premises in Fallowfield. Another late-night venue selling alcohol, will add to existing problems.

Outdoor seating is inappropriate on pavements adjacent to the busiest bus route in Europe (Wilmslow Rd) which regularly has air pollution levels exceeding WHO levels.

Many other businesses would benefit the local community (eg sports goods, bookshop, charity shop, delicatessen, bakery).

Application is contrary to Policy SP1 - Sustainable Neighbourhoods of Choice.

SUPPORT

Fully support new ventures for our neighbourhood.

Great that Dylan Robert is going to remain, even if it is in the basement!

A nice cafe with pavement seating would be a more appropriate use of the ground floor level.

We are sorely lacking establishments of this kind in the area and this is probably the kind of thing that would appeal to families and young professionals.

After a very difficult couple of years for the hairdressing industry, changes are needed for a business to stay afloat and employment kept.

The planning application is incredibly positive for the Fallowfield area.

It is preferable for potential licenced premises to be kept together in a central location.

Allows easier/better monitoring by the local authority and Police.

It will improve the aesthetics of the area and its proposed size/layout is suitable for the area.

It is a great way of a long-standing business to stay in business and to see a family run business bring something different.

The applicant is a Fallowfield girl who supports her community.

This would bring the community together, especially as most of our pubs and bars for locals have gone over the years.

A coffee shop and local cask breweries really appealed to us.

The Council should give the go ahead as these girls have supported the Council with rates and with it being a community hairdresser's, hopefully they will bring this community spirit to a bar.

Greater Manchester Police (Design for Security)

GMP object to the proposal for the following reasons:

1. Greater Manchester Police support centres with a range of land uses and balance between day and night-time uses. The loss, or further dilution, of daytime uses will result in a reduction in street activity and passive surveillance of the street by staff and customers coming and going.
2. Bars and other licensed premises in the area generate a significant level of crime. Street-based crimes are linked to the number and late-opening of licensed premises. Existing problems would be exacerbated by the opening of another licensed premises. I consider the existing situation to be so serious that the risk of additional incidents from allowing this proposed use would be unacceptable.
3. Thieves operating in the area may be drawn to the proposed external seating on the forecourt of the premises. The seating will be located very close to passengers queuing for buses and pedestrians using the footpath (something of a pinch-point at this location). The bus stop provides a place where criminals may loiter and observe prior to committing acts of theft (e.g. the phones, wallets, bags) from customers seated at the external tables. The footpath brings passers-by, which may include offenders, in close proximity to the tables allowing thieves to reach out and snatch customer belongings. In addition, lawful citizens waiting for a bus may be intimidated by the proximity of, potentially, rowdy customers.

4. Similarly, the positioning of external seating in the passageway at the side of the premises, will make it more difficult for residents or visitors using the passageway to access the residential accommodation on the upper floors of the terrace and, if customers are rowdy, intimidate residents and visitors. The same may apply to customers accessing the relocated entrance to the salon, although the probability is that any access issues and intimidation are likely to worsen in the evening and at night, when it is dark and rowdiness more common.
5. The passageway that provides access to the proposed entrance to the salon and the flats above would be concealed by furniture and structures associated with outdoor seating, i.e., tables, chairs, screens, parasols, as well as the proposed bin store. The resulting reduction in visibility of the passageway would reduce natural surveillance and increase the vulnerability of people using the passageway. The proposal would therefore increase risk to safety by creating hidden areas and impeding accessibility.
6. The proposed entrance to the salon may compromise the security of the salon and its staff. Given the prevalence of robbery in the neighbourhood, creating a shop entrance on a secluded passageway provides criminals with an opportunity to commit approach the premises with little prospect of being witnessed by passers-by prior to committing acts of robbery, criminal damage or breaking and entering.

Highway Services

No capacity concerns.

Site is in a sustainable location.

Any vehicular demands will contribute to on-street parking, but this is acknowledged across neighbouring properties.

Some concerns with parking across the alleyway to the side and no in-curtilage parking. Expect sheltered in-curtilage cycle parking.

No impact on the highway / pedestrian movement from external seating.

Boundary treatments to be visually permeable upwards of 600mm and gates inward opening.

Some concerns with refuse servicing and collection vehicles impinging on the onto the footway.

Clarification is sought on who will collect refuse; private or the Council. A swept path analysis is required to show how a waste collection vehicle will service the site.

An Informative is recommended for construction management.

Environmental Health

Appropriate conditions are recommended in relation to the extraction of fumes, odours, acoustic insulation, opening hours and servicing and delivery hours should the application receive any approval.

Policy

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise. The following local and national policies and documents constitute material

considerations:

National Planning Policy Framework (NPPF, July 2021)

The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and that achieving sustainable development in the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and communities' health, social and cultural well-being; and

An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;

b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

There should be a presumption in favour of sustainable development and planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The following chapters are material to the consideration of this application:

Chapter 8 - Promoting healthy and safe communities

Paragraph 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Chapter 12 - Achieving well-designed places

Paragraph 130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Core Strategy

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.

Policy C1 – Centre Hierarchy

District centres have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. Manchester's 17 district centres are shown below including the newly designated district centre, Baguley (West Wythenshawe). Development in these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres.

Policy C2 – District Centres

Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. Housing will also be considered an appropriate use within District Centres, providing it supports the vitality and viability of the centre.

Development in District Centres should:

Prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink. The Council will ensure that retail remains the principal use in Primary Shopping Areas, but also ensure that provision is made in District Centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres. Subject to impact on overall character and local amenity, the Council will support development which extends the time during which District Centres are active;

Promote the development of employment which provides opportunities for local people;

Promote the efficient use of land, particularly through considering options for multi-storey development. New development should positively contribute to the reuse and regeneration of land and premises, together with wider regeneration and investment strategies;

Contribute positively to the diversity and mix of uses within centres without undermining their primary retail function. Development should also promote a range of retailers and shop formats;

Promote choice and competition particularly where development will support the independent sector;

Remedy deficiencies in areas with poor access to facilities.

New development should respect and enhance the character of existing centres.

Policy C6 – South Manchester (including Fallowfield)

Across the area there is capacity for both further convenience and comparison retailing

floorspace. In total, approximately 8,000 square metres of convenience and 4,500 square metres of comparison retail floorspace will be promoted up to 2027.

In Fallowfield and Withington development which creates more diverse centres will be supported, in particular involving improvement to the retail offer to meet the full range of residents in surrounding neighbourhoods and promoting community uses. Development of the University of Manchester facilities adjoining Fallowfield District Centre will be supported as a means of improving the balance of uses within the centre.

Policy C10 – Leisure and the Evening Economy

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:

The existing number of similar establishments in the immediate area and their proximity to each other;

The type and characteristics of other uses, such as housing, shops and public houses;

The existence of vacant shop units and the condition of the unit;

The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;

The character of the centre and its frontage, and the nature of the use proposed;

The potential impacts of the proposal on the wider community; and

Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Policy DM1 – Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

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.

Adequacy of internal accommodation and external amenity space.

Refuse storage and collection.

Vehicular access and car parking.

Policy SP1 – Spatial Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living.

Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

Core Development Principles

Development in all parts of the City should:

Make a positive contribution to neighbourhoods of choice including:

creating well designed places that enhance or create character.

making a positive contribution to the health, safety and wellbeing of residents

considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

protect and enhance the built and natural environment.

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Unitary Development Plan

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. Saved UDP policies that are material considerations in this application are:

Saved policies DC10 (Food and Drink) and DC26 (Noise) of the UDP

Policy DC10 relates to food and drink uses

DC10.1 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 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 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 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, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy.

Policy DC26 relates to development and noise

Policy DC26.1 - Relates to the proposals contribution to the local noise environment and the impact of existing noise sources on the development has been assessed, particularly in relation to the proposed residential units.

Policy DC26.4 - Requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily.

Policy DC26.5 - Relates to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation.

1. Existing traffic conditions;
2. The availability of public parking provision in close proximity to the premises, including suitable on-street parking;
3. The availability of an adequate loading and unloading area.

The policy states that on the edge of centres and in close proximity to residential units, careful consideration should be given ensuring the lives of people in the local area are not negatively affected by amenity issues.

Issues

District Centre Vitality / Viability

The Council's objective in relation to Centres is to promote a balanced provision of retail and local services, improve existing retail facilities, addressing deficiencies in the retail hierarchy and planning for future growth. The aim is to promote the vitality and viability of the City's centres, encouraging a wide range of services which allow genuine choice in a good quality environment which is accessible to all, helping to reduce car dependency whilst also ensuring centres are a focus for community and civic activity.

In this application, the change of use at ground floor is variously described in the Planning Statement as a 'high-end café bar' and 'high quality community hub' whilst the application form describes it as a 'bar/restaurant' and the proposed plans refer to a 'pub/restaurant' (Drawings 1454/04 Rev A, 1454/02 and 1454/06). It is noted that for Planning purposes, there is no distinction within the new Class E between premises which sell alcoholic and non-alcoholic drinks and that the proposal can be described as a 'bar/restaurant'. This is further demonstrated by the proposed days and hours of trading - until 2am 6 days a week (11pm Sundays and Bank Holidays), which highlights the intention to capture late-night as well as the day-time market.

The applicant provided a statement clarifying the business offer. This includes the provision of afternoon teas, pizzas, panini, salads, sandwiches, coffee, cakes, smoothies etc during the daytime/evening. Additionally, the evenings would offer quiz nights, cheese and wine nights, open mike, soul singers and Elvis impersonators etc. to appeal to a wider demographic, the majority of whom it is stated are not catered for in the existing café/bar offer in the District Centre.

The businesses' vision is also that as a community hub, the applicant stating that it intends to build community through events such as a free monthly afternoon tea for elderly residents and, by its diverse food / drink and entertainment offer, to appeal to professionals and graduates.

Several responders to the public notification of the application have expressed their support for the proposal evidencing a lack of venues in Fallowfield that cater for a more mature audience who generally feel excluded from the existing majority student-dominated leisure provision.

The Council recognises the vitality that such a venue has to offer, but this has to be weighed against the above policy framework, specifically Core Strategy policy C10, for the existing provision for food and drink uses in the Fallowfield District Centre and their cumulative impact on the daytime and night-time economies. The policy specifically notes that there will be a presumption against further food and drink uses where their cumulative impact will be detrimental to the character or vitality and viability of the centre. For this assessment, the proposal must be considered in the context of existing food and drink uses which includes hot food takeaways.

The 2019 Fallowfield District Centre survey provides details of the latest land use profiles within its boundary. It notes that of the 72no. business premises surveyed the character of the Centre comprises of (totals by pre-Class E land use):

A3 bars / restaurants (17)
A5 hot food takeaways (15)
Vacant units (12)
A1 shops (12)
A2 financial / professional (10)
A4 pubs (4)
D2 non-residential (2)
B8 warehousing (2)
Sui Generis (2)

This is largely unaltered at the time of the determination of the application with a number of businesses changing within the use class (5 units), a number of additional class E uses (7), additional takeaway uses (3) and an additional bar (A4) within previously vacant units. This equates to 47 out of all 72no. units or 65% of all uses being food and drink related. Saved UDP policy DC10.2 states that the Council will normally accept the principle of food and drink uses in local shopping parades of more than 8 shops or offices.

In this case, there is already a concentration of food and drink uses in the parade which has 6no. shop units and 3no. existing food and drink uses, including a fish and chip shop adjoining the site, together with a hot food takeaway immediately adjacent south of the alleyway. There is also a McDonald's to the south of this.

The Council's adopted Hot Food Takeaway Supplementary Planning Document (March 2017), notes that across District Centres, hot-food takeaways account for approximately 10% of land uses. In the Fallowfield District Centre, this figure is considerably higher with an upward trend of concentrations reaching 30% in 2013 and 2015. As noted above, there is a noticeable concentration around the application site.

From the above data, it is clear that the current provision of bars/restaurants in the Fallowfield District Centre generally, and specifically in the immediate area, constitutes the dominant land use which attracts a higher footfall during the evening than many other land uses. Along with the provision of hot food takeaways, which relies on late night trading, the District Centre is overwhelmingly represented by a monoculture of land uses which tips the balance heavily towards the night-time economy. This is contrary to the cumulative impact section of policy C10 – Leisure and the Evening Economy.

For clarity, it should be noted that under the current Class E regulations within the Use Classes Order (2021), the restaurant element of the proposal can proceed outside of the planning system without a change of use application. The bar element however is not covered by automatic Permitted Development rights, and it is this use which is of most concern.

Notwithstanding the varied daytime and evening offer in this application, the proposed night-time opening hours, provision of late-night alcohol and external seating areas

attracting a higher concentration of patrons, would render the application premises indistinguishable from neighbouring pubs/bars in the District Centre and would generate a similar concentration of activity and attendant issues on-street late into the evening. This concern is heightened by the close proximity of other late night uses adjacent and adjoining the site which generates a concentration of late-night activity in a small area.

In close proximity to the site, there are similar drinking establishments. This includes the Nest Bar at No.310 Wilmslow Road, the Friendship Inn facing the site and the Wetherspoons pub a short distance to the north. These factors lend a very different character to the area in the evenings/night-time when most activity is already concentrated. On balance, the proposal does not diversify the range of uses in the District Centre, contrary to Core Strategy policies C6 and C10.

The absence of any diversity is harmful to the health of the District Centre economy, which means that the application also fails when assessed against Core Strategy policy C6 covering Fallowfield:

In Fallowfield and Withington development which creates more diverse centres will be supported, in particular involving improvement to the retail offer to meet the full range of residents in surrounding neighbourhoods and promoting community uses. Development of the University of Manchester facilities adjoining Fallowfield District Centre will be supported as a means of improving the balance of uses within the centre.

The Statement of the applicant is noted particularly in terms of targeting the business towards a more mature population. Within the planning system however, there is no provision for attaching conditions to any approval that would restrict the business to cater for any particular population, however much the demand may be in evidence.

It is also noted that whilst there is some local support for a more mature café / bar / restaurant and notwithstanding the absence of any means to distinguish such an establishment from any other bar/restaurant through the planning system, the overwhelming majority of local opinion from residents, residents' associations, a local Councillor and Greater Manchester Police, object to any further intensification of the provision of alcohol-led establishments that would give rise to the long-standing problems particularly of transient on-street noise, disturbance and crime.

Moreover, the overwhelming majority of residents have expressed a desire for a more diversified offer within the Fallowfield District Centre that is not based around food and drink. This is embodied within Core Strategy policy C6 as noted above.

It is noted that residents who do not object to the proposal do have the option of non-alcoholic drinks with a meal, at the nearby Wetherspoons for example which is also open for breakfasts and morning coffee. The nearby Sainsbury's also has a café where hot and cold food and drinks are served daily whilst the McDonalds' restaurant south of the site has a similar non-alcoholic food and drink offer. These matters however do not override the key concern which is with the monoculture of uses within the District Centre heavily geared towards the night-time economy which would be further harmed by any approval of the application, contrary to the above policy framework.

It must be noted that the application premises could be used as a restaurant without the need for an application for planning permission. However, the scheme proposed includes the use as a bar with late night opening and on that basis is unacceptable for the reasons outlined in this report.

Access / Crime

The planning system has an important role to play in creating safe and secure environments, and in reducing crime and the fear of crime. This contributes to the national and local objective of creating safe and healthy communities. Core Strategy policy DM1 requires that development has regard to community safety and crime prevention, whilst Paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve places which “are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes”.

The proposal amends the access arrangements to create a new access to the basement hair salon and upper storey flat. The new access is proposed in the side elevation of the rear yard wall which alights onto the side alleyway. Residents of the upper storey flat currently access it via the rear yard and an existing opening onto the side alleyway, and salon visitor’s access from Wilmslow Road. At present, residents of the flat above have some degree of uninterrupted visibility as they access the yard to the flat, although the current situation is itself not ideal in terms of crime risk.

In this proposal, residents and visitors to the salon, and delivery drivers etc, will access the rear yard via the alleyway which will function partly as space for bar patrons with 3no. tables and chairs, and partly for waste storage with a new 2-metre high bin store behind the seating area. It is anticipated that at times, bar patrons could also be standing and crowded in this area.

Whilst the bar is in use, the proposal is to have some external lighting in this area. This, and the fact of having bar patrons using part of the space, could potentially afford an extra degree of safety, particularly for residents using the alleyway to get to the rear yard. On balance, it also presents a new risk as at times, residents and visitors to the salon could be walking past patrons who are intoxicated and gathered in a crowd around the alleyway which thus creates an intimidating environment, putting residents and visitors to the salon at risk of crime or the fear of crime.

Moreover, as a result of this, and the siting of the new bin store behind the alleyway seating area and forwards of the new access, the existing clear sight line of the rear access from Wilmslow Road will be lost. The new access will thus become isolated to some extent especially when the area is in use by bar patrons. At other times, such as when the weather is poor or in the dark winter months when this area is not in use, the presence of the bin store in the alleyway could become a hiding place where criminal activity takes place particularly as it is poorly overlooked. Again, this could put residents and salon visitors at risk of crime or the fear of crime as they use the alleyway.

These concerns have been echoed by Greater Manchester Police (Design for Security) who strongly object to the proposal. Specifically, GMP share the Council’s concerns

with regards to the balance and number of late-night uses in the area, the additional risk of on-street crime from the external seating area close to the busy pavement, bus-stops and alleyway, and in the loss of natural surveillance of the rear access and new salon access down the alleyway, putting residents, staff and visitors to the salon at risk.

GMP, along with several objectors, also note that the site lies within an extant Licensing Special Policy (2021-2026) area which is exclusive to the Fallowfield District Centre and was introduced on the back of significantly elevated levels of late-night crime and anti-social behaviour associated with licensed premises. Although, it must be noted that this is not a planning policy that can be relied upon to refuse planning permission.

With reference to the concerns expressed by GMP in relation to the frontage seating and possible crime, it must be noted that tables and chairs could be used within the forecourt without the need for planning permission as part of the existing use and therefore it would not be reasonable to refuse the principle of tables and chairs on the frontage.

On balance, the proposal represents an unsustainable form of development that has the potential to lead to elevated levels of crime and disorder, contrary to the above planning policies as well as saved UDP policy DC10.1a.

Hours

The proposed closing time between Mondays and Saturdays until 2am, is out of character with the established pattern of closing hours for food and drink uses in the District Centre. Assessment of the consented hours of use of similar land uses demonstrates that closing hours vary between 11.30pm (353 Wilmslow Road - The Friendship Inn) and 1am (No.310 Wilmslow Road). The Wetherspoons at 306 Wilmslow Road closes at 11.30pm between Sunday and Thursday and is open until midnight on Fridays and Saturdays.

The later closing hours in this application would mean that patrons would be using the internal and external ground floor areas at least 1 – 2.5 hours past the prevailing closing times of similar establishments in the area.

The proposed change of use specifically relating to the late night use of the bar element of the proposal, would have a detrimental impact on the amenity levels of the occupiers of nearby residential accommodation by reason of increased noise levels at unsociable hours, emanating from both within the premises and external to them and disturbance from the general activities associated with the use namely, increased comings and goings, vehicle movements, car doors slamming and raised voices; which would have an unacceptable detrimental impact on the residential amenity of local residents, particularly those living at the rear of the site. The proposed development is therefore contrary to the provisions of policies C10, SP1 and DM1 of the Core Strategy and saved policies DC10, and DC26 of the Unitary Development Plan, and guidance contained within the NPPF.

Residents have noted that there are ongoing issues in this regard with the existing level of pubs and bars in the local area which the Council has historically attempted to redress through the management of hours conditions on similar land use applications.

An assessment of decisions in the immediate area and since adoption of the Core Strategy Development Plan Document, notes that external hours have been approved until 11.30pm Monday to Saturday and 11pm on Sundays (Ref: 110937/FO/2016/S1) to safeguard residential amenity. Should the Committee be minded to approve the application, consideration should be given to a condition to reduce the proposed hours of operation in line with nearby bar opening hours.

On the basis of the above, the proposed hours represent an unsustainable pattern of development that is out of character with the established closing hours in the local area and which would contribute towards unacceptable levels of noise and disturbance and crime in the local area, contrary to the provision within saved UDP policies DC26.1 and DC10.1 and policies SP1 and DM1 of the Core Strategy.

Noise / Residential amenity

The proposal for the ground floor bar/restaurant with live entertainment represents a noise-generating use, not just within and outside the premises, but in the effects of alcohol on patrons leaving the premises late at night. This source of transient noise is recognised as an existing problem within the Fallowfield District Centre as reported by local residents, including residents' groups.

Residents who have responded to the public notification have reported that existing levels of noise and disturbance from students leaving bars and pubs into the early hours of the morning as a major source of concern. Saved UDP policy DC26.1, requires that new development does not become a source of noise and disturbance.

In considering the external seating areas, it is considered that use of the Wilmslow Road frontage for eating and drinking will not lead to significantly elevated levels of disturbance for residents of the flat above, particularly at peak traffic times along Wilmslow Road. However, at quieter times later into the evening and in the quieter alleyway at the side where patrons are proposed to drink and dine as well, this could be a potential noise trap that could become a source of disamenity to the residents of Morris Court at the rear - a supported housing scheme for vulnerable adults, as well as to the residents of the flat above. New sources of noise would also arise from the emptying of bottles into the new external bin store for the bar proposed in the rear yard a short distance from Morris Court.

The application is accompanied by an acoustic report which has been assessed by Environmental Health. The report does not fully address the requirements of any acoustic condition that would be appended to any approval, specifically in terms of the control of entertainment noise.

Should the Committee be minded to approve the application, conditions are recommended for further details of acoustic insulation to manage the breakout of noise through acoustically insulating the premises – including against entertainment noise, limiting the hours of use of any external seating areas and through prohibiting the use of amplified sound and music in the external seating areas at any time.

Waste Management

The proposal includes segregated waste for all three uses within the site curtilage, with a new bin store for the salon in the alleyway to the side, and waste storage areas for the bar and residential flat within the rear yard.

It is not clear from the application whether the level of waste provision for the residential unit is adequate to meet the needs of all residents individually, or on a shared basis. Environmental Health have sought further clarification on this point and on other matters that are outstanding relating to the estimated volumes and types of waste produced by the development, location of collection points, the number and capacity of bins and frequency of collection. Any approval of the application will therefore be conditional on these matters being adequately addressed in the interests of residential and visual amenity and public health, in accordance with saved UDP policy DC10.1e and 10.4 and Core Strategy policy DM1.

Visual Amenity

The proposal seeks to demarcate the section of front forecourt that would be used for external drinking and dining, with railings and planters. Elevations of these have not been provided. There are no objections from Highway Services provided that the boundary treatment is visually permeable upwards of 600mm, and any gates are inward opening. It is noted that a 2-metre footway clearance would be maintained for the adequate passage of pedestrians.

It is noted that within the short stretch of street frontage outside the parade, there is a plethora of street furniture including pedestrian guard rails, post and rail fencing, bus shelters, bollards, waste bins, street signage, telephone kiosks and telecommunications cabinets. It is the Council's view therefore that any development on the front forecourt would add to the existing cluttered appearance of the street scene that would be detrimental to its character.

Notwithstanding this, an assessment of the street frontage outside the site and immediate context suggests that the addition of a fenced area would be in character to some extent with the pattern of development in the street scene; for example, the hot food takeaway immediately south of the alleyway has a forecourt demarcated with low railings and accommodates timber picnic tables. Nest bar at 310 Wilmslow Road at the northern end of the parade, also has external seating within a forecourt enclosed with planters, and further development to retain the covered seating area at this property is currently under consideration (Ref: 132914/FO/2022). Any erection of the enclosed seating area would therefore respond to the prevailing pattern of development along this stretch of the Wilmslow Road frontage.

Disabled Access

The proposal maintains the existing level threshold at the front of the property for bar/restaurant patrons who would access this area of the business directly off the Wilmslow Road street-frontage. Residents to the flat above will also utilise the existing arrangements within the rear yard for accessing the rear external staircase.

Visitors to the basement salon will be required to access this from the rear yard via the alleyway to the side, then down a set of internal stairs. There is a step up into the rear

yard off the alleyway. However, the use of the basement as a hairdressers is within the existing planning unit and could be used without the need for planning permission.

Furthermore, in considering this provision in her business plan, the applicant has stated that she offers a home visiting hairdressing service, mainly to long-standing elderly clientele which was established during the Covid-19 pandemic to meet existing clients' needs. She has also stated that this home service will continue as part of the business going forward following any approval.

Parking / Servicing

The site constraints mean that there is no in-curtilage parking associated with the site. Highways have raised a concern with regards to the lack of vehicular access but do acknowledge that this is the current arrangement for neighbouring properties which lack in-curtilage parking. It is noted that a small degree of parking on the front forecourt does occur, but that this will not be an option should the proposal be approved, and the front external seating area is installed.

Patrons visiting the site would need to rely on public transport, which is well-catered for outside the site, taxis or private car using on-street parking. The last option is the least popular with local residents who note that nuisance visitor parking already occurs around residential properties on Egerton Road and neighbouring streets on the eastern side of Wilmslow Road, some residents reporting that existing levels of late-night noise and disturbance is unacceptable which any approval of the application would exacerbate.

Being in the District Centre, a lower expectation of in-curtilage parking associated with new development is common. Consequently, this should not be a barrier to any recommendation to approve the application should the Committee be minded to do so.

Highways have raised some concern with regards to arrangements for servicing the site by refuse vehicles, noting that servicing via the side alleyway would entail collection vehicles' wheels encroaching onto the footway. This concern is acknowledged by the City Council. However, it must be borne in mind that this is an existing commercial premises in a District Centre with a long history of the site being serviced along with others in the Centre.

It is anticipated that existing servicing arrangements will be maintained, but any approval of the application will require the applicant to submit details of a swept path analysis and confirmation of servicing arrangements for final approval by the City Council. Any remaining concerns in this regard would be addressed on discharge of the planning condition.

Flue

The proposed flue on the rear elevation of the building is of a standard utilitarian design. No details are provided on the risk assessment for odours and noise which the flue may generate. However, a condition can be appended to any approval which requires the applicant to submit such details to ensure compliance with EMAQ 'Control of Odour and

Noise from Commercial Kitchen Exhaust Systems', prior to first use of the development commencing.

Conclusion

There are significant concerns in relation to the proposed use of the application premises as bar/restaurant due to the impacts on the balance of uses within the district centre and resulting impacts on residential amenity due to an intensification in the levels of noise and disturbance late at night in an area where there are several existing late night uses close together in the parade, together with the proposed hours of use and significant safety concerns with the reduction in visibility of the alleyway access for residents and salon visitors and staff.

On the basis of the above, the proposal is recommended for refusal being contrary to the above planning policy framework that seeks to protect the balance of uses, vitality and viability of District Centres, crime prevention and residential amenity.

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 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 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 - Refuse

Article 35 Declaration

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the Planning and Highways Committee report. The proposal would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

Reasons

1) The proposed use represents a type of development that is over-provided for within the Fallowfield District Centre. Any approval of the proposal would therefore harm the character of the Centre, the balance and diversity of land uses and its vitality and viability. This would be to the detriment of the Centre, contrary to the provisions within Core Strategy policies C1, C2, C6, C10, SP1 and DM1, saved UDP policy DC10.1 and to the guidance contained within the National Planning Policy Framework (2021).

2) The proposed hours of use until 2.00am would lead to an increase in the existing levels of noise and disturbance both within and outside the premises in an area where there are several late-night uses close together, and on surrounding streets, as patrons leave the premises, to the detriment of the amenity of local residents. Residents could be subject to the elevated noise levels from patrons talking loudly outside the site including in the side alleyway, shouting and singing, together with any impacts from cars parked in residential streets where engines are revved, doors slammed, and music systems engaged at a time when residents could be sleeping and can reasonably expect to enjoy use of their homes undisturbed. This is contrary to the provisions within saved UDP policy DC10.1 and to Core Strategy policies DM1 and SP1 and to the general provisions within the National Planning Policy Framework (2021).

3) The proposed introduction of a seating area and bin store on the pedestrian route to the side/rear access to the residential flat above the premises and proposed basement salon, would remove existing levels of natural surveillance opportunities, and isolate the access point used by residents as well as salon visitors and staff. This would put residents, visitors and staff at risk of crime or the fear of crime, particularly in the evenings and during the winter months, and when the alleyway is crowded with patrons visiting the bar, creating an intimidating environment. This is contrary to the provisions within saved UDP policy DC10.1, Core Strategy policy DM1 and to the guidance within Chapter 12 of the National Planning Policy Framework (2021) 'Achieving Well-Designed Places' and Chapter 8 - 'Promoting Healthy and Safe Communities.'

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: 132530/FO/2021 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
South East Fallowfield 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:

Relevant Contact Officer : Linda Marciniak
Telephone number : 0161 234 4636
Email : linda.marciniak@manchester.gov.uk

