

Application Number	Date of Appln	Committee Date	Ward
124313/FO/2019	30th Jul 2019	17th Oct 2019	Northenden Ward

Proposal Change of use of ground floor to cafe/bar class A4 and installation of rear fire escape door together with sundry ancillary alterations

Location 67 Church Road, Manchester, M22 4WD

Applicant DLD Properties Ltd, 11632575, Village View, 994 Burnage Lane, Manchester, M19 1TD

Agent Kuit Steinart Levy LLP, 3 St Marys Parsonage, Manchester, M3 2RD

Description

This application relates to the ground floor of a two-storey end terrace property with cellar. The property lies at the end of a commercial parade in a predominately residential area c. 125m east of Northenden District Centre on the junction of Church Road and Consul Street.

The site has historically been used as an off licence (Class A1), a hairdressers (Class A1) and an unauthorised yoga studio.

There were two applications submitted relating to the premises earlier in 2019, one application was for a change of use to offices (Class B1a) which was approved under reference 123464/FO/2019 and the second was for a change of use to cafe bar (Class A4) and installation of rear fire escape door which was refused under delegated powers under reference 123465/FO/2019.

The site lies within Northenden Conservation Area.



Consultations

Local residents – One letter of objection has been received the main comments are:

- The proposed café/bar will greatly add to the already congested state of Church Road and Consul Street, which is an unadopted road, owned by residents and should not be used for parking for non-residents meaning residents will have to wait to park outside their homes.
- On Church Road itself there is limited parking available with vehicles double parked and often on the pavement to access the various businesses in a very small area (3 hairdressers, 3 fast food outlets, a dog grooming parlour, a café, a dentist, a tattoo parlour and the recent opening of Northenden Players Theatre).
- There is also a blind bend where Church Road becomes Royle Green Road which lots of cars speed through making it a highly treacherous stretch of road for both traffic and pedestrians.
- The fitting of a rear fire escape will be impeded by an already installed iron staircase leading to a flat above the location.
- There is no outside space for smokers, this is a concern for appearance, noisy activity, litter and obstructing the narrow pavement both on Church Road and Consul Street.
- Concerned about the positioning of industrial sized wheelie bins for business use, as there is no outside space and the side alleyway is used for residents own wheelie bins (11x3 wheelie bins each). The side alley is a mess with people fly tipping junk and overflowing bins as it is, worried that the café waste may start a rodent problem.

A number of letters of support have been received from residents on the basis that:

- This would provide a friendly quiet place to go for a cask ale or quality wine rather than a rowdy bar where alcohol is sold cheaply and all day. This would raise the profile of Northenden and make a positive contribution to the village.
- The proprietors run an existing premises which is valued and services the local community in Northenden. Residents commend the existing premises at The Crown for how they manage their operations.
- This is another step in the transformation of Northenden as a destination for food and drink, it will keep people in Northenden who travel to Burton Road, Didsbury Village or Chorlton.
- This would see the occupation of one of the several empty commercial units on Church Road.
- The bar would provide a destination for the audiences at the Northenden Players before their productions.
- Residents do not feel there would be any problem with noise.

Ward Councillors – Are in support of the application. They feel very strongly that it would be good for the area, there is a need for an attractive, well run bar locally, it will create employment and has a lot of local support from the immediate area (including the tenant above the proposed bar) as well as the wider community.

The owners already run similar bars locally with no trouble or complaints.

At the Licensing Meeting when the bar was granted a Licence, Members of the Licensing Committee commented on a great application and wished the owners good luck with their new venture.

Northenden Civic Society – Any comments received will be reported to Committee.

Northenden Neighbourhood Forum - Any comments received will be reported to Committee.

Environmental Health – Recommend that the application is refused. They do not consider that the location is suitable for the proposed use. The application site is at the end of a parade of shops, but there are residential properties on Consul Street, which runs down the side of the property, flats above the shops in the parade and a flat above the proposed café bar. Noise from patrons socialising in the café bar, patrons congregating outside and smoking and patrons leaving the premises at the end of the evenings is likely to be detrimental to the amenity of residents above the premises and in the close vicinity.

Highways - Given its location the site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of public transport facilities. It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. Given the footprint of the development no on-site parking is offered. It lies within a highly sustainable district centre where some time limited on-street parking controls are applicable and available on a first come first served basis. The adjacent Consul Street is not adopted and has private parking control arrangements. It is proposed that waste is stored externally to the rear (but off the highway) and transported to and collected from Church Road on collection days which is acceptable to Highways. It is recommended that some form of secure cycle storage is made available. The main pedestrian access will be to the front with a new fire exit provided to the rear which is acceptable from a highway perspective.

Policy

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

Paragraph 185 of the Framework stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

Paragraph 189, requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 190 states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 192 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 their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Core Strategy

Policy DM1 is relevant to this application as it seeks to protect the amenity of an area from the adverse impact of development. The policy states all development should have regard to the following specific issues, amongst others:

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.

Community safety and crime prevention.

Design for health.

Refuse storage and collection.

Vehicular access and car parking.

Policy C10 Sets down the criteria to be considered in determining applications that impact on the evening and night time economy. The policy states 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 EN3 – Heritage - States that 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 listed buildings and conservation areas. The application relates to a site within the Northenden Conservation Area as set out within this report.

Unitary Development Plan

Policy DC10 sets down the criteria to be considered in determining applications for food and drink uses. The policy states 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.

Policy DC26 says that the Council intends to use the development control process 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 the effect of new development proposals which are likely to be generators of noise; b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Saved policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

- i. the relationship of new structures to neighbouring buildings and spaces;
- ii. the effect of major changes to the appearance of existing buildings;
- iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
- iv. the effect of signs and advertisements;
- v. any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.

d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Legislative requirements

Section 72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a Conservation Area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Proposed use – The unit is not far removed from the District Centre, being only c. 125m east of the District Centre boundary. The unit would be managed by a known operator who is reputed in the community and would allow diversification of the commercial parade providing 3 employment opportunities. Therefore subject to

consideration of the detailed matters set out below the principle is considered to be acceptable.

Residential Amenity – Consul Street is a residential street comprising two storey terraced dwelling houses and the application site is separated by a narrow rear alleyway from the nearest residential property No.2 Consul Street.

Residents expressed a concern that the proposed use would see an increase in comings and goings at unsociable hours, which would then lead to an increase in noise from patrons leaving the premises or congregating outside to smoke, and car doors being closed by patrons/staff leaving the premises.

Regards must be had to saved policy DC10 of the Unitary Development Plan for the City of Manchester which requires that in determining applications for the sale of drink for consumption on the premises, the Council will have regard to the location of the proposal, the effect on the amenity of neighbouring property, the availability of car parking, ease of access for disabled people and the storage and collection of refuse and litter.

Of particular relevance in this instance are Part 2 of the policy that we will accept the principle of development of this kind in local shopping parades of more than 8 shops

The premises sits within a parade of three commercial premises, but lies opposite 9 commercial premises and the cluster of commercial premises comprises a local centre. The other two uses on this side of the road are a takeaway that has consent to operate Sundays to Thursdays 11:00am till 2:00am and Friday and Saturdays 11:00am till 3:00am and a pet grooming salon with no control over the hours of use.

Part 3b of the policy that states development will not normally be permitted where there is a house on the ground floor next to the proposed business (as next door), or only separated from it by a narrow street or alleyway (as to the rear).

A previous application for a change of use to a café/bar was refused in July 2019. Following the refusal the applicant has sought to address the concerns associated with the proposed use at this location, including comings and goings late into the evening.

The hours proposed for the previously refused application were Sunday to Thursday 10am to 11pm and Friday and Saturday 10am to 12pm.

The offer was reduced to Monday to Wednesday 10am to 10pm (1 hour less in the evening), Thursday 10am to 11pm, Friday and Saturday 10am to 12pm and Sunday 10am to 10.30pm (half an hour less in the evening).

It is noted that the existing A1 retail unit is historic and has no controls over the hours of use and could be intensively used into late hours.

In order to protect residential amenity a further reduction of hours is recommended and a condition to this effect, requiring hours to be:

The premises shall not be open outside the following hours:-

Sunday to Wednesday 10am to 10pm and Thursday to Saturday 10am to 11pm.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

This is particularly important with regards to the relationship of the proposal to property on the small culs-de sac Consul Street, the residential unit above and the adjoining property at No. 69 Church Road (the unit within the parade next door that changed use to a dwelling house). The relationship of these premises to neighbouring property differs from other commercial premises in the parade.

In order to minimise the impacts of the proposal a condition is also required for the submission of a management plan to control activity associated with the premises.

It is noted that there is local support for the proposed use and there is a recognition that the proposed operator currently manages other premises within the local area and manages them in such a way as to limit the impacts of the use. On that basis it is recommended that the applicant is given a personal permission for a period of 18 months to allow the local planning authority time to assess whether the impacts can be managed to an acceptable degree.

A condition is also recommended that the fire door to the rear elevation is only used for the purposes of emergency fire exit, waste from the premises should be removed by hand and taken through the door to Church Road and then conveyed to the waste storage area. This is the current waste arrangement on site for the A1 premises.

A further condition secures that no external seating area is to be provided in association with the proposed use. It is acknowledged that smoking may occur outside but a management plan to be agreed by condition would provide controls.

Only with the conditions set out above can it be considered that the scheme is appropriate when assessed against policy DC10 of the Unitary Development Plan for the City of Manchester.

Physical Works and Impact on the Conservation Area – The applicant proposes to replace an existing window with roller shutter to the rear elevation with a fire door. This alteration would be a visual improvement as it would see the loss of the externally mounted shutters. No alterations are proposed to the existing ventilation on site. The existing shop front is to be retained. The scheme would improve the appearance of the commercial unit within the Northenden Conservation Area. It is not considered that the proposed use would have any other detrimental impacts on the character of the Northenden Conservation Area.

Bin Storage and Servicing - It is proposed that waste is stored externally to the rear (but off the highway), where it is currently stored and transported to and collected from Church Road on collection days, servicing would also take place from Church

Road which is an acceptable arrangement. It is requested by condition that measures for screening the bins from Consul Street are agreed.

Parking – It is not considered that the proposal, which provides a small scale café / bar would generate a significant increase in the level of vehicular trips to the site over and above the existing use in this sustainable location just outside of the district centre.

Cycle Parking - A condition is suggested to require a secure cycle storage space for the use of staff to be provided.

Disabled Access – The doorways and the door to the toilet are to be widened to accommodate disabled access.

Conclusion – The concerns of the one resident and Environmental Health are noted but on the basis that the consent is for a temporary period of 18 months, will be a personal permission, will have a restrictive condition controlling the hours that the premises can open, with a management plan in place, it is recommended that the scheme with conditions is acceptable with regards to the policies of the Development Plan.

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 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application, and the application has been determined in accordance with the policies within the Development Plan.

Reason for recommendation

Conditions to be attached to the decision

1) The permission hereby granted is for a limited period of 18 months only, expiring on 18 April 2021.

Reason - In order to assess the suitability of the use and in the interests of residential amenity and highway and pedestrian safety, pursuant to policy DM1 of the Core Strategy.

2) The change of use granted is for the temporary period set out in condition one and can only be implemented by DLD Properties Limited.

Reason - In order to assess the suitability of the use and in the interests of residential amenity and highway and pedestrian safety, pursuant to policy DM1 of the Core Strategy.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:

67 Church Road Proposed New Emergency Exit
Waste Management Plan DLD.2 - WMc - Rev A
Waste Management Strategy
Panespil System Brochure 2011
67 Church Road Existing Ground & Cellar Floor Layout
Location Plan 1:1250
Fire Exit Specification
Covering Letter

Received 23 July 2019 and 30 July 2019

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.

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

Sunday to Wednesday 10am to 10pm and Thursday to Saturday 10am to 11pm.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) Before first occupation the approved waste management shall be implemented and shall remain in situ whilst the use or development is in operation. Details of a screen to enclose the bin storage area shall be submitted to and approved in writing by the City Council as local planning authority

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

7) The fire door to the rear shall only be used for the purposes of emergency fire exit.

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

8) There shall be no external seating area provided in association with the use hereby approved.

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

9) Before the use hereby approved commences a management strategy must be submitted to and approved in writing by the City Council as local planning authority. The strategy must include measures to reduce the impact on nearby residents of traffic, comings and goings and customers congregating. The details of the approved scheme shall be implemented when the development commences and shall remain whilst the use or development is in operation.

Reason - To ensure a satisfactory development and in the interests of amenity and traffic safety pursuant to Policies SP1 and DM1 of the Core Strategy.

10. Before the use hereby approved commences details of secure bicycle shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall remain available for use whilst the use is occupied.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester 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: 124313/FO/2019 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.

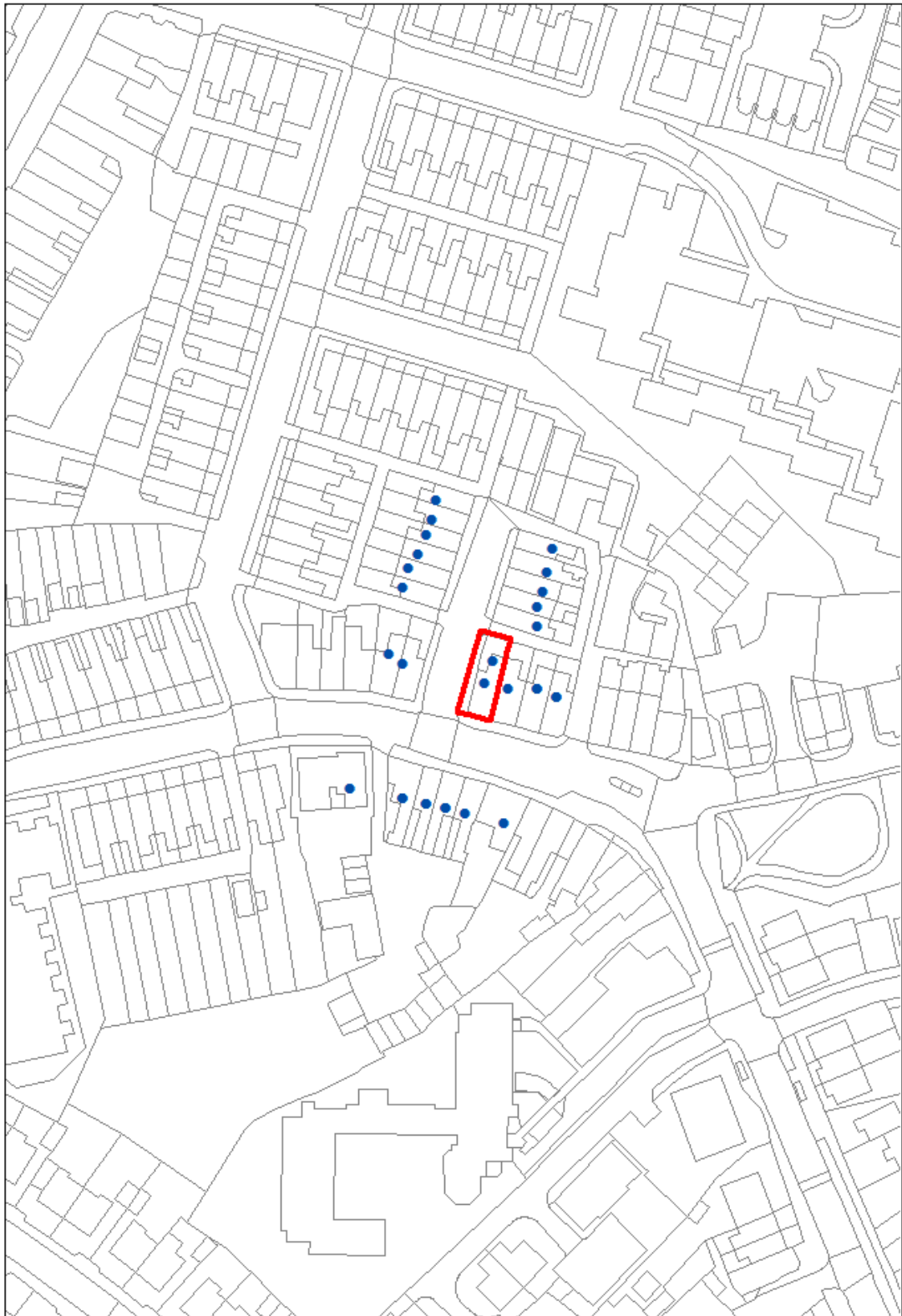
The following residents, businesses and other third parties in the area were consulted/notified on the application:

**Highway Services
Environmental Health
Northenden Civic Society**

Northenden Neighbourhood Forum

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

Relevant Contact Officer : Jennifer Connor
Telephone number : 0161 234 4545
Email : j.connor3@manchester.gov.uk



 Application site boundary  Neighbour notification
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