

List No. 11

Moston Ward	Application Number	Date of Appln	Committee Date
	080249/FO/2006/N1	21st Aug 2006	23rd Nov 2006

Proposal Erection of glazed canopy to beer garden

Location Bluebell Hotel, 493 Moston Lane, Moston, Manchester, M40 5RT,

Applicant Mr M Bower Jseph Holt Ltd, Derby Brewery, Cheetham, Manchester, M3 1JD

Agent Bower Design Architects 73a Bold Street, Altrincham, Cheshire, WA14 2ES

Description

Site

The application site is a two-storey detached public house on Moston Lane. The surrounding area is residential.

Proposal

Erect canopy to form 3.4m by 6m covered outdoor drinking area within existing beer garden.

Consultations

Local Residents/Local Businesses -

Two letters of representation have been received. The occupiers of 501 Moston Lane and 3 Bayfield Grove have expressed concern that the proposal would lead to additional outdoor drinking and associated noise and disturbance in close proximity to the end of their gardens.

Head of Environmental Health -

No objections subject to hours restriction (to 2300) and drinking only in clearly defined areas.

Head of Licensing -

Outdoor drinking license granted subject to use of clearly defined areas and only until 2300.

Issues

Policies

Policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995) seeks to maintain and where necessary improve the quality of the housing stock and residential environments. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

There are no policies contained within RPG13 which specifically affect the proposal.

Site history

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Outline planning permission was granted for residential development including means of access at land to the north of the site, on 6 July 2000 (058928).

Principle of the development

The rear yard of the pub is currently used as a beer garden. The use of the rear yard as a beer garden does not require a separate grant of planning permission to the use of the building as a pub. However, licensing approval is required and has been granted in this case subject to conditions. Therefore the proposal is acceptable in principle.

Noise and disturbance to neighbouring occupiers

The proposed canopy would facilitate outdoor drinking in inclement weather. In this respect, it would in theory allow a greater total number of hours of outdoor drinking over a period of time, above and beyond the existing situation.

However, the outdoor area, including the covered area formed by the canopy, would be subject to the same licensing conditions as at present. The canopy and associated covered area would be relatively small and located as far as possible within the site from surrounding dwellings. The existing south-west facing wall enclosing the existing yard would be retained, further limiting the potential effect of the use of the yard on areas around the site perimeter.

It does not appear that the proposal would conflict with any licensing conditions covering the use of the yard, subject to the conditions of planning permission listed below.

It is not considered that the erection of the canopy would lead to a significant increase in noise and disturbance to neighbouring occupiers, associated with outdoor drinking, beyond the existing situation.

Design, character and appearance

The canopy and structure would be lightweight, and visible only from within the site, and therefore would not have a significant effect on the character and appearance of the existing building.

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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by 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.

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Recommendation **APPROVE**

Approve in light of the development plan, including policies H2.2 and BM1 of the Unitary Development Plan for the City of Manchester (adopted 1995) and Regional Planning Guidance for the North West (RPG13) on the basis that the proposal would not lead to a significant increase in noise and disturbance to neighbouring occupiers or significantly affect the character and appearance of the existing building, and there are no other material planning considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the drawings numbered 4572/27 and 4572/29, date stamped as received by the local planning authority on 28 July 2006, and the 1:1250 site plan, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the development is carried out in accordance with the approved plans, pursuant to policies BM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

3) Construction of the works hereby approved by this permission shall not take place until specifications of the colour finishes to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials and finishes unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies H2.2 and BM1 of the Unitary Development Plan for the City of Manchester (adopted 1995).

4) Unless otherwise approved in writing by the City Council as local planning authority, the covered area formed by the proposed canopy shall not be used by patrons between the hours of 2300 and 0800.

Reason

For the avoidance of doubt.

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: 080249/FO/2006/N1 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of

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Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

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

501 Moston Lane Lightbowne Manchester M40 9GN
503 Moston Lane Lightbowne Manchester M40 9GN
505 Moston Lane Lightbowne Manchester M40 9GN
507 Moston Lane Lightbowne Manchester M40 9GN
434 Moston Lane Lightbowne Manchester M40 9LA
438 Moston Lane Lightbowne Manchester M40 9LA
17 Hillside Close Lightbowne Manchester M40 9PQ
19 Hillside Close Lightbowne Manchester M40 9PQ
1 Finchley Grove Lightbowne Manchester M40 9PU
10 Finchley Grove Lightbowne Manchester M40 9PU
11 Finchley Grove Lightbowne Manchester M40 9PU
12 Finchley Grove Lightbowne Manchester M40 9PU
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2 Finchley Grove Lightbowne Manchester M40 9PU
21 Finchley Grove Lightbowne Manchester M40 9PU
23 Finchley Grove Lightbowne Manchester M40 9PU
3 Finchley Grove Lightbowne Manchester M40 9PU
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5 Finchley Grove Lightbowne Manchester M40 9PU
6 Finchley Grove Lightbowne Manchester M40 9PU
7 Finchley Grove Lightbowne Manchester M40 9PU
8 Finchley Grove Lightbowne Manchester M40 9PU
9 Finchley Grove Lightbowne Manchester M40 9PU
1 Lilac Grove Lightbowne Manchester M40 9GH
3 Lilac Grove Lightbowne Manchester M40 9GH
5 Lilac Grove Lightbowne Manchester M40 9GH
6 Lilac Grove Lightbowne Manchester M40 9GH
1 Bayfield Grove Lightbowne Manchester M40 9GP
3 Bayfield Grove Lightbowne Manchester M40 9GP
5 Bayfield Grove Lightbowne Manchester M40 9GP
2 Bayfield Grove Lightbowne Manchester M40 9GP
4 Bayfield Grove Lightbowne Manchester M40 9GP
6 Bayfield Grove Lightbowne Manchester M40 9GP
1 Baildon Street Lightbowne Manchester M40 9LS
3 Baildon Street Lightbowne Manchester M40 9LS
5 Baildon Street Lightbowne Manchester M40 9LS
475 Moston Lane Lightbowne Manchester M40 9PY
477 Moston Lane Lightbowne Manchester M40 9PY
13 Trentham Grove Lightbowne Manchester M40 9QE
15 Trentham Grove Lightbowne Manchester M40 9QE
12 Trentham Grove Lightbowne Manchester M40 9QE
14 Trentham Grove Lightbowne Manchester M40 9QE

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16 Trentham Grove Lightbowne Manchester M40 9QE
Bluebell Hotel 493 Moston Lane Lightbowne Manchester M40 9PY

Representations were received from the following third parties:

Relevant Contact Officer:	: Robert Lilburn
Telephone No.	: 0161 234 4164
Email	: r.lilburn@manchester.gov.uk