

## List No. 4

<b>Chorlton Park Ward</b>	<b>Application Number</b> 084141/FO/2007/S1	<b>Date of Appln</b> 25th Sep 2007	<b>Committee Date</b> 22nd Nov 2007
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**Proposal** Change of use from retail (class A1) to restaurant and bar (sui generis) with outside seating area and parking; alterations to the elevations and erection of a glazed canopy and two storey side extension

**Location** 380 Barlow Moor Road, Chorlton, Manchester, M21 8AZ

**Applicant** Rupert Campbell, 3 Oakfield Avenue, Whalley Range, Manchester, M16 7RD

**Agent** Matthews Walker Architecture 5 High Street, Stockport, SK1 1EG

### Description

This application relates to a two storey detached property on the east side of Barlow Moor Road at its junction with Sandy Lane. The property is currently being renovated in line with the alterations contained in this application. It was previously used for the installation of sound systems to cars. In addition to the building there is a shallow forecourt to Barlow Moor Road and a deeper car park with access from and fronting Sandy Lane. The Sandy Lane /Barlow Moor Road/High Lane junction is light controlled.

The site is located within Chorlton District Shopping Centre as defined in the Unitary Development Plan. However adjoining the site to the rear are a pair of semi detached houses fronting Sandy Lane whilst there are further residential properties in close proximity on Zetland Road to the north and Sandy Lane.

It is proposed to convert the ground floor of the property into a restaurant/bar, a sui generis use which falls into neither class A3 restaurants or A4 Bars. Unauthorised work is currently underway on the elevational alterations to the Sandy Lane and Barlow Moor Road elevations. The Barlow Moor Road frontage would incorporate folding concertina doors leading to an outside seating area. A glazed canopy in the style of that on the adjacent parade of shops is proposed for the outside seating area. A two storey extension is proposed for the Sandy Lane end of the building projecting 3.2 metres. A new wooden screen fence would be erected to the road frontages whilst car parking for six cars would be provided at the northern end of the site with access from Sandy Lane. It is anticipated that the restaurant/bar would cater for approximately 100 people, two parking spaces being for staff and four for patrons. An external bin store would be provided at the rear of the site adjacent to 2 Sandy Lane. Internally, including the bar/seating area would be toilet facilities including a disabled toilet, kitchen and store/cellar. There would be a staff entrance at the rear adjacent to the bin store and a separate one from the passage between 380 and 378 Barlow Moor Road. No details are provided of fume extraction or air conditioning units. The proposed opening hours are 10.00am to midnight, Monday to Saturday and 10.00am to 11.00 pm Sunday.

### Consultations

Local residents/businesses - Eight objections have been received in respect of the proposed development. The grounds for objection can be summarised as follows:-

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1. There is inadequate parking and customers and staff will need to park in the surrounding residential streets. There is already a problem in these streets with parking for the existing bars and cafes.
2. There has been an increase in noise in the area particularly late at night and the proposed use will exacerbate this, particularly if it stays open until midnight.
3. There are problems in the area with the storage of refuse which often blocks passageways and has led to an increase in problems with rodents.
4. Another restaurant will not add any value to the community. A traditional retail unit such as a grocers would be more use.
5. There will probably be an increase in anti social behaviour.
6. The area cannot sustain any more bars.
7. The refuse store is adjacent to their house and the development overlooks their garden.
8. The streets around the proposed development have already become a rat run and their condition is deteriorating. Also, due to parked cars, it is often only possible for a single line of traffic to use the road at any time.

Ward Members - Councillors John Leech and Tony Bethel have written in support of local residents. In addition they are concerned that the proposal will cause an unacceptable level of disamenity to the residents of 2 and 4 Sandy Lane, the number of outside tables will result in a significant amount of noise and that there are parking restrictions all around the site which will force patrons to park in the surrounding residential streets.

Greater Manchester Police Architectural Liaison Officer - has made the following observations:-

The outdoor seating area should be separated from the public footpath

The outdoor area should be supervised

Doors to the rear of the property should be of a sufficient security standard to withstand attempts of burglary.

Regulatory and Enforcement Services - Should planning permission be granted requests that conditions be attached relating to refuse storage, external lighting, fume extraction and noise insulation.

#### **Issues**

Unitary Development Plan - The relevant policies are H2.2, which seeks to protect residential accommodation from the adverse impact of development, policy DC10 which sets out the criteria to be considered in determining planning applications for food and drink uses. Policy DC26 looks to protect residents from the adverse affects of noise arising from new developments. Policy L1.9 seeks to encourage the provision of street cafes within the City Centre and District Centres.

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Regional Planning Guidance - Policy DP1 encourages the effective use of existing buildings including the re-use or conversion of vacant buildings. Policy EC8 seeks to encourage new retail, leisure and/or mixed use developments within existing defined town centres.

Principle - Policy DC10 of the Unitary Development Plan established the principle of locating food and drink uses within, amongst others, District Shopping Centres. However, it goes on to say that food and drink uses will not be acceptable when the proposed use adjoins a residential property or is separated from it by a narrow passage. Thus whilst Chorlton is a large district centre containing a wide range of uses the principle of a restaurant/bar is not clear cut in this instance.

Location - This part of the District Shopping Centre is more fragmented than further north around Chorlton Cross, with parades of shops being interspersed with non commercial and residential uses. There are also residential uses immediately adjoining the centre. The proposed development is located at the end of a commercial terrace and in very close proximity to residential properties. The rationale for locating such uses in centres is that the centre will absorb the impact of the use and prevent it adversely affecting residential amenity. The Head of Planning believes that the location of this development is such that the centre cannot perform this function and that the amenity of the occupiers of adjoining and nearby properties will be affected.

Residential amenity - the proposed development is abutted by a residential property and there are others in close proximity to the site. There is insufficient gap between the houses and the development for patrons to disperse when leaving and thus for any noise to dilute. There is also potential for high levels of noise from the car park and the refuse storage area, as well as noise breaking out from the building and the outside seating area. Fumes and odours from the kitchen could further exacerbate the loss of amenity.

Disabled Access - The proposed development would be fully accessible.

Crime and Disorder - There are two staff entrances into the building neither of which is particularly visible and the Architectural Liaison Officer has expressed concern that these could be vulnerable. Any comments from the Crime Reduction Officer will be reported.

Fumes and Odours - no details have been provided for the extraction of fumes and odours. Whilst any problems of fumes and odours can be addressed through the installation of a suitable system, there is the potential for any flue having an adverse impact on visual amenity.

Refuse storage - The refuse store is adjacent to a residential property and the disposal of refuse late at night, particularly glass, would result in the disturbance of the occupiers of that property.

Parking - The site is located within a District Shopping Centre and it would not normally be required to provide its own parking. However, the site is next to a major traffic junction and there are parking restrictions on the road that would displace parked vehicles into the surrounding residential streets. Whilst this may be annoying to residents, they do not of course have a right to park outside their own property, thus the provision of 6 spaces for staff and customers is to be welcomed in principle. Against this, the position of the car park in respect of the

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adjoining residential properties is such that it would exacerbate the loss of amenity, through the noise of cars starting, manoeuvring and people talking in the car park before getting into their vehicles to depart.

Hours of opening - The proposed hours of opening are 10.00am to midnight Monday to Saturday and 10.00am to 11.00pm on Sunday. Whilst the closing times are not as late as some recently approved within Chorlton District centre, half past midnight in the case of 30 and 52 Manchester Road, these properties did not have the same relationship to residential properties as is the case with this current proposal. The Head of Planning believes that the close proximity of the premises to residential properties means that there is a very real possibility that they will suffer a loss of amenity with the hours proposed.

Proposed Extension - The proposed extension would create an additional 15 square metres of floor space on the ground floor and would house the male and the disabled toilets. The external appearance would reflect the modified existing building. The extension would not have a significant impact on 2 Sandy Lane.

Elevational alterations - the original building had deteriorated significantly and had a negative impact on the visual amenity of the area. The proposed alterations to the elevations, including the new canopy, would significantly improve the appearance of the building and the visual amenity of the area. There are no objections to the principle of the proposed elevational alterations.

At this stage, the work is to the elevations and not the extension. The applicant has been advised that the work is entirely at their own risk and should cease.

#### **Conclusion**

The Head of Planning believes that the relationship of the proposed development to the surrounding residential properties is such that there is a real potential for a significant loss of amenity. Whilst some issues such as noise generated by putting out refuse can be addressed through conditions, others, notably noise generated by people using the car park and dispersing at the end of the day cannot. This loss of amenity outweighs any advantage to be gained from the renovation of the building and it being brought into use.

**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)/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. He believes that any restriction on these rights posed by the refusal of the application is proportionate to the wider benefits of refusal 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      REFUSE**

### **Conditions and/or Reasons**

1) The proposed development would have a detrimental affect on the on the amenity of the residents of Sandy lane by reason of the cumulative affect of noise, fumes, odours and the general activity associated with Food and Drink Uses. The proposed development is therefore contrary to the provisions of policies H2.2, DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 084141/FO/2007/S1 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:**

Engineering Services  
Environmental Health  
Environment & Operations (Refuse & Sustainability)  
Licensing Unit  
Greater Manchester Police  
Steve Hobson, Crime Reduction Officer  
Chorlton Civic Society  
Motor Tech, 483 Barlow Moor Road, Manchester, M21 8AG  
483a, Barlow Moor Road, Manchester, M21 8AG  
362a, Barlow Moor Road, Manchester, M21 8AZ  
49 Zetland Road, Manchester, M21 8TJ  
51 Zetland Road, Manchester, M21 8TJ  
53 Zetland Road, Manchester, M21 8TJ  
1 Sandy Lane, Manchester, M21 8TL  
3 Sandy Lane, Manchester, M21 8TL  
5 Sandy Lane, Manchester, M21 8TL  
Dental Surgery, 7 Sandy Lane, Manchester, M21 8TL  
2 Sandy Lane, Manchester, M21 8TN  
4 Sandy Lane, Manchester, M21 8TN  
10 Fairhaven Avenue, Manchester, M21 8TW  
12 Fairhaven Avenue, Manchester, M21 8TW  
14 Fairhaven Avenue, Manchester, M21 8TW  
16 Fairhaven Avenue, Manchester, M21 8TW  
18 Fairhaven Avenue, Manchester, M21 8TW  
2 Fairhaven Avenue, Manchester, M21 8TW  
20 Fairhaven Avenue, Manchester, M21 8TW  
22 Fairhaven Avenue, Manchester, M21 8TW  
24 Fairhaven Avenue, Manchester, M21 8TW  
4 Fairhaven Avenue, Manchester, M21 8TW  
6 Fairhaven Avenue, Manchester, M21 8TW  
8 Fairhaven Avenue, Manchester, M21 8TW  
46 Hartington Road, Manchester, M21 8UY

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48 Hartington Road, Manchester, M21 8UY  
477a, Barlow Moor Road, Manchester, M21 8AG  
364 Barlow Moor Road, Manchester, M21 8AZ  
Chorlton Central Church, Barlow Moor Road, Manchester, M21 8BF  
55 Zetland Road, Manchester, M21 8TJ  
5 St. Annes Road, Manchester, M21 8TA  
7 St. Annes Road, Manchester, M21 8TA  
Creations Beauty, 350 Barlow Moor Road, Manchester, M21 8AZ  
477 Barlow Moor Road, Manchester, M21 8AG  
Manchester Microwave, 503 Barlow Moor Road, Manchester, M21 8AQ  
Co-operative Retail Services Ltd, 479 Barlow Moor Road, Manchester, M21 8AG  
481 Barlow Moor Road, Manchester, M21 8AG  
Bite To Eat, 483 Barlow Moor Road, Manchester, M21 8AG  
New Maiwah Restaurant, 485-487, Barlow Moor Road, Manchester, M21 8AG  
Azad Manzil Restaurant, 493-495, Barlow Moor Road, Manchester, M21 8AG  
Special Fx, 497 Barlow Moor Road, Manchester, M21 8AG  
Auctioning4u, 501 Barlow Moor Road, Manchester, M21 8AG  
Charcoal Kitchen, 354 Barlow Moor Road, Manchester, M21 8AZ  
Pound For Pound, 358 Barlow Moor Road, Manchester, M21 8AZ  
Stanley Racing, 368 Barlow Moor Road, Manchester, M21 8AZ  
Foodmasters, 362 Barlow Moor Road, Manchester, M21 8AZ  
Terminus Launderette, 366 Barlow Moor Road, Manchester, M21 8AZ  
370 Barlow Moor Road, Manchester, M21 8AZ  
Mobile Phone Repair Shop, 372 Barlow Moor Road, Manchester, M21 8AZ  
Ken Fosters Cycle Logic, 374-376, Barlow Moor Road, Manchester, M21 8AZ  
Videotech Uk Ltd, 378 Barlow Moor Road, Manchester, M21 8AZ  
The Sound Studio, 380 Barlow Moor Road, Manchester, M21 8AZ  
3 St. Annes Road, Manchester, M21 8TA  
489-491, Barlow Moor Road, Manchester, M21 8AG  
493a, Barlow Moor Road, Manchester, M21 8AG  
501a, Barlow Moor Road, Manchester, M21 8AG  
372a, Barlow Moor Road, Manchester, M21 8AZ  
354a, Barlow Moor Road, Manchester, M21 8AZ  
380a, Barlow Moor Road, Manchester, M21 8AZ  
Leos Cafe, 356 Barlow Moor Road, Manchester, M21 8AZ  
356a, Barlow Moor Road, Manchester, M21 8AZ  
Blossom Mini Market, 352 Barlow Moor Road, Manchester, M21 8AZ  
350a, Barlow Moor Road, Manchester, M21 8AZ  
Flat 1, 507 Barlow Moor Road, Manchester, M21 8AQ  
Flat 2, 507 Barlow Moor Road, Manchester, M21 8AQ  
Flat 3, 507 Barlow Moor Road, Manchester, M21 8AQ  
368a, Barlow Moor Road, Manchester, M21 8AZ  
Sacred Art Tattoo & Body Piercing Studio, 483a, Barlow Moor Road, Manchester, M21 8AG  
Flat 4, 507 Barlow Moor Road, Manchester, M21 8AQ  
505 Barlow Moor Road, Manchester, M21 8AQ  
Yakisoba, 360 Barlow Moor Road, Manchester, M21 8AZ  
378a, Barlow Moor Road, Manchester, M21 8AZ  
Flat, 485 Barlow Moor Road, Manchester, M21 8AG

#### **Representations were received from the following third parties:**

Úna Martin, 12 Fairhaven Ave, Chorlton, Manchester, M21 8TW  
Chris Duncan, 5 Zetland Road, Chorlton, Manchester

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Aileen Somerset, 8 Fairhaven Ave, Chorlton, Manchester

David Singer, 39 Zetland Road, Manchester

Patrick Muttock, 1 Sandy Lane, Chorlton, Manchester

Jill Colbert, 12 Fairhaven Ave, Chorlton

E Storer, 4 Sandy Lane, Chorlton

Councillor Tony Bethel

Councillor John Leech

**Relevant Contact Officer :** Dave Morris  
**Telephone number :** 0161 234 4539  
**Email :** [d.morris@manchester.gov.uk](mailto:d.morris@manchester.gov.uk)