

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
087943/FO/2008/S2	21st Oct 2008	18th Dec 2008	Didsbury West Ward

**Proposal** Change of use of first floor flat to form extension to bar (Class A4) on ground floor and elevational alterations together with installation of steel stairwell to rear courtyard to form fire escape

**Location** 1 Lapwing Lane, Didsbury, Manchester, M20 2NT,

**Applicant** One Lounge Bar Limited, 1 Lapwing Lane, Didsbury, Manchester, M20 2NT,

**Agent** Ludlam Associates The Bank, 99 Palatine Road, Didsbury, Manchester, M20 3JQ

### **Description**

The One Lounge is in West Didsbury local shopping centre and situated on the Northern side of Lapwing Lane, on the corner at the junction with Burton Road, The Railway Public House is adjacent on Lapwing Lane, and the Metropolitan Public House is immediately opposite on the Southern side of Lapwing Lane. Adjacent to the Railway Public house on the other side from One Lounge is Jack Edwards Court, which is a sheltered housing complex occupied by elderly residents, and adjacent to One Lounge on the Burton Road side are residential properties.

The applicants are proposing to change the use of the first floor flat into an extension of the bar (Class A4), together with elevational alterations and the installation of a steel stairwell to the rear courtyard to form a fire escape.

### **Consultations**

Local Residents - Two letters of objection have been received, one of which has been signed by 15 local residents, the main comments of which are outlined below:

i) The alteration will result in increased numbers of drinkers and/or diners in the area until the early hours of the morning with the resulting noise affecting the residents of Lapwing Lane.

ii) The area already has a number of late night venues, eg Greens, Piccolinos and the Metropolitan which, in particular, regularly has taxis sounding their horns late at night when collecting customers. In addition The Lime Tree also opens late for diners.

iii) Jack Edwards Court is sheltered accommodation for the elderly and residents already suffer from late night noise without venues extending further.

iv) West Didsbury is inundated with bars, restaurants and late night drinking holes, the premises is already incongruous and will be a disaster to the area.

v) The shutters are down on these premises during daylight hours, along with other bars on Burton Road, making the area look desolate.

vi) The debris left by the client is often not cleared until late afternoon, if at all.

Head of Environmental Health - Recommend conditions be added to any approval.

Licensing Unit - The applicant may need to apply to vary the premises license or may need to apply for a new license; no such application has been received at this point in time.

Greater Manchester Police (Architectural Liaison Unit) - Recommend that the fire escape stairs be positioned so that it doesn't produce climbing aids onto adjacent buildings.

West Didsbury Residents Association - Whilst, in principle, we are not opposed to the proposal, we have one or two concerns.

Given that the building is situated in a conservation area, we feel that (1) the removal of the chimneys would detract from the street scene and, if possible, these should be retained, as in the case of The Metropolitan, opposite, and (2) since the rear of the building is fully visible from Burton Road, a fire door that is in keeping with the style of the building, and visually attractive, should be used instead of the one that is proposed.

### **Issues**

Unitary Development Plan (UDP) - There are no site specific policies in the UDP for this site. However, in considering this proposal consideration is given to policy H2.2 in the Part 1 of the UDP and policies DC10 and DC26 in Part 2.

Policy H2.2 states that the Council will not allow development which will have an unacceptable impact on residential areas. The matters which will be considered 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.

Policy DC10 (Food and Drink Uses) states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises the Council will have regard to, in this instance:

- the general location of the proposed development
- the effect on the amenity of neighbouring residents

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

Policy DC26 (Development and Noise) states 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. The Policy states further that developments likely to result

in unacceptably high levels of noises will not be permitted in residential areas; near schools, hospitals, nursing homes and similar institutions; and near open land used frequently for recreational purposes.

The Regional Spatial Strategy for the North West, adopted in September 2008 provides planning guidance for the North West region. Since 2004, the RSS has formed part of the statutory development plan, as such, the weight to be attached to its policies has increased. The following policies are considered of relevance in this instance:

Policy DP2 (Enhancing the Quality of Life) seeks to revive local economies and ensure that developments provide a high quality of life for this and future generations.

Policy W1 (Strengthening the regional economy) states that plans and strategies should promote opportunities for economic development.

Planning Policy Statement Note 1 (PPS1): Creating Sustainable Communities

PPS1 encourages the promotion of urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities.

Principle of the Proposal - The principle of a food and drink use has been established for many years, however, the use will be intensified should Members approve the proposal, the potential impact upon the existing levels of residential amenity enjoyed by local residents must be considered.

Residential Amenity - The proposal is to increase the floor space of an existing use, whilst this means that the premises can accommodate more patrons it is considered that given its scale this would not create any further detrimental impact upon the levels of residential amenity currently enjoyed by neighbouring occupiers as a result of comings and goings.

Noise Impact - The information supplied by Azymuth Acoustics is however, not sufficient and Environmental Health have serious concerns that the proposal may cause noise disamenity to the residential accommodation in close proximity to the premises, especially the residential property next door in the Railway Public House. They state that any noise and vibration from the proposed 1st floor area should be inaudible in the adjacent property. Further consideration to other sources of noise (as well as the sound system) should also be considered such as noise from people, chairs or tables scraping on the flooring, plant and equipment fitted, noise from the use of the toilets etc.

Furthermore there is mention of acoustically lining the party wall in the design access statement but not further information is supplied on this in the planning application or acoustic report.

In relation to other residential properties there is no information in the report for the actual noise measurement or times that they were taken for the baseline measurements at positions 3 and 4.

Impact Upon Character of Conservation Area - The scheme has been redesigned in order to retain the chimneystacks and a more suitably designed fire door has been proposed.

Conclusion - The acoustic insulation of the adjacent residential accommodation appears capable of being resolved, but has not been demonstrated. The recommendation is made accordingly.

**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 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 MINDED TO APPROVE**

(Subject to a satisfactory scheme for noise insulation of the residential accommodation in the adjacent public house)

On the basis that the increase in the hours of operation of the premises will not have an adverse effect on residential amenity; the proposal is in accordance with the Unitary Development Plan for the City of Manchester, in particular policies H2.2, DC10 and DC26; and there are no material 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 following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: revised drawing PL.002.Rev A stamped as received 8th December 2008

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2, DC10 and DC26 of the Manchester Unitary Development Plan.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials 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 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, as specified in policy H2.2, DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

4) Premises in use for purposes within Class A4 of the Town and Country Planning ( Use Classes ) Order 1987, as amended, shall not be open outside of the following hours:

Sunday to Wednesday : 17 :00 to midnight

Thursday to Saturday: 17 :00 hrs to 01 :00 hrs

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies H2.2, DC10 and DC26 in the Unitary Development Plan for the City of Manchester

5) All windows and doors are to remain closed during trading when amplified music is being played.

Reason

To protect the current levels of residential amenity enjoyed by local residents, particularly those on Burton Road and Lapwing Lane, pursuant to Policies H2.2, DC10 and DC26 in the Unitary Development Plan for the City of Manchester.

6) No externally mounted speaker system shall be operated on the premises.

Reason

To protect the current levels of residential amenity enjoyed by local residents, pursuant to Policies H2.2, DC10 and DC26 in the Unitary Development Plan for the City of Manchester.

7) All refuse, including glasses, shall not be disposed of in outside receptacles, and thereafter collected, between the hours of 2100 hrs and 0800 hrs.

Reason

To protect the current levels of residential amenity enjoyed by local residents, pursuant to Policies H2.2, DC10 and DC26 in the Unitary Development Plan for the City of Manchester.

8) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 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: 087943/FO/2008/S2 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  
Greater Manchester Police  
West Didsbury Residents Association  
Dental Surgery, 148a, Burton Road, Manchester, M20 1LH  
1a Cavendish Road, West Didsbury, Manchester, M20 1JG  
1 Cavendish Road, Manchester, M20 1JG  
1a, Lapwing Lane, Manchester, M20 2NT  
3 Lapwing Lane, Manchester, M20 2NT  
137b, Burton Road, Manchester, M20 1HW  
137a, Burton Road, Manchester, M20 1HW  
137 Burton Road, Manchester, M20 1HW  
Blagg & Co, 146-148, Burton Road, Manchester, M20 1LH  
Apollo, 142-144, Burton Road, Manchester, M20 1JQ  
2 Cavendish Road, Manchester, M20 1JG  
Great Kathmandu Restaurant, 140 Burton Road, Manchester, M20 1JQ  
138a, Burton Road, Manchester, M20 1JQ  
138 Burton Road, Manchester, M20 1JQ  
Flat 4, Chelsea House, 4 Cavendish Road, Manchester, M20 1JG  
Flat 3, Chelsea House, 4 Cavendish Road, Manchester, M20 1JG  
Flat 5, Chelsea House, 4 Cavendish Road, Manchester, M20 1JG  
Flat 1, Chelsea House, 4 Cavendish Road, Manchester, M20 1JG  
Flat 6, Chelsea House, 4 Cavendish Road, Manchester, M20 1JG  
Flat 2, Chelsea House, 4 Cavendish Road, Manchester, M20 1JG  
Flat 1, 136a, Burton Road, Manchester, M20 1JQ  
Flat 2, 136a, Burton Road, Manchester, M20 1JQ  
The Pine Shop, 136 Burton Road, Manchester, M20 1JQ

Flat 6, Burton House, 132 Burton Road, Manchester, M20 1JQ  
134 Burton Road, Manchester, M20 1JQ  
Flat 1, Burton House, 132 Burton Road, Manchester, M20 1JQ  
Flat 3, Burton House, 132 Burton Road, Manchester, M20 1JQ  
Flat 5, Burton House, 132 Burton Road, Manchester, M20 1JQ  
Flat 4, Burton House, 132 Burton Road, Manchester, M20 1JQ  
Flat 2, Burton House, 132 Burton Road, Manchester, M20 1JQ  
Flat 5, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 9, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 8, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 14, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 26, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 11, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 2, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 17, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 7, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 19, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 23, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 4, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 21, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 24, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 16, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 22, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 1, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 6, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Metropolitan, 2 Lapwing Lane, Manchester, M20 2WS  
Bistro West, 156 Burton Road, Manchester, M20 1LH  
Dunne & Coverley Butchers, 154 Burton Road, Manchester, M20 1LH  
Seaspray Sunbeds, 150 Burton Road, Manchester, M20 1LH  
William Hill Bookmakers, 150-152, Burton Road, Manchester, M20 1LH  
150a, Burton Road, Manchester, M20 1LH  
150b, Burton Road, Manchester, M20 1LH  
150c, Burton Road, Manchester, M20 1LH  
150d, Burton Road, Manchester, M20 1LH  
Flat 3, 3 Pandora Street, Manchester, M20 2JS  
Flat 2, 3 Pandora Street, Manchester, M20 2JS  
Flat 1, 3 Pandora Street, Manchester, M20 2JS  
Flat 6, 3 Pandora Street, Manchester, M20 2JS  
Flat 5, 3 Pandora Street, Manchester, M20 2JS  
Flat 4, 3 Pandora Street, Manchester, M20 2JS  
Flat 18, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 25, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 20, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 3, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 12, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 10, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
Flat 15, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT  
146 Burton Road, Manchester, M20 1LH  
Flat 16, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester,  
M20 2NT  
Flat 7, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20  
2NT

Warden, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 5, Jack Edwards Court, 14 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 14, Jack Edwards Court, 14 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 12, Jack Edwards Court, 12 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 8, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 6, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 1, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 4, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 3, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 9, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 21, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 18, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 17, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 24, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
Flat 15, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

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

Mr & Mrs J A Gracie, 1a Cavendish Road, West Didsbury, Manchester, M20 1JG  
G T Blag, 146 Burton Road, Manchester, M20 1LH  
E Gribbin, Flat 16, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
J J Riley, Flat 7, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
C Crossley, Warden, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
, Flat 5, Jack Edwards Court, 14 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
, Flat 14, Jack Edwards Court, 14 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
C Crossley, Flat 12, Jack Edwards Court, 12 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
, Flat 8, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT  
, Flat 6, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

, Flat 1, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

, Flat 4, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

, Flat 3, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

A Bradley, Flat 9, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

K Watson, Flat 21, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

Rita Kay, Flat 18, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

A Malpass, Flat 17, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

, Flat 24, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

J Merrick, Flat 15, Jack Edwards Court, 5 Lapwing Lane, West Didsbury, Manchester, M20 2NT

simon tugby, 1 cavendish road, west didsbury, manchester

**Relevant Contact Officer** : Melanie Tann  
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