

Application Number 19/00796/FUL

Proposal Change of use from shop (Use Class A1) to bar (Use Class A4).
Site 49 Manchester Road, Denton
Applicant Mr Jack Howard
Recommendation Grant planning permission subject to conditions
Reason for report Councillor Gwynne has requested that the application be determined by Members of Speakers Panel (Planning) on the following grounds: parking, highways implications and the potential for nuisance, specifically noise.

1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the change of use of the existing premises from a shop (Use Class A1) to a bar (Use Class A4).
- 1.2 The applicant has applied for the following hours of opening:
Monday – Sunday – 12 noon until 1 am
- 1.3 There are no external alterations proposed to the building.

2.0 SITE & SURROUNDINGS

- 2.1 49 Manchester Road, Denton relates to a currently vacant property which was last used as a retail shop. The premises comprise of a retail sales area, kitchen and bathroom on the ground floor with entrance doors to the front (Manchester Road) and doors to the rear providing access to the rear of the site. An internal staircase provides access to a store room in the basement below. Externally there is a small open area to the rear of the building which forms part of a larger parking and servicing area for premises on Manchester Road.
- 2.2 Adjoining uses include retail shops at 47 Manchester Road and 53 Manchester Road. Directly above the site are offices (51 Manchester Road). Within close proximity of the site are a variety of late night restaurants, takeaways and drinking establishments.
- 2.3 The site lies wholly within the town centre as allocated on the UDP Proposals Map.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application premises.

4.0 RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation**
Within Denton Town Centre Boundary
- 4.4 **Part 1 Policies**
1.3: Creating a Cleaner and Greener Environment.

- 1.5: Following the Principles of Sustainable Development
- 1.7: Supporting the Role of Town Centres
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.5 **Part 2 Policies**

- S4 Retain Dominance and Shopping Frontages
- S7: Food and Drink Establishments and Amusement Centres
- T10: Parking

4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;
The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.7 **National Planning Policy Framework (NPPF)**

- Section 2: Achieving sustainable development
- Section 7: Ensuring the vitality of town centres
- Section 8 Promoting healthy and safe communities
- Section 11: Making efficient use of land
- Section 12: Achieving well designed places

4.8 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 **PUBLICITY CARRIED OUT**

- 5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement. This is in addition to a site notice.

6.0 **RESPONSES FROM CONSULTEES**

- 6.1 Head of Environmental Services (Environmental Protection) – Given that there are no residential properties directly above the premises, no objections subject to a condition relating to the hours of use.
- 6.2 Head of Environmental Services (Highways) – No objections to the proposal.

7.0 **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 The applicant has provided details of an online petition in support of the proposal which contains in excess of 1000 signatures.

7.2 1 petition containing 38 signatures and 16 letters of objection to the proposal have been received, raising the following concerns (summarised):

7.3 Residential amenity

- The proposal and in particular the use of the rear outside area will result in a loss of privacy for occupiers of residential properties which lie in close proximity to the premises.
- The proposal will have a detrimental impact on health for occupiers of residential properties which lie in close proximity to the site.
- Concern has been expressed regarding the potential use of the outside area to the rear of the building for smoking, drinking and a seating area. This is within '10 feet' of gardens on Irwin Street.
- The proposal will have a detrimental impact on existing occupiers' use of their garden areas which lie in close proximity to the premises.
- Increase in noise and disturbance from proposed use at unsociable hours (the proposed daily opening hours from 12 noon until 01.00) directly outside residential properties.
- Noise and disturbance from the following: patrons entering/leaving premises, music, deliveries, emptying of bottle bins etc.
- The proposal to distil gin in the basement of property will create smells and additional waste.
- A late night bar in a residential area should not be allowed.

7.4 Highway Safety

- The proposal will exacerbate existing traffic and on street parking problems in the area.
- There is a strong likelihood that visitors to the proposed bar will park their vehicles on Acre Street, Gould Street and Irwin Street, reducing the available car parking even further for residents.
- There is no space at the front of the premises to accommodate smokers as there is a safety barrier and pelican crossing in front of the entrance to the premises. As a result the pelican crossing will be compromised.

7.5 Character of Area

- The proposal will have a detrimental impact on the character of the area

7.6 Other matters

- Increase in litter
- Impact on property values.
- Anti social behaviour

8.0 ANALYSIS

8.1 The application site lies wholly within the town centre as identified on the UDP Proposals map. In accordance with the NPPF and the relevant UDP policies outlined above, the key issues to be assessed in the determination of this planning application are:

- 1) The principle of development;
- 2) The impact upon the residential amenity of neighbouring properties;
- 3) The impact on highway safety;

9.0 PRINCIPLE

9.1 UDP Policy S4 deals with issues of retail dominance and shopping frontages. The Policy specifies that within a 'Primary Shopping Area' changes of use will only be permitted where they do not create an imbalance or dominant grouping within a particular area. Outside the Primary Shopping Areas such as the application site, control is less strict and the Council will permit a variety of uses which contribute to the overall appeal of the town centre, help

reduce vacancy and improve the appearance of the centre. In addition to this the NPPF at paragraph 85 encourages a wide range of uses within town centres as these can make an important contribution to their vitality and viability.

When viewed against the above Policy framework, the proposal does not raise any significant concerns. It is not within a Primary Shopping Area, will help permit a diversity of uses within the centre as a whole and will therefore introduce a vibrant use to the building and wider area to the general benefit of the town centre. In broad land use terms therefore, the proposed use of the premises as a bar/drinking establishment (Use Class A4) is acceptable.

- 9.2 UDP Policy S7 relates to the provision of Food and Drink Establishments and requires a more detailed assessment of such uses and the impact they create. Of particular consideration is the potential to harm the amenity of surrounding residential properties, the potential to create a danger to road users and to ensure that alongside existing uses such proposals would not lead to an unacceptable change in the character of an area. Each of these matters is considered in more detail below.

10.0 RESIDENTIAL AMENITY

- 10.1 With regard to impact on residential amenity, although located within the town centre, the application premises are situated in close proximity to residential properties. There is residential accommodation above existing commercial uses on Manchester Road and residential properties lie to the rear of the site on Gould Street and Irwin Street. The introduction of this kind of use will therefore potentially create associated noise and disturbance at times not associated with the current use. This is particularly the case late in the evening. It is essential therefore that the amenity of the occupiers of these properties should be protected.
- 10.2 The proposal constitutes a Main Town Centre Use as defined in the NPPF and is the preferred location for such uses. Any assessment of the proposal should therefore take this into account.
- 10.3 It is also noted that there are other uses including hot food takeaways and restaurants in close proximity to the site, the majority of which open late into the evening. The proposal would not therefore introduce a new late opening use into an area where there currently are none. For this reason, it is considered unreasonable to resist the proposal in this respect but an 'hours of operation' condition should be imposed to limit opening hours to a reasonable time. The applicants have suggested daily opening times of midday until 01.00 hours. This is considered to be acceptable in this location and is similar to the opening hours of other evening and night time uses in Denton.
- 10.3 It should also be noted that the Environmental Health Manager has not objected to this proposal on amenity grounds subject to the imposition of conditions attached to the Recommendation.

11.0 HIGHWAY SAFETY

- 11.1 The application premises do not benefit from any off street parking spaces. However, given the location of the site, within the town centre and in close proximity to public car parks and public transport and having regard to the current uses of the building which do not benefit from any off street parking provision, it is not considered necessary or reasonable to require any parking provision for this proposal.

11.2 The servicing arrangements would take place to the rear of the site, off Irwin Street. Given that these are the current servicing arrangements for the building, this part of the proposal is not considered to raise any additional concern.

12.0 CHARACTER OF AREA

12.1 In respect of cumulative impact, it should be noted that there are a diverse range of uses along this part of Manchester Road. When viewed in conjunction with the existing public houses at Crown Point, the proposal is not considered to create a cumulative impact that has a significant impact or unacceptable change on the character of the area.

13.0 CONCLUSION

13.1 Following the assessment in the main body of this report, the principle of a drinking establishment (Use Class A4) within a town centre location is considered to be acceptable and in accordance with local and national planning policy. The proposal also represents an opportunity to bring a vacant property situated within a prominent location on a main road frontage back into use thus adding to the vitality and viability of Denton town centre.

13.2 There are no objections to the proposal from statutory consultees in relation to highway safety or residential amenity.

13.3 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. No deliveries shall be taken at or despatched from the site outside the hours of 09.00 - 18.00 Monday to Saturday nor at any time on Sundays, Bank or Public Holidays.
3. The use hereby permitted shall not be operated outside the hours of 12:00 to 01:00 Monday to Sunday and Bank Holidays.
4. The development hereby permitted shall be carried out in accordance with the following approved plans namely the red edged site location plan received on 25 October 2019.
5. The external area to the south of the existing building shall not be accessible by customers at any time except for purposes of emergency evacuation of the building.
6. The doors to the rear elevation of the building must be kept shut at all times unless in use as emergency exit doors.
7. During construction / conversion no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.