

Application Number	Date of Appln	Committee Date	Ward
118025/FO/2017	9th Nov 2017	31st May 2018	Moss Side Ward

Proposal Change of use from former exhaust/tyre fitting centre (Class B2) to cafe (Class A3) with associated elevational alterations, waste storage, cycle storage and car parking

Location 98 Wilmslow Road, Manchester, M14 5AL

Applicant Mr Shahid Ali , 78 Dickenson Road, Manchester, M14 5HF,

Agent Mr Andrew Titterton, Studio KMA, The Design Studio, Valley Mills, Oldham, OL3 5DG

Description

This application was presented to Planning and Highways Committee on 8 March and Members decided to defer making a decision in order to allow them to undertake a site visit. The applicant has also submitted additional information in the form of a new acoustics report and a Management and Operations Plan which relates to how the business will seek to limit the impacts of the proposed use on nearby residents. The applicant has also provided additional assurances in relation to the future use of the premises and has stated that there is no intention to use the premises for shisha smoking. It has been necessary to assess the submitted additional information fully and these matters are dealt with in the main body of the report. However, following this assessment and subject to appropriate conditions, the recommendation has changed from one of refusal to approval.



The application relates to the former ATS tyre and exhaust fitting centre located at the corner of Wilmslow Road and Grandale Road within the Rusholme District

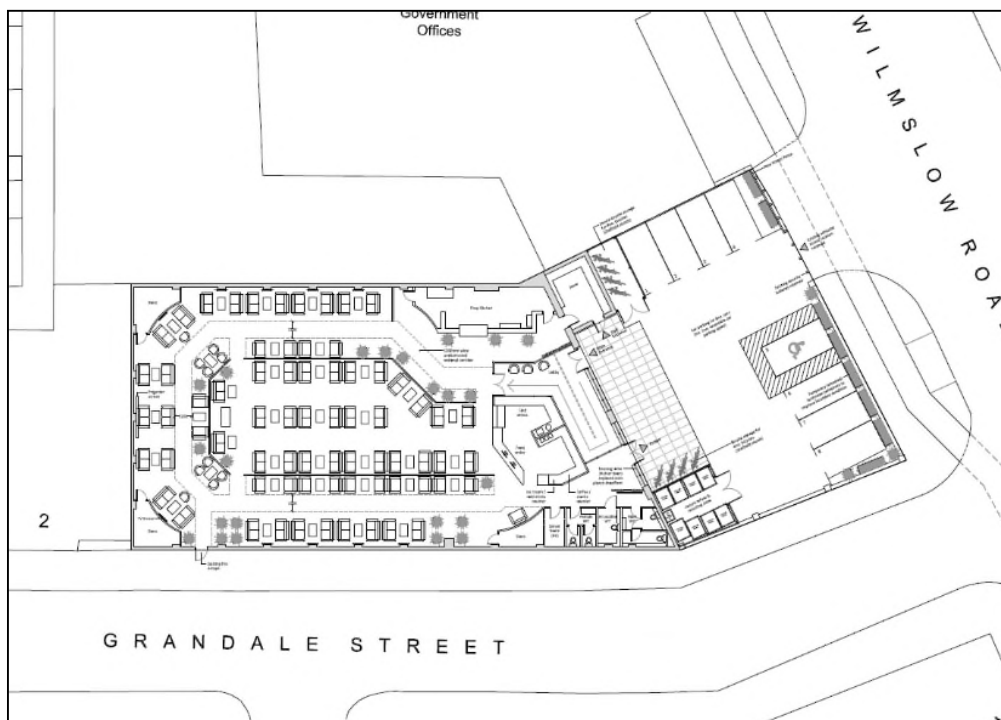
Centre. It is a large, warehouse-type building of brick construction with a pitched, metal cladding roof, and although it is only single-storey it is taller than the surrounding two-storey housing. The building is set back from the frontage of Wilmslow Road with a forecourt area bounded by a low brick wall. There is an existing vehicular access to the forecourt from Wilmslow Road. The building is bounded by the Job Centre Plus on Wilmslow Road and shop and restaurant uses to the rear on Grandale Road. Directly to the south and west the area becomes more residential in character.

Use of the premises as a tyre and exhaust fitting centre (falling within Class B2 general industrial uses) was a long-standing use, but this ceased in 2016 and the premises became vacant.

Complaints were received in the summer of 2017 that the premises were being used as a shisha bar and night club, causing significant disturbance to local residents, in particular the 'grand opening' which attracted large numbers of customers and onlookers and a substantial number of vehicles.

A temporary stop notice was served and this came into force on 31 August 2017, stating: "The development has introduced a significant noise, odour and traffic-generating use to a site which is in close proximity to residential properties. The noise and increased comings and goings at the site are detrimental to the amenity of occupiers of neighbouring residential properties." The notice expired on 28 September 2017, and the use has not recommenced.

A planning application to regularise the use (117467/FO/2017) was submitted on 26 September 2017. However, this was subsequently withdrawn.



The applicant's representative has stated in the supporting information that this current application has not been submitted to regularise the previous use, and it relates to a new A3 café use with the following changes:

- There is no shisha smoking associated with the application.
- The opening hours have been reduced from the previous late night opening proposed to: Monday to Thursday 10am to 10.30 pm, Friday and Saturday 10am to 11.30pm and Sunday 11am to 10pm.
- The DJ booths and associated loud speakers have been removed from the premises.

The application was further amended to include an internal lobby for queuing customers, a parking area for eight vehicles on the forecourt and changes to the frontage of the building to include a more traditional shop-front in place of the existing roller shutter doors.

The applicant has now also submitted a draft Management and Operations Plan setting out how the café would operate. It covers the following issues: health and safety, entry/ejection policy, alcohol/drugs/weapons, crowd management, queuing, and egress,

Consultations

Ward Members

When the application was originally submitted and when it was previously presented to Committee, the site was located within the Rusholme Ward. At the beginning of May, ward boundary changes were implemented across Manchester and the site is now located within the Moss Side ward.

- Councillors Rabnawaz Akbar and Ahmed Ali (Rusholme) support the amended application following the revisions relating to hours of opening, parking, removal of outdoor seating areas and shisha smoking, and inclusion of an internal waiting lobby.
- Councillors Emily Rowles, Sameem Ali and Mahadi H Sharif Mahamed (Moss Side) object, with the main concerns being the impact on local residents from noise, disturbance, litter, anti-social behaviour, and the addition of another very large capacity venue to an already overcrowded area.

Local Residents/Businesses

Letters of objection have been received from ten individual residents and a number of resident/community groups (Residents of Rusholme, Rusholme and Fallowfield Civic Society, Platt Claremont Residents' Association, South East Fallowfield and Withington Community Guardians and 'Upping It'.) The concerns relate to the original proposal and the scheme as amended and are summarised below:

- There is a serious parking problem on and around Wilmslow Road which has grown worse over recent years with significant traffic movements until late into the night.

- When Purples was open in the summer, parking problems increased significantly with cars parking on residential streets with no consideration for the residents.
- The car is an essential part of the social culture of the people this place will attract.
- Local residents have been hoping for a 'residents only' parking scheme on nearby terraced streets, but they cannot have this unless there is adequate parking for visitors to the night-time economy on Wilmslow Road. There is nothing like adequate parking so traders fear their business will fail if this is not addressed.
- Residents hope that this site, which is very large, could be developed as pay parking facilities to allow 'residents only' on surrounding streets.
- There are already far too many shisha cafes on the Curry Mile. There appears to be no control over these and the atmosphere has become 'male, tense and uncomfortable'. There are often fights, anti-social behaviour and a there was a recent 'mass brawl'.
- The proposal would create more congestion, anti-social behaviour and an unsafe and increasingly environmentally degraded residential zone.
- The proposal for an A3 café use has nothing more to offer than already exists.
- When open in the summer, the establishment was enormously successful in attracting the most expensive, high-powered vehicles and as a USP it was a commercial hit, pulling in an extraordinary array of 'supercars' which in turn attracted a steady stream of lesser 'boy racers'. The net effect was a spectacular display late into the night/early hours of the morning. Vehicles would cruise the Curry Mile and 'perform' for the crowd – all of which may be entertaining at Silverstone but is less than appropriate in a residential area of Rusholme.
- Rusholme District Centre is suffering from considerable anti-social behaviour associated with the increasing number of shisha establishments which now proliferate the area. There appears to be no commensurate resources or coherent planning associated with managing an evening economy that is dominated by shisha bars/cafes and this is directly contributing to undermining the quality of life for residents.
- Emphasis on the evening and night-time economy has meant that little focus is being given to the needs of day-time trade and local residents.
- Vehicle congestion and lack of parking are adversely impacting the decent quality of life local residents have a right to expect in their neighbourhoods. The granting of permission for this proposal runs counter to the aim of creating 'neighbourhoods of choice'.
- Residents feel that noise pollution from vehicle engines, exhaust and music is ruining the quiet enjoyment of their homes.
- On the opening weekend of the venue back in the summer, residents were subject to an ordeal of engine and exhaust noise as 'boy racers' descended on Rusholme to display their vehicles. They were attracted by a strong promotional campaign on social media designed to attract owners and purveyors of exotic moto vehicles to visit the venue, smoke shisha and use the local streets as 'race circuit'. No consideration was given to local residents. It was a carefully planned and well-orchestrated assault on the communities adjoin Rusholme District Centre.

- The applicant has displayed a disregard for controls and regulations, as shown by opening without correct permissions in place.
- Although the application has been altered to reduce hours of operation and not include shisha, no confidence this business would not revert back to its previous ways

A petition with 61 signatures (mainly local businesses) and a further 34 letters of support have been received in support of the proposals and the comments are summarised below:

- Purples created a vibrant and welcome environment.
- Since closure of the café the site has a run-down appearance and attracts anti-social behaviour.
- If the business were open it would provide surveillance and increase security.
- The proposal will bring addition footfall and new customers to the district centre.
- The proposal will add diversity of offer to the area.
- A café is a more appropriate use for the district centre than the tyre fitting/general industrial use.
- The young entrepreneurs have invested time and money in the scheme.
- The café would provide employment
- Traffic and parking have always been an issue in the district centre, not just related to this business which is at least providing some off-street parking.

Environmental Health

Commented on the initial proposals and recommended that the application be refused.

- In their initial comments Environmental Health expressed concerns about the acoustic report submitted with the application and commented that it had not demonstrated how typical background noise levels have been calculated, particularly in relation to residential properties nearby. Concerns were also raised regarding the arrival and departure of patrons due to the size of the operation, as this would include additional cars, and the associated noise and disamenity to the local community should be taken into account for an application of this magnitude. These comments were passed on to the applicant's representative, however, the issue has not been addressed in the acoustic report now supplied.
- Concerns were also raised relating to the initially proposed hours of operation as they were within a noise sensitive period where any of the amenity issues listed above will have a more serious impact i.e. sleep disturbance.
- There is already a high density of late night establishments in the vicinity. The addition of an extremely large premises in the area closer to the residential aspect of the community will likely lead to a cumulative impact. This will increase the risk of the aforementioned amenity issues having a greater impact on residents and the wider community.
- Following revisions to the scheme to reduce the hours of opening, changing the roller shutter doors to a more traditional shop front, and introducing an internal lobby, Environmental Health comment that the same acoustic report has been submitted, therefore their concerns have not been addressed and

the issues of noise and cumulative impact remain and they still recommend refusal of the application.

Comments on the up-dated acoustic report

Concerns now relate only to the external areas, particularly the impact of patrons hanging around outside before entering and leaving that may cause a disamenity to local residents, given the number of covers proposed. In addition, the car park at the front of the premises is clearly not large enough for the number of patrons and therefore cars will park on Grandale Street and other residential streets. It is considered that the potential for residential disamenity in this respect has not been addressed by the report. However, should Committee be minded to approve the application the standard conditions relating to new restaurant uses regarding fumes and odours, storage and disposal of waste, and air quality should be attached as well as restricting external seating and amplified music.

Highways Services

- Comments on the initial submission raised concerns that although the application site is located in a district centre, the lack of parking for a proposal of this type and size could not be supported.
- The application was amended to remove the outdoor seating area from the forecourt and to lay out this area for eight parking spaces and the indicative layout was considered acceptable. However, the maximum capacity of the unit has still not been provided and as such further information is requested from the applicant in terms of the proposed number of covers.
- 16 cycle parking spaces have now been noted as part of the development which is considered preferable in comparison to the previously proposed 8 spaces. The location and type of provision is considered acceptable, however it should be confirmed to be secure and sheltered.
- All servicing should be undertaken internally from within the site boundary. The applicant should provide vehicular tracking of the largest anticipated vehicle arriving to the site, to display sufficient capacity within the forecourt for refuse/ delivery vehicles to access/ egress whilst remaining in forward gear. This should be undertaken whilst all car parking bays are at full capacity.
- Whilst it is acknowledged that vehicles crossing the adjacent cycle lane is not ideal, the current situation is accepted and no significant highways implications anticipated.
- Details as to the intended frequency of refuse and delivery vehicles to the site are requested, along with the anticipated sizes of such vehicles, to fully understand these vehicular demands.

Up-dated comments following confirmation of the number of covers:

- The number of covers is noted as 135, across a floorspace of 670 square metres which is considered to be a substantial number of visitors. There is an on-site car parking capacity of 8 spaces (to include 1 disabled bay). Given the A3 use class, GM Parking Standards would suggest a maximum of 1 space per 7sqm, thus a maximum of 95 spaces given the floorspace offered.
- Highways recognise the existing parking pressures in this location and have concerns regarding any further build up in parking on-street across the

surrounding area. However, it is acknowledged that a number of trips will be undertaken on foot or viable sustainable modes, given the District Centre location. It is also accepted that a number of trips will form part of linked trips in association with neighbouring businesses and as such, parking accumulation is unlikely to give rise to any significant Highways concerns.

Greater Manchester Police

The proposed development should be designed and constructed in accordance with the recommendations contained within section 3.3 of the Crime Impact Assessment (URN:2016/0813/CIS/02) and a planning condition should be added to reflect the physical security specification listed within section 4 of the appendices within the CIS.

Policies

National Planning Policy Framework

The National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Pursuing sustainable development involves amongst its aims seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including widening the choice of quality homes.

The Development Plan

Manchester's Core Strategy Development Plan Document was adopted on 11 July 2012. It now forms part of the development plan for Manchester and its policies will provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- creating well designed places,
- making a positive contribution to health, safety and well-being,
- considering the needs of all members of the community, and
- protecting and enhancing the built and natural environment.

Policy T2 - The Council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers including the Regional Centre, Oxford Road Universities and Hospitals and the Airport and is easily accessible by walking, cycling and public transport;

connecting residents to jobs, centres, health, leisure, open space and education opportunities

Policy DM1 (Development Management) covers the detailed issues which need consideration and seeks to ensure that new development contributes to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice.

Policy DM1 (Development Management) states all development should have regard to the following specific issues:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

Not all of these are relevant to this application. Where they are applicable they are addressed in detail below.

Policy C1 – Centre Hierarchy - Rusholme is one of the City's District Centres, that have an essential role in providing key services to their neighbourhoods, including shopping, commercial leisure, public and community functions, ensuring that residents can access such services easily.

Policy C2 – District Centres - Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. Housing will also be considered an appropriate use within District Centres, providing it supports the vitality and viability of the centre.

Development in District Centres should:

- Prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink. The Council will ensure that retail remains the principal use in Primary Shopping Areas, but also ensure that provision is made in District Centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres. Subject to impact on overall character and local amenity, the Council will support development which extends the time during which District Centres are active;
- Promote the development of employment which provides opportunities for local people;
- Promote the efficient use of land, particularly through considering options for multi-storey development. New development should positively contribute to the reuse and regeneration of land and premises, together with wider regeneration and investment strategies;
- Contribute positively to the diversity and mix of uses within centres without undermining their primary retail function. Development should also promote a range of retailers and shop formats;
- Promote choice and competition particularly where development will support the independent sector;
- Remedy deficiencies in areas with poor access to facilities.
- New development should respect and enhance the character of existing centres.
- New development should deliver improvements to the quality and accessibility of the centre environment

Policy C5 – Hulme Longsight and Rusholme - Additional retail development will be supported in Rusholme, but this should complement the distinct commercial character of the District Centre. Development which supports the centre's commercial role, including environmental improvements and enhanced parking facilities will be supported. The improvement to the quality of the environment in Rusholme and Longsight is a priority to help retain and attract shoppers and visitors.

Policy C10 - states that 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:

- 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.
- Residential amenity - the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
- 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.

Saved UDP Policies DC10.1 to DC10.4 set out the considerations to be made when assessing proposals for food and drink uses.

Policy DC10.1 states that 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.

Policy DC10.2 states 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 DC10.3 states that 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.

Policy DC10.4 states that 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, storage of refuse and the collection of litter.

Saved UDP Policies DC26.1 to DC26.6 relate to development and noise

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 both the effect of new development proposals which are likely to be generators of noise; and the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 New noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted:

- a. in residential areas;
- b. near schools, hospitals, nursing homes and similar institutions;
- c. near open land used frequently for recreational purposes.

DC26.4 Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or noncritical rooms within a building; and
- c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 Exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Assessment of the above policies has been carried out and set out in detail in the main body of the report.

Issues

The principle of the use

Policies within the Core Strategy (including Saved UDP policies) are generally supportive of food and drink uses within district centres, provided they do not have an adverse impact on the living conditions of residential occupiers, do not lead to an overconcentration of this type of use and maintain an appropriate balance between the day-time and night-time economy.

Nevertheless, Rusholme District Centre has a more distinctive character, notable due to the predominance of food and drink uses, and the lively evening economy. It is a centre which attracts visitors from a wide catchment and is a valuable aspect of the City's identity, and the Core Strategy aims to protect this character. The principle of an additional A3 use within the District Centre would normally be acceptable in this context, adding to the vitality and viability of the centre, and would usually be seen as a more appropriate use than a tyre fitting centre.

The application site comprises a purpose-built garage-related facility. It is a relatively large site enjoying a prominent position in the District Centre on Wilmslow Road with a significant return elevation on to Grandale Street. Due to its previous functional requirements, the building is set back from Wilmslow Road with a hard standing that would accommodate waiting vehicles. It should also be noted that, the previous historic use of the premises was a B2 general industrial use.

Therefore, in principle, a new A3 use within in the District Centre could be acceptable, and it is acknowledged that this principle could be extended to this site, provided all detailed considerations can be addressed. In this instance there have been concerns relating to the implications of an A3 use being accommodated in this particular building, its size and relationship to residential properties.

Residential amenity

The A3 use would occupy a building of 670 square metres, which has the potential for approximately 135 covers. This scale of use has the potential to cause harm not only from noise generated within the building but also from comings and goings and people congregating outside, and significant concerns have been raised that the amenity of residents living nearby will be adversely impacted upon with regards to noise from an A3 use of this size in this location, close to residential uses and being located on the junction of Wilmslow Road and Grandale Street.

The change from the former exhaust and tyre fitting service in context with the immediate surroundings is clearly a significant change for residents living close by, as shown by the comments from local residents and community groups when the business opened last year. However, given the size and location of the application premises, it is acknowledged that any future use of the site is likely to have some impact on nearby residents. There are many residential properties adjacent to the application site and it is considered that the change of use to a cafe of this size could cause disamenity to those residents nearby, especially in the evening. The judgement to be made is the level of any impact; whether any harm can be mitigated by the addition of conditions for example; or whether it constitutes significant harm and does not warrant approval.

Following the deferral of the application at the Planning and Highways Committee in March, the applicant commissioned a new acoustic report to assess the acoustic suitability of the site for the change of use, control of noise break-out from the building and services, and activity noise to nearby sensitive receptors. It assessed activity noise emissions, patron waiting, the car park and traffic generation and plant and services, and concludes that the assessment demonstrates that no significant adverse impact would result from the use of the property as a restaurant with enclosed patron waiting area and eight-space car park.

The weakest point for noise breakout is considered to be the fire exit, and although it is assumed that the door will be kept shut at all times other than in an emergency the report recommends that the existing door is replaced with a more sound-proof model. The assessment within the report indicates that noise break-out via the walls and roof should be within the acceptable limits. In addition, with the installation of the new

shop front and the internal lobby, the report states that noise emissions from the queuing area are not expected to have an adverse impact on residential amenity.

The conclusions of the new acoustic assessment report are generally accepted by the Environmental Health Officer, however they comment that the report fails to consider that the volume of patrons arriving and leaving and congregating outside may result in residential disamenity.

Given the extent of the residential presence within the locality and given the proximity of residential accommodation to the application premises, it is important that the hours of opening should not be such as to impinge unacceptably on the amenity of local residents. To allow the premises to be open to the public into the early hours of every morning would create the potential for additional noise and disturbance to be generated at a time when local residents should be able to expect quietude. Although the premises fronts onto a busy main street within the District Centre, it is acknowledged that patrons are also likely to disperse on to residential streets. The comings and goings of customers and the congregation of customers outside could give rise to noise and disturbance, and activity outside the premises may affect the amenity of those living nearby if carried out very late at night.

The applicant agreed to reduce the proposed hours of opening. Originally consent was sought for late-night opening in line with many other food and drink operations in the District Centre, but the applicant has agreed to opening hours of: 10am to 10.30pm Monday to Thursday, 10am to 11.30pm Friday and Saturday, and 11am to 10pm on a Sunday. These hours of operation are considered more acceptable and will prevent disturbance from the premises late into the night.

The outstanding concern is therefore about noise from comings and goings and patrons once they have left the premises, so the applicant was asked to submit a customer management plan to look at dispersal etc and it is considered that this may go some way to addressing these issues. A Management and Operational Statement has been submitted in draft form setting out the approach to health and safety, entry/ejection policy, alcohol/drugs/weapons, crowd management, queuing, and egress. It is considered that this may need some additional work to strengthen the controls and this together with the implementation of the plan should be required by a condition.

It should also be taken into account that the previous use of the premises as a tyre and exhaust fitting centre fell within Class B2 general industrial use and the premises could potentially be re-used for any number of uses within this class that could give rise to some noise, disturbance and traffic and parking issues. Furthermore there was no restriction on the hours of operation of the previous business and any future use in the same class could also operate without restrictions.

It should be noted that some of the objections raised by local residents and community groups are based on the way Purples opened and operated during the summer of 2017 without the benefit of planning permission, and they are concerned that the business will operate in the same way if granted permission. However, changes have been made to the proposal, including some off-street parking, reduced hours of operation, no shisha smoking, removal of DJ booths, inclusion of an

entrance lobby and new shop frontage, and these address some of the concerns raised about the previous unauthorised use. This application must therefore be considered on its merits and the information contained in the current submission.

Shisha smoking and outdoor seating

The original application indicated that the forecourt area was to be used for outdoor seating and shisha smoking. This was of concern due to the potential impact on residential amenity from the additional noise and disturbance. The seating area within the forecourt has been removed from the drawings and a small parking area is now proposed. This is considered an acceptable solution, but as a further security measure to prevent such a use being taken up in the future on this part of the site as an ancillary operation and to safeguard residential amenity, it is considered that a condition should be attached if approval is granted, to ensure the area is kept available for parking and to remove any permitted development rights for the placing of tables and chairs on this area.

Car parking, servicing and access

The number of covers proposed is noted as 135, across a floorspace of 670 square metres and there is an on-site car parking capacity of eight. The residential streets near to the application site are mainly terraced without provision for off-street parking, and busy, congested streets and lack of parking and inconsiderate parking are particular concerns expressed by residents. However, given the size of this unit, it must be accepted that any use of the premises is likely to generate additional traffic and parking demand which could impact on surrounding streets. Access to the forecourt is via an existing vehicular crossing on to Wilmslow Road and requires crossing the cycle lane. Highways Services have commented that this is acceptable as the access was in place when the recent highways improvements were undertaken.

The Core Strategy Appendix B sets out parking standards based on the maximum number of spaces considered appropriate for developments, not the minimum, and the figures for A3 restaurant uses in District Centres is one space per 7 square metres of floor area, which would result in a maximum for this development of 95 spaces. The initial proposal did not include off-street parking and Highways Services commented that although it is accepted that the accessible location of the site offers sustainable transport alternatives, a scheme with no on-site parking at all would be considered unacceptable. Therefore the scheme was revised and now includes eight parking spaces on the forecourt. The issue is whether, given the district centre location, this is adequate for an A3 operation of this size and whether it is considered likely to generate further vehicle congestion along nearby residential streets given the existing pressures in this location. Eight on-site spaces is not a significant amount of provision given the size of the restaurant proposed, and some on-street parking on surrounding residential roads is likely. Nevertheless, many A3 uses within the area have no off-street parking at all. On balance, given the sustainable, District Centre location it is considered that this would not result in significant harm in itself to warrant refusal of the application on parking grounds. Furthermore, if the site were to be re-used for an operation falling within the authorised use class of the premises, there would be no controls in terms of parking provision.

It is recognised that there are existing parking pressures in this location and there are concerns regarding any further build up in parking on-street across the surrounding area. However, it is acknowledged that a number of trips will be undertaken on foot or viable sustainable modes, given the District Centre location, and that a number of trips will form part of linked trips in association with neighbouring businesses and as such, parking accumulation is unlikely to give rise to any significant additional concerns so as to warrant refusal of the application.

Cycle parking

The proposed layout now includes parking for 16 cycles, in the form of Sheffield stands, eight of which are within a secure enclosure, and eight to the side of the main doors.

Waste management

A secure refuse and recycling store is indicated in the forecourt adjacent to the boundary wall along Grandale Street. Environmental Health have not commented on the waste storage details and therefore a condition should be attached if planning permission is granted to ensure that the facilities are adequate.

Security

GMP have no objections to the proposal on security grounds and have given advice regarding the effective management of the entrance to control numbers and avoid conflicts; restricting unauthorised access; installation of CCTV and alarms; secure waste storage facilities; lighting; and the security requirements for doors and windows etc. Comments have been received from local residents and visitors that since it became vacant the site has become a target for anti-social behaviour and fly tipping. The proposal would bring a use to the site which would result in additional activity and consequent surveillance of the area.

Visual amenity

When the venue opened in the summer there were minimal external alteration to the building; it retained the roller shutter doors to the frontage and its industrial appearance. The proposal now includes the installation of a glazed shopfront, more in keeping with the type of use proposed and improving the appearance of the frontage. The forecourt is currently bounded by a low grey/blue brick wall with coping and the proposal includes the location of landscape containers/planters set around the inside of the boundary wall. It is acknowledged that some efforts have been made to lift the appearance of the site, however there are no other external works proposed for the building and overall it would still have an industrial appearance.

Disabled access

The drawings indicate level access to the building; an accessible WC; a 1200mm wide unobstructed notional corridor through the building; and one of the parking spaces is demarcated for disabled use.

Regeneration

The site has been vacant for some time now and has a negative impact on the street frontage and the general area. Approval of this proposal will result in an active use to the street frontage and contribute to the vitality and viability of the District Centre and will provide around 15 jobs. This positive use of the site is therefore welcomed.

Conclusion

The applicant has made significant changes to the proposal to address the concerns regarding the impact of the use on residential amenity. It is considered that any new use of the premises is likely to have some impact on local residents, given its size and proximity to house and also its established use for general industrial purposes. The revisions and new information submitted together with the addition of conditions should minimise the impact on residential amenity.

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 polices of the Unitary Development Plan, the Head 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 to try and resolve any problems arising in relation to dealing with the planning application, in particular in relation to the impact of the proposal on residential amenity.

Conditions to be attached to the decision

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:

T698 P001 Location Plan
T698 P002 Existing Site Plan
T698 P008 Proposed Site Plan
T698 P016 Proposed Ground Floor
T698 P017 Proposed Elevations
Crime Impact Assessment 2016/0813/CIS/02
Planning Noise Impact Assessment by dBx Acoustics re 18022 dated 29/3/18

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.

3) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the Planning Noise impact Assessment undertaken by dBx Acoustics re 18022 dated 29/3/18.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to Policies SP1 and DM1 of the Core Strategy.

4) 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.

5) No part of the site outside of the building shall be used other than in accordance with the approved drawings, including for use as an external seating area. No amplified sound or any music shall be produced or played in any part of the site outside of the building.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

6) The premises shall not be open outside the following hours:-
10am to 10.30pm Monday to Thursday, 10am to 11.30pm Friday and Saturday, and 11am to 10pm on a Sunday.

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.

7) No loading or unloading or deliveries shall be carried out on the site outside the hours of Monday to Saturday 7.30 am to 8.00 pm and there shall be no deliveries/waste collections etc on Sundays or Bank Holidays.

Reason - In order to protect the amenity of local residents, pursuant to policies SP1 and DM1 of the Core Strategy.

8) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied pursuant to Policies SP1 and DM1 of the Core Strategy.

9) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties pursuant to policies SP1 and DM1 of the Core Strategy.

10) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health and residential amenity pursuant to policies SP1 and DM1 of the Core Strategy.

11) The development shall only be carried out in accordance with the details within the approved Crime Impact Statement. Within six months of the occupation of the buildings hereby approved, written confirmation of a Secured by Design accreditation must be submitted to the local planning authority.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

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: 118025/FO/2017 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
Greater Manchester Police
Rusholme Business Association
Rusholme & Fallowfield Civic Society

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

Relevant Contact Officer : Paula McGovern
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 Application site boundary  Neighbour notification
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