

Application Number	Date of Appln	Committee Date	Ward
120314/FU/2018	30th Jul 2018	13th Dec 2018	Chorlton Ward

Proposal Change of use from shop (Class A1) to restaurant (Class A3)

Location 456 Wilbraham Road, Manchester, M21 0AG

Applicant Mr Shahed Mohammed, 456 Wilbraham Road, Manchester, M21 0AG

Agent Mr G Siddique, Architecture & Interior Design, 17 Coleshill Road, Birmingham, B36 8DT

Description

This application relates to the ground floor of a three storey mid parade property with residential on the upper floors. There is a small yard to the rear leading on to an alley which in turn adjoins Keppel Road

The property is located within Chorlton District Centre close to Chorlton Cross. There are commercial properties to either side and facing the site on Wilbraham Road. To the rear, separated by a narrow alley is the side elevation of a bank on Barlow Moor Road/Wilbraham Road. Excluding the bank there are nine other commercial properties in the parade of which one is a sandwich shop class A1, one a restaurant Class A3 and one a take away class A5.



Permission is sought to use the property as a café within class A3 of the Use classes Order. The premises would operate between 11.00am and 11.30pm Monday to

Saturday and 11.30am to 11.30 pm Sundays and bank holidays. A flue would be provided at the rear of the property. Refuse would be stored in the rear yard. The submitted scheme includes fume extraction details and an acoustic insulation scheme.

When the application was first submitted permission was sought for a café together with a hot food take away, class A3 and A5. However, following negotiations the application has been revised and approval is now only sought for the use as a café class A3.

Consultations

Ward Members

Councillor John Hacking says that local residents feel very strongly that there are more than enough A3 properties on this stretch of Wilbraham Road and that granting permission for another risks adding to the parking issues, anti-social behaviour and waste disposal/environmental health issues already blighting this part of Chorlton. He agrees with them and urges that this application be refused. He further believes this application represents a loss of amenity to residents and hasn't adequately addressed the issue of visitor parking.

Local residents/businesses

One letter has been received objecting to the proposed development. The Grounds for objecting are summarised below.

- Concern is expressed about noise from the extractor fans
- Another take away on this stretch of road will make worse the existing problems of noise, litter and food waste.
- The use will generate more waste and vermin.
- The use will generate more inconsiderate parking.

Chorlton Civic Society

Object to the proposed development. Their grounds for objecting are summarised below.

- A further hot food take away will adversely affect the viability and vitality of the Centre.
- The proposal is contrary to the supplementary planning document for A5 uses.

Strategic Area and City Wide Support Manager

No objections subject to conditions in respect of the following.

- Restricting deliveries to between 7.30am and 8.00pm Monday to Saturday. No deliveries Sundays or bank holidays.
- The implementation of the submitted fume extraction scheme
- Limiting the hours of operation to those applied for.

- The acoustic insulation of the building.
- Acoustic insulation of any plant or machinery.
- Refuse storage.

Highways

This development is located within Chorlton District Centre in proximity to a variety of modes of transport and is therefore considered to be highly accessible.

The servicing arrangements are unclear.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, C6, C10 and DM1

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 DM1 seeks to protect the amenity of an area from the adverse impact of development including road safety and traffic generation. Consideration will also be given to the appropriateness of the site layout, scale form, massing and materials.

Policy C6 – states across the area there is capacity for both further convenience and comparison retailing floor space. Identified capacity will be directed to Chorlton centre to support more sustainable shopping patterns, with enhanced provision also promoted in Levenshulme. Redevelopment in Chorlton will provide a substantial increase in retail, alongside improvements to other commercial and community services. New development should also make a contribution to the character of the centre, including a range of unit sizes and environmental improvements.

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:

1. 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.

2. Residential amenity - the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
3. 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.

When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also:

- The existing number of similar establishments in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops and public houses;
- The existence of vacant shop units and the condition of the unit;
- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- The character of the centre and its frontage, and the nature of the use proposed;
- The potential impacts of the proposal on the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Unitary Development Plan

The relevant saved UDP policies are DC10 and DC26

Policy DC10 sets down the criteria to be considered in determining application for food and drink uses. The policy sets down the locational requirements and the need to address refuse storage and residential amenity.

Policy DC26 seeks to protect an area from the adverse impact of noise.

Supplementary Planning Document on Hot food take aways.

As originally submitted consent was sought for a highbred Café/hot food take away, class A3/A5. However, the application has been modified and consent is now sought solely for use as a café class A3 and therefore the SPD is no longer relevant.

National Planning Policy Framework

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

Under the heading "Ensuring the Vitality of Town Centres" paragraph 85 of the NPPF says that "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation".

Paragraph 92 on the subject of promoting healthy and safe communities refers to the need to provide social, recreational and cultural facilities and services.

The impact of the proposed development will be assessed against these policies in the following sections.

Issues

Principle

Due to the district centre location of the premises within a commercial frontage containing one similar use, the broad principle of the proposed use would normally be considered acceptable in such circumstances and compliant with the overarching principle contained within saved policy DC10 of the Unitary Development Plan and policies C6 and C10 of the Core Strategy. These policies consider the impact of food and drink uses and seek to support proposals that contribute to the vitality of centres, in particular those that contribute to the evening economy.

Concentration

Core Strategy policy C10 suggests that within centres the amount of A4 and A5 uses should be less than 15% of the total. However, there is no such indicator for cafes/restaurants class A3. In the 2015 District Centre survey it was found that of the 279 units in the centre 33, 12%, were in use as cafes and restaurants, class A3. In terms of the parade within which the application is located the provision of an additional café/restaurant use Class A3 making 2 in total would, it is considered, not constitute an over provision of food and drink uses. In addition, the parade also includes an off license, opticians, butchers, cash converter, bank, Vaping shop, a sandwich shop, a hair dressing salon as well as a hot food take away and restaurant. On balance it is considered that this represents a range of services that would not be significantly affected by the opening of a further café/restaurant.

It is not considered that this proposal will have a detrimental impact upon the vitality and viability of this part of the Chorlton District Centre, as the parade is still

predominantly in none food and drink related uses. The proposed use would also add to the evening economy.

Vitality and viability

The proposed use would ensure that vacancies in the centre do not increase detracting from its attractiveness. It will also bring activity to the centre in the evenings bolstering the night time economy of the area. On balance it is considered that the proposed development would improve the viability and vitality of the centre.

Hours of operation

The proposed hours of operation of 11.00am to 11.30 pm Monday to Saturday and 11.30 am to 11.00pm Sundays and Bank Holidays is considered to be appropriate for such a use within a large District shopping centre such as Chorlton. The proposed development would therefore accord with Core Strategy policies SP1, C10 and DM1 and saved Unitary Development Plan policies DC10 and DC26.

Refuse storage

The submitted plans show two paladin style bins in the rear yard for general waste which is adequate, however, it was proposed to provide a single bin for recycling which was not. Two conditions are therefore proposed one requiring the provision of the paladin bins and a second condition requiring the submission of a scheme for the storage of segregated waste for recycling.

There is adequate space within the rear yard to accommodate the refuse storage requirements of the development and the accommodation above. For collection purposes staff have to take the bins to Keppel Road as the rear alley is a cul de sac. This arrangement would be the same for any users of this property or any of the other properties in the parade. The proposed development would therefore accord with Core Strategy policies SP1, C10 and DM1 and saved Unitary Development Plan policy DC10.

Parking

As a district centre location commercial uses would not normally be expected to provide their own dedicated parking. In this instance the site is located close to Chorlton Cross at the very heart of the district centre and this is considered to be a sustainable location with good access to both Metrolink and local bus services. There is also limited on street parking available in front of the property. It is recognised that there may be some potential for parking in the surrounding residential streets, however, this would be the case with the existing retail use which has unrestricted opening hours. The proposed development would therefore accord with Core Strategy policies SP1, C10 and DM1 and saved Unitary Development Plan policy DC10.

Fume extraction

The flue would be located on the rear elevation of the main body of the building and would discharge above eaves height. It would have a bare metal finish, however, it would be largely invisible from outside the site as it would be screened by the adjacent buildings.

The submitted fume extraction scheme is considered acceptable and an appropriate condition is proposed should consent be granted. The proposed development would therefore accord with Core Strategy policies SP1, C10 and DM1 and saved Unitary Development Plan policies DC10.

Acoustic Insulation

A scheme has been submitted for the acoustic insulation of the premises to prevent the breakout of noise. The scheme is acceptable and appropriate conditions are proposed. The submitted scheme for the flue has been assessed and is considered to be acceptable, again an appropriate condition is proposed. The proposed development would therefore accord with Core Strategy policies SP1, C10 and DM1 and saved Unitary Development Plan policies DC10 and DC26

Impact on Amenity

The closest residential accommodation are the flats above the commercial units. Such properties cannot expect the same levels of amenity as in a residential area and it is considered that subject to the implementation of the fume extraction and acoustic insulation scheme and by adhering to the operating hours any impact would, on balance, be within acceptable limits.

To the rear of the property is the side elevation of a bank on Barlow Moor Road. The nearest residential accommodation being on Keppel Road and is considered to be sufficiently far away, approximately 16 metres between rear elevations, and partially screened by the adjoining property for any noise from the building to have any significant impact. Patrons leaving the premises would need to travel approximately 71 metres before reaching the first residential property giving time for groups to have dispersed.

It is acknowledged that there is some potential for a loss of amenity from parking in the surrounding residential streets however, as restaurants tend to have a smaller throughput than takeaways it is not considered that any parking on the side streets would be so significant as to cause a significant loss of amenity.

The proposed development would therefore accord with Core Strategy policies SP1, C10 and DM1 and saved Unitary Development Plan policies DC10 and DC26

Anti-Social Behaviour.

The proposed use is located within a district shopping centre and whilst it would attract additional people to the area it would not necessarily generate anti-social behaviour. It would however, provide additional activity and natural surveillance within the centre.

Disabled Access

There are no changes proposed to the existing shop front which has a level access and would remain unchanged.

Conclusion

On balance it is considered that the proposed development would add to the vitality of the centre without adversely impacting on the amenity of the area or local residents. It is considered therefore that the proposed development accords with Core Strategy policies SP1, C6, C10 and DM1 and saved UDP policies DC10 and DC26

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 policies 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 based on seeking solutions to issues arising from the consideration of this application.

Reason for recommendation

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: 1.1 and 3.0

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) Within three months of the date of this permission a scheme for the storage and disposal of segregated recycling shall be 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. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health pursuant to Core Strategy policies DM1 and C10 and saved Unitary Development Plan policy DC10

4) The refuse storage arrangements shown on the approved drawings shall be implemented as part of the development and shall be retained as long as the use is in operation.

Reason - In the interests of amenity and public health pursuant to Core Strategy policies DM1 and C10 and saved Unitary Development Plan policy DC10

5) No background music shall be played in the premises without the prior approval by the City Council of the maximum internal limits in octave bands. All speakers should be wall mounted on anti-vibration mounts.

Reason to protect the amenity of the occupiers of adjoining residential accommodation pursuant to Core Strategy policies C10 and DM1 and save Unitary Development Plan policies DC10 and DC26.

6) The premises shall not be open outside the following hours: -

- 11.00am to 11.30pm Monday to Saturday and
- 11.30am to 11.30pm Sundays and Bank Holidays

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) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 7:30 am to 8:00pm, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Core Strategy policy DM1

8) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the submitted scheme and shall be implemented before the use

commences and maintain in place as long as the use is in operation. The scheme shall be maintained in accordance with the manufacturers specification.

Reason - In the interests of the amenities of occupiers of nearby property pursuant to Core Strategy policies DM1 and C10 and Saved Unitary Development Plan policy DC10

9) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the submitted noise study of the premises and approved scheme of acoustic treatment. The scheme shall be implemented in full before the use commences and a verification report submitted for approval by the City Council as local planning authority. Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to Core Strategy policies DM1 and C10 and saved Unitary Development Plan policies DC10 and DC26.

10) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the approved scheme so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. A post completion report shall be submitted after installation to verify that the levels are as specified.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to Core Strategy policies DM1 and C10 and saved Unitary Development Plan policies DC10 and DC26

11) Within one month of the planning permission hereby granted, a scheme shall be submitted to and approved in writing by the City Council as local planning authority detailing arrangements for the day-time opening and closure of existing ground floor roller shutters. The development shall be undertaken in accordance with the approved details to a timescale agreed in writing by the City Council as local planning authority and maintained in situ thereafter.

Reason - In interests of residential amenity and to safeguard the appearance and character of Chorlton District Centre, pursuant to policies SP1, C10 and DM1 of the Core Strategy 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: 120314/FU/2018 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.

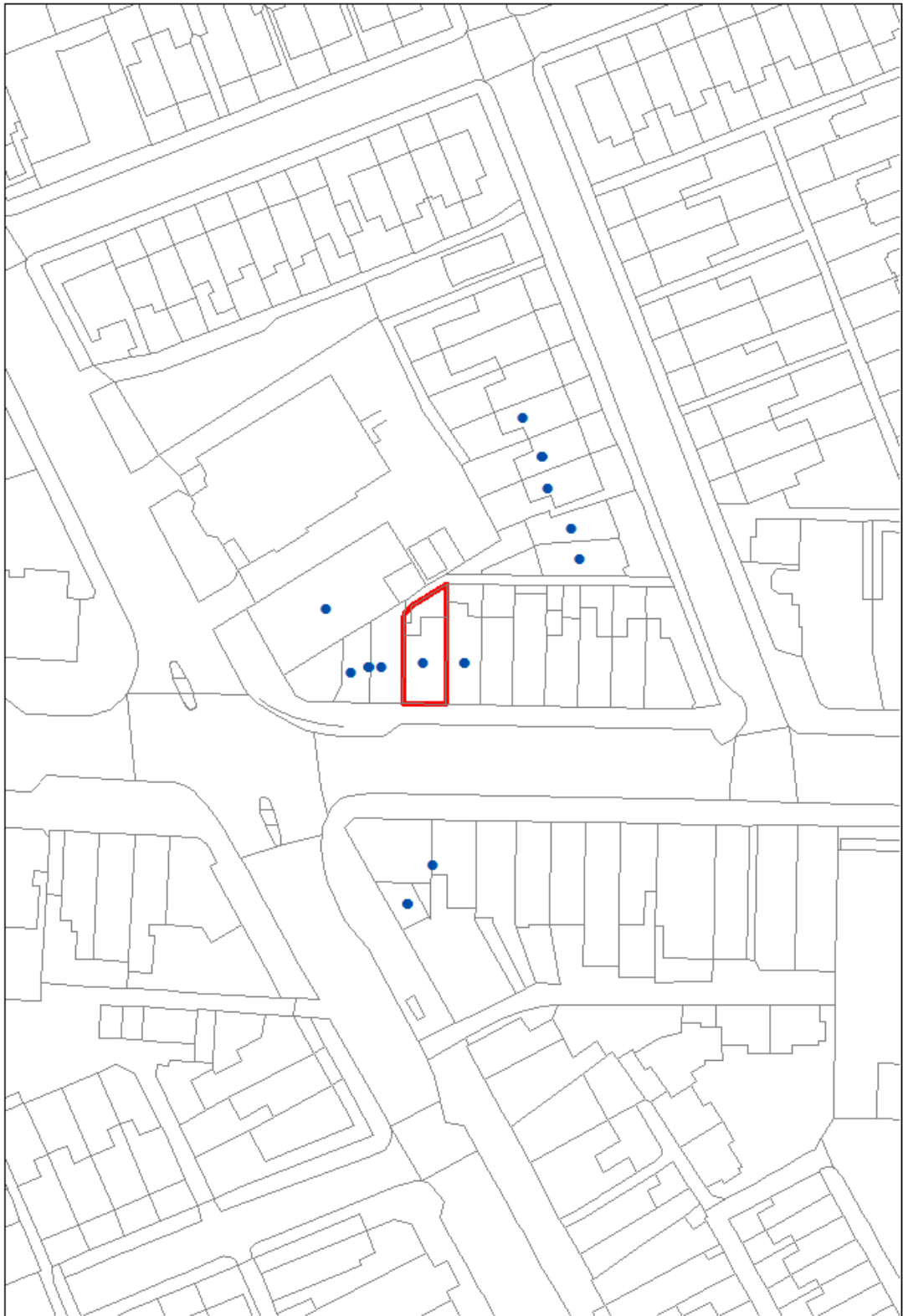
The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health
Greater Manchester Police
Chorlton Voice

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

Representations were received from the following third parties:

Relevant Contact Officer :	Dave Morris
Telephone number :	0161 600 7924
Email :	d.morris@manchester.gov.uk



 Application site boundary  Neighbour notification
© Crown copyright and database rights 2018. Ordnance Survey 100019568