

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

**Planning and Highways
Committee**
20 September 2018

Plans List No.
8

Application Number
120507/FO/2018

**Main Agenda
No.**

Ward
Levenshulme

Description and Address

Change of use of former post office and sorting office to a mixed use licensed food hall, grocery shop and deli, microbrewery, community space and associated offices with installation of photo voltaic panels to flat roofs and elevational alterations to rear outbuildings

Location: 30 Albert Road Manchester M19 2FP

1. Applicant / Agent

The following amendments have been requested in relation to the recommended schedule of conditions:

- i. Condition 4 – A minor amendment to the starting point for the implementation of the submitted waste management plan has been submitted;
- ii. Condition 6 – The condition should make reference to the submitted acoustic report and should require that the development be undertaken in accordance with its details;
- iii. Condition 8 – It is considered that sufficient assurance has been submitted to demonstrate that the food hall can operate in accordance with the following proposed opening times, without causing undue noise and disturbance to neighbouring residents , ie,

Food hall – Monday to Sunday: 8.00 am to 11.00 pm;

These arrangements include the closing of windows adjacent to the service yard after 10.00 pm. It is considered that any restrictions to these hours would be unnecessary and unreasonable and would potentially undermine the implementation of the proposed business plan.

With regard to the use of the external forecourt (adjacent to Albert Road), the applicant has provided a detailed assessment of the likely use of the forecourt. The applicant has indicated that the number of external benches with tables could be reduced to 8 (from 10) giving an operational capacity of 48 customers outside the building. The extent of the use of the forecourt would be related to weather conditions and the time of year. It is noted that the external area was previously used in connection with the previous restaurant use without any complaints regarding noise and disturbance. Notwithstanding the above, an operating hours restriction of 10.00 pm in relation to the use of the forecourt area would be acceptable to the applicant.

iv. Condition 13 – Attainment of ‘Secured by Design’ accreditation should be removed from condition 13 as it is not a requirement of the crime impact statement prepared by GM Police Design for Security.

v. Condition 15 – The applicant has submitted a statement that details the arrangements for site management at the end of daily trade, including sweeping of external areas. It is requested that the wording of condition 15 be replaced with reference to the implementation of the details of the submitted statement.

2. Officers / Outside Bodies

Environmental Health – The following comments have been received in response to the further submission of the applicant’s agent:

i. Condition 6 – The submitted acoustic report has been assessed. It is recommended that condition 6 be maintained in the form set out in the committee report as additional information is required in relation to the assessment of background noise levels in the external areas addendum report. The acoustic scheme also needs to take account of other acoustic measures, including potential requirements relating to the formation of an acoustic lobby, closing the food hall windows in the late evening and the operation of the forecourt area.

ii. Condition 8 – It is considered that the proposed opening hours of the food hall are considered to be acceptable subject to windows being closed after 10.00 pm. Discussions with the applicant’s acoustician have indicated that an overheating study will need to be undertaken to determine whether the operation of the food hall with windows closed will require additional ventilation. The following condition has therefore been recommended:

‘Before the development commences an overheating assessment shall be submitted to and approved in writing by the City Council as local planning authority. The assessment shall include noise where windows are required to be open for ventilation. The approved measures where necessary shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure an adequate ventilation strategy is put place as a result of windows being closed for noise mitigation purposes in the interest of the amenity of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC26 of the Unitary Development Plan and chapter 8 of the National Planning Policy Framework.’

It is recommended that the uses of the forecourt area be managed through the following condition:

‘The use of the external forecourt adjacent to Albert Road and within the application site shall only be undertaken in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority, and shall not allow for the use of amplified sound or any music in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester, policy DC26 of the Saved Unitary Development Plan and chapter 8 of the National Planning Policy Framework.’

3. Head of Planning – Further observation / modifications to conditions.

i. It is considered that the applicant has demonstrated that the internal use of the application premises can be appropriately implemented without unduly impacting upon residential amenity subject to planning conditions. On this basis, it is considered that sufficient information has been provided to allow the application to be satisfactorily assessed.

ii. In the light of the comments of Environmental Health, it is considered that further information is required to ensure that the food hall can operate appropriately with the windows closed after 10.00 pm and any potential requirement for additional ventilation is addressed before the use is brought into operation. On this basis, an additional condition relating to ventilation has been recommended. Condition 7, is amended to allow the following opening hours in relation to the food hall:

Food hall – Monday to Sunday: 8.00 am to 11.00 pm with windows to the rear yard area closed after 10.00pm until 8.00 am.

iii. Consideration has been given to the comments of Environmental Health in relation to the hours of use relating the external forecourt. The previous use of this area in connection with the previous restaurant use has also been taken into account. It is considered that the use of the area for eating and drinking up to 9.00 pm would be reasonable and necessary to safeguard residents against undue noise disturbance in the later evening period. A condition relating the use of the forecourt area has been recommended stating the following hours: Monday to Sunday: 8.00 am to 9.00 pm.

iv. The details required by condition 8, as set out in the committee report, have been omitted as related issues are now addressed through revised conditions discussed above.

iv. Condition 6 should be retained as set out in the committee report to allow further information to be submitted and to ensure that the premises can be adequately attenuated.

iv. The following comments are made in relation to amendments to the following conditions:

a. Condition 4 – A minor amendment to the starting point for the implementation of the submitted waste management plan has been made to read as follows:

‘Before the commencement of the operation of any part of the authorised delicatessen / grocery / microbrewery / food hall uses details of the appearance, specification and location of composter units to be installed as part of the development, along with any related means of external enclosures, shall be submitted to and approved in writing by the City Council as local planning authority.’

b. Condition 13 – Has been amended to delete reference to the attainment of ‘Secured by Design’ accreditation. However, the condition has been amended to require that measures recommended in the submitted crime impact statement are implemented within two months of the implementation of the use.

c. Condition 15 – Has been amended to ensure the implementation of the site management arrangements, as set out in the agent’s email dated 18 September 2018, as part of the development.

The recommendation remains to APPROVE the application subject to the planning conditions outlined in the report.