

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132053/FO/2021

Date registered valid: 15 December 2021

Proposal: Elevational alterations in association with the change of use from drinking establishment (Sui Generis) to Restaurant E (b) together with: erection of boundary wall to the rear to existing outdoor garden area; erection of two storey side extension to relocate staircase for upper floor.

Address: 5 Walmer Street, Rusholme, Manchester, M14 5UB

Ward(s): Moss Side Ward

Applicant: Saleem, 5 Walmer Street, Rusholme, Manchester, M14 5UB

Agent (if any): Mr Muneeb Lokasher, ML DESIGN, 4 Fairview Avenue, Manchester, M19 2AN

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 February 2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 26th April 2021 – undertaken for previous application

Standard consultations:

Printed: 20 December 2021

Expired: 10 January 2022

Neighbour notifications

Printed: 20 December 2021

Expired: 10 January 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Area

The application property is a detached two storey brick building located to the immediate west of the main Wilmslow Road frontage associated with Rusholme District Centre. The district centre is a busy food orientated commercial area arranged north - south along the Wilmslow Road corridor. Rusholme district centre has some of the most distinctive characteristics of all the centres across Manchester and especially notable is the strong influence of Asian trade and the lively evening economy. It is a centre which attracts visitors from a wide catchment (beyond Manchester), and is a valuable aspect of the City's identity.



Walmer Street frontage

The application property was formerly in use of a public house prior to its disposal by the previous owners. The building itself due to its siting and design and material finish is a prominent building and provides a visual differentiation from the more modern commercial heart of the district centre and the change in character towards a more residential nature to the west along Walmer Street. The specific design and finishes of note are around windows and to the ground floor external elevations on Walmer and Aspinall Street. At the time of the site visit most of these features appeared absent covered by externally mounted security shutters.

Description of proposals

The proposals as submitted are for the change of use of the former public house to a restaurant and enclosure of outdoor garden area with retractable canopy roof, the proposals also include a proposed side extension to relocate staircase for upper floor and the installation of flue. The submitted drawings also include the elevation alterations to the ground floor with the removal of existing windows and elements of the facade and replacement with large aluminium framed windows falling to ground level together with the installation of roller shutters. These elements were considered under planning application reference 130069/FO/2021.

The property was subject of an enforcement notice due to the unauthorised works including creation of enlarged window openings and removal of historic fabric. At the time of those works advice was given by the Council that materials demolished should not be disposed of and should be stored

Consultations & Notification Responses

Neighbouring occupiers were notified of the proposals, no responses were received.

MCC Highway Services - The proposed change of use is unlikely to generate any significant increase in vehicle trips compared to that of the previous use as a drinking establishment.

The site offers suitable access to sustainable modes, with regular bus connections routed along Wilmslow Road.

It is understood that four parking spaces are in place and these will be retained as part of the proposals. Regarding the dimension of these spaces, these should all accord with MCC's standard minimum requirement. It is recommended that standard parking bay dimensions be a minimum of 2.4m x 4.8m and disabled parking bay dimensions a minimum of 3.6m x 6.0m. This should also include a 6-metre aisle width to allow vehicles to safely manoeuvre within the car park with formal demarcation of all spaces.

Vehicular access to the site is gained from Aspinall Street. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access.

Continual monitoring of parking demands is recommended in order to ensure no adverse impact is generated from the development when fully operational.

For the avoidance of doubt, there must be no requirement for vehicles to reverse into/ from the site.

In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. 6 cycle spaces will be in place for the use of staff and visitors.

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

As such, the proposed boundary treatments are considered acceptable from a Highways perspective.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Highways have no concerns regarding the proposed elevational alterations.

The extraction ventilation system will only be sited within the curtilage of the site and will not impinge on the adopted highway.

The single storey extension extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

It is requested that the outdoor garden area has a sufficient headroom clearance, compliant with the 2.5m minimum.

A refuse storage area is noted within the site. A bin store will be in place. Bins will be taken to the car park to the collection point on collection days. Swept path analysis shows that the refuse vehicle can safely manoeuvre around the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester highwayapplications@manchester.gov.uk (Tel. 0161 234 5004).

MCC Environmental Health – Request conditions be attached to any approval to deal with:
Acoustic insulation of the premises; schedule of days and hours of use of external areas;
External plant and equipment; hours of opening as applied for; delivery hours;
construction hours (to be included as an informative in this instance given the scope of works;
scheme for fumes and odour extraction; waste management storage ;

Policy

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. 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.

The Framework has been related to the proposed development, with particular emphasis given to the following:

Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities . It states Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the PPG:

- 1) The National Design Guide.

Manchester's Local Development Framework: Core Strategy

The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

i. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to achieve an appropriate standard of urban design, as identified in national planning guidance and have regard to the character area in which the development is located.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are relevant in relation to the proposed development:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- o Development should have regard to the character of the surrounding area;
- o Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, road safety and traffic generation;
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection;
- o Vehicular access and car parking;
- o Flood risk and drainage.

Policy C2 'District Centres' indicates that proposals will be supported that respects and enhance the character of existing centres.

Policy C10 Leisure and Evening Economy – states 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.

Saved Unitary Development Plan policy DC26 – states 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:

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

Guide to Development in Manchester - States that throughout the City, the Council will encourage development that complements Supplementary Planning Document and Planning Guidance. The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

Issues

Principle of the development - The application site is located in close proximity to Rusholme District Centre and was in former use as a public house. Therefore, the general principle for its conversion to a use that would support the leisure and evening economy together with

improvements to bring the building back into use would generally be acceptable to ensure the continued contribution of buildings towards a successful and thriving leisure and night time economy associated with Rusholme. However, in this instance further consideration is required of the impacts on the building and visual amenity of it and where it is located and residential amenity of the use.

Design - The provision of a covered 'external area' is generally considered acceptable and would improve the appearance of this part of the site facing onto Aspinall Street, it is proposed that the retractable roof will be constructed of waterproof composite fabric with a polyester powder coated shutter box and rails and powder coated frame with glazed panels. A condition is proposed to agree the final details of the finishes of these elements together with the materials for the window reinstatements and extension. The proposed extension is also considered to be acceptable and is to the rear of the building and would not disrupt the main frontage elevations of Walmer and Aspinall Street where the more detailed features of the building are located.

The reinstatement of historic features with new materials is considered necessary to make the development acceptable following their unauthorised removal and subsequent refusal of the previous proposals. As such the details of the glazed bricks, external architraves etc are to be secured via a pre-commencement materials condition which has been agreed with the applicants agent. It is proposed to install internal shutters to ground floor windows and this removes previous additions of external shutters that were not considered acceptable given the design and appearance of the former public house.



Aspinall Street elevation

Residential Amenity - The application property was previously in use as a public house prior to its closure with no planning controls in relation to its hours of opening. Whilst slightly off the main focus of Rusholme District Centre along Wilmslow Road the application site has previously been used for leisure/evening economy use and its re-use to contribute towards the overall economy of Rusholme District Centre would be acceptable in the form set out within the application submission as a restaurant.

There are residential properties in proximity to the site on Walmer Street and opposite the site in upper floors of commercial properties on Aspinall Street. Given the location of these properties

in close proximity to other evening and night time economy uses it is not considered that the proposals would give rise to unacceptable impacts on residential amenity. Environmental Health have confirmed that the proposed hours of opening for the main restaurant building are acceptable although it is noted that the hours of use for the covered external area would need to be agreed via a condition. Given that this element would be more open and less contained than the main building and opposite residential accommodation such a condition would in this instance be necessary.

The upper floor use is not considered as part of this application proposals. It is presumed that historically it would have been used for residential purposes associated with the former public house. As such and as recommended by Environmental Health to protect the amenity of future potential residential occupiers an acoustic insulation condition is proposed that would look to ensure the appropriate treatment of the internal fabric of the building to protect occupiers of the first floor.

The scheme includes for an extraction flue to the rear sited behind the proposed extension. The final technical details of the flue are to be secured via planning condition, but the proposed location is not considered to give rise to unacceptable impacts in terms of potential noise or disturbance from fumes and odours.



Rear elevation of the former Public House viewed from Aspinall Street

Waste – The proposals do include for a secure bin store further details of arrangements for recycled waste is required and an appropriately worded condition is proposed to deal with these outstanding matters.

Car Parking – The proposals retain 4 off street car parking and this level of provision has not been objected to by MCC Highway Services. The sizing of the spaces meets the requirements of Highways and is considered an appropriate level of provision given the location of the building adjacent the Rusholme District Centre.

Cycle Parking – The application form indicates the provision for 6 cycle spaces, the final details and arrangements for these is to be secured by way of planning condition.

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 a right to a fair hearing and to this end the local planning authority 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 Director 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 recommendation given is proportionate to the wider benefits of 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

The application has been determined in a positive and proactive manner. In this instance a decision has been issued within statutory timescale's and appropriately worded conditions have been proposed.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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:

Proposed Elevations A and B reference 0305 Rev B; Proposed elevations C and D reference 0310 Rev B; Proposed ground floor plan reference 0205 Rev B; Proposed first floor plan reference 0210 Rev B; Proposed roof plan reference 0215 Rev B; all received by the City Council as local planning authority on the 27th October 2021; and

Proposed site plan reference 0501 Rev B as received by the City Council as local planning authority on the 29th November 2021.

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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations and extensions (including the

external covered area) of the development hereby approved have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

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.

5) No part of the site outside of the building (including the approved external covered area) shall be used other than 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. 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) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

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

7) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Mon - Fri - 1200 - 2300hrs
Sat 1100 - 0000hrs
Sunday and Bank Holidays 1100 - 2300hrs

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

8) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

9) a) Notwithstanding the approved plans fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

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

10) a) Within one month of the development commencing a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) 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 amenity and public health pursuant to policy DM1 of the Core Strategy.

11) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

12) The development hereby approved is for the use of the ground floor of the building and the associated covered external area as identified on the approved drawings, as a restaurant falling within use class E b of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason - For the avoidance of doubt and to reflect the details divulged within the submitted application documents pursuant to policies SP1, DM1, C10 of the adopted Core Strategy.

Informatives

1) Construction works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm
- Sunday / Bank holidays: No work

2) In order to discharge condition 4 of this decision the following information will need to be included within any assessment:

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB 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 (Leq,5min), respectively.

3) In order to discharge condition 9 of this decision the following is required to be submitted: The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

4) In order to discharge condition 10 (waste management strategy) attached to this decision the following information is required to be submitted:

The proforma/ Waste Management Strategy must include the following information:

- Estimated volumes and types of waste produced by the development;
 - Details of internal and external stores for both waste and recycling, including any plans and designs;
 - Location of the proposed collection point and details of the route the collection vehicle will take;
 - Details of how waste will be transferred between stores and to the collection location; and
 - Details of number and capacity of bins proposed and collection frequency.
- Other details as per 'Waste Proforma v1.0' - refer to guidance at:

http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

Details are also required of external bin stores to accommodate all recycling

5) The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester highwayapplications@manchester.gov.uk (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Rusholme, Fallowfield & Moss Side Civic Society

University Of Manchester, First Floor, Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NP
Longboon And Wise Ltd Pharmacy, Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NB
68 - 70 Wilmslow Road, Manchester, M14 5AL
66 Wilmslow Road, Manchester, M14 5AL
Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NB
64 Wilmslow Road, Manchester, M14 5AL
62 Wilmslow Road, Manchester, M14 5AL
60 Wilmslow Road, Manchester, M14 5AL
360 Lounge, 54 - 56 Wilmslow Road, Manchester, M14 5AL
58 Wilmslow Road, Manchester, M14 5AL
Unit 1, Ifco Centre, 50 Wilmslow Road, Manchester, M14 5TQ
31 Aspinall Street, Manchester, M14 5UD
The Robert Derbishire Practice, Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NP
12 Oundle Close, Manchester, M14 5BL
37 Aspinall Street, Manchester, M14 5UD
23 Aspinall Street, Manchester, M14 5UD
27 Aspinall Street, Manchester, M14 5UD
16 Walmer Street, Rusholme, Manchester, M14 5DY
14 Walmer Street, Rusholme, Manchester, M14 5DY
10 Oundle Close, Manchester, M14 5BL
39 Aspinall Street, Manchester, M14 5UD
35 Aspinall Street, Manchester, M14 5UD
33 Aspinall Street, Manchester, M14 5UD
29 Aspinall Street, Manchester, M14 5UD
25 Aspinall Street, Manchester, M14 5UD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH