

SUPPORTING PLANNING STATEMENT

EXTRACTION/FILTRATION EQUIPMENT

MELT, 704 WILMSLOW ROAD, DIDSBURY, MANCHESTER M20 2DW

Introduction

- 1 The application seeks approval to retain extraction and filtration equipment serving the restaurant known as Melt.
- 2 The equipment is located to the rear of the premises and comprises a metal flu with forced air extraction equipment.
- 3 The Premises Licence allows the premises to be open to the public between: -
0700 – 0030 Sunday - Thursday
0700 - 0130 Friday and Saturday
- 4 Food can be served until 2400hrs each day
- 5 It is believed that the planning history does not reveal any limits in the hours of operation.

Site & Surroundings

- 6 The site appears to have a long established use as a restaurant.
- 7 The site is close to the junction of Wilmslow Road and Barlow Moor Road within Didsbury's busy District Centre. The area contains a concentration of shops and commercial premises at both ground and upper floor levels.
- 8 The premises are adjacent to shops units with commercial uses above. To the north on Barlow Road is The Nelson public house and further the south a bank with offices above.
- 9 The nearest residential properties are believed to be located to the west of the site.

Planning Policy

- 10 The Manchester Local Plan guides development within the area. The following extant Unitary Development Control Policies are considered relevant and the full text provided at Appendix A: -.

10 Food and Drink Uses

12 Commercial Uses above shopping frontages

26 Development and Noise

- 11 The National Planning Policy Framework (NPPF) is a material planning consideration

Case for the Development

- 12 The use of the premises as a restaurant is long established. It also occupies a District Centre location where the Council would normally encourage such uses to locate and is therefore deemed to satisfy the requirements of DC policies 10.1-10.5 and 12.1-12.4.
- 13 With regard to noise the business use is already established. It is located in a busy District Centre /commercial area where a degree of noise might be expected.

14 The extraction equipment uses a forced air system to vent to the air. In the absence of near neighbours the equipment is considered to be appropriate to the location and consistent with the requirements of policies DC26.1-26.6.

15 It is also noted that previous applications involving the need for extraction equipment have also been approved, subject to the agreement of details.

16 The equipment is located on the rear of the property facing the servicing area. It is screened from the public domain on Wilmslow Road and Barlow Moor Road by the intervening commercial buildings and is typical of the equipment used in many similar uses with limited views confined to the rear service area.

Summary & Conclusion

17 The extraction equipment is not prominent in the public domain and does not detract from the character or visual amenity of the street scene.

18 Noise levels from the equipment are at an acceptable level and cooking odours are mitigated by a filtration system and dilution to air.

19 The development is therefore considered to be acceptable and should be approved.

CITYWIDE DEVELOPMENT CONTROL POLICIES

DEVELOPMENT CONTROL POLICIES – GENERAL STATEMENT

DC10.1 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.

DC10.2 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.

DC10.3 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.

DC10.4 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, smells, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy.

Reasons :-

There has been a major growth in "eating out", and in the use of hot food take-aways, in recent years. This is a social trend which appears likely to continue, and the Council does not think it is a function of the planning system to seek to influence changes in social behaviour of this kind one way or the other. Nonetheless, there are many problems with food and drink uses - particularly arising from the associated vehicular traffic, litter and noise which many of them can generate. This can be a particular issue in a densely built-up city such as Manchester. Such uses can also create problems for the operation of buses. A balance therefore needs to be struck.

The policy seeks to maintain the long-established view of the Council that these uses are best located in existing commercial areas, and that the range of conditions to be attached to any planning permission needs very closely to reflect the specific circumstances on the ground - particularly the effect on people who live close by the site.

The reference in policy DC10.2 to local shopping parades of more than 8 units carries forward a convention which has been in use in the City for a number of years, and which has become well established

and understood as a reasonable threshold for the purposes of development control.

12.COMMERCIAL USES ABOVE SHOPPING FRONTAGES

DC12.1 In determining planning applications for commercial uses above shopping frontages the Council will have regard to:

- a. the general location of the proposed development;
- b. the effect on the amenity of neighbouring residents;
- c. the availability of adequate, safe and convenient arrangements for car parking and servicing;
- d. the desirability of achieving easy access for all, including disabled people; and
- e. the need to provide adequately for the storage and collection of refuse.

DC12.2 The Council will normally accept the principle of developments of this kind in the City Centre, in industrial and commercial areas, in district shopping centres, in local shopping parades and in main road locations.

DC12.3 Developments of this kind will normally be permitted subject to:

- a. their being within the general locations mentioned above;
- b. their not being in a primarily residential street;
- c. their not involving the loss of good quality residential accommodation.

DC12.4 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 limitation on the hours of use and the need to deal satisfactorily with noise.

Reasons :-

The Council wishes to encourage the use of vacant or under-occupied floorspace generally in the City, and particularly on the upper floors of shopping streets. While recognising that there are often physical difficulties to be overcome in exploiting these assets, the Council also intends to have regard to the external impact of any proposals it receives. The policy sets out the factors which will be taken into account.

26. DEVELOPMENT AND NOISE

DC26.1 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.

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 non critical 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.

Reasons :-

It has become increasingly accepted that noise is a major source of environmental pollution, affecting peoples' physical and mental health. The Council considers that the planning process has a role to play in reducing noise levels generally and, through the development control system, to consider carefully the relationship between different land-uses from the point of view of noise generation and impact. Reaching judgments on what is or is not an acceptable amount or type of noise is a complex matter, consideration of which will depend on the particular circumstances on the ground.

(NOTE: The Council will issue more detailed advice on the subject as supplementary guidance, and this will have regard to current Government policy. The UDP policies therefore are limited to broad principles. Two key areas are:

- i) a presumption against allowing highly "noise sensitive" uses (such as housing and schools) so close to existing noise sources that problems would be likely to result. An existing noisy factory, for example, is entitled to some protection from objection about its activities from future residential neighbours, who would themselves feel entitled to a reasonable degree of residential amenity; and
- ii) the reverse situation, where there would be an equal presumption against allowing noisy, or potentially noisy, activities into an area with low ambient noise levels, and where people would have a reasonable expectation that no significant increase in those background levels would be allowed. Where the relationship is difficult to predict, the Council will place the onus for assessing the noise impact of, or upon, a proposed new development on the developer, and will consult (in particular) with the Director of Environmental Health. The policy sets out the range of measures which are available to help to reduce the noise effect to acceptable levels. As well as conditions on any planning permission, a "planning obligation" (for example, an Agreement under Section

106 of the Town and Country Planning Act 1990) may be appropriate to ensure key measures are taken effectively).