

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131058/FO/2021

Date registered valid: 27 July 2021

Proposal: Proposed alterations to the existing elevation to form new door opening and reinstate blocked up windows, installation of retractable awnings, small rear extension and installation of new pizza oven flue.

Address: 577 Barlow Moor Road, Manchester, M21 8AE

Ward(s): Chorlton Park Ward

Applicant: Paul Thompson, Rudys Pizza Limited, 8 Hewitt Street, Manchester, M15 4GB

Agent (if any): N/a

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 October 2021

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 13 September 2021

Standard consultations: Printed: 5 August 2021 Expired: 26 August 2021

Neighbour notifications: Printed: 5 August 2021 Expired: 26 August 2021

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

The application relates to a ground floor class E unit, previously a bank, within a three storey end-terrace building in Chorlton District Centre. The terrace is brick built in buff and red brick with roof slates, grey painted sills and timber sash windows to the upper floors.

Description of area

The site is located south of the 'four banks' crossroads, within an established commercial parade, mainly consisting of restaurants and takeaways. The area is well-served by buses, trams and taxis.

Description of development

The applicant wishes to make elevational alterations, install a pizza oven flue, a projecting canopy for the outside seating area and a small single storey rear extension in the yard for a disabled w/c. These works are part of a (PD) change of use to a 60-cover restaurant with ancillary takeaway service.

Consultations & Notification Responses

Local residents and businesses – No comments received.

Chorlton Voice – No comments received.

Highway Services – *In this instance Highways accepts that the new door will open outward but will not encroach onto the adopted highway and replaces an existing outward opening door. Highways have no concerns regarding the replacement windows. It is understood that the retractable canopy is situated on the unadopted highway and therefore will not extend over the adopted highway. It is requested that a minimum headway clearance of 2.3m is in place for the retractable canopy. The new pizza flume will be situated at the rear of the site and will only be sited within the curtilage of the site and will not impinge on the adopted highway.*

Environmental Health – *We have considered the application and recommend that the following conditions are attached to any approval: fume/odours discharge, external equipment insulation, delivery hours, refuse.*

Ward Councillors – An objection was received from two ward councillors, which raised the following concerns:

- *In principle we have no objection to a pizza restaurant, and to most of the proposals but there are two elements to this proposal that in my opinion are unacceptable as the designs stand at present.*
- *First we have no real reassurance that the arrangements for the extraction of fumes will not cause a nuisance, either noise, heat, fumes or smell to neighbours (the flat next door is occupied and so therefore its inaccurate to say that the nearest neighbours are at a distance of 20m?*
- *Secondly from a public realm point of view it is entirely unacceptable to create a bin store at the front of the building.*
- *Finally to add a note of caution this site will be behind the new segregated cycleway when constructed and I am concerned that the ancillary take away service will cause people to park in the cycleway – a significant hazard for pedestrians and cyclists and already a big problem in parts of the ward where the bike lane has already opened. The final details of plans for Area 3 haven't been released so I haven't yet seen whether or not the route is segregated at that point. In Area 4 of the cycleway people parking on the cycleway is a huge safety problem.*
- *It is more than frustrating to read that you believe there will be parking on Silverdale Avenue. Unfortunately this will rarely be the case. That small street is one of the most contested streets in the District Centre, and double parking, people being entirely blocked in, and cars blocking the front of the street are all really common. A number of the homes on Silverdale Avenue are HMO's (and there are flats above many of the restaurants too) and residents have cars. No-one has off-street parking.*

Policies

The following policies are considered relevant in the consideration of this application.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF, 2021):

- Creating well-designed places

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Issues

Principle – Installing a new door, canopies, a flue and a small extension to provide additional and improved space for a proposed restaurant is acceptable in principle, particularly given the location within an established parade in a district centre, however consideration must be given to the proposal's siting, scale and design and its impact upon visual amenity of the street scene and the residential amenity of nearby occupants. The change of use from bank to restaurant does not require permission as the updated use class for both falls under class E.

Siting, scale and massing – The canopies would project above the existing windows, with a height of 2.3m from ground level, to provide cover for the outdoor seating. The rear flue for the pizza oven would have a height of 3.3m (0.87m above the roof) and would be sited within the flat roof at the rear, not visible from Barlow Moor Road or Silverwood Avenue. The new door and 2no re-instated windows would be inserted into the side/Silverwood elevation. The light-weight single storey extension would be sited at the rear of the unit, within the walled yard. It would project 2m to the rear with a width of 1.75m, under the existing external staircase leading to the upper floors, occupying just 3.5 square metres. This area of the site is not visible from the street and would create an accessible w/c for disabled staff and customers. The extension is small in scale and considered subservient, as are the canopies and the works are sited appropriately within the curtilage, hence the siting, scale and massing of the proposal is considered appropriate, in line with policies DM1 and SP1.

Appearance and visual amenity – The re-instated timber windows would match existing, as would the new timber glazed door. The canopies would be retractable. The small rear extension would be constructed of shiplap timber walls with a flat felt roof, on a concrete base, to provide additional space for a disabled w/c, with no window or door. On the flat roof of the rear first floor would be a new 250mm stainless steel twin-wall flue, containing an extraction fan for the pizza oven. There already exists similar many apparatus on surrounding units, it as it is an essential feature for many restaurants. The extension and flue would not be visible from Barlow Moor Road or Silverwood Avenue, therefore it should not significantly harm the visual amenity of the building nor wider street scene, and instead the proposal(s) would arguably improve the appearance of this vacant unit as it is currently boarded-up, featuring graffiti on the frontage and cars parked on the forecourt. The visual improvement brought by the change to a restaurant will improve the visual amenity of the parade as a whole and improve the street scene for Silverwood Avenue residents also, pursuant to policies DM1 and SP1.

Noise, fumes and refuse – Ward councillors objected to the proposal on the grounds that the flue would cause disamenity to occupiers or nearby flats and residents of Silverwood Avenue, however noise and fumes can be controlled via pre-use conditions. Environmental Health have requested several be attached to protect residential amenity, by controlling the noise and fumes emanating from the proposed development, due to the inclusion of a new extractor fan and oven flue, sited close to residential windows. The conditions comprise of one which requires acoustic insulation of the external equipment along with a verification report to be submitted prior to occupation/use, and one which requires a scheme for the extraction of fumes and odours to be submitted prior to occupation/use. There are already several similar units mounted on the rear roofs of this terrace and the fumes and noise schemes will need to be submitted to and approved by the City Council for this apparatus to ensure the occupiers of nearby flats are not to be disturbed by the proposed external plant. The councillors also raised concerns with the refuse, as the original plans showed refuse being stored outside the frontage facing Silverwood Avenue. This was not considered appropriate, hence negotiations took place and the agent agreed to store the refuse within the existing garage, which is acceptable. This has also been conditioned, in order to protect residential amenity pursuant to policies DM1 and SP1.

Parking – Lastly, the councillors raised the issue of parking, as they were concerned delivery drivers would block the future cycleway which is proposed to run down Barlow Moor Road. The parking of delivery drivers, or customers, cannot be controlled via planning conditions, particularly

as this application is solely for elevational alterations and not a change of use, but also due to its location within a sustainable district centre with nearby bus stops, taxi ranks and metrolink stations.

Conclusion – An objections was received by ward councillors, however the issues raised will either be controlled by planning conditions (attached to the end of this report, as requested by Environmental Health) or relate to a change of use, which is already permitted and was not the basis for this application. The proposal complies with the policies contained within the Core Strategy and received no other objections from local residents or businesses, therefore the proposal is deemed acceptable by the City Council and development may commence in accordance with the following conditions and approved drawings.

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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, matters concerning refuse, external plant, noise and fumes were discussed and appropriate conditions have been attached to the end of this report.

Condition(s) to be attached to decision for approval

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:

- Application form
- 402/03 - Elevations
- 402/04 - Roof plan

Stamped as received by the City Council as Local Planning Authority, on the 13th July 2021 and:

- Exhaust fan spec
- Flue pipe spec

Stamped as received by the City Council as Local Planning Authority, on the 23rd July 2021 and:

- 402/02B - Revised floorplan

Stamped as received by the City Council as Local Planning Authority, on the 20th September 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) a) 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 permitted confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

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 eaves level and/or any openable windows/ventilation intakes of nearby properties.

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

4) 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.

b) Prior to occupation of the development 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policy DM1 of the Manchester Core Strategy.

5) 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 - 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.

6) Before the use commences 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. 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 policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

1) 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.

The applicant has submitted a risk assessment, but Environmental Health disagree with the scoring. The dispersion score should be higher as the flue discharges above the eaves, not the ridge. The efflux velocity has not been specified either. This will put the premises in the High category.

2) The 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

Information for Developers guidance documents can be downloaded using the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

Flat 3, 1 Silverwood Avenue, Manchester, M21 8BN
Flat 2, 1 Silverwood Avenue, Manchester, M21 8BN
Flat 1, 1 Silverwood Avenue, Manchester, M21 8BN

3 Silverwood Avenue, Manchester, M21 8BN
Flat Rear Of, 428 Barlow Moor Road, Manchester, M21 8AD
Flat 2, 573A Barlow Moor Road, Manchester, M21 8AE
Flat 1, 573A Barlow Moor Road, Manchester, M21 8AE
Second Floor, 575 Barlow Moor Road, Manchester, M21 8AE
First Floor, 575 Barlow Moor Road, Manchester, M21 8AE
Kentoms Garage, Silverwood Avenue, Manchester, M21 8BN
430A Barlow Moor Road, Manchester, M21 8AD
573 Barlow Moor Road, Manchester, M21 8AE
Flat 1, 432 Barlow Moor Road, Manchester, M21 8AD
Flat 2, 5 Silverwood Avenue, Manchester, M21 8BN
430 Barlow Moor Road, Manchester, M21 8AD
426A Barlow Moor Road, Manchester, M21 8AD
Flat 1, 5 Silverwood Avenue, Manchester, M21 8BN
Flat 2, 432 Barlow Moor Road, Manchester, M21 8AD
Flat 3, 5 Silverwood Avenue, Manchester, M21 8BN
426 Barlow Moor Road, Manchester, M21 8AD
432 Barlow Moor Road, Manchester, M21 8AD
428 Barlow Moor Road, Manchester, M21 8AD
424 Barlow Moor Road, Manchester, M21 8AD
575 Barlow Moor Road, Manchester, M21 8AE
579 - 581 Barlow Moor Road, Manchester, M21 8AE
577A Barlow Moor Road, Manchester, M21 8AE
424A Barlow Moor Road, Manchester, M21 8AD

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH