

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131553/FO/2021

Date registered valid: 17 September 2021

Proposal: Erection of single storey rear extension and installation of extraction flue

Address: 753 - 755 Wilmslow Road, Manchester, M20 6RN

Ward(s): Didsbury East Ward

Applicant: Keith Stuart, Stu Art Consultancy Ltd, 7 Workshops, Greenfield Road, Pulloxhill, MK45 5BF

Agent (if any): Mr Keith Stuart, Stu Art Consultancy Ltd, 7 Workshops, Greenfield Road, Pulloxhill, MK45 5BF

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 09.12.2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 15th October 2021

Standard consultations:

Printed: 23 September 2021 Expired: 14 October 2021

Neighbour notifications

Printed: 23 September 2021 Expired: 14 October 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

The property that is the subject of this application is a three -storey commercial unit within a terrace of commercial properties on Wilmslow Road in the Didsbury ward of the City. The property is currently vacant, with its previous use being that of a Barclays bank. The ground floor is currently vacant, with an existing flat occupying the second floor. The first floor was in use as offices associated with the ground floor bank. The unit is identified as 753-755 Wilmslow Road and is located within the Didsbury East ward of the City.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The remainder of the area comprises of the district centre with a mix of retail and commercial uses, with the side streets comprising of established residential terraces.

Description of development

The ground floor is to become a Pizza restaurant which is to be implemented under Permitted Changes within Class E in the General Permitted Development Order.

The application is for the erection of a single storey extension to the rear together with the installation of an extraction flue in association with the proposed use to the ground floor. The extension is proposed following partial demolition of the rear wall of the property that forms the existing single storey extension. The extension would be internal to the walled area on the rear. It would create additional accommodation in the form of the wash room for the pizza restaurant.

Consultations & Notification Responses

Local Residents were informed-One letter of objection has been received- The main points of objection are as follows:

1. Cause adverse noise from extraction hood which is directly in line with my garden and kitchen.
2. Will cause unpleasant odours directly into my home.
3. Increased levels of activity in a small area which is already overdeveloped.
4. Unpleasant appearance of extension and it will overlook my property.
5. Disposal of rubbish is already extremely bad by the existing businesses in this area. They have all caused rat infestation problems and fail to dispose of litter correctly and in a hygiene manner.
6. Parking problems and increased traffic load.

Didsbury Civic Society-were consulted no representations have been received.

Environmental Health- no objections subject to the attachment of conditions relating to implementation in accordance with the approved scheme, and externally mounted equipment.

Issues

For reasons to be outlined below, it is considered the proposal accords with these policies.

Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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.

Policy DM 1, Development Management, - Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are given below:-

- 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. Development should have regard to the character of the surrounding area.
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 'Spatial Principles' which states that priority will be given to the creation of neighbourhoods of choice outside of the regional centre. In particular, developments which make a positive contribution and enhance areas for residents will be supported.

The National Planning Policy Framework (NPPF) - The replacement NPPF was published in July 2021. The NPPF replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF is therefore a material planning consideration in the determination of planning applications.

The NPPF states that the planning system must contribute to the achievement of sustainable development. These are encapsulated into three categories: economic, social and environmental.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

Principle of the Proposal

The principle of providing additional and improved space for a proposed restaurant is acceptable, particularly given the location within an established parade in a district centre. The applicant proposes a modest single storey infill extension, which requires partial demolition of the rear wall of the existing extension to facilitate development. As such the ground floor footprint is only increased by a small amount. The proposed extension would provide for a designated wash up area.

Notwithstanding this, consideration must be given to the proposed developments siting, design, appearance, scale and massing, and to the proposal's impact upon existing levels of residential amenity.

The change of use from bank to restaurant does not require permission as the updated use class for both falls under class E.

Design, Scale and Massing and impact on Residential Amenity

Given the nature of the site and its existing operation, having regards to the design, scale and massing of the single storey rear extension it is considered to be appropriate when viewed against the context of the host building, and other properties within the retail / commercial parade, particularly the rear elevations.

It is not anticipated that the proposed development, will impact upon the existing levels of residential amenity currently being enjoyed by occupants of adjoining properties including loss of privacy, light or overshadowing. The proposed extension would not take the property any closer to the properties on Grange Lane, being constructed within the rear yard walled area, and there is a rear alleyway of public open space between the commercial properties on Wilmslow Road and Grange Lane. There exists a high brick boundary wall to the side elevation of the residential properties on Grange Lane and as such the extension would not be readily viewed. The objection states that there are issues with other existing uses within the block, and if that is the case, then there are other mechanisms for investigating this away from this application.

The materials to be used would match those of the existing property. The Flue proposed would only serve a pizza oven, and due to the extreme high temperatures of the cooking, the majority of the fumes are burned off during the cooking process. Environmental Health are satisfied that the specification of the Flue proposed is acceptable. Appropriate conditions will be attached to any consent granted to safeguard the residential and visual amenity of neighbouring properties.

Impact upon Parking

The previous use of the property was a bank, whilst there is no dedicated parking associated with the new use, it is located within a centre and well serviced by alternative modes of transport. As such it is not considered that the proposal would exacerbate the situation further.

Waste Management

The refuse would be stored in the basement and brought out on bin collection day being serviced by a private contractor. This approach is considered acceptable.

Noise

There are currently 4 air conditioning units on the rear of the property, these are to be removed and replaced by 2 improved units. A condition will be attached to any consent granted to require the submission and approval of the specification of the replacement units prior to the flue hereby approved becoming operational.

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 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:

FM/DID/01-1 Floor and Location Plan

FM/DID/01-2 Existing Elevations

FM/DID/01-3 Existing Single Storey Rear Extension Details

FM/DID/02 Rev A Proposed Ground Floor Plan

FM/DID/05 Rev A Proposed Single Storey Rear Extension Details

FM/DID/06 External Drainage Layout

001-864-01 Rev A Ground Floor and Basement Ventilation Layout

Email Keith Stuart 21.11.2021

Annex C Risk Assessment for Odour DEFRA
Chapman Ventilation Odour Assessment 23.11.2021
Flueboost Ltd Extraction Details
Therminox Flue Specification.

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) The proposed flue hereby approved shall be implemented in accordance with the measures submitted in the following plans and documents:

FM/DID/02 Rev A Proposed Ground Floor Plan
FM/DID/05 Rev A Proposed Single Storey Rear Extension Details
001-864-01 Rev A Ground Floor and Basement Ventilation Layout
Email Keith Stuart 21.11.2021

Annex C Risk Assessment for Odour DEFRA
Chapman Ventilation Odour Assessment 23.11.2021
Flueboost Ltd Extraction Details
Therminox Flue Specification.

The Flue shall be colour coated in a RAL colour to be agreed with the City Council as local planning authority prior to its installation. The approved flue shall remain in situ whilst the use or development is in operation.

Reason - In the interests of the residential amenity and public health and in accordance saved policies DC10, DC26.1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy and The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

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) The details of the approved scheme as per the email from Keith Stuart dated 21.11.2021 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Didsbury Civic Society

1A Grange Lane, Manchester, M20 6RW
3 Grange Lane, Manchester, M20 6RW
Second Floor, 761 - 763 Wilmslow Road, Manchester, M20 0NR
First Floor, 761 - 763 Wilmslow Road, Manchester, M20 6RN
757 - 759 Wilmslow Road, Manchester, M20 6RN
747 - 751 Wilmslow Road, Manchester, M20 6RN
761 - 763 Wilmslow Road, Manchester, M20 6RN
Ground Floor, 761 - 763 Wilmslow Road, Manchester, M20 0NR
1 Grange Lane, Manchester, M20 6RW

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) -
Area Team Boundary - Name: SOUTH