

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130271/FO/2021

Date registered valid: 21 May 2021

Proposal: Elevational alterations including the installation of a new shop front and rear extraction equipment in association with the subdivision of existing retail unit to create 2no. units, one to be E(b) restaurant with ancillary Sui Generis takeaway and second E(c)(i) Financial services office

Address: 226-230 Wilmslow Road, Manchester, M14 6LE

Ward(s): Fallowfield Ward

Applicant: Mian Khurram Malik, KNM Foods Ltd, Office Above, 189 Great Western Street, Manchester, M14 4LN

Agent (if any): Architecture & Interior Design Ltd, 51 Coleshill Road, Hodge Hill, Birmingham, B36 8DT

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15.07.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 11 June 2021

Standard consultations:

Printed: 3 June 2021 Expired: 24 June 2021

Neighbour notifications

Printed: 3 June 2021 Expired: 24 June 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

This application relates a part two part three storey mid parade property, comprising a triple retail unit on the ground floor with residential above. The ground floor unit is used as a shop within Class E of the Use Classes Order. At the rear of the property there are two, two storey outriggers and an extension containing the access stair to the flats. There is an open area at the rear of the property that would originally have been an enclosed yard, although the boundary wall no longer exists.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located on the west side of Wilmslow Road at the northern end of Fallowfield District Centre. Facing the site are the students halls of residence whilst to the rear are residential properties. There are commercial properties with residential above to either side. The rear alley is gated.

Description of development

Consent is sought for the installation of a new shop front which would facilitate the sub division of the property into two units, one of the units would be used as offices within Class E and the other a double unit would be a restaurant within class E which would have ancillary take away sales.

The shop front would essentially be full height glass windows with two frameless doors, one per unit. On the rear elevation of the outrigger at the rear of the double unit a flue, discharging above the ridge height would be installed. Refuse storage is within the rear yard area.

Consultations & Notification Responses

Local Residents/businesses

No representations received.

Environmental Health

The fume extraction system is acceptable. Conditions requested in respect of delivery time, noise insulation of the building and external plant and refuse storage.

Highways

This is a sustainable location that is easily accessible by a range of transport modes although it is recognised that there is high demand for parking in the area. Facilities should be provided for the storage of cycles. The refuse storage arrangements are acceptable.

Policy

Core Strategy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Unitary Development Plan

The relevant saved UDP policies are DC14 and DC26

Policy DC14 sets down the criteria to be considered in determining applications for shop fronts and related signs,

Policy DC26 seeks to protect the amenity of an area from noise.

Issues

Principle

This application seeks to install a new shop front to the premises to reflect the changes in the way it will be used and to install a flue at the rear. In principle these are acceptable developments in this district centre location.

Use

The premises are currently used as a pharmacy within Class E. The proposed office and restaurant with ancillary take away are also Class E uses and therefore there is no change of use. The sub division of a premises is not development.

Shop front

The existing shop front is not original and is metal framed with large display windows above a low riser. The replacement windows will be full height and there will be two doors to reflect the sub division. On balance the proposed shop front is considered acceptable.

Fume extraction

The proposed flue is located on the rear of the outrigger and the technical details are considered to be acceptable to Environmental Health.

On balance the proposed flue is considered acceptable.

Residential amenity

The changes to the shop front are unlikely to impact on the amenity of residents. The proposed flue could impact on residents on the upper floors and it is therefore prudent to attach appropriate conditions in this regard.

The flue is not in the direct line of vision of any residential properties.

On balance it is considered that subject to appropriate conditions there would be no significant impact on residential amenity.

Refuse.

As this is not a change of use application refuse storage is not relevant to what has been applied for. However, the applicant has provided details of refuse storage within the yard area and it is considered prudent to condition this to be carried out.

Conclusion.

On balance the proposed development is considered to be acceptable and accord with Council policies.

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 in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

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:

Drawing 3.0 received 14 June 2021

Design and Access Statement dated 21 April 2021 received 4 May 2021

Ventilation, noise and odour assessment report received 21 May 2021

Waste Management Pro forma received 14 June 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) The development hereby approved shall be constructed using the materials specified in the application forms and on the approved drawings.

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.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB 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, respectively.

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 Core Strategy policy DM1 and saved Unitary Development Plan policies DC10 and DC26

5) 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 the installation of the equipment 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) Post installation 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 Core Strategy policy DM1 and saved Unitary Development Plan policy DC26

6) The fume extraction system hereby approved shall be installed and maintained in accordance with the approved details contained within the application.

To protect the amenity of nearby residential accommodation from the adverse impact of fumes and odours pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC10

7) The details of the approved scheme for the storage of refuse shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that there are satisfactory arrangements for the storage of refuse pursuant to Core Strategy policy DM1

Appendix 1 – List of consultees & neighbours notified

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

4 Cawdor Road, Manchester, M14 6LQ
5 Cawdor Road, Manchester, M14 6LG
2A Furness Road, Manchester, M14 6LY
228A Wilmslow Road, Manchester, M14 6LE
Top Flat, 220 Wilmslow Road, Manchester, M14 6LF
Top Flat, 218 Wilmslow Road, Manchester, M14 6LF
Top Flat, 234 Wilmslow Road, Manchester, M14 6LE
236 - 238 Wilmslow Road, Manchester, M14 6LE
Ground Floor And Basement, 224 Wilmslow Road, Manchester, M14 6LE
232 Wilmslow Road, Manchester, M14 6LE
232A Wilmslow Road, Manchester, M14 6LE
218 Wilmslow Road, Manchester, M14 6LF
220 Wilmslow Road, Manchester, M14 6LF
222 Wilmslow Road, Manchester, M14 6LF
3 Cawdor Road, Manchester, M14 6LG
224 Wilmslow Road, Manchester, M14 6LE
Flat 1, 224 Wilmslow Road, Manchester, M14 6LE
Flat 3, 224 Wilmslow Road, Manchester, M14 6LE
234 Wilmslow Road, Manchester, M14 6LE
Flat 2, 224 Wilmslow Road, Manchester, M14 6LE
Flat 4, 224 Wilmslow Road, Manchester, M14 6LE
4A Furness Road, Manchester, M14 6LY
4 Furness Road, Manchester, M14 6LY
2 Furness Road, Manchester, M14 6LY
8 Cawdor Road, Manchester, M14 6LQ
6 Cawdor Road, Manchester, M14 6LQ
2 Cawdor Road, Manchester, M14 6LQ
7 Cawdor Road, Manchester, M14 6LG
1 Cawdor Road, Manchester, M14 6LG

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
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Fallowfield Central)
Area Team Boundary - Name: SOUTH