

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129386/FO/2021

Date registered valid: 8 March 2021

Proposal: Installation of access ramp and external air conditioning unit and ducting in association with the use of the basement as a restaurant

Address: 273-275 Wilmslow Road, Manchester, M14 5JQ

Ward(s): Rusholme Ward

Applicant: Peakstone Commerce Ltd C/o Agent

Agent (if any): Katarzyna Gotlibowska NJL Consulting 6th Floor Origin, 70 Spring Gardens, Manchester, M2 2BQ

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

Recommendation: Approve

Date of recommendation: 21.07.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 12 March 2021 Expired: 2 April 2021

Neighbour notifications

Printed: 12 March 2021 Expired: 2 April 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 to a detached three storey plus basement property on the east side of Wilmslow Road at its junction with Norman Road. The property which was recently de listed has a stone finish with parapets and a shallow pitched roof. There is an open metal fire escape on the north elevation. There are grounds to both the end elevations of the property and the Wilmslow Road frontage. There is a 1.8 metre high brick boundary wall to the property The premises were previously used as offices within Class E and it is proposed to use the as a restaurant also within Class E.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is a predominantly residential area. To the north is a dilapidated building used for vehicle repairs. To the west is a modern flat development, which whilst abutting the property the subject of this application is detached from it. Facing the site across Wilmslow Road is Whitworth Park. To the south is a Grade II listed block of 1930's style walk up flats.

Description of development

Consent is sought to install a flue, originally proposed for the north elevation the flue is now positions internally with approximately 1 metre projection above the roof. It is also proposed to install a ramp with a 1 in 12 gradient at the southern end of the building. The ramp would be of brick and concrete construction with a non-slip surface. It would contain landings at 5 metre intervals. In addition the north elevation would contain at basement level a toilet extract, fresh air inlet grill, a condenser unit and a chiller unit condenser.

Consultations & Notification Responses

Local residents/businesses

No representations received.

Environmental Health

Subject to conditions in respect of the acoustic insulation of external plant and the submission of a validation report and the property maintenance if the flue no objections.

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 DC10 and DC26

Policy DC10 addresses applications for food and drink uses including the provision of fume extraction systems and the impact on residential amenity.

Policy DC 26 relates to applications that may generate noise.

Issues

Principle

This application is solely for working in connection with the proposed use. The use itself does not require planning permission.

Flue

The proposed flue was originally to be positioned on the north elevation, this is a highly visible position and was deemed unsatisfactory. The revised scheme has the flue running through the interior of the building with only a small segment visible through the roof. In terms of its visual impact the proposed flue is screened from traffic heading north or south along Wilmslow Road by the roof design. It would be most visible from across Wilmslow Road although give the small amount of flue projecting it is not considered that it would have a significant impact on visual amenity.

Environmental health are satisfied with the proposed installation. And conditions are proposed in respect of noise and future maintenance.

Ramp

The proposed ramp will make the ground floor of the premises accessible. In terms of its design 1 in 12 is at the steep end of the guidelines but landings are proposed. On balance there are no issues with the design.

Other plant

The option of placing plant on the rear elevation does not exist with this property as the rear wall sits on the boundary and there is residential adjacent. It is proposed to install in the north elevations a toilet extract, a condenser unit, a chiller condenser and an air inlet louvre. These will all be at basement level and screened from view by the boundary wall.

Environmental Health have raised no issues other than to request an appropriate condition.

Residential amenity

The property is adjoined by residential accommodation. The proposed changes have been sited so as to minimise the visual impact and Environmental Health are satisfied that the proposed works can be carried out in a manner that will not impact on amenity.

On balance it is considered that the proposed works will not have a significant impact on residential amenity.

Conclusion.

The proposed uses will facilitate the building being brought back into use and generally accord with Council policy.

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:

100 revision C received 17 June 2021

101 revision C received 17 June 2021

102 revision C received 17 June 2021

103 revision C received 17 June 2021

104 revision C received 17 June 2021

105 revision C received 17 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 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) 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 any plant 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 Core Strategy policy DM1 and Saved Unitary Development Plan policy DC26

5) The fume extraction system hereby approved shall be maintained in accordance with the manufacturers specifications.

Reason - To ensure the satisfactory operation of the fume extraction system pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC10

Appendix 1 – List of consultees & neighbours notified

Environmental Health

7 Brighton Grove, Manchester, M14 5JG
5 Brighton Grove, Manchester, M14 5JG
Basement, 273 - 275 Wilmslow Road, Manchester, M14 5JQ
Second Floor, 273 - 275 Wilmslow Road, Manchester, M14 5JQ
First Floor, 273 - 275 Wilmslow Road, Manchester, M14 5JQ
Apartment 8, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 6, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 3, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 10, Grove House, 1 Brighton Grove, Manchester, M14 5YT
16 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
19 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
5 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
Flat 2, 6 Norman Road, Manchester, M14 5LE
Apartment 9, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 7, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 5, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 4, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 2, Grove House, 1 Brighton Grove, Manchester, M14 5YT
Apartment 1, Grove House, 1 Brighton Grove, Manchester, M14 5YT
20 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
17 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
18 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
11 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
12 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
14 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
15 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
7 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
8 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
6 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
1 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
21 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
3 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
13 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
9 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
2 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
4 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
10 Appleby Lodge, Wilmslow Road, Manchester, M14 6HZ
Flat 3, 6 Norman Road, Manchester, M14 5LE
Flat 1, 6 Norman Road, Manchester, M14 5LE
2 Norman Road, Manchester, M14 5LE
4 Norman Road, Manchester, M14 5LE

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -

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