

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130068/FO/2021

Date registered valid: 4 May 2021

Proposal: Change of use of existing drinking establishment (Ground Floor Only) Sui Generis (previously A4) to Restaurant E (b) (previously A3) and enclosure of outdoor garden area with retractable canopy roof. Proposed side extension to relocate staircase for upper floor and installation of flue.

Address: 5 Walmer Street, Rusholme, Manchester, M14 5UB

Ward(s): Moss Side Ward

Applicant: Saleem 5 Walmer Street, Rusholme, Manchester, M14 5UB

Agent (if any): Mr Muneeb Lokasher ML Design 4 Fairview Avenue, Levenshulme, Manchester, M19 2AN

Case officer: Robert Griffin
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Recommendation: Refuse

Date of recommendation: 29.06.2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 26 April 2021

Standard consultations:

Printed: 13 May 2021 Expired: 3 June 2021

Neighbour notifications

Printed: 13 May 2021 Expired: 3 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Area

The application property is a detached two storey brick building located to the immediate west of the main Wilmslow Road frontage associated with Rusholme District Centre. The district centre is a busy food orientated commercial area arranged north - south along the Wilmslow Road corridor. Rusholme district centre has some of the most distinctive characteristics of all the centres across Manchester and especially notable is the strong influence of Asian trade and the lively evening economy. It is a centre which attracts visitors from a wide catchment (beyond Manchester), and is a valuable aspect of the City's identity.

The application property was formerly in use of a public house prior to its disposal by the previous owners. The building itself due to its siting and design and material finish is a prominent building and provides a visual differentiation from the more modern commercial heart of the district centre and the change in character towards a more residential nature to the west along Walmer Street. The specific design and finishes of note are around windows and to the ground floor external elevations on Walmer and Aspinall Street. At the time of the site visit most of these features appeared absent covered by externally mounted security shutters.

A corresponding application solely for elevational alterations was refused planning permission for two reasons under planning application reference 130069/FO/2021.



The Walmer Street Frontage

Description of proposals

The proposals as submitted are for the change of use of the former public house to a restaurant and enclosure of outdoor garden area with retractable canopy roof, the proposals also include a proposed side extension to relocate staircase for upper floor and the installation of flue. The submitted drawings also include the elevation alterations to the ground floor with the removal of existing windows and elements of the facade and replacement with large aluminium framed windows falling to ground level together with the installation of roller shutters. These elements were considered under planning application reference 130069/FO/2021.

The property was subject of an enforcement notice due to the unauthorised works including creation of enlarged window openings and removal of historic fabric. At the time of those works advice was given by the Council that materials demolished should not be disposed of and should be stored

Consultations & Notification Responses

Neighbouring properties and businesses were notified of the proposals, no responses were received.

Environmental Health - Recommend conditions relating to Fume/Odours discharge; Premises opening hours as applied for; acoustic insulation for break out noise; outside area schedule of opening hours to be agreed; acoustic insulation of external equipment; waste management to be in accordance with details submitted; delivery hours; and construction management.

MCC Highways - The proposed change of use is unlikely to generate any significant increase in vehicle trips compared to that of the previous use as a drinking establishment. The site offers suitable access to sustainable modes, with regular bus connections routed along Wilmslow Road.

The existing car parking provision of 4 on-site spaces within the rear is to remain as existing. Whilst this is acceptable in principle further information is required regarding the car parking spaces and confirmation that the bays are a minimum of 2.4m x 4.8m. A 6-metre aisle width is required to allow vehicles to safely manoeuvre within the car park, all parking bays need to be formally demarcated.

Continual monitoring of parking demands is recommended in order to ensure no adverse impact is generated from the development when fully operational.

It is required that secure sheltered cycle storage is made available for staff and visitors, in line with MCC Core Strategy.

For the avoidance of doubt, all external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester highwayapplications@manchester.gov.uk (Tel.0161 234 5004).

Policy

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 124). Paragraph 130 states Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. The proposed elevational changes would fail to acknowledge the character of the building and the historic fabric which provides visual distinctiveness to the building and the area in which it is sited. The addition of large expanses of security shutters over the enlarged window openings would give rise to a poorly detailed and incongruous feature in the street and to the building. As a result the proposals are of poor design and do not improve the character and quality of the area.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the PPG:

1) The National Design Guide.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

i. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to achieve an appropriate standard of urban design, as identified in national planning guidance and have regard to the character area in which the development is located.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are relevant in relation to the proposed development:

- 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;
- o Development should have regard to the character of the surrounding area;
- o Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, road safety and traffic generation;
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes;
- o Community safety and crime prevention;

- o Design for health;
- o Refuse storage and collection;
- o Vehicular access and car parking;
- o Flood risk and drainage.

Policy C2 'District Centres' indicates that proposals will be supported that respects and enhance the character of existing centres. Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services.

Policy C5 - Central Manchester District Centres - Hulme, Longsight and Rusholme - Additional retail development will be supported in Rusholme, but this should complement the distinct commercial character of the District Centre.

In addition the supporting text indicates 'Rusholme district centre has some of the most distinctive characteristics of all the centres across Manchester and especially notable is the strong influence of Asian trade and the lively evening economy. It is a centre which attracts visitors from a wide catchment (beyond Manchester), and is a valuable aspect of the City's identity. The Core Strategy will protect this character.'

Guide to Development in Manchester - States that throughout the City, the Council will encourage development that complements Supplementary Planning Document and Planning Guidance. The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

Issues

Principle of the development - The application site is located in close proximity to Rusholme District Centre and was in former use as a public house. Therefore, the general principle for its conversion to a use that would support the leisure and evening economy together with improvements to bring the building back into use would generally be acceptable to ensure the continued contribution of buildings towards a successful and thriving leisure and night time economy associated with Rusholme. However, in this instance further consideration is required of the impacts on the building and visual amenity of it and where it is located and residential amenity of the use.

Design - The provision of a covered 'external area' is generally considered acceptable and would improve the appearance of this part of the site facing onto Aspinall Street subject to final details of the finishes of these elements being confirmed. The proposed extension is also considered to be acceptable and is to the rear of the building and would not disrupt the main frontage elevations of Walmer and Aspinall Street where the more detailed features of the building are located.

The submitted proposed drawings also indicate elevational alterations in the form of enlarged glazed windows and insertion of roller shutters as a security measure. The enlarged windows would involve the removal of significant elements of historic fabric of the building which are reflective of the character of the property and the treatments seen to public houses. Very few such properties remain in the Rusholme/Moss Side area and as such the Albert Inn was a good example of the finishes associated with a number of Victorian public houses. As a result the loss of a number of features and finishes would harm the remainder of the building its character and the visual appearance of the building within street. Whilst these elements are not explicitly mentioned in the description of development they form part of the overall proposals as indicated

on the application drawings, as such consideration of these changes must be made as part of the overall proposals.

Residential Amenity - The application property was previously in use as a public house prior to its closure with no planning controls in relation to its hours of opening. Whilst slightly off the main focus of Rusholme District Centre along Wilmslow Road the application site has previously been used for leisure/evening economy use and its re-use to contribute towards the overall economy of Rusholme District Centre would be acceptable in the form set out within the application submission as a restaurant.

There are residential properties in proximity to the site on Walmer Street and opposite the site in upper floors of commercial properties on Aspinall Street. Given the location of these properties in close proximity to other evening and night time economy uses it is not considered that the proposals would give rise to unacceptable impacts on residential amenity. Environmental Health have confirmed that the proposed hours of opening for the main restaurant building are acceptable although it is noted that the hours of use for the covered external area would need to be agreed via a condition. Given that this element would be more open and less contained than the main building and opposite residential accommodation such a condition would in this instance be necessary.

Conclusion - It is considered that the development, for the reasons set out above, would result in unacceptable alterations to the building which is reflective of the era in which it was constructed and which adds character to the building and the street and area in which it is located. It is considered that the re-use of the building could be undertaken without the harmful impacts identified above. The proposals would fail to reflect the historic fenestration and detailing of the property and lead to the inclusion of large areas that would present blank frontages to the street when the property was not in use. The development would therefore be unacceptable due to its harmful impact on the character of the area and the character of the building.

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: Refuse

Article 35 Declaration

The application has been determined within statutory timescales. In this instance the proposals include elevational alterations that have been considered harmful and cannot be supported.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed shutters, as a result of their design, size and number on the building would be detrimental to the street scene and the area generally. As such the proposal fail to contribute positively to the street or character of the area contrary to the City Council's Planning Policies SP1, C2, DM1, EN1, the Guide to Development Supplementary Planning Document; and section 12 of the National Planning Policy Framework and the guidance contained in the National Design Guide.

2) The alterations to the ground floor including the sizing and style of the proposed windows, removal of decorative tiling, reveals and sills fails to respect the character and interest of this building and would harm the quality of the building and the visual amenity of the site and character of the area, as such the proposal is contrary to the City Council's Planning Policies SP1, C2, DM1, EN1 and the Guide to Development Supplementary Planning Document; and section 12 of the National Planning Policy Framework and the guidance contained in the National Design Guide.

Appendix 1 – List of consultees & neighbours notified

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

University Of Manchester, First Floor, Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NP
Longboon And Wise Ltd Pharmacy, Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NB
Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NB
62 Wilmslow Road, Manchester, M14 5AL
60 Wilmslow Road, Manchester, M14 5AL
360 Lounge, 54 - 56 Wilmslow Road, Manchester, M14 5AL
58 Wilmslow Road, Manchester, M14 5AL
Unit 1, Ifco Centre, 50 Wilmslow Road, Manchester, M14 5TQ
The Robert Derbshire Practice, Rusholme Health Centre, Walmer Street, Rusholme, Manchester, M14 5NP
12 Oundle Close, Manchester, M14 5BL
31 Aspinall Street, Manchester, M14 5UD
23 Aspinall Street, Manchester, M14 5UD
27 Aspinall Street, Manchester, M14 5UD
14 Walmer Street, Rusholme, Manchester, M14 5DY
29 Aspinall Street, Manchester, M14 5UD
25 Aspinall Street, Manchester, M14 5UD

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH