

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126765/FO/2020

Date registered valid: 10 June 2020

Proposal: Change of use from a bank (Class A2) to a restaurant (Class A3) and erection of extraction flue

Address: 464 Wilbraham Road, Manchester, M21 9AR

Ward(s): Chorlton Ward

Applicant: Claire Harrison, 464 Wilbraham Road, Manchester, M21 9AR

Agent (if any): Mr Ahmed Choudhry, NADA Architects 169 Kingsway, Manchester, M19 2ND

Case officer: Jennifer Connor
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Recommendation: Approve

Date of recommendation: 08.09.2020

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: Site Visited in association with previous application 123949/FO/2019 for change of use from Bank (A2 use) to Retail (A1 use), Counselling services (D1 use) and Hot food Takeaway (A5 use) together with installation of extraction flue, erection of single storey front extension and associated elevational alterations

Standard consultations:

Printed: 13 July 2020 Expired: 3 August 2020

Neighbour notifications

Printed: 13 July 2020 Expired: 3 August 2020

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/area

The site is a former bank on the crossroads of Wilbraham Road and Barlow Moor Road within the heart of Chorlton District Centre. To the rear is a car park accessed from Barlow Moor Road for 5 car parking spaces, these would not be available for customer parking, but would be available for the use of the three businesses on site, as part of the previously approved scheme for the refurbishment of the buildings under reference 123949/FO/2019.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Change of use from a bank (Class A2) to a restaurant (Class A3) and erection of extraction flue

Consultations & Notification Responses

Comment received from a resident states that the proposed plans refer to existing upvc double glazing whereas the first floor windows are original stained glass. The original windows add character to the street scene. The plans should be truthful to the changes being proposed to the external features of the building.

Highway Services – Queried Cycle parking and bin storage, but did not have objections.

Environmental Health – Recommended conditions relating to deliveries, fumes – flue specification, opening hours, acoustic insulation (okay for equipment but not necessary for and bins as detailed).

Chorlton Voice – Chorlton Voice remains concerned at the recent spurt in proposals for bars and food outlets in Chorlton centre and that it is not apparent that existing policy is transparent or robust enough. There are no current criteria by which the specific and cumulative impact of proposals such as this on the day-time economy and the character of the wider shopping centre can be assessed. It is considered that the city council should carry out wide consultation on a review of existing policy with a view to providing clarity to both residents and prospective developers on where and when further proposals may be allowed or resisted.

However, the Council does have adopted policy on Hot Food Takeaways. Under Policy 1 of the SPD, Hot Food Takeaways will not be supported in district and local centres where the cumulative impact of introducing the facility would be detrimental to the vitality and viability of a centre and would affect the balance between the day time and night time economy and the health of the population.

If the same policy were applied to all food and drink establishments, this application would be refused as it would result in a cluster of three such premises. The impact of additional bars, restaurants and other food and drink premises on the vitality and viability of a centre is no different from that of Hot Food Takeaways and the same tests should be applied.

Issues

The change of use itself, whilst it is the subject of a current application, could now (since the 1st September 2020) take place as a permitted change as both uses fall within Class E. The principal of the use is therefore not of concern. Moreover, the reuse of a vacant building in a prominent location, for a use that is seen as appropriate in a sustainable district centre setting would be acceptable.

All external alterations were granted as part of the previous approval for the site, other than the introduction of the additional extract flue, which has been placed in a position that is the least visible from the street scene.

With regards to the detailing of the scheme. The proposed hours of operation of the restaurant would be between 10am - 12am Monday to Sunday. This is considered to be acceptable having regards to the district centre location subject to appropriate details being submitted for the extract system as required by condition by Environmental Health.

Bin storage and waste management has been provided on plan and in a submitted strategy which is now acceptable. The level of provision is acceptable, the location is as previously approved, the collection point and collection vehicle route is clear.

Cycle Parking and car parking management were conditioned as part of the original consent for the premises, the conditions were discharged with the relevant information, however, this has not been submitted to accompany this planning application and are not noted on the plans submitted. These have been reimposed for the avoidance of doubt.

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:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be acceptable and has been determined in a timely manner.

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:

Proposed GA Floor Plans (07)001 PL0
Proposed Location Plan

Received 21st April 2020

Proposed GA Elevations (06)001 Rev PL1

Received 4th August 2020

Proposed GA Site Plan and Elevation (05)001 Rev PL3
Waste Management Strategy prepared by Fellows Environmental reference FE167/002/NF

Received 10th August 2020

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) 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.

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

A3 Use - Mondays to Sundays 1000hrs to 00.00hrs including 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.

5) The development hereby approved shall not be occupied or used until the Council as local planning authority has received a scheme for the extraction of any fumes, vapours and odours from the premises, to be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers of nearby properties in order to comply with Policy DM1 of the Core Strategy for the City of Manchester.

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

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

7) a) Any 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.

Before development commences, 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) Upon completion of the development and before any of the external plant is first operational, a verification report will be required to validate that the work undertaken confirms to the above noise criteria. The report shall give the results of post-completion testing to confirm that the proposed noise limits are being achieved once the plant and any mitigation measures have been installed. Any instances of non-conformity with the above criteria shall be detailed along with any measures required to ensure compliance. These measures shall be approved in writing by the City Council as Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the plant is first brought into use.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

8) 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 L Aeq (entertainment noise) shall be controlled to 10dB below the L A90 (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.

Before the Class A3 use hereby approved commences, 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 proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels. Any scheme approved in discharge of this condition shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as Local Planning Authority.

Upon completion 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 has 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 nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

9) The car parking space indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park space shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policies T2, SP1 and DM1 of the Core Strategy.

10) No part of the development shall be occupied until space and facilities for bicycle parking for staff have been submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

11) Prior to the first use of the development hereby approved a management plan for the car parking area within the development at peak times shall be submitted to and approved in writing by the City Council as local planning authority.

The plan shall include:

- Measures to marshal the use of the car park for staff only and associated signage;

The development shall be operated in accordance with the agreed management plan.

Reason - In the interests of pedestrian and highway safety pursuant to policy DM1 of the Core Strategy.

12) The only use permitted within Class A3 include: restaurant. The floor space shall not be used for any other purpose within Class A3 and for no other purpose in the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The first use of the commercial unit to be implemented shall thereafter be the permitted use of that unit.

Reason - In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

List of those notified on Uniform

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
Area Team Boundary - Name: SOUTH