

Planning

Growth & Development

Delegated officer report for planning application

Application no.	126305/FO/2020
Date registered valid:	13 May 2020
Proposal:	Change of use of existing first floor apartment to seating area in association with existing cafe below.
Address:	10 Whitechapel Street, Manchester, M20 6UB
Ward(s):	Didsbury West Ward
Applicant:	Mr S Sadiq 10 Whitechapel Street, Manchester, M20 6UB
Agent (if any):	S.W. Foulkes 31 Norfolk House, Clarendon Road, Manchester, M33 2DU
Case officer:	David Lawless Tel: 0161 234 4543 Email: d.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	27 August 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 15 May 2020 Expired: 5 June 2020

Neighbour notifications

Printed: 15 May 2020 Expired: 5 June 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

10 Whitechapel Street is a two storey end-terraced property located on the edge of Didsbury District Centre. The property was formerly used as a sandwich shop but is now fully operational as a café (Class A3).

Whitechapel Street runs from Wilmslow Road to Churchwood Road and consists predominantly of residential properties, namely two storey terraced dwellings and a larger 3 storey apartment complex. To the east of the property there is a car park that serves the commercial properties on Wilmslow Road. Immediately adjoining it there is a dwellinghouse (no. 12 Whitechapel Road). Opposite the site there is a turning head. Whitechapel Street is bollarded off approximately a quarter of the way along from the Wilmslow Road end, immediately to the east of the application property. This allows access to the rear of the commercial properties on Wilmslow Road and prevents rat-running along Whitechapel Road.

The applicant obtained the following planning permission in March 2019 under reference 119951/FO/2018:

Use of ground floor and basement as Class A3 (cafe) and change of use of first floor and roofspace to form self-contained flat, with installation of new shop front consisting bi-folding doors, extraction flue to the side and associated elevational alterations.

Rather than convert the first floor into residential accommodation the applicant extended the café use to the upper floor.

Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

The applicant is applying for consent to use the first floor as additional accommodation for the ground floor café.

The proposed hours of use for the first floor would be:

- Mondays to Saturdays - 0830hrs to 1800hrs
- Sundays and Bank Holidays - 1000hrs to 1600hrs

Consultations & Notification Responses

Local Residents – Three letters of objection have been received from local residents, the comments are summarised below:

- The street is already suffering from parking pressure. An expansion of the premises necessarily entails a larger customer base.
- The proposal would significantly increase noise, litter and parking issues created by the business.
- An operation like Caramello would be much better located in a unit on the main Wilmslow Road in Didsbury.

Environmental Health – No objections, the acoustic report demonstrates that the existing insulation will be sufficient and the reduced hours of operation are acceptable. The noise management plan in the submitted acoustic report is considered acceptable.

Highway Services – Have made the following comments:

- It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.
- The waste management proposals to store waste to the rear of the property and present for collection from the forecourt is acceptable to Highways.
- It is anticipated that the waste collection vehicle will continue to service this property from the section of Whitechapel Street which has access from Wilmslow Road.
- The pedestrian access arrangements are acceptable to Highways.

Policies

The National Planning Policy Framework – The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. The policy continues stating that in doing so Councils should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Core Strategy Development Plan Document – 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles – This sets out the key spatial principles which will guide the strategic development of Manchester to 2027, of relevance to this application are:

- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles, Development in all parts of the City should:-

- Make a positive contribution to neighbourhoods of choice including:-
 - i) Creating well designed places that enhance or create character.
 - ii) Making a positive contribution to the health, safety and wellbeing of residents
 - iii) Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

iv) Protect and enhance the built and natural environment.

- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM1, Development Management – This policy states that all development should have regard to the following specific issues (of relevance to this application) for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Saved UDP Policy DC10, Food and Drink Uses – This policy states under DC10.1 that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to:

- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;
- b. the effect on the amenity of neighbouring residents;
- c. the availability of safe and convenient arrangements for car parking and servicing;
- d. ease of access for all, including disabled people; and
- e. the storage and collection of refuse and litter.

Under section DC10.2 the policy states that the Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

Under section DC10.3 the policy states that this form of development will not normally be permitted where:

- a. it is proposed outside the general locations mentioned above, or

b) there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

Saved UDP Policy DC26, Development and Noise – This policy states under DC26.1 that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.3 states that developments likely to result in unacceptably high levels of noises will not be permitted:

- a) in residential areas;
- b) near schools, hospitals, nursing homes and similar institutions;
- c) near open land used frequently for recreational purposes.

Policy DC26.4 states that where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or noncritical rooms within a building; and
- c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

Policy DC26.5 states that the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Issues

Principle of the Proposal – The principle of a café use on the site has already been established with the granting of the original consent to convert the ground floor premises (ref. 119951/FO/2018). Notwithstanding this, the impact upon existing levels of residential amenity that could be associated with the additional floorspace must be assessed.

Residential Amenity – It is recognised that there is a residential use (no. 12 Whitechapel Street) to the side of the proposed first floor café. However, it is acknowledged that the party wall is sufficient enough to stop noise transfer and this has been corroborated by Environmental Health. Given this and the reduced hours that the 1st floor would be in use it is not considered that the proposal would have an unduly detrimental impact upon the existing levels of residential amenity enjoyed by the neighbouring occupants. It is also considered that the implementation of the noise management plan will ensure that any impact on the other residents of Whitechapel Street is kept to a minimum.

Furthermore, it is not considered that the comings and goings associated with the additional seating on the 1st floor would be so substantial so as to have an unduly detrimental impact upon the levels of residential amenity enjoyed within the vicinity of the site.

Visual Amenity – It is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – It is not considered that the proposal will generate significant vehicular trips to Whitechapel Street, as due to its proximity to Didsbury District Centre the majority of customers will arrive by foot. In addition, servicing of the property will take place from the eastern section of Whitechapel Street, i.e. the section accessed from Wilmslow Road and bollarded off from the rest of the street. Given the above, it is not considered that the proposal will have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along the western section of Whitechapel Street.

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 to resolve any problems arising in relation to dealing with the planning 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:

- a) Drawing no. 532-01-210P, stamped as received on 21st February 2020
- b) Location Plan, stamped as received on 21st February 2020
- c) Noise Impact Assessment, stamped as received on 21st February 2020
- d) Design and Access Statement, stamped as received on 21st February 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) The development hereby approved shall not be open outside the following hours:-

- Mondays to Saturdays - 0830hrs to 1800hrs
- Sundays and Bank Holidays - 1000hrs to 1600hrs

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 Noise Management Plan within the Noise Impact Assessment (Nova Acoustics), stamped as received on 21st February 2020, shall be implemented whilst the first floor is in use as a cafe.

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

23 Whitechapel Street, Manchester, M20 6UB
18 Whitechapel Street, Manchester, M20 6UB
53 Crossway, Manchester, M20 6TU
25 Whitechapel Street, Manchester, M20 6UB
20 Whitechapel Street, Manchester, M20 6UB
Fress Restaurant, 762 Wilmslow Road, Manchester, M20 2DR
760 Wilmslow Road, Manchester, M20 2DP
758 Wilmslow Road, Manchester, M20 2DW
756 Wilmslow Road, Manchester, M20 2DW
2 Whitechapel Street, Manchester, M20 6UB
758B Wilmslow Road, Manchester, M20 2DW
30 Whitechapel Street, Manchester, M20 6UB
27 Whitechapel Street, Manchester, M20 6UB
24 Whitechapel Street, Manchester, M20 6UB
22 Whitechapel Street, Manchester, M20 6UB
19 Whitechapel Street, Manchester, M20 6UB
14 Whitechapel Street, Manchester, M20 6UB
758A Wilmslow Road, Manchester, M20 2DW
758C Wilmslow Road, Manchester, M20 2DW
37 Whitechapel Street, Manchester, M20 6UB
35 Whitechapel Street, Manchester, M20 6UB
32 Whitechapel Street, Manchester, M20 6UB
31 Whitechapel Street, Manchester, M20 6UB
29 Whitechapel Street, Manchester, M20 6UB
28 Whitechapel Street, Manchester, M20 6UB
26 Whitechapel Street, Manchester, M20 6UB
21 Whitechapel Street, Manchester, M20 6UB
16 Whitechapel Street, Manchester, M20 6UB
12 Whitechapel Street, Manchester, M20 6UB
2A Whitechapel Street, Manchester, M20 6UB

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