

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126793/FO/2020

Date registered valid: 27 April 2020

Proposal: Change of use of bar (Use Class A4) to restaurant (use Class A3), together with single storey rear extension, fume extraction to rear and fascia signage and elevational alterations to front elevation.

Address: 575 Barlow Moor Road, Manchester, M21 8AE

Ward(s): Chorlton Park Ward

Applicant: Rakesh Patel 575 Barlow Moor Road, Manchester, M21 8AE

Agent (if any): Rakesh Mistry m83 Associates Ltd Flat 154 Vie Building, 187 Water Street, Manchester, M3 4JD

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: l.marciniak@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 June 2020

Application details

Type of application: Full Application Consent
Development type: Minor Retail
Date of site visit: None
Standard consultations: Printed: 2 June 2020 Expired: 23 June 2020
Neighbour notifications: Printed: 2 June 2020 Expired: 23 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
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building

The application site is a mid-terrace Victorian building of 4 storey's, including a basement, situated on the western side of Barlow Moor Road close to the junction with Wilbraham Road, Chorlton. The terrace is south of Silverwood Avenue and north of Groby Road, both residential streets, with an alleyway behind connecting these streets.

The property has informally enclosed external seating areas at both the front and rear under canopies and a door to the left of the main entrance on Barlow Moor Road giving access to residential flats above.

There is a shared parking bay at the front of the property with 5-6 parking spaces which extends south to a bus stop.

Description of area

The site lies within the heart of the Chorlton District Centre close to the main Chorlton Cross crossroads defined by a bank on each corner. The neighbouring businesses are a TSB bank to the north and several independent cafes, bars and restaurants to the south.

Facing the site on a similar parade are two opticians, several estate agents, independent cafes, a beauty salon, restaurants and general household store.

There are residential terraced streets in the wider hinterland beyond the commercial, leisure and retail frontage.

The site has a high footfall of pedestrian traffic and is well served by public transport along Barlow Moor Road, Wilbraham Road and via the Metrolink tram service located a short distance to the east.

Description of development

Change of use of bar (Use Class A4) to restaurant (use Class A3), together with single storey rear extension, fume extraction to rear and fascia signage and elevational alterations to front elevation.

The signage is treated under a separate application (126794/AO/2020) which is currently under consideration.

Consultations & Notification Responses

Neighbour notifications – No comments received.

Environmental Health – Recommendations:

DEL

Deliveries to commercial premises

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 - To safeguard the amenities of the occupiers of nearby residential accommodation.

FUME*

Fume/Odours discharge

Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences; any works approved shall be implemented before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

Reason - In the interests of the amenities of occupiers of nearby properties.

*The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

The information submitted by Rotoquip dated April 20 appears very generic and we would ask for site specific recommendation/ drawings based on assessments and this specific application.

DEMOLITION/CONSTRUCTION PHASE*

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm
- Sunday / Bank holidays: No work

Reason - To safeguard the amenities of the occupiers of nearby residential and commercial properties during the construction/demolition phase.

HOURS2

Premises opening hours

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

As applied for:

Mon – Fri 0830-2300
Sat 0830–0000
Sun and B/H 1000-2200

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

NSE6

Noise – external equipment insulation

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 (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location.

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. The approved scheme shall be completed before the premises is occupied.

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 report. The report shall also undertake post completion testing to confirm that the noise 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

NSE1

Prior to first use of the development 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.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

Where applicable: 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.

REF*

Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health.

*The proforma/ Waste Management Strategy must include the following information:

- Estimated volumes and types of waste produced by the development;
- Details of internal and external stores for both waste and recycling, including any plans and designs;
- Location of the proposed collection point and details of the route the collection vehicle will take;
- Details of how waste will be transferred between stores and to the collection location; and
- Details of number and capacity of bins proposed and collection frequency.
- Other details as per 'Waste Proforma v1.0' - refer to guidance at:
http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

There will be recycling bins inside the premises, however only one external bin, more information is needed how recycling of all waste matter will be disposed of.

AIR QUALITY

Prior to commencement of the development mitigation measures to safeguard local air quality shall be submitted to and approved in writing by the City Council as local planning authority. Any agreed mitigation measures shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

CLAND* (Watching brief condition or re-word as informative)

In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

Reason – To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Information for Developers guidance documents can be downloaded using the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Chorlton Voice – Objection. Comments:

Chorlton Voice has no objection to the proposed change of use or elevational changes.

However, we are consider that the proposed vent to the fume extraction system is too low, being situated well below the windows of the upper floor flats of this and neighbouring buildings. We consider that the proposal will detract from the amenity of residents of those properties.

Highway Services – Recommendations:

First consultation:

Request for Further Information:

Application documents provide limited information for Highways review. This response therefore largely seeks further clarification and/or supporting information through the applicant's provision of the following:

- An estimate of likely levels of trip generation and modes of travel for visitors and staff. Although we acknowledge the sustainable location, Highways seek reassurance and justification on the adequacy of car and cycle parking in the locality based on existing levels of use.
- Confirmation of intended arrangements for operational servicing / deliveries, including number and types of vehicle, times and frequency of activity and where loading / unloading will reasonably be undertaken.
- Although it is understood that waste will be stored to the rear of the premises for twice- weekly private collection, clarification is sought on the intended collection location and adequacy / manoeuvrability for an appropriate Refuse Collection Vehicle.
- What arrangements are proposed for external construction / internal remodelling and fit- out, including provision for deliveries and the storage of any plant and materials? –

The applicant is advised that any site clearance and construction arrangements impacting the adopted highway (including deliveries and any requirements for permits, hoarding, traffic management etc.) will require discussion and approval of the Council's Highways Applications and Network Resilience team (tel. 0161 234 5004) prior to the commencement of any work.

External Signage: The application includes provision of a new externally illuminated static sign along the Barlow Moor Road façade, 400mm tall and 4m wide. The sign will project no more than 100mm over the applicant's private forecourt and will be mounted above 2.7m. Lighting will be no greater than 300cd/m². Highways are accepting in-principle based on the information provided.

Second consultation:

Highways accept that there is limited likelihood of this development having significant detrimental impact on on-street parking in the locality.

We accept also and support the principles of more sustainable access for both staff and customers and on this basis, request that the developer should make additional provision for secure cycle parking as part of this application in accordance with the Council's Core Strategy.

The applicant has confirmed a daily produce delivery at 7am followed by a daily beer delivery at 730am, both undertaken by van. Highways are accepting in-principle of this level of servicing activity but seek additional clarification from Drawing No. P13 on the specific loading location intended and also swept path arrangements demonstrating manoeuvring / turning such that exiting vehicles enter Barlow Moor Road in a forward gear.

Highways would welcome additional clarification from Drawing P12 on intended swept path arrangements for Refuse Collection Vehicles turning on Silverwood Avenue to ensure egress onto Barlow Moor Road in the required forward gear.

Highways are accepting in-principle of arrangements for site clearance / fit-out construction, subject to plant and materials not being stored on the public highway without the applicant first seeking approval of the Council's Highways Applications and Network Resilience team. The applicant should note also the requirement for any construction deliveries to not unduly obstruct the safe passage of vehicle and pedestrian traffic along either Silverwood Avenue or Barlow Moor Road.

Planning History

Details held on the Council's planning register indicate that 575 Barlow Moor Road operated as a bank with offices above from the 1970's until a change of use to an A3 restaurant in 2004 (073567) with a new shopfront, conservatory and outdoor seating added in 2006 (080341) and a canopy, balustrade and decking in 2013 (101729). The last record, for a prior Approval application in 2014, changed the use of the first floor offices to 2 no. flats (106834).

Issues

Policy

National Planning Policy Framework (February 2019)

This Framework document places an emphasis on sustainable development through a plan-led system. For the Development Management decision-making process, this indicates a presumption in favour of development where that development accords with policies contained within the Development Plan and any Supplementary Planning Guidance.

The Framework gives prominence to the need for good design. Paragraph 58 of the Design advice provides that in the decision-making process, developments should:

- o Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- o Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and
- o Are visually attractive as a result of good architecture and appropriate landscaping.

The Manchester Core Strategy (adopted July 2012)

The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 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 present application is subject to assessment under the following Core Strategy policies:

C2 - District Centres

Development in District Centres should:

Prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink. The Council will ensure that retail remains the principal use in Primary Shopping Areas, but also ensure that provision is made in District Centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres. Subject to impact on overall character and local amenity, the

Council will support development which extends the time during which District Centres are active;

Promote the development of employment which provides opportunities for local people;
Promote the efficient use of land, particularly through considering options for multi-storey development. New development should positively contribute to the reuse and regeneration of land and premises, together with wider regeneration and investment strategies;
Contribute positively to the diversity and mix of uses within centres without undermining their primary retail function. Development should also promote a range of retailers and shop formats;
Promote choice and competition particularly where development will support the independent sector;

Remedy deficiencies in areas with poor access to facilities.

New development should respect and enhance the character of existing centres.

New development should deliver improvements to the quality and accessibility of the centre environment. Opportunities should be taken to adopt sustainable building design and practises to assist in adapting to climate change (see also Green Infrastructure Policy EN9).

The subsequent DPD will identify sites for new development within District Centres.

C6 - South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington

Across the area there is capacity for both further convenience and comparison retailing floorspace. In total, approximately 8,000 square metres of convenience and 4,500 square metres of comparison retail floorspace will be promoted up to 2027.

The relevant policy extract for Chorlton states that:

Identified capacity will be directed to Chorlton centre to support more sustainable shopping patterns [...]. Redevelopment in Chorlton will provide a substantial increase in retail, alongside improvements to other commercial and community services. New development should also make a contribution to the character of the centre, including a range of unit sizes and environmental improvements.

Section 10.15 of the Core Strategy identifies the need for growth within District Centres to contribute to their future longevity:

Manchester's Retail Studies have identified a need for both food and non-food retailing in the Manchester area up to 2027 while also recognising that many of the existing centres need a programme of environmental improvements. Policy within the Core Strategy sets a framework for future retail development across the City to focus this growth within existing centres to maximise the benefits of a growing population to encourage new retail development in the right location, alongside further development of other key uses which contribute to centres' vitality and value to local people.

Policy DM1 - Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- 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.

Development should have regard to the character of the surrounding area.

- o 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.
- 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 Adequacy of internal accommodation and external amenity space.
- o Refuse storage and collection.
- o Vehicular access and car parking.
- o Effects relating to biodiversity, landscape, archaeological or built heritage.
- o Green Infrastructure including open space, both public and private.
- o The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- o Flood risk and drainage.
- o Existing or proposed hazardous installations.

The Council's approach to Development Management is intended to ensure that new developments contribute to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that the detailed aspects of new development complement the Council's broad regeneration priorities, in particular by contributing to Neighbourhoods of Choice. This includes protection of amenity and local character, environmental standards and practical matters such as access and safety. These issues will be considered in more detail through the Supplementary Planning Document, the Guide to Development in Manchester.

Unitary Development Plan for the City of Manchester (adopted 1995)

The site is unallocated in the UDP but the following saved policies apply:

DC26.1 - Noise

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.

DC10.1 - Food and Drink

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.

DC10.4 Where having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, storage of refuse and the collection of litter.

Policy DC10.1 states that when considering applications of this nature consideration should be given as to whether the general location of the use is acceptable, whether it will have an impact on residential amenity and storage and collection of refuse and litter.

Principle

The application site is within a parade of shop units primarily within an A3 / A4 use class and at the heart of the Chorlton District Centre with on street parking in dedicated bays outside. It is also within a sustainable location and has a history of operating as a restaurant, café or bar in the past which have similar impacts in terms of noise, waste generation, comings and goings and hours. The principle of the proposal is therefore acceptable subject to satisfactory compliance with policies for the management of waste, servicing, noise, hours and visual amenity. As 2no. flats are located above the premises and houses are in close proximity on Silverwood Avenue, the impacts on residential amenity are also material to the assessment.

Residential amenity

The first floor has accommodated residential uses since 2014 in which time the ground floor has operated as either a restaurant, café or bar. Occupiers at first floor would therefore be used to the comings and goings and general noise levels associated with this type of land use which is characteristic of the District Centre.

The new kitchen extension may contribute towards a reduction in disamenity as the current timber and polycarbonate canopy structure at the rear was used for additional seating which would likely have generated a level of noise above that of the proposed new kitchen which will be entirely enclosed.

Notwithstanding this, new noise generating developments are expected to mitigate the effects of noise on residents which, in this type of development can be generated by the use, hours, fumes, external equipment and amplified music.

Use

A new restaurant in this location is acceptable as it would complement other nearby food and drink uses, including other existing restaurants. It would support the vitality of the District Centre promoted in Core Strategy policy C6 and would provide new employment opportunities.

Hours

The proposed hours of use for the new restaurant are:

Monday to Friday – 08.30am to 3pm then 5pm to 11pm

Saturdays – 08.30am to 3pm then 5pm to midnight

Sundays / Bank Holidays – 10am to 3pm then 5pm to 10pm

The hours are acceptable for the District Centre location and compatible with the hours of neighbouring land uses which fall within the A3 use class.

A condition managing these hours and also highlighting that they apply to the use of external seating is appended at the end of this report to take account of the residential flats above.

Fumes / Odour Extraction

The plans submitted show a new mechanical ventilation system at the rear of the premises coming off the single storey kitchen extension and rising above the flat roof to terminate 580mm above its parapet. The flue would be situated 4.2 metres away from the original rear elevation where there are windows for the flat at first and second floor level, the flue sitting just below the level of the second floor window.

An objection has been raised by Chorlton Voice regarding the position of the flue in relation to the windows of the flat above which could be a source of residential disamenity.

Good practice guidance requires that flues terminate at least 1m above the eaves level and/or any openable windows/ventilation intakes of nearby properties. This element of the scheme will need to be submitted to ensure compliance with guidance in the interests of residential amenity.

Similarly, the scheme has been assessed by Environmental Health for the extraction system which is not related specifically to this scheme but is of a generic nature. The above condition requires that a scheme for managing the extraction of fumes is submitted prior to first use or occupation in the interests of residential amenity.

Amplified Music

The Design and Access Statement notes that amplified sound is not proposed in this application. A condition is recommended that none shall be played in the external areas is recommended in the interests of residential amenity.

Glass / Waste disposal

The new bin store will be enclosed behind lockable doors but will be open onto the alleyway when refuse, including noise-generating glass disposal takes place. A condition is therefore appended to manage the times at which glass and refuse can be disposed of to minimise the disturbance to residents living above the premises and in nearby residential houses on Silverwood Road across the alleyway.

Extension

The kitchen extension proposed measuring 4.2 metre long x 2.4 metres high, is single storey of brick with a flat roof incorporating an enclosed bin store, fire escape door and the flue. It has been designed to accommodate the external stairs to and from the flats as a secondary means of access / escape.

There are no objections to the extension which will create a better functional space than the present kitchen which is located on a mezzanine between the ground floor and basement level. The extension will also tidy the rear yard area which has an open canopied structure which is also a source of external noise as noted above.

A condition for materials to match the existing is attached at the end of this report.

Waste Management

A new purpose built and lockable bin store will be provided at the rear of the kitchen. The Waste Management Strategy indicates that waste will be segregated for different materials. However, the Proforma goes on to indicate that 1 Eurobin will be provided with no detail of how segregated waste will be managed for recycling purposes.

The agent was asked to clarify this aspect of the proposal and further details were received during the course of negotiations to include:

- 1 Eurobin – General waste
- 1 240 litre wheelbin – Mixed Recycling
- 1 240 litre wheelbin – Food Waste

This provision has yet to be assessed by Environmental Health and so a condition for the details to be formally submitted is required as set out in the condition at the end of this report.

Existing waste management arrangements of residents of the flat above are retained in the rear yard accessed via a fire escape for which allowance has been made in the design of the new kitchen layout.

Shopfront alterations / access

Visually, the proposal is acceptable. It introduces an accessible level threshold redesigning the front elevation to remove 2 narrower door sets and replace with one 1.5 metre wide set accessed under the glazed canopy which is retained. A DDA compliant accessible WC is also retained which is welcomed in the remodelled ground floor interior fit-out.

The proposed elevational alterations introduce horizontal timber tongue and groove panelling to the elevations which is acceptable and consistent with frontages in the District Centre and therefore considered acceptable in this application.

The external seating area is also retained and considered acceptable. Many of the A3 uses have ancillary external seating areas which sit alongside the more traditional A1 and A2 shops and services and add vibrancy to the character of the area which increases its attractiveness as a leisure and shopping destination. In this respect, the provision of A3 uses play a vital role in increasing footfall and spend in the District Centre which is essential to its long-term viability. It is considered that the change of use of the application site will contribute positively to the District Centre and will not tip the balance of A3 uses to an unsustainable level. In addition, the application property is a small unit and thus the amount of external seating will be limited.

Parking

The applicant has referred to the on street parking available outside the premises with further parking on the opposite side of Barlow Moor Road. The District Centre location means that there is no dedicated parking in the curtilage which is usual in this context. As the restaurant has 80no. covers, an increase in 15 from the previous A4 use, the level of trip generation is not substantial and not a significant increase on the last use of the site to raise any concerns.

Highways have assessed the parking implications and are accepting of the current level of parking provision in the local area together with acknowledgement of the sustainable modes of transport available for those likely visitors from outside the immediate area.

Cycle parking

Although the applicants are supportive of cycling and Highway Services have requested provision is made for cycle storage, the constraints of the site, both internally and externally mean that accommodating cycle storage within the footprint will be difficult and would likely compromise the requirements for further bin storage capacity that is required to deal with segregated waste which is a priority for this type of land use.

Servicing / Delivery arrangements

Highways are accepting of the principle of the servicing arrangements but have sought additional clarification on the specific loading location intended and also details of the swept path arrangements demonstrating manoeuvring / turning such that exiting vehicles enter Barlow Moor Road in a forward gear. The application states that deliveries will be daily by transit van onto Silverwood Avenue which would be feasible.

Highway note that details showing the refuse collection vehicles turning on Silverwood Avenue and egressing Barlow Moor Road in forward gear have not been demonstrated via a swept path and recommend this is provided. However, as Silverwood Avenue is a relatively narrow 6 metre wide and short (54 metre length) residential cul-de-sac with vehicles double parked, it is likely that refuse collections will take place from Barlow Moor Road as insufficient turning width is available on Silverwood Avenue for refuse vehicles to enter and exit in forward gear.

Servicing / Delivery hours

The applicant has stated that separate food and drinks deliveries will be undertaken daily by van between 7.00 and 7.30am. Usual delivery / service hours are recommended by Environmental Health and consistent across the city, restricted to:

Monday to Saturday 07:30 to 20:00

No deliveries/waste collections on Sundays/Bank Holidays

A condition for the servicing and delivery hours to comply with these recommendations is therefore appended at the end of this report.

Signage

The application proposes new externally illuminated fascia signage which is also the subject of a separate application (126794/AO/2020) currently under consideration. A condition is attached to clarify the extent of any approval in the present application and acknowledge the advertisement consent application.

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the delegated report. The proposed change of use did not result in any objections with the exception for details of the rear flue for which further details are required to be submitted and which demonstrate compliance with policies in the interests of residential amenity.

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:

Application form received 27.04.2020
Location Plan (P1) received 27.04.2020
Site Plan Existing (P2) received 27.04.2020
Site Plan Proposed (P3) received 27.04.2020
Basement Floor Plan (P4) received 27.04.2020
Ground Floor Plan (P5) received 27.04.2020
Front Elevations (P6) received 27.04.2020
Rear Elevations (P7) received 27.04.2020
Sections (P8) received 27.04.2020
3D Views (P10) received 27.04.2020

Rotoquip Extraction System - Extraction and Ventilation Statement received 27.04.2020

Design and Access Statement prepared by m83 Architecture received 27.04.2020

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 materials to be used in the extension hereby approved, shall match those of the existing building in type, size, colour and texture, as stated on the submitted Application Form.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4. Prior to first occupation or use of the development hereby approved, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health, pursuant to policies SP1 and DM1 of the Core Strategy.

Reason - In the interests of amenity and public health, in accordance with policies SP1 and DM1 of the Core Strategy.

5. Before first use or occupation of the development hereby approved and notwithstanding the external flue shown on drawings P7 and P8 (received on the 27 April 2020), a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall 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.

The development must ensure that the flue terminates at least 1m above the eaves level and/or any openable windows/ventilation intakes of nearby properties.

Upon completion of the development and before use, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the odour statement report and subject to additional requirements set out below. The report shall also include photographs of the filters and odour abatement in situ within the ductwork before being boxed along with a diagram and photographs of the inspection access hatches.

Any instances of non-conformity with the recommendations in the report or approved measures shall be detailed along with any measures required to ensure compliance with the agreed criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties 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.

6. The premises, including any external seating areas, shall not be open outside of the following hours:-

Monday to Friday 08.30am to 11pm
Saturday 08.30am to midnight
Sundays / Bank Holidays 10am to 10pm

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.

7. 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.

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.

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 façade 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.

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 properties 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.

8. There will be no playing of live or amplified music in the outside seating area.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1, C10 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10 and DC26.

9. 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.

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. The approved scheme shall be completed before the premises is first occupied.

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 the noise 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 properties 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.

10. Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30-20:00 Monday to Saturday

10:00-18:00 Sunday and Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

11. No refuse, glasses or glass bottles shall be disposed of in outside receptacles between the hours of 21:00 and 08:00 hrs

Reason - To protect the amenity of the occupiers from noise caused by putting out refuse, glasses or bottles late in the evening and early morning pursuant to policies D10 and DC26 of the Unitary Development Plan, and DM1 and SP1 of the Core Strategy for the City of Manchester.

12. The application hereby approved is for the change of use of the ground floor to an A3 restaurant and does not grant or confer consent for any advertisements associated with the change of use and for which a separate application for advertisements is under consideration.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 1, 1 Silverwood Avenue, Manchester, M21 8BN
3 Silverwood Avenue, Manchester, M21 8BN
Flat 3, 571A Barlow Moor Road, Manchester, M21 8AE
Flat 2, 571A Barlow Moor Road, Manchester, M21 8AE
Flat 1, 571A Barlow Moor Road, Manchester, M21 8AE
Flat Rear Of, 428 Barlow Moor Road, Manchester, M21 8AD
Flat 2, 573A Barlow Moor Road, Manchester, M21 8AE
Flat 1, 573A Barlow Moor Road, Manchester, M21 8AE
Second Floor, 575 Barlow Moor Road, Manchester, M21 8AE
First Floor, 575 Barlow Moor Road, Manchester, M21 8AE
Kentoms Garage, Silverwood Avenue, Manchester, M21 8BN
430A Barlow Moor Road, Manchester, M21 8AD
414A Barlow Moor Road, Manchester, M21 8AD
573 Barlow Moor Road, Manchester, M21 8AE
Store Rear Of 567, Barlow Moor Road, Manchester, M21 2AE
Flat 2, 418 Barlow Moor Road, Manchester, M21 8AD
Flat 1, 418 Barlow Moor Road, Manchester, M21 8AD
565B Barlow Moor Road, Manchester, M21 8AE
422B Barlow Moor Road, Manchester, M21 8AD
420A Barlow Moor Road, Manchester, M21 8AD
410B Barlow Moor Road, Manchester, M21 8AD
Flat 1, 410B Barlow Moor Road, Manchester, M21 8AD
First Floor, 567 Barlow Moor Road, Manchester, M21 8AE
Flat 1, 432 Barlow Moor Road, Manchester, M21 8AD
Flat 2, 5 Silverwood Avenue, Manchester, M21 8BN
430 Barlow Moor Road, Manchester, M21 8AD
420 Barlow Moor Road, Manchester, M21 8AD
571 Barlow Moor Road, Manchester, M21 8AE
410 - 412 Barlow Moor Road, Manchester, M21 8AD
6 Groby Road, Manchester, M21 8AF
577 Barlow Moor Road, Manchester, M21 8AE
569 Barlow Moor Road, Manchester, M21 8AE
408B Barlow Moor Road, Manchester, M21 8AD
426A Barlow Moor Road, Manchester, M21 8AD
Dentology Chorlton, 563 Barlow Moor Road, Manchester, M21 8AE
Flat 3, 410B Barlow Moor Road, Manchester, M21 8AD
Flat 2, 410B Barlow Moor Road, Manchester, M21 8AD
416 Barlow Moor Road, Manchester, M21 8AD
Basement And Ground Floor, 567 Barlow Moor Road, Manchester, M21 2AE
Ground Floor, 416 Barlow Moor Road, Manchester, M21 8AD
Flat 1, 5 Silverwood Avenue, Manchester, M21 8BN
Flat 2, 432 Barlow Moor Road, Manchester, M21 8AD
Flat 3, 5 Silverwood Avenue, Manchester, M21 8BN
426 Barlow Moor Road, Manchester, M21 8AD
432 Barlow Moor Road, Manchester, M21 8AD
428 Barlow Moor Road, Manchester, M21 8AD
424 Barlow Moor Road, Manchester, M21 8AD
408 Barlow Moor Road, Manchester, M21 8AD
414 Barlow Moor Road, Manchester, M21 8AD

579 - 581 Barlow Moor Road, Manchester, M21 8AE
4 Silverwood Avenue, Manchester, M21 8BN
422 Barlow Moor Road, Manchester, M21 8AD
577A Barlow Moor Road, Manchester, M21 8AE
424A Barlow Moor Road, Manchester, M21 8AD
565 Barlow Moor Road, Manchester, M21 8AE
8 Groby Road, Manchester, M21 8AF
422A Barlow Moor Road, Manchester, M21 8AD
418 Barlow Moor Road, Manchester, M21 8AD

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