

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142276/JO/2025

Date registered valid: 27 February 2025

Proposal: Variation of Condition 3 (opening hours) attached to planning permission 126305/FO/2020 to allow use of the first floor between 8.30 am to 10.00pm Mondays to Sundays (including public holidays)

Address: 10 Whitechapel Street, Manchester, M20 6UB

Ward(s): Didsbury West Ward

Applicant: Mr S Sadiq, Caramello Cafe

Agent (if any): Mr Tufail Ahmed, Cre8ive Design Consult Ltd

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: **REFUSE**

Date of recommendation: 17 April 2025



Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 14 March 2025

Standard consultations:

Printed: 5 March 2025 Expired: 26 March 2025

Neighbour notifications

Printed: 10 March 2025 Expired: 31 March 2025

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

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.

Planning permission to use the ground and basement as a café (with first floor residential accommodation) was granted in March 2019 under reference 119951/FO/2018. Planning permission to use the first floor as an additional seating area associated with the café was granted in August 2020 under reference 126305/FO/2020.

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.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

Planning permission to use the ground and basement as a café was subject to a condition limiting the opening hours to the following:

Sundays to Thursdays - 8.00am to 6.00pm,

Fridays and Saturdays - 8.00am to 8.00pm.

Planning permission to change the use of the first-floor apartment into the additional seating area was subject to a condition limiting the use of the first floor to the following:

Mondays to Saturdays – 8.30am to 6.00pm
Sundays and Bank Holidays – 10.00am to 4.00pm

The applicant is applying to vary the hours of opening associated with the first-floor usage, i.e. the additional seating approved under application 126305/FO/2020. The proposed hours are as follows:

Monday to Sunday (including public holidays) – 8.30 am to 10pm

The applicant has also submitted a planning application (142607/JO/2025) to vary the hours of use of the basement and ground floor of the café to 8.30 am to 10.00pm seven days a week, including public holidays.

Consultations & Notification Responses

Local Residents – Ten objections have been received from local residents, the comments are summarised below:

- As it stands, the customers of Camarillo already have an adverse effect on our road. They often park on the double yellow lines, and in the turning space at the end of the road. This makes parking for residents much more difficult, and would make access for an ambulance or fire engine impossible. If they were allowed to stay open later, this problem would only increase.
- As the cafe offers takeaway, there is often litter around the street left by customers. Again, increased hours of operation would also increase this issue.
- A number of residents on our road have children and pets. The noise levels from the cafe are fine during the day, but if they were to stay open until 10pm, this would make life tough for those on the road with children and pets.
- This business is on a residential part of the street. It is a narrow cul-de-sac and will generate evening traffic on what is already a highly limited place for residents to park. The business is adjacent to and opposite family houses. It is not appropriate for it to open in the evening.
- Whitechapel street is a residential street a commercial street it is not a trading street. Recently it has come to light that the applicant doesn't have any provisions for waste bins, the fact that previous applications were granted without any consideration for waste bins is another issue, but we now have to put up with the noise that this has created as the bins are now stored on Whitechapel Street and not on their property.
- Parking is a massive issue in our street and with outside visitors visiting the cafe this has directly resulted in negative issues with us and our neighbours having vehicles damaged.
- Presently, the additional traffic related to Caramello tends to dissipate after ~5pm due to the shop closing, allowing residents an opportunity to park in front of their own houses on return from work. Extending their hours by a further 5 hours will add significant traffic and disruption and noise. Customers to this cafe as we have seen are not quiet, and with cars coming and going late at night will further increase noise levels.
- Whilst a normal 9 - 5 cafe is a general good thing for Didsbury, there are plenty of other choices in the main road for cafes. Whitechapel Street is a residential street and should remain this way.
- Other considerations need to be made for future uses, if this application is granted it gives an open door for use in other situations after Caramello has ceased trading there.

- Additional vehicles are attracted to the residential West side of the bollards on Whitechapel Street, by the presence of Caramello. It is a narrow street with a limited turning space just West of the bollards. The previously mentioned large commercial bins limit available turning space further, by precluding temporary excursions onto the adjacent pavement. Multiple incidents of residents' vehicles being scraped and/or bumped by vehicles turning in this area have been recorded. This problem will likely worsen with extended opening hours.
- Existing levels of noise and litter, and the number of people milling around on the street in front of Caramello, will increase with extended opening hours. Whitechapel Street west of the traffic bollards is fundamentally a residential area - despite the anomalous usage of the single commercial unit at no.10. The area should become reasonably peaceful after 5pm.
- Surely there are more suitable locations from which Caramello could operate (for example on the main Wilmslow Road) if it wishes to now transform into a late-night-opening business.
- Few of the patrons use the paid car park as it is, causing difficulty for the residents under the current opening hours. The business is primarily "brunch" oriented and doesn't require longer opening hours.

Councillor Deborah Hilal – The ward councillor has made the following comments:

- It has come to my attention the business Caramello, 10 Whitechapel Street, West Didsbury have applied to extend their opening hours from 5.30 p.m. to 10 p.m. Monday to Sunday.
- The premises is situated on a very busy narrow road in Didsbury Village, the area is already saturated with cars. Caramello do not have parking facilities for their customers as they are a popular venue queues often form on the pavement awaiting entrance causing an obstruction to pedestrians. The extension of the hours will only encourage more people to drive to the area later in the evening exacerbating parking issues which will result in parking spaces becoming unavailable for residents returning home from work.
- There have also been issues with waste management and the Compliance Team have been involved in mitigating this issue which has been exacerbated by the opening of "Gails" on the corner of Whitechapel Road.
- Noise will also become an issue due to the later opening hours. Please note the cafe is situated very close to neighbouring houses some of which have small children.

Environmental Health – No objection to the proposal, their comments are summarised as follows:

- The Nova Acoustics noise impact assessment dated 10/10/2019 looked at the noise insulation properties of the building and concluded that noise would not be an issue for adjoining residents. It also advised that "*Where possible all windows in the 1st-floor seating area should remain fully closed throughout periods of operation and that All staff should be trained in noise reductive work practices where possible*". This would be expected to continue if the hours are extended.
- The Design and access statement dated February 2020 stated that "*An Acoustic survey and report prepared by specialist consultant included as part of this application shows that the potential for unacceptable noise nuisance between the first floor of no 10 and no 12 Whitechapel Street is small. This is because no 12 is an end terrace and no 10 is a detached structure albeit butted up against the gable of no 12. They are not simply separated by a party wall.*" This also demonstrates that the noise from the cafe should not be detrimental to the adjoining residential premises.
- The design and access statement advises that the majority of the customers arrive on foot, so an increase in traffic to the property should be minimal.

- The property itself is approximately 55 metres from Wilmslow Road which is a busy road, so road traffic noise at the cafe is a normal part of the external noise environment, so a few additional vehicle movements should not be detrimental to surrounding residents.
- Sangam restaurant is located on the corner of Whitechapel Road and Wilmslow Road approximately 50 metres away and is permitted to open until 10pm on Sundays and 11pm the rest of the week.

Highway Services – Have made the following comments:

- There is no parking associated with the site. TRO's are in place around the site. There is a local pay & display car park located within close proximity.
- Continual monitoring of parking demands generated on the highway network by the proposal is recommended.
- Sustainable travel to and from the site should be fully endorsed for both staff and visitors to the site.

Policies

The National Planning Policy Framework (December 2024) – The National Planning Policy Framework 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 National Planning Policy Framework 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 means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

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.
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- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

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 – Given the proximity of residential properties to the café restrictive conditions were placed on when the basement and ground floor and subsequently the first floor, could operate. This was primarily to protect the levels of residential amenity the occupants of these dwelling could expect to enjoy during more unsociable hours. As it is considered that extending the opening hours until 10.00pm every night, including bank holidays, would have a detrimental impact upon the existing levels of residential enjoyed along Whitechapel Street, the principle of the proposal is not considered acceptable.

Residential Amenity – Whilst it is noted that Environmental Health colleagues are content with the submitted acoustic report in respect of the noise transfer between nos. 10 and 12 Whitechapel Street, it is still considered that the proposed opening hours would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of those dwellings nearest to the site, namely those along Whitechapel Street. It is considered that the noise and disturbance associated with customers coming and going to the site late into the night, along with that generated by the staff associated with the café, would have an unduly detrimental impact upon the levels of residential amenity currently enjoyed by the nearby residents of Whitechapel Street.

In addition, it is considered that the coming and going of vehicles associated with the collection of take-away orders, which would either utilise the turning head or park to the east of the bollards, would have a detrimental impact on the current levels of residential amenity enjoyed within the vicinity of the site, due to the noise and disturbance resulting from cars starting up or engines idling, car doors shutting, radios playing and general conversation of patrons.

Visual Amenity – The variation of the operating hours of the first-floor element would not have a detrimental impact upon the current levels of visual amenity enjoyed within the vicinity of the site.

Car Parking – No off-street car parking facilities were proposed as part of the original application and that remains the case in this instance. It was not considered a requirement given the close proximity of a pay and display car park, accessed on the eastern section of Whitechapel Street, on-street parking on Wilmslow Road and the fact a considerable number of customers arrive on foot.

In terms of on-street parking, the diagram below shows that only the section between nos. 12 and 32 Whitechapel Street is unrestricted, with the remainder being either single yellow line (*No Waiting Mon-Sat 8am-6pm*) or double yellow lines (*No Waiting At Any Time*). Given the lack of on-street parking, the available spaces are usually occupied by residents during the evening but it is recognised that customers do attempt to park on-street as well. It is also understood that given its proximity, the turning head opposite the application site is frequently utilised by customers for take-away collection.



While it is not anticipated that the extended opening hours would unduly impact the availability of on-street parking, it is considered, as stated previously, that the coming and going of vehicles associated with the collection of take-away orders would have a detrimental impact on the current levels of residential amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – While there is a possibility that the proposed opening hours would attract additional cars to Whitechapel Street late into the night, it is not considered that it would be at such a level so as to prove detrimental to the existing levels of pedestrian and highways safety enjoyed along Whitechapel Street, particularly to the west of the bollards.

Other Legislative Requirements

Equality Act 2010 – Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document and the guidance contained within the National Planning Policy Framework. The applicant was advised that the proposal would have a detrimental impact upon the existing levels of residential amenity enjoyed within the vicinity of the site. As the nature of the proposal is considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

1) The proposal would have a detrimental impact on the residential amenity and living conditions of the nearest residential occupiers on Whitechapel Street, as a result of the unacceptable levels of noise, disturbance and activity associated with the comings and goings of customers to the premises and general activity associated the operation of a food and drink establishment late into the evening. The proposed development is therefore contrary to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

2A Whitechapel Street, Manchester, M20 6UB

2 Whitechapel Street, Manchester, M20 6UB

HOLLAND & BARRETT, 764 Wilmslow Road, Manchester, M20 2DR

758 Wilmslow Road, Manchester, M20 2DW

Fress Restaurant, 762 Wilmslow Road, Manchester, M20 2DR

760 Wilmslow Road, Manchester, M20 2DP

756 Wilmslow Road, Manchester, M20 2DW

19 Whitechapel Street, Manchester, M20 6UB

758A Wilmslow Road, Manchester, M20 2DW

758C Wilmslow Road, Manchester, M20 2DW

758B Wilmslow Road, Manchester, M20 2DW

12 Whitechapel Street, Manchester, M20 6UB

31 Whitechapel Street, Manchester, M20 6UB

22 Whitechapel Street, Manchester, M20 6UB

14 Whitechapel Street, Manchester, M20 6UB

27 Whitechapel Street, Manchester, M20 6UB

24 Whitechapel Street, Manchester, M20 6UB

25 Whitechapel Street, Manchester, M20 6UB

23 Whitechapel Street, Manchester, M20 6UB

18 Whitechapel Street, Manchester, M20 6UB

21 Whitechapel Street, Manchester, M20 6UB

16 Whitechapel Street, Manchester, M20 6UB

20 Whitechapel Street, Manchester, M20 6UB

29 Whitechapel Street, Manchester, M20 6UB

26 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

Area Team Boundary - Name: SOUTH AREA