MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138520/FO/2023
Date registered valid:	27 November 2023
Proposal:	Installation of extraction flue to rear, elevational alterations to the Wilmslow Road frontage and installation of cycle shelter to rear.
Address:	467 - 471 Wilmslow Road, Manchester, M20 4AN
Ward(s):	Withington Ward
Applicant:	Mr Kiyum Mohammed
Agent (if any):	Mr Nadir Khan, NK Architects
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	18 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 8 December 2023

Standard consultations:
Printed: 30 November 2023 Expired: 21 December 2023

Neighbour notifications
Printed: 30 November 2023 Expired: 21 December 2023

Site notice
Posted: 8 December 2023 Expired: 29 December 2023

Press advert
Published: 5 December 2023 Expired: 19 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

467 - 471 Wilmslow Road is a part single/part three storey mixed commercia and residential property located within the Withington District Centre. The property is currently vacant but was last used as a bank. The property is located adjacent to the junction with Egerton Crescent, off which vehicular access is taken to the rear car park and servicing area. The property is also located within the Withington Conservation Area.

As to be expected in this location, the surrounding properties are in various commercial uses, some of which have ancillary accommodation or residential above.

Listed building: No
Conservation area: Withington Conservation Area 1983
Tree Preservation Order: No

Description of development

The applicant is proposing to undertake the following in connection with the future use of the property as a restaurant, a change of use which doesn't require planning permission:

- Elevational alterations to the front of the property to install replacement windows and a door, with two of the window openings being enlarged.
- Installation of rear extraction flue.
- Installation of cycle shelter

Consultations & Notification Responses

Local Residents/Businesses – Correspondence has been received from a local resident who has stated the following:

- "*Fine for this to go ahead, won't be affected*."

Withington Civic Society (WCS) – Have made the following comments:

- WCS welcome investment in Withington Village, especially in properties like this which are currently vacant.
- The headers above the windows on the proposed Wilmslow Rd elevation at first floor are shown as being removed. WCS are not sure that this is intentional but clarification should be sought from the applicant. The removal of the headers would harm the appearance of the building as they are original features. This would, in turn, erode the special character of the conservation area.
- WCS would urge the applicant to ensure that any proposed signage conforms to the requirements set out in the Withington Village Framework of 2021.

Highway Services – Have made the following comments:

- The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.
- The proposed extraction duct will be located to the rear of the building and will not extend over the adopted highway.

Environmental Health – Suggest the imposition of fume extraction and noise insulation conditions.

Policies

The National Planning Policy Framework (December 2023) – 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 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 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.

In addition to the above, Section 16 (*Conserving and enhancing the historic environment)* is of relevance:

Paragraph 196 in Section 16 states that in determining planning applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, such as grade I and II* listed buildings, should be wholly exceptional.

Paragraph 207 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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,* - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance 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.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies – Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

   i. the relationship of new structures to neighbouring buildings and spaces;
   ii. the effect of major changes to the appearance of existing buildings;
   iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
   iv. street trees);
   v. the effect of signs and advertisements;
   vi. any further guidance on specific areas which has been approved by the Council.

b) The Council will not normally grant outline planning permission for development within Conservation Areas.
c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Saved UDP Policy DC26, "Development and Noise" – Policy DC26.1 states 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 DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – There is no objection in principle to the scheme which would bring back into use a building that have been derelict for approximately 5 years. However, the potential impact upon existing levels of residential and visual amenity, as well as the impact upon the character of the conservation area, must be assessed.

Design – The proposed elevational alterations are modest and involve the enlarging of two of the window openings so that they match the two outer windows. These works are considered acceptable. A condition is suggested which would require the submission of masonry and window frame details to ensure that the proposal matches the existing building.

The proposed cycle store and flue would be located at the rear of the property and would not be readily visible. The design of the cycle store, which can be seen here, is considered acceptable.

The flue is of a typical design seen on food and drink uses throughout the district centre.

Overall, the design of the proposal is considered acceptable.

Residential Amenity – It is not considered that the proposed works would have a detrimental impact upon existing levels of residential amenity. Notwithstanding this, the comments of Environmental Health

Visual Amenity – Given the design of the elevational alterations and the fact the extraction flue would be located at the rear of the property, 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.

Impact on the Conservation Area – Given the modest works proposed to the Wilmslow Road elevation it is not considered that this development would have a detrimental impact upon the overall character of the Withington Conservation Area.

Pedestrian and Highway Safety – The proposal would not have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site.

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 polices 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 matters arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval

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. 637.00 and 637.01, received on 9 November 2023
b) Drawing no. 637.02, received on 15 January 2024
c) Cycle store details, received on 27 November 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) Above-ground construction works shall not commence until samples and specifications of all materials (e.g. masonry and window frames) to be used in the external elevations have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) a) 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. 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.

b) Prior to commencement of the development hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties, pursusnt to policy DM1 in the Manchester Core Strategy.

5) a) 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. Prior to commencement of the use hereby approved 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 scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority 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 have 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, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

Informatives

1) Informative for Condition no. 4 - 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 May 2022. Details should also be provided in relation to replacement air.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Withington Civic Society
Flat 2, 478 Wilmslow Road, Manchester, M20 3BG
7A Parsonage Road, Manchester, M20 4PB
Ground Floor, 465 Wilmslow Road, Manchester, M20 4AN
Printers Press Cottage, 3C Parsonage Road, Manchester, M20 4PB
3B Parsonage Road, Manchester, M20 4PB
3A Parsonage Road, Manchester, M20 4PB
482 Wilmslow Road, Manchester, M20 3BG
480 Wilmslow Road, Manchester, M20 3BG
478 Wilmslow Road, Manchester, M20 3BG
477 Wilmslow Road, Manchester, M20 4AN
476 Wilmslow Road, Manchester, M20 3BG
475 Wilmslow Road, Manchester, M20 4AN
473 Wilmslow Road, Manchester, M20 4AN
472 Wilmslow Road, Manchester, M20 3BG
Flat 1, 471 Wilmslow Road, Manchester, M20 4AN
Ground Floor And First Floor, 470 Wilmslow Road, Manchester, M20 3BG
474 Wilmslow Road, Manchester, M20 3BG
479 Wilmslow Road, Manchester, M20 4AN
486 - 488 Wilmslow Road, Manchester, M20 3BG
486A Wilmslow Road, Manchester, M20 3BG
Flat 1, 465 Wilmslow Road, Manchester, M20 4AN
Flat 1, 476A Wilmslow Road, Manchester, M20 3BG
Flat 2, 482A Wilmslow Road, Manchester, M20 3BG
Flat 1, 482A Wilmslow Road, Manchester, M20 3BG
482A Wilmslow Road, Manchester, M20 3BG

Ground Floor, 482 Wilmslow Road, Manchester, M20 3BG
2A Egerton Crescent, Manchester, M20 4PN
Top Flat, 470 Wilmslow Road, Manchester, M20 3BG
Basement, 479 Wilmslow Road, Manchester, M20 4AN
Flat 5, 465 Wilmslow Road, Manchester, M20 4AN
Flat 3, 465 Wilmslow Road, Manchester, M20 4AN
Flat 2, 465 Wilmslow Road, Manchester, M20 4AN
Flat 4, 465 Wilmslow Road, Manchester, M20 4AN
Flat 6, 465 Wilmslow Road, Manchester, M20 4AN
2 Egerton Crescent, Manchester, M20 4PN
Flat 2, 476A Wilmslow Road, Manchester, M20 3BG
Flat 4, 476A Wilmslow Road, Manchester, M20 3BG
484 Wilmslow Road, Manchester, M20 3BG
472A Wilmslow Road, Manchester, M20 3BG
Flat 3, 476A Wilmslow Road, Manchester, M20 3BG
484A Wilmslow Road, Manchester, M20 3BG
3 Parsonage Road, Manchester, M20 4PB
5 Parsonage Road, Manchester, M20 4PB
7 Parsonage Road, Manchester, M20 4PB
Flat 4, 2 Egerton Crescent, Manchester, M20 4PN
Flat 3, 2 Egerton Crescent, Manchester, M20 4PN
Flat 2, 2 Egerton Crescent, Manchester, M20 4PN
Flat 1, 2 Egerton Crescent, Manchester, M20 4PN

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
Conservation Area - Withington Conservation Area 1983
Area Team Boundary - Name: SOUTH AREA