

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139488/FO/2024

Date registered valid: 14 March 2024

Proposal: Erection of a first-floor side extension and two storey rear extension to existing restaurant and proposed conversion to 3 units (Class E).

Address: 97 Wilmslow Road, Manchester, M14 5SU

Ward(s): Rusholme Ward

Applicant: Mr Hussain

Agent (if any): Mr Eatzaz Hassan, FAUM Architecture

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 12 April 2024

Standard consultations:

Printed: 25 March 2024 Expired: 17 April 2024

Neighbour notifications

Printed: 25 March 2024 Expired: 17 April 2024

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

The application property relates to 'Pasha' - a restaurant formerly in use as a public house (The Clarence Hotel) that has been substantially extended over time, including a single storey side extension with roof terrace. The first floor windows to front have been covered with decorative, arch shaped screens.

There have been a number of intervening uses on the site, the most recent of which was as an unauthorised shisha bar that was the subject of an enforcement notice.



View of site frontage from Wilmslow Road

The host building is two storeys high and occupies an end terraced location within the heart of Rusholme District centre.

To the rear is an informal parking area and bin store, with gated vehicular access from Wilmslow Road.

The site is bounded by a jewellers to the south along Wilmslow Road and by further commercial premises that front onto Walmer Street East.



View of rear

To the north is Denison Street, a short cul-de-sac which separates the site from another restaurant.

To the east (rear boundary), the site is flanked by two storey light industrial units. Opposite, to the other side of Wilmslow Road lies a two-storey commercial parade containing a mixture of retail and restaurant units.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site lies along the eastern side of Wilmslow Road within the heart of Rusholme district centre which spans north to south along the main arterial route of Wilmslow Road.

The area contains an array of small-scale commercial premises dominated by food and drink establishments.

Description of development

Planning permission is sought for the erection of a first-floor side extension and two storey rear extension in connection with the sub-division of the existing restaurant into three separate units (Class E) involving a number of elevational alterations and the formalisation of the rear car park.

The first-floor side extension would replace an existing roof terrace and incorporate a lower roof ridge in comparison to the main building.

The proposed 'L' shaped extension would wrap around to the rear to join up with a two-storey rear extension and tie in with an existing gabled feature. The extension would project no further than the existing single storey side element.

In addition, it is proposed to create three new shopfronts to Wilmslow Road in order to create three separate units (Class E).

The proposed increase in floorspace would allow for an enlarged seating area to the end unit, as well as ancillary office space and back of house facilities.

Planning History

127743/FO/2020

Erection of a first floor side extension and two storey rear extension to existing restaurant. *Approved 2 December 2020.*

124448/FO/2019

Elevational alterations to front elevation at ground floor and first floor. *Approved 21 October 2019.*

123921/JO/2019

Variation of condition 3 (opening hours) to allow opening from 09:00 to 02.00 seven days a week and condition 8 (shisha restriction) to allow smoking to be restricted to certain areas within the unit attached to 121661/FO/2018. *Refused 9 August 2019.*

127743/FO/2020

Erection of a first floor side extension and two storey rear extension to existing restaurant. *Approved 2 December 2020.*

121661/FO/2018

Change of use to restaurant (Class A3). *Approved 13 March 2019.*

103477/FO/2013/S1

Elevational alterations comprising installation of new sliding doors to front including installation of shutters. *Refused 24 October 2013.*

091882/FO/2009/S1

Retrospective erection of a covered decked seating area including roller shutters at side of property. *Refused 27 January 2010.*

092980/FO/2010/S1

Retrospective Application for part enclosed seating area in association with existing restaurant. *Approved 2 August 2010.*

089265/FO/2009/S1

Change of use of part of first floor of premises to a 24 hour Private Hire car base with associated car parking and CCTV camera. *Approved 27 May 2009.*

089222/FO/2009/S1

Retrospective Application for erection of covered decking at side of property, decking to rear of property and installation of a single air conditioning unit on side elevation. *Refused 27 May 2009.*

067025/FO/NORTH2/03

Erection of single storey lounge at rear of public house and formation of a beer garden at rear. *Approved 3 March 2003.*

043661/FO/CENTL2/93

Single storey rear extension to public house and provision of additional car parking. *Approved 28 October 1993.*

069460/FO/2003/N2

Erection of a two storey rear extension to form restaurant, kitchen and toilets on ground floor with function room over and two storey side extension to form entrance to first floor and large ground floor entrance. *Approved 4 December 2003.*

028687

Alterations to fire damaged public house including the part removal of the second floor and extending the ground floor in two small areas. Approved 15 April 1987.

Policy

The below policy and guidance is considered relevant to the consideration of this application.

- Saved policies DC10, DC26 and E3.3 of the Unitary Development Plan;
- Policies DM1, EN1, C1, C2, C5, C10, T2. EC2, EN16-EN19 of the Manchester Core Strategy;
- Place for Everyone (March 2024);
- Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF).

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – Conditions are advised in relation to waste management, hours of use, air quality, construction hours, external equipment and acoustic insulation.

Issues

Background

The extension shows additional seating areas to a restaurant as consented by permission referenced 127743/FO/2020 and prior to this 121661/FO/2018. The earlier application was

approved subject to conditions requiring that the premises adhered to certain opening hours 0900 to 23.00 Sunday to Thursday and public holidays 0900 to 00.00 Friday and Saturday. The application was also approved subject to a condition requiring that no part of the site shall be used other than in accordance with the approved drawings; there shall be no areas used for the smoking of shisha, either inside or outside the building, and none of the areas outside the building including the car park shall be used as external seating areas.

Following approval there was an application to vary the hours and to remove the shisha restriction (123921/JO/2019). This application was subsequently refused planning permission.

The current scheme relates to a slight revised elevational design with the same building footprint to that recently approved.

Principle

The principle of the proposed extension has largely been established by the previous permission. The sub-division itself does not require planning permission.

It is considered that given the design and size of the proposed extension, its relationship with surrounding buildings and the enlivenment of the building by creating new shop frontages would add to the diversity of commercial accommodation within the district centre, representing an appropriate land use. Subject to conditions to limit any impact to amenity, the principle of the proposed development is considered compliant with the aforementioned policy and guidance.

Specific issues are outlined further below.

Design, Scale and Appearance

The proposed first floor extension would sit above the existing flat roof ground floor side extension visible from Wilmslow Road. The existing extension, projects approximately 7.6 metres to the rear of the property. To the rear the two-storey rear extension would see the loss of an existing bay window feature at ground floor to the rear to infill to a depth of around 7.7 metres to match the projection of the side extension. It is not considered that the loss of the bay window feature would adversely impact the visual amenity of the property.

The proposed side extension would occupy a slightly lower level to offer subservience to the gable to the existing property. The roof would be tiled to match the existing building. The render would match the existing building and the large, glazed windows would be framed in aluminium glazing, which is considered to be appropriate.

To the front, new shopfronts are proposed at ground level and new glazing is proposed in place of the existing decorative screens to the first-floor windows openings. It is believed that these alterations would increase the transparency of the building and enliven its appearance which would ultimately enhance the appearance of the host building to the benefit of visual amenity along a key radial route.

Residential Amenity

Given the existing use of the building as a large, two storey restaurant located adjacent to the busy, arterial route of Wilmslow Road, within the heart of a busy district centre containing a large number of late night uses, it is not considered that the proposed extension and subdivision of the building would have a significantly material impact upon the living conditions of neighbouring occupiers as a result of levels of activity or associated noise and disturbance.

There are no residential occupiers within immediate proximity of the site and any impact to the amenity of neighbouring occupiers can be mitigated through controls on the hours of operation, acoustic insulation and the appropriate control of fumes/odours. Suitable conditions have been included with regard to these matters.

In terms of any impact arising from the physical siting of the building, including the position of windows, it is not considered that the resultant scale and orientation of the proposed extension coupled with its relationship with neighbouring properties, would result in any significant, harmful impacts in terms of any over-dominance, overshadowing or overlooking.

The restaurant as extended would not adversely impact upon the amenity of the property to the south at 99 Wilmslow Road, which presents blank gables all the way along the shared boundary.

To the east lies industrial units, whereas to the west, the first-floor extension would face further commercial premises to the other side of Wilmslow Road.

To the north, there are windows at ground floor to a restaurant that are currently overlooked by the ground floor windows to the existing ground floor extension. There are four first floor windows, however, it is not considered that these windows would be significantly more overlooked than from the windows in the existing ground floor extension, associated roof terrace, or from two first floor windows to the existing gable. Moreover, a gap of around 8 metres would be retained across Denison Street.

In light of the above, the impact to residential amenity is considered acceptable and compliant with relevant policy.

Highway Impact The scheme includes for 10 formally laid out car parking spaces, which is considered to be an acceptable level of provision in a district centre location and where the site lies adjacent to a high frequency bus route. The scheme also includes for covered cycle parking for 12 cycles and 2 disabled parking bays which is considered to be acceptable and sufficient to cater for the 3 units.

Waste Management

The site includes an existing timber enclosure forming a waste store within the rear car park area which is considered a sufficient size in principle to cater for the uplift in waste likely to be generated. Further details are requested in relation to a more detailed waste management scheme to include details of collection arrangement and bin capacity. A suitable condition has been included which requires details of more detailed scheme to be submitted and agreed prior to the new units becoming operational.

Climate Change

Given the existing context of the site fronting a busy, arterial route, coupled with the authorised use of the premises as a restaurant, there is unlikely to be a significant uplift in vehicular emissions or impact to air quality which would affect climate change to a noticeable degree as consequence of the proposed development.

On this basis, it is not believed that the impact to air quality or climate change should form a barrier to development.

Construction Management

To make sure construction and/or fit-out of the building is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part the city, a condition is included which requires the submission and approval of a construction management plan which details amongst other matters, working practices, working hours, dust suppression, the parking of construction vehicles and the removal of waste.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings referenced 24-010-P-02, 24-010-P-03 and 24-010-P-04, received by the City Council as Local Planning Authority on 8 March 2024.

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) No above ground development works shall take place, unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the agreed 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, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) a) Any externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

Before development commences, the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

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

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

5) a) Before the development hereby approved is occupied, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq, 5min), respectively.

b) Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and

requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

6) a) Fumes, vapours and odours shall be extracted and discharged from each of the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority, before any of the units hereby approved become operational.

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 units hereby approved become operational, confirmation shall be submitted for the approval of the City Council as Local Planning Authority to demonstrate that the approved scheme has been implemented in accordance with the agreed details.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

7) None of the units hereby approved shall be open outside the following hours:

0900 to 23.00 Sunday to Thursday and Bank Holidays;
0900 to 00.00 Friday and Saturday.

Reason - In interests of residential amenity in order to reduce potential 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 Manchester Core Strategy.

8) No loading or unloading shall be carried out on the site outside the hours of 7.30 am to 8.00 pm Monday to Saturday and there shall be no deliveries/waste collections etc on Sundays or Bank Holidays

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

9) The external areas within the application site shall only operate in accordance with a schedule of days and hours of operation, to be submitted to and approved in writing by the City Council as Local Planning Authority, and shall not allow for the use of amplified sound or any music in these external areas at any time.

Reason - To safeguard amenity, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

10) Notwithstanding details submitted, prior to first occupation of the units hereby approved, a scheme for the storage (including segregated waste recycling) 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.

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

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

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

12) Notwithstanding the bicycle storage area indicated on the approved site plan, full details of the cycle parking provision and cycle stores, including security measures, shelter and means of enclosure, shall be submitted to and agreed in writing by the City Council as Local Planning Authority prior to first occupation of any of the residential apartments hereby approved. The approved scheme shall remain available for use whilst the apartments are occupied and retained thereafter.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

13) Prior to the commencement of development, a construction management/fit-out plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

14) No part of the site shall be used other than in accordance with the approved drawings; there shall be no areas used for the smoking of shisha, either inside or outside the building, and none of the areas outside the building, including the car park shall be used as external seating areas.

Reason - For the avoidance of doubt and to safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Unit 1 Adjacent 1A, Walmer Street East, Manchester, M14 5SS
11 Walmer Street East, Manchester, M14 5SS
Unit 5, Dagenham Road, Manchester, M14 5ED
Units 6 And 7, Dagenham Road, Manchester, M14 5ED
91 Wilmslow Road, Manchester, M14 5SU
89 Wilmslow Road, Manchester, M14 5SU
Premier, 87 Wilmslow Road, Manchester, M14 5SU
Flat Above, 87 - 91 Wilmslow Road, Manchester, M14 5SU
5 - 7 Walmer Street East, Manchester, M14 5SS
3 Walmer Street East, Manchester, M14 5SS
1 Walmer Street East, Manchester, M14 5SS
QUINTRACK LTD, Units 3 And 4, Ifco Centre, 44 - 46 Wilmslow Road, Manchester, M14 5TQ
Unit 8, Ifco Centre, 38 Wilmslow Road, Manchester, M14 5TQ
Unit 2, Ifco Centre, 48 Wilmslow Road, Manchester, M14 5TQ
85A Wilmslow Road, Manchester, M14 5SU
Unit 1, Ifco Centre, 50 Wilmslow Road, Manchester, M14 5TQ
Unit 7, Ifco Centre, 40 Wilmslow Road, Manchester, M14 5TQ
Units 5 And 6, Ifco Centre, 40 - 44 Wilmslow Road, Manchester, M14 5TQ
85 Wilmslow Road, Manchester, M14 5SU
Unit 8A, Ifco Centre, 38 Wilmslow Road, Manchester, M14 5TQ
107 Wilmslow Road, Manchester, M14 5SU
105 Wilmslow Road, Manchester, M14 5SU
103 Wilmslow Road, Manchester, M14 5SU
99 Wilmslow Road, Manchester, M14 5SU
105 - 107 Wilmslow Road, Manchester, M14 5SU
Unit 4, Dagenham Road, Manchester, M14 5ED
Unit 3, Dagenham Road, Manchester, M14 5ED
Unit 8B, Ifco Centre, 38 Wilmslow Road, Manchester, M14 5TQ

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: SOUTH AREA