

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137509/FO/2023

Date registered valid: 20 July 2023

Proposal: Change of use from retail (Use class E) to restaurant and hot food takeaway (Sui Generis) and installation of flue to the rear

Address: 455-459 Ground Floor, Wilmslow Road, Manchester, M20 4AN

Ward(s): Withington Ward

Applicant: Mr Yuksel Redzheb Hasan

Agent (if any): Dr Amir Nankali, AMA UK Consultancy LTD

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30/11/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16/09/2023

Standard consultations:

Printed: 7 August 2023 Expired: 28 August 2023

Neighbour notifications

Printed: 7 August 2023 Expired: 28 August 2023

Site notice

Posted: 16 August 2023 Expired: 6 September 2023

Press advert

Published: 15 August 2023 Expired: 29 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Proposal relates to a mid-terrace two storey property on Wilmslow Road. The property is currently in use as a retail premises to the ground floor with a residential dwelling above (with separate access). The property features a rear two storey outrigger extension and further single storey extension. The front of the property directly borders adopted pavement and the rear to a car park and servicing area.

Listed building: Not applicable

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: Not applicable



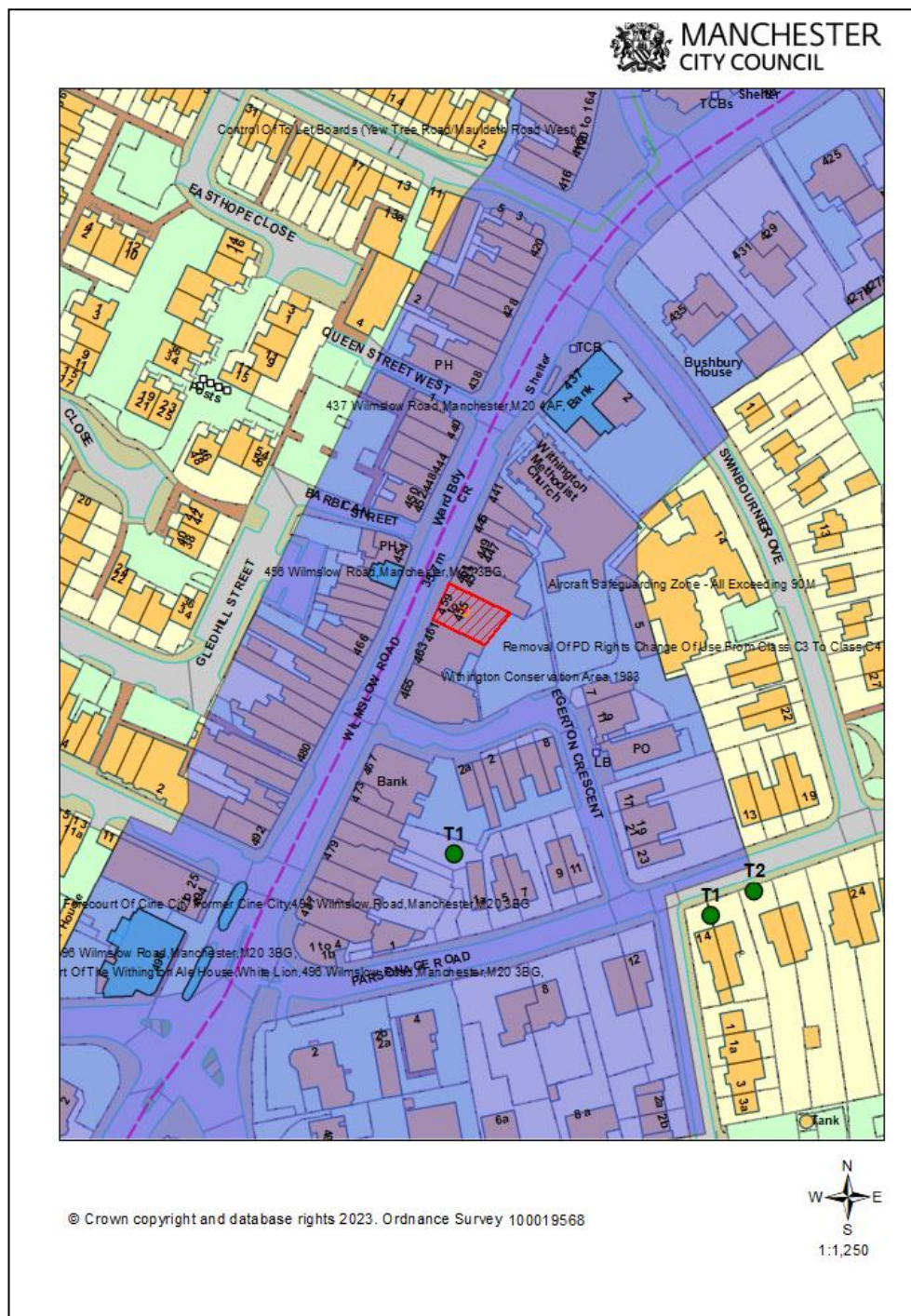
Figure 1. Wilmslow Road street scene



Figure 2. View from rear service yard

Description of area

The proposal is located on Wilmslow Road in the Withington Ward of Manchester. The area is predominately high street commercial with a mix of retail outlets. The site sits within the Withington District Centre and Withington Conservation Area. The property sits directly opposite the Grade II listed 456 Wilmslow Road.



Description of development

The applicant is proposing the change of use from retail (Use class E) to restaurant and hot food takeaway (Sui Generis) and installation of flue to the rear.

The proposed work consists of internal alterations with minimal external modifications including the installation of an extraction system and flue on the rear outrigger gable wall of the building (occupier notified and certificated B provided)

The change of use reconfigures the internal floor space to replace the current shop floor area with seating, prep area and counter to the front.

The proposal replaces the rear storage with kitchen and storage facilities.

The flue ductwork would run vertically up fixed to the rear face of the outrigger gable wall. A fan motor, silencers and odour control will terminate approx. 1000mm above the eaves of the roof.

For the change of use the applicant has confirmed that the proposed opening times for the sit in restaurant to be 10:00 to 23:00 and takeaway and collection from 12:00 to 22:30

The takeaway will not operate its own delivery service but utilise the existing uber eats service and take out collection.

The expected cover in the restaurant is 20-25.



Figure 3. Existing

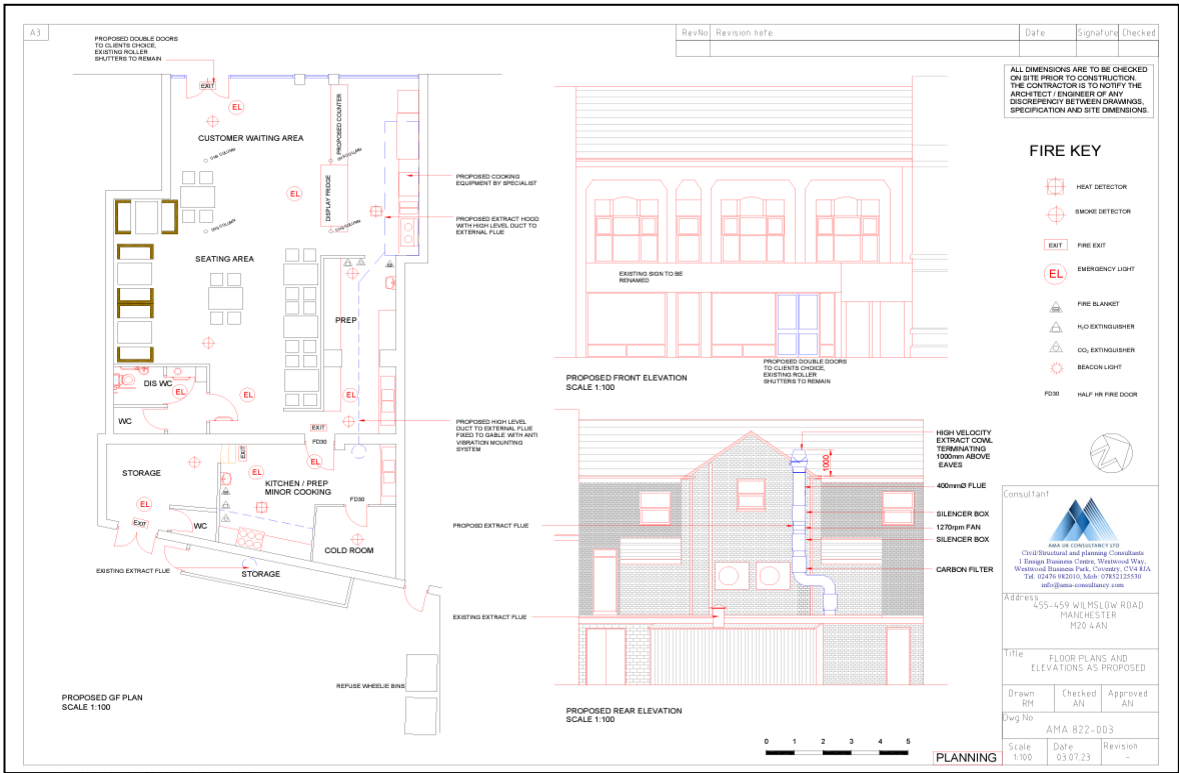


Figure 4. Proposed

Planning History

057567/FO/SOUTH1/99

Description: Retrospective - Installation of new shop front

Decision: Refused 25/01/2000

055829/FO/SOUTH1/98

Description: Installation of new shop front

Decision: Refused 20/05/1999

042474

Description: Erection of an illuminated projecting box sign.

Decision: Approved 01/12/1992

035598

Description: Use of 2 retail units as a wine bar and restaurant

Decision: Approved 19/04/1990

030921

Description: Construction of new shop front and conversion of shop into 2 units including new travel agents

Decision: Approved 01/03/1988

030381

Description: Illuminated fascia name sign and projecting box sign

Decision: Approved 01/03/1988

F01019

Description: Formation, of pitched roof and second floor of supermarket and formation of flat roof at second floor level.

Decision: Approved 08/11/1974

Consultations & Notification Responses

Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application.

Highway services asked for further information on the delivery arrangements and management including expected numbers.

Manchester City Council Environmental Health

Manchester City Council Environmental Health were consulted on this application and have some concerns including:

- Lack of risk assessment for the flue and extraction of fumes, vapours, and odours.
- Lack of sufficient provision for recycling at the premises and lack of bin store location and details of the collection point and route that collection vehicles will take.

Manchester City Council Heritage and Urban Design

Heritage and Urban design were consulted on this application and have some concerns including.

- Flue (views from Egerton Crescent) – added clutter and cumulative harm with other equipment, altogether appearing excessive and poorly conceived.
- Door – lack of specifications. Full and final details of the material and finish to be confirmed.
- Signage and shopfront – lack of detail and consent. Unacceptable roller shutter.

Notifications

Local Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

No comments, objections, or representations in respect of this application was received.

Residents Associations and Groups

As per Appendix 1, Withington Civic Society were notified of the proposal.

Withington Civic Society are opposed to the proposal citing the following reasons:

- The perception of an excessive number of hot food takeaways in the area.
- The concern of an increase in litter and anti-social behaviour
- The concern that signage is not included in the application.
- The concern around points in the waste management strategy

Withington Village Regeneration Partnership are opposed to the proposal citing the following reasons:

- lack of detail in the application form & plans
- uncertainty of the level of and extent of the takeaway element of the application

Additionally, Fallowfield and Withington Community Guardians support the comments by Withington Civic Society and further adds a comment limiting opening hours.

Ward Members

2no local Ward Members commented on the proposal with concerns including:

- The amount of hot food takeaways in the area in relation to the Hot Food Takeaways SPD and extant UDP policy WB6.

- Lack of clarity on signage and shopfront treatment
- Lack of clarity on the waste strategy and concerns regarding litter in the area.

Site Notice and Press Advertisements

As per Appendix 1, a public site notice and advertisement in the Manchester Evening News was posted.

No comments, objections, or representations in respect of this application was received.

Negotiations

Issues have arisen in the consultation phase.

After initial assessment of the plans and in discussion with consultees some immediate issues were identified including:

- Treatment of the shopfront and installation of an external roller shutter in a conservation area without consent
- Concerns on the delivery arrangements, including services and parking, and projected takeaway vs restaurant covers.
- Lack of risk assessment for the flue and extraction of fumes, vapours, and odours.
- Lack of sufficient provision for recycling at the premises and lack of bin store location and details of the collection point and route that collection vehicles will take.

Officers and the applicant negotiated a scheme which met this principle.

Updated proposed development.

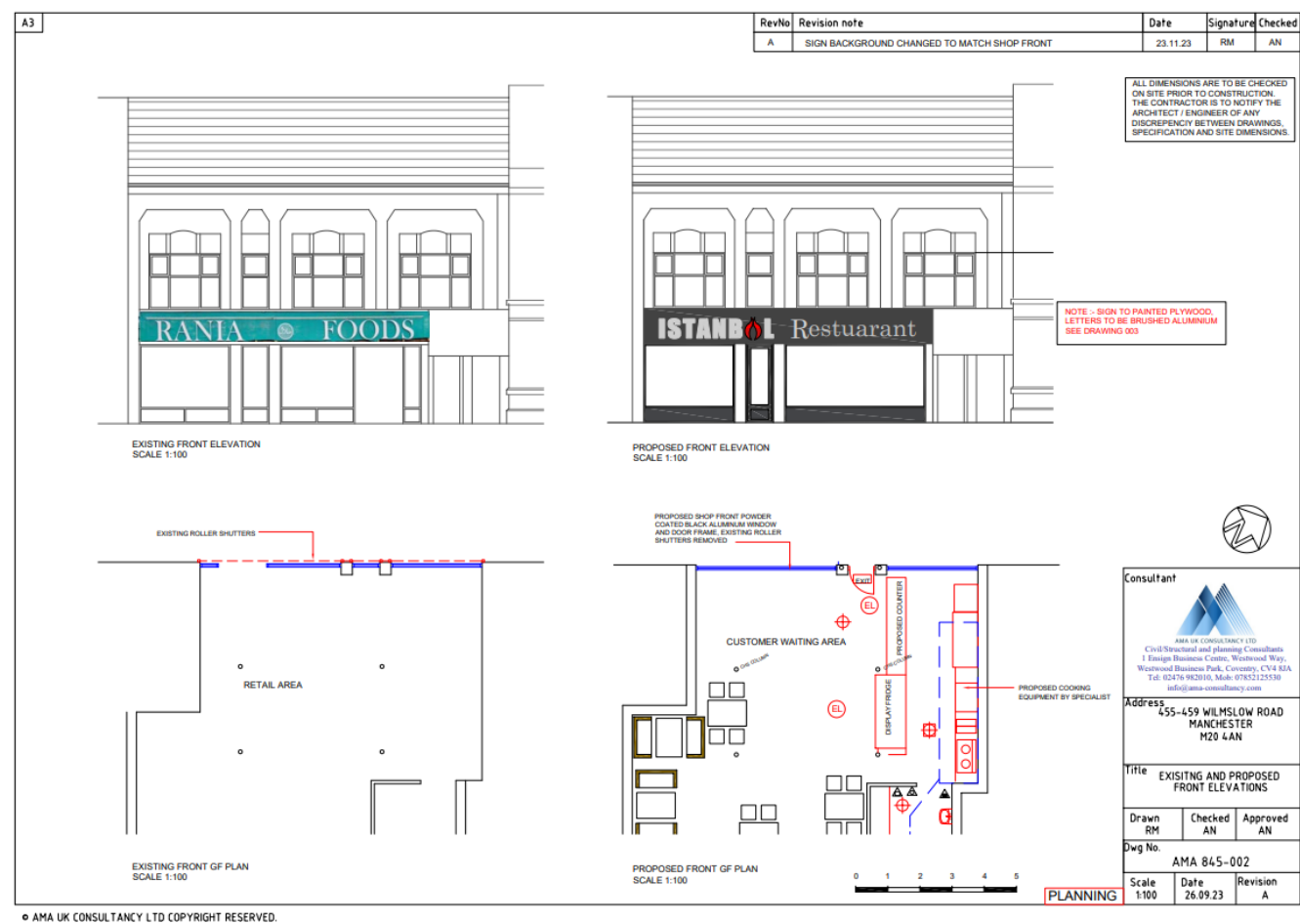
Delivery arrangements

The applicant confirms that the total number of expected takeaways is 30-40 per day (3-4 per hour) and will be operated by Uber Eats. Vehicles will park in the car park at the rear of the site

and cyclists will be asked/reminded not to park on the footway. The predominant use is a sit in restaurant.

Shopfront and signage

In negotiation with Heritage and Urban Design a new frontage has been designed to incorporate the original signage backing board and design of the original frontage, ensuring architectural symmetry. The materials palette and signage has been updated and roller shutters removed from the scheme.



Flue and extraction

The applicant provided details including the design and specification of an extraction system and odour control system.

Waste and recycling strategy

The applicant has provided an updated waste proforma and bin store plan.

Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The following policies are considered relevant in the consideration of this application.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#) ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key document in the Manchester Local Plan. It sets the out the long-term strategic policies for Manchester's future development and forms the framework that planning applications are assessed against. The following Core Strategy Policies are considered relevant to this proposal:
 - Policy DM 1 - Development Management
 - Policy SP 1 - Spatial Principles
 - Policy EC 2 – Existing Employment Space
 - Policy EC 9 – South Manchester
 - Policy C 2 – District Centres
 - Policy C 6 - South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington
 - Policy C 10 – Leisure and the Evening Economy
 - Policy EN 1 - Design Principles and Strategic Character Areas
 - Policy EN 3 – Heritage
 - Policy EN 16 - Air Quality
 - Policy EN 19 – Waste
 - Policy T 1 – Sustainable Transport

- [Extant Unitary Development Plan Policies \(UDP\)](#) - The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy are still considered relevant to this proposal.
 - Policy DC10 for Food and Drink Uses
 - Policy DC 18 for Conservation Areas
 - Policy DC 19 for Listed Buildings
 - Policy DC26 for Development and Noise
- [The National Planning Policy Framework \(The NPPF\)](#) - The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, and 20 July 2021. This sets out the government's planning policies for England and how these are expected to be applied. The following sections are considered relevant to this proposal:
 - Section 4 – Decision-making
 - Section 6 – Building a strong, competitive economy
 - Section 12 – Achieving well-designed places
 - Section 16 - Conserving and enhancing the historic environment

Principle of development

In this instance the principle of the proposal is considered acceptable, and it is not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposed development is deemed to accord with all relevant policy of the Manchester Core Strategy, Extant UDP and the NPPF as assessed in the following sections of this report.

Manchester Core Strategy Policy (2012-2027)

DM 1 – Development Management

All new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The proposal has been assessed against the following issues:

Appropriate siting, layout, scale, form, massing, materials, and detail

The applicant is seeking the change of use from retail (Use class E) to restaurant and hot food takeaway (Sui Generis) and installation of flue to the rear.

The proposed change of use includes alterations to the front façade. Through negotiations the design of the new frontage is now aligned to the urban design standards and follows the architecture of the premises. The new elevation treatment is acceptable.

The main change to the rear elevation is the addition of a flue to the rear of the property rising to 1000mm above the eave's height.

The flue is of standard materials for this type of extraction. There is existing plant, including HVAC on this elevation and the flue would not look out of place.

Overall, it is considered that the proposed development has appropriate siting, layout, scale, form, massing, materials, and detail and is therefore in accordance with the development management principle.

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.

The change of use from a retail to restaurant and hot food takeaway must be carefully considered within the context of the street scene and character of the area.

The proposal is located on Wilmslow Road within the Withington District Centre. Adjacent to the property is a bank, other restaurants, pubs, and food outlets.

The restaurant use with ancillary takeaway would not seem out of place in this busy district centre and its presence would not overwhelm the area or create any harm to the viability of the district centre.

It is important to note that the predominant usage for the property is a sit in restaurant with the takeaway supporting the viability of the business.

The front façade has been negotiated to ensure it blends well into the architectural design of the building and locale providing a net benefit to the street scene.

The flue to the rear, as seen in context, sits alongside other plant and equipment from other outlets and is of a size and material expected of such a proposal. The flue faces into a service area so wouldn't determinant the character of the area.

Visual impacts in connection with the proposed development are not considered to have any significant impacts to the character of the area, and therefore the appearance is acceptable.

On balance, the proposal is considered comparable in terms of size and its position to others found in the immediate area, therefore it is felt that the proposal can be accommodated at the application property and is considered that the proposal would not interfere with the existing characteristics of the area.

Overall, it is considered that the proposed development has minimal impact on the surrounding areas in terms of the design, scale, and appearance and is therefore in accordance with the development management principle.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The proposal adds a new restaurant and hot food takeaway to the Withington District Centre.

For the change of use the applicant has confirmed that the proposed opening times for the sit in restaurant to be 10:00 to 23:00 and takeaway and collection from 12:00 to 22:30 and that the

takeaway will utilise the existing uber eats delivery service rather than operate their own delivery service.

The applicant expects the takeaway business to be small part of the business with the restaurant, at 20-25 covers as the main part.

Given the context, the harm to the amenity of the area would be minimal, especially given the location in a busy district centre on busy high street.

The proposal adds a flue to the rear of the property. The applicant has provided detail plans and specifications for the treatment of extraction and fumes. Given the treatment and height of the proposed flue outlet the proposal is expected to have a minimal effect on Air Quality.

To ensure the air quality of the surrounding location a condition has been attached for the discharge of a scheme and risk assessment regarding fumes, vapours, and odours.

Given the context of the area as a busy district centre with existing pubs and restaurants any activity would not exacerbate any noise issues above and beyond current levels.

To ensure any noise to first floor residential is minimised a condition has been added for scheme of acoustic installation.

It is recognised that demolition and/or construction works are often noisy and obtrusive to the local residential amenity. Contractors are expected to follow best practice to minimise the temporary effect on residents referring to construction guidance on controlling emissions.

The applicant has confirmed the takeaway will use uber eats for delivery and collection. Given the current use as a retail store the use change would not exacerbate road safety issues and traffic generation and is therefore in accordance with this development management principle. Overall, given the context of the proposal being in a busy district centre there are no issues that would outweigh the net benefits of the opening of a new business to the high street.

On balance the proposal has minimal effect on privacy, local light, noise, vibration, air quality, odours, litter, vermin, and birds and is therefore in accordance this development management principle.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

The proposal alters the existing access to the premises but does not create an unnecessary barrier to access and egress.

The proposal is therefore in accordance with this development management principle.

Community safety and crime prevention.

There is no evidence to suggest the proposal would exacerbate any safety or crime issues beyond any existing issues especially given the context of its location in a busy district centre with existing pubs and restaurants.

The external roller shutters as existing are to be removed. The council do not support external roller shutters. A condition has been added to submit a scheme for internal roller shutters.

The proposal is in accordance with this development management principle.

Design for Health

The applicant has provided detailed plans for the treatment and extraction of fumes, odours and vapours from the premises including a flue at significant height and away from street level.

To ensure the air quality of the surrounding location a condition has been attached for the discharge of a scheme and verification report regarding fumes, vapours, and odours.

The proposal is in accordance with this development management principle.

Refuse storage and collection.

The applicant has provided a waste strategy proforma detailing refuse storage and collection at the premises.

To ensure the correct management of waste and refuse a condition has been attached for the discharge of a scheme and verification report regarding the management of refuse at the site.

It is recognised that demolition and/or construction works often generate commercial waste. Contractors are expected to follow best practice of waste management.

The proposal is in accordance with this development management principle.

Vehicular access and car parking

The applicant has confirmed the takeaway will use uber eats for delivery and collection. Given the current use as a retail store the use change would alter vehicle access and car parking.

It is of note the property backs onto a service yard for deliveries and staff parking.

The proposal is therefore in accordance with this development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

No ground contamination, groundwater contamination and/or ground gas relevant to the site or ground stability issues have been identified.

The proposal is within the Withington Conservation area.

The Withington Conservation Area is situated approximately three miles south of the city centre of Manchester. It consists principally of a linear shopping centre with some nearby housing at a point where one of the main radial road routes from the city centre branches: the junction of Wilmslow Road, Palatine Road, Burton road and Parsonage Road.

Given the context of the area, the location within the borders of the Withington District Centre and the wider character of the area the harm to the Conservation Area would be less than substantial (as set out in the NPPF Section 16).

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Flood risk and drainage.

The site does not sit in a flood risk area and therefore no flood statement or assessment was required.

The proposal has a negligible impact on drainage using the existing drainage on site.

The proposal is therefore in accordance with this development management principle.

SP 1 - Spatial Principles

The policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should 'make a positive contribution to neighbourhoods of choice'.

This proposal is considered to accord with the principles of this policy.

EC 2 – Existing Employment Space

This policy outlines the key principles to retain and enhance existing employment space and sites.

This proposal is considered to accord with the principles of this policy.

EC 9 – South Manchester

This policy outlines the principles for employment opportunities in South Manchester.

This proposal is considered to accord with the principles of this policy.

C 2 – District Centres

This policy outlines the strategy for development within district centres. Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services.

This proposal is considered to accord with the principles of this policy.

C 6 – South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington

This policy outlines the strategy for development within district centres in South Manchester.

This proposal is considered to accord with the principles of this policy.

C 10 – Leisure and the Evening Economy

This policy outlines the key principles around development management of proposals pertaining to Leisure and the Evening Economy.

This proposal is considered to accord with the principles of this policy.

EN 1 – Design Principles and Strategic Character Areas

This policy outlines key design principles for development in Manchester most notably that all development in Manchester will be expected to follow the seven principles of urban Design.

This proposal sits within the 'Southern Character Area'.

This proposal is considered to accord with the principles of this policy.

EN 3 – Heritage

This policy outlines the key principles concerning Heritage and development management.

The development is considered to accord with the aspirations of this policy.

EN 16 – Air Quality

This policy sets out the key principles of air quality management in the city. The policy seeks to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport.

The applicant has provided detailed plans for the treatment and extraction of fumes, odours and vapours from the premises including a flue at significant height and away from street level.

To ensure the air quality of the surrounding location a condition has been attached for the discharge of a scheme and verification report regarding fumes, vapours, and odours.

This proposal is considered to accord with the principles of this policy.

EN 19 – Waste

This policy sets out the key principle of waste management in the city. In a district such as Manchester with a significant existing population and a vision for a growing economy and population a key issue is that of ensuring that this does not automatically lead to a proportionate increase in waste arisings.

The applicant has provided a waste strategy proforma detailing refuse storage and collection at the premises.

To ensure the correct management of waste and refuse a condition has been attached for the discharge of a scheme and verification report regarding the management of refuse at the site.

The proposal is considered to accord with the principles of this policy.

T 1 – Sustainable Transport

This policy outlines the key principles of creating a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport.

We consider this proposal to accord with the principles of this policy.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced much of the UDP, but some UDP policies are extant (remain) and are relevant to this proposal.

Policy DC10. Food and Drink Uses

This policy outlines the key issues when considering proposed Food and Drink uses.

This proposal is considered to accord with the principles of this policy.

Policy DC18. Conservation Areas

This policy outlines the key issues when considering the development proposals within Conservation Area.

This proposal is considered to accord with the principles of this policy.

Policy DC19. Listed Buildings

This policy outlines the key issues when considering the development proposals for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest.

This proposal is considered to accord with the principles of this policy.

Policy DC26. Development and Noise

This policy outlines the key issues to reduce the impact of noise on people living and working in, or visiting, the City.

This proposal is considered to accord with the principles of this policy.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.

The NPPF has been adhered to and considered at all stages of the application.

Section 4. Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 6. Building a strong, competitive economy

Section 6. of the NPPF outlines the development management principles to help create the conditions in which businesses can invest, expand, and adapt.

Section 12. Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Section 16. Conserving and enhancing the historic environment

Section 16 of the NPPF outlines the development management regarding heritage assets.

Section 16 Para 199 onwards – ‘Considering potential impacts’ – outlines 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.

This proposal is considered to accord with the principles of these policies.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- [Guide to Development in Manchester Supplementary Planning Document and Planning Guidance \(April 2007\)](#)
- [Manchester Residential Quality Guide \(July 2016\) \(MRQG\)](#)
- [Manchester, Salford, and Trafford Strategic Flood Risk Assessment](#)
- [Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems](#)
- [Manchester City Council Planning and Noise Technical Guidance \(2022\)](#)
- [Air Quality & Planning Technical Guidance \(2022\)](#)
- [Planning and Contaminated Land Technical Guidance \(2021\)](#)
- [Greater Manchester Joint Waste Development Plan Document \(GMJWDPD\)](#)
- [Waste Storage and Collection Guidance for New Developments \(2017\)](#)
- [Hot Food Takeaway Supplementary Planning Document \(2017\)](#)

- [Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards \(2020\)](#)
- [Manual for Streets \(2007\)](#)
- [National design guide](#) & [National Model Design Code](#) (2021)
- [Outdoor advertisements and signs: a guide for advertisers \(2007\)](#)

Relevant policy and guidance have been considered within Policy DM 1 of the Core Strategy.

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.

Conclusion

The proposal is considered acceptable in this location, in terms of design, scale and massing, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, or the character and appearance of the surrounding street scene, and there are no material considerations of sufficient weight to indicate otherwise. For the above reasons, the proposal is unlikely to have any detrimental impact and therefore accords with the relevant Core Strategy, Extant UDP, NPPF policies and other material considerations.

Recommendation: Approve

Article 35 Declaration

Officers have collaborated with the applicant in a positive and proactive manner. The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, and other material considerations. Issues have arisen during the consideration of this application however the officer and applicant amicably resolved these issue through negotiation.

Condition(s) to be attached to decision for approval

1. 3-year time limit

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. Specified plans.

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

- a. *Drawing - Location Plan 07 Jul 2023* *AMA 822-001* *SITE* *LOCATION PLAN*
- b. *AMA822-001-Site and location plan (Bin location) – 23 Aug 2023*
- c. *AMA822-003 Rev D - Proposed Plans and elevations 27-11-23 – 27 November 2023*
- d. *Design & Access Statement 07 Jul 2023* *DESIGN AND ACCESS STATEMENT*
- e. *Environmental application for 455-457 Wilmslow Road Manchester – 23 Aug 2023*
- f. *Waste Management Strategy statement July 2023 – 23 August 2023*

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. Specified materials

The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form in type, size, colour, and texture.

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 structure. Pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy.

4. Use class change and hours of opening.

The authorised development relates the use of the ground floor of 455-459 Wilmslow Road for use as a restaurant and hot food takeaway (Sui Generis) with opening hours:

- a. Sit in Restaurant: 10:00 to 23:00
- b. Takeaway and collection: 12:00 to 22:30

Reason - For the avoidance of doubt and in the interests of local amenity, pursuant to policies DM 1, SP 1, C 6, C10, and EN 1 of the Manchester Core Strategy and DC10 and DC26 of the Extant Unitary Development Plan.

5. Hours of deliveries to commercial premises

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

- a. 07:30 to 20:00, Monday to Saturday,
- b. no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM 1, SP 1, C 6, C10, and EN 1 of the Manchester Core Strategy and DC10 and DC26 of the Extant Unitary Development Plan.

6. Internal shutters

Notwithstanding the approved plans, a scheme for the design and install of internal roller security shutter should be submitted to and approved in writing by the City Council as local planning authority. The shutters shall be open between the hours of 9- 5pm Monday to Friday.

Reason: To ensure the security of the premises and wider district centre pursuant to policies DM 1, SP 1, C 6, C10, EN 3 of the Manchester Core Strategy and DC18 of the Extant Unitary Development Plan.

7. Fumes, vapours, and odours

Prior to commencement of the use hereby approved, confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme detailed in the submitted document entitled *'INFORMATION TO SUPPORT A PLANNING APPLICATION FOR A COMMERCIAL KITCHEN AT 455-459 WILMSLOW*

ROAD MANCHESTER M20 4AN', has been implemented and a risk assessment has been completed to confirm that the proposed system is suitable for the premises in terms of type of food produced, numbers of covers and location of extract termination point etc.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC 10 & DC 18 of the Extant UDP.

8. Demolition and Construction hours (fit out)

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

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

Reason - To safeguard the amenities of nearby residents pursuant to policies DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

9. Noise to first floor residential

- a. The premises shall be acoustically insulated and treated to limit the breakout 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.
 - i. 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. Prior to occupation 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 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 safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to policies DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

10. External plant/equipment/servicing

- 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 policies DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

11. Refuse and waste

The details of the approved waste scheme, as outlined in the document entitled '*Waste Management Strategy statement*' and '*AMA822-001-Site and location plan (Bin location)*' 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 amenity and public health pursuant to policies DM 1, SP 1, C 10, EN 1, EN 16, EN 19 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

12. Cycle parking provision

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of 2 staff/ visitor cycles. Prior to occupation details of said cycle parking shall be submitted to and approved in writing by the local planning authority, the spaces shall then be retained for as long as the use is in place.

Reason - To safeguard the amenities of nearby residents and to encourage the modal shift to sustainable forms of transport pursuant to policies DM 1, SP 1, EN 1 and T 1 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

13. Use Class Restriction

Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the development here approved shall be used as follows:

Restaurant and Hot Food Takeaway (Sui Generis) in accordance with floor plans reference AMA822-003 Rev D - Proposed Plans and elevations 27-11-23 – 27 November 2023

Reason - To ensure that the development is used solely for the intended purpose to safeguard the character of the area pursuant to policies SP1, EC7 and DM1 of the Manchester Core Strategy (2012).

Informative(s) to be attached to decision for approval

1. Delivery management

The applicant confirms that the total number of expected take-aways is 30-40 per day (3-4 per hour) and will be operated by Uber Eats. It is recommended delivery vehicles park in the car park at the rear of the site and cyclists are to be asked/reminded not to park on the footway.

2. Highways Licences

The applicant should be advised that any requirements for licensing, hoarding/ scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Contact Manchester (Tel: 0161 234 5004 / Email: highwaylicences@manchester.gov.uk).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Withington Civic Society

Ground Floor, 465 Wilmslow Road, Manchester, M20 4AN
455 - 459 Wilmslow Road, Manchester, M20 9AN
453 Wilmslow Road, Manchester, M20 4AN
456 Wilmslow Road, Manchester, M20 3BG
Basement, 455 - 459 Wilmslow Road, Manchester, M20 9AN
458 - 460 Wilmslow Road, Manchester, M20 3BG
Flat 2, 458 - 460 Wilmslow Road, Manchester, M20 3BG
Flat 1, 458 - 460 Wilmslow Road, Manchester, M20 3BG
Flat 1, 465 Wilmslow Road, Manchester, M20 4AN
Southside Tequila Joint, 447 - 449 Wilmslow Road, Manchester, M20 4AN
Flat 8, 6 Egerton Crescent, Manchester, M20 4PN
Flat 6, 6 Egerton Crescent, Manchester, M20 4PN
2A Egerton Crescent, Manchester, M20 4PN
459A Wilmslow Road, Manchester, M20 4AN
Flat 5, 465 Wilmslow Road, Manchester, M20 4AN
449A 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
461 Wilmslow Road, Manchester, M20 4AN
2 Egerton Crescent, Manchester, M20 4PN
8 Egerton Crescent, Manchester, M20 4PN
Flat 5, 4 Egerton Crescent, Manchester, M20 4PN
Flat 7, 6 Egerton Crescent, Manchester, M20 4PN
Flat 9, 8 Egerton Crescent, Manchester, M20 4PN
Albert Inn, 454 Wilmslow Road, Manchester, M20 3BG
11 Egerton Crescent, Manchester, M20 4PN
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
7 Egerton Crescent, Manchester, M20 4PN

9 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