

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134709/FO/2022
Date registered valid: 28 November 2022
Proposal: Change of use from shop (Class E) to bar and restaurant (sui generis)
Address: 171 Princess Road, Manchester, M14 4RL
Ward(s): Moss Side Ward

Applicant: Mr Yonatan Gebreselassie
Agent (if any): Mr Mudasir Nawaz, Nm Architectural Services Ltd
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 13 June 2023

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: May 2023

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 6 December 2022 Expired: 27 December 2022

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 property that is the subject of this change of use application is identified as 171 Princess Road. It is located within the Moss Side Ward of the City. It is a three -storey mid terraced property with the third floor being accommodated in the gable dormer fronted roof space. The ground floor was previously a newsagent however is now vacant. It is located within a parade of 14 retail/ commercial units ranging from restaurants / cafes, bars, opticians, post office, butchers, barbers and dentists. There is an alleyway to the rear which houses the commercial Euro bins. The properties all have yard areas to the rear of the premises that lead out onto the alleyway. Access to the property is taken off Princess Road. There are parking laybys at intervals to the front of the commercial properties. There is residential above, as is common above most of the restaurants, cafes and bars along this stretch of Princess Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area running along the Princess Road frontage is predominantly commercial / retail forming part of the Moss Side District Centre. It is located on a sustainable public transport network being a major road running into and out of the City. The side roads are mainly made up of terraced houses.

Description of development

The proposal is for the change of use of the ground floor unit from a retail unit Class E (newsagents) now vacant, to a bar and restaurant Sui Generis. The upper floors would remain in use as residential.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

Highways-The site is well accessed by sustainable modes. Regular bus services are routed along Princess Road. It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. It is likely that some trips will be made in conjunction with other linked trips that are already on the local network.

The lack of on-site parking, whilst it is not ideal, is acceptable given its location. Adjacent on-street parking is provided in the form of free, two hour limited waiting bays which are available on a first come first served basis. It is recommended that some form of secure cycle storage is provided, particularly for longer stay staff use. A refuse storage area is noted within the site to the rear. This is considered to be appropriate in ensuring no obstruction on the adjacent highway. Pedestrian access is being retained to the front which is acceptable from a highway perspective.

Environmental Health- The hours applied for initially included opening until 03:00 am on a Saturday. This would not be considered acceptable. There are no objections subject to the attachment of conditions relating to: Fumes, Hours of Servicing, Noise Breakout, Noise External Plant, Waste Management and Opening Hours.

The comments from Environmental Health were fed back through to the applicant who has now amended the hours to read: Sunday to Thursday 10:00 am to 23:00 and Friday and Saturday 10:00 am to Midnight.

Issues

Policies

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

Policy SP 1 Spatial Principles - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;

ii. The sustainable waste management needs of the end user will be met.

Policy T1 Sustainable Transport - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. The policy states that the Council will support proposals that, amongst other things:

- i. Improve choice by developing alternatives to the car;
- ii. Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- iii. Improve pedestrian routes and the pedestrian environment;
- iv. Reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are considered to be relevant to the consideration of this application:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- g. Adequacy of internal accommodation and external amenity space;
- h. Refuse storage and collection.

Saved Unitary Development Plan (UDP) Policies -The following saved UDP policies are also considered to be relevant:

The following policies are relevant to the proposed development:

Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

Principle- The proposed development is located within a well- established local centre where the principle of this type of use is considered acceptable with the attachment of appropriate conditions. There are restaurants, cafes, bars and other commercial premises all within this centre.

Residential Amenity- All of the uses at the ground floor comprise of commercial / retail uses, most of the parade has residential located above. The properties also front onto a main arterial route into and out of the City and to that end there is always activity, and this is something that is expected by the occupants of these properties. However, there will also be appropriate conditions attached to any consent granted to limit the disamenity to those occupants by controlling noise transfer between floors and as a result of any associated equipment, and the hours of opening of the proposed use. It is not considered that the proposed use would have any greater comings and goings associated with the use when compared to that of a newsagent. The original hours applied for were until 03:00 am on a Friday and Saturday. These were considered excessive, and the revised hours would be restricted until 23:00 on a Sunday

to Thursday and midnight on Friday and Saturday. These are the same as the other comparable uses within the centre.

Visual Amenity- There are no external changes proposed for the property, beyond painting the shopfront, and it is still considered that it would present as an active frontage. It is therefore not considered that the proposal would have a detrimental impact upon the visual amenity of the property nor the area within which it is located.

Refuse- The submitted scheme requires further information with regards to the segregated waste for the storage of refuse. An appropriate condition is proposed.

Parking- There is no dedicated parking with the property, however there is layby parking to the frontage, and also availability on the surrounding streets. It is envisaged that the facility is likely to be used by the local population, and not heavily visited by cars. Also given its location in a local centre the absence of parking is not considered to be a detriment to the scheme.

Fume Extraction-Details have been submitted as part of the application however Environmental Health have requested further details to be submitted by way of a condition to be attached to any consent granted.

Noise Insulation- As there is residential accommodation above an acoustic insulation condition is proposed.

Viability and Vitality- The unit has been vacant for a while and detracts from the centres viability and vitality. Bringing it back into use is considered to be a positive move.

Conclusion- On balance it is considered that the proposed development accords with Council policy and is acceptable in all respects.

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/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, the original hours were considered excessive, and negotiation resulted in acceptable hours agreed. The application has been determined in accordance with both national and local policy. Appropriate conditions have been attached to any consent granted

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:

PRM001-Location Plan

PRM003- Proposed Plans and Elevations

PRM004-Waste Management Plan

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) 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 use 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 pursuant to saved policy DC26 of Unitary Development Plan and Policies SP1 and DM1 of the Manchester Core Strategy.

4) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

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

5)

- a) 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) 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 saved policy DC26 and policies SP1 and DM1 of the Manchester Core Strategy.

6) 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 nonconformity 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 SP1 and DM1 of the Manchester Core Strategy

- 7) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.
- b) 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 amenity and public health.

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

10:00 am to 23:00 pm Sunday to Thursday
10:00 am to midnight Friday and Saturday.

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

9) Prior to the use hereby approved becoming operational, space and facilities for staff cycle storage shall be provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for cycle storage so that persons occupying the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

96 Hartington Street, Manchester, M14 4RQ
102 Hartington Street, Manchester, M14 4RQ
169 Princess Road, Manchester, M14 4RL
Flat 2, 171 Princess Road, Manchester, M14 4RL
Flat 1, 171 Princess Road, Manchester, M14 4RL
98 Hartington Street, Manchester, M14 4RQ
94 Hartington Street, Manchester, M14 4RQ
100 Hartington Street, Manchester, M14 4RQ
175 Princess Road, Manchester, M14 4RL
173 Princess Road, Manchester, M14 4RL
167 Princess Road, Manchester, M14 4RL

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA