

Planning

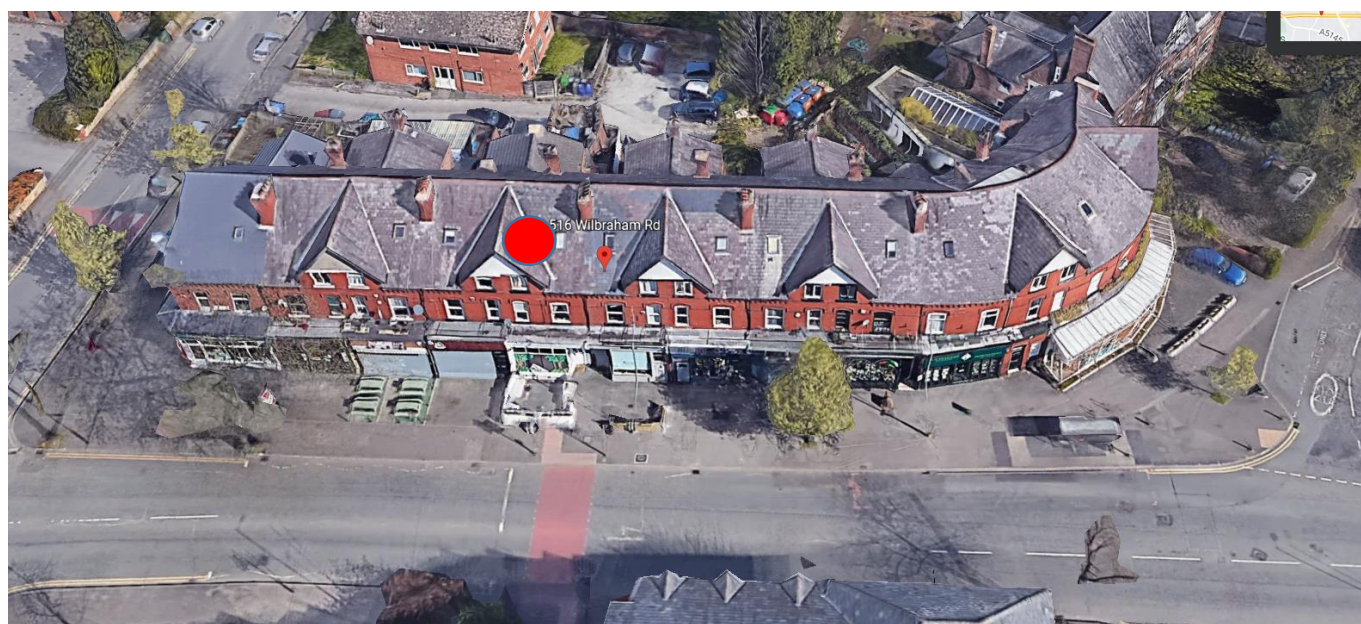
Growth & Development

Delegated officer report for planning application

Application no. 134768/FO/2022
Date registered valid: 23 August 2022
Proposal: Proposed installation of external kitchen extract system and new rear exit.
Address: 516 Wilbraham Road, Manchester, M21 9AW
Ward(s): Chorlton Ward

Applicant: Mr Duncan Yung Yane Foods Limited
Agent (if any): Mr James Darwent Darwent Architecture Ltd
Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 6th February 2023



Application details

Type of application:	Full Application Consent
Development type:	Minor Other
Date of site visit:	26 September 2022
Standard consultations:	Printed: 3 January 2023 Expired: 24 January 2023
Neighbour notifications	Printed: 3 January 2023 Expired: 24 January 2023
Site notice	No site notice has been produced
Press advert	Published: 6 September 2022 Expired: 27 Sept 2022
Departure from Development Plan:	No
Environmental Statement:	Not required

Description of site/building/area

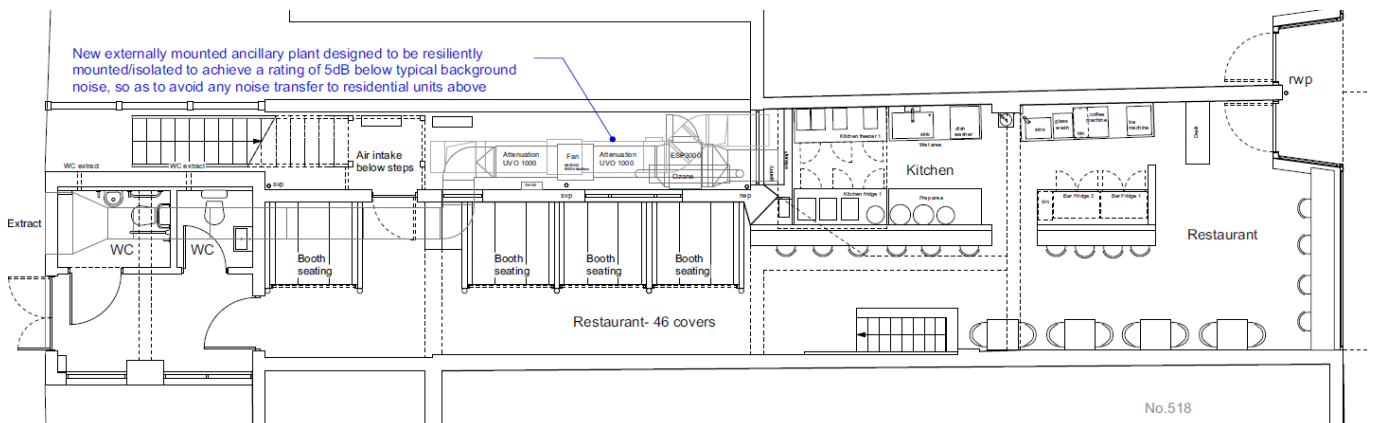
The site relates to a part two part three storey mid terrace property located within a parade of shops towards the end of the Chorlton District Centre south of Manchester City Centre. The area has a mix of use types ranging from pubs, wine bars ,restaurants/cafes/takeaways, shops and offices with residential within close proximity. The unit has been previously used as a café/restaurant, however is now currently vacant.



Listed building:	Not applicable
Conservation area:	Wilbraham Road/Edge Lane Conservation Area 2005
Tree Preservation Order:	Not applicable

Description of development

The applicant is seeking planning permission for the installation of external kitchen extract system and new rear exit.



Consultations & Notification Responses

Local residents – No comments or representations have been received as a result of this proposal.

Environmental Health - satisfied with the supporting documents, apply relevant conditions

Policy and Issues

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 - Spatial Principles

DM1 - Development Management 1

The relevant UDP policies for this application are:

DC10 Food and Drink Uses

DC26 - Development and Noise

National Policy - National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Principle

Whilst the principle of the proposal is considered to be acceptable the impact that it may have on nearby residents needs to be considered carefully; These matters are set out below.

History

Previous planning applications relating to this site as follows;

CDN/17/0475 - Application Approved and Refused - 29.05.2019 Application to discharge condition 5 (fume extract) and condition 6 (acoustic) attached to planning permission 107732/FO/2014/S1,

107732/FO/2014/S1 - Application Approved - 20.03.2015 Change of use of ground floor from shop (Class A1) to restaurant (Class A3) with outside seating area to the forecourt

034531 - Application Approved - 19.09.1989 Erection of a balcony over rear yard

Residential Amenity/hours of operation

The site is located within a parade of units along Wilbraham Road in the Chorlton District Centre. The applicant is proposing to change the internal layout which has led to the installation of an external extract system. The system would be positioned below the rear access stairs of the first floor on the side elevation of the building and would be mainly screened from view at the rear. In addition, the applicant proposes a new exit to the rear of the premises. Given that there is an existing external door within this location, the repositioning of a rear door along this elevation is considered to be acceptable. The development would be located approximately 8.0m from the nearest residential property at the rear.

On the basis of the above, it is considered that the proposal would not give rise to any significant noise impacts to the detriment of residential amenity that would warrant a refusal of the application.

Given the above, it is considered that on balance and subject to conditions, controlling the fume extraction of the premises, the hours of operation, the hours during which deliveries can take place and the noise control, the proposal would be acceptable and consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC26

Proposed Hours

The proposed hours of operation of the building are 12.00pm until 10.30pm Monday to Sundays including Bank Holidays. Environmental Health accept these hours of use which are consistent with adjacent uses.

Environmental Health have also requested a restriction to servicing and delivery times which have also been attached as a condition.

Fume Extraction

Concerns were initially raised by Environmental Health with regards to the fume extraction to the rear of the building. They are now satisfied that the report dated 2nd November 2022 addresses the concerns raised and have no further comments.

Impact on the Wilbraham Road/Edge Lane Conservation Area

The proposal is considered to provide less than substantial harm that is outweighed by the benefits of the scheme.

The proposal would be located in a suitable position to the rear of the premises and would not interfere with the existing characteristics of the conservation area. Material choice would be an acceptable selection for the conservation area.

On balance, it is believed that the proposal would enhance the character of the Conservation Area which is considered accords with Core Strategy Policy EN3 and saved Unitary Development Plan policy DC18.

Conclusion

On balance it is considered that the development has regard to the Development Plan for Manchester and is capable of being supported subject to compliance with the recommended conditions.

The development complies with the guidance contained within saved UDP policy DC26 and policies SP1, DM1 and EN19 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.

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. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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:

Received on 5th January numbered PL008-Rev C Proposed Ground Floor Plan

Received on 5th January numbered PL009-Rev D 1 of 2 Proposed Elevations

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) The development hereby approved shall be constructed using the materials specified on the application forms.

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

4) a) The development shall be implemented in accordance with the scheme relating to the kitchen fume extraction system comprising the document and drawings referenced:

Dated 22nd December 2022

3958-5719-TD-02_Yane Foods_Kitchen Extract NIA REV A
Systemair-MUB-042-500D4-Multibox-1
PA-UV-O-Brochure-2022
PA-ESP-Brochure-2022
PA-ON-100-Brochure-2022
Monarch Catering Cover Letter

b) Prior to commencement of the operation of the scheme, a verification report shall be submitted in writing for the approval of 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 details set out within part a) of this condition. Any instances of non-conformity with the approved details shall be set out along with any measures required to ensure compliance with the agreed details and scheme.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policies DC10 and DC26 of the Unitary Development Plan.

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

Monday to Friday 12:00 to 22:30

Saturday 12.00 to 22.30

Sunday and Bank Holiday 12.00 to 22.30

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

6) 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.

7) The development shall be implemented in accordance with the details of the scheme relating to noise abatement of the kitchen fume extraction system comprising the document and drawings referenced:

i. Kitchen Extraction Noise Impact Assessment, PDA Acoustic Consultants, Reference: J003958-5719-TD dated 02, November 2022.

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 SP1 and DM1 of the Core Strategy for the City of Manchester and saved policies DC10 and DC26 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Chorlton Voice
Environmental Health
Chorlton Voice

Advertising Right Outside 522, Wilbraham Road, Manchester, M21 9AW
Flat Above, 522 Wilbraham Road, Manchester, M21 9AW
2B Oswald Road, Manchester, M21 9LH
Flat Above, Lloyds Hotel, Wilbraham Road, Manchester, M21 9AN
512A Wilbraham Road, Manchester, M21 9AW
524 Wilbraham Road, Manchester, M21 9AW
Flat Above, 520 Wilbraham Road, Manchester, M21 9AW
Lloyds Hotel, Wilbraham Road, Manchester, M21 9AN
Apartment 25, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 22, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 20, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 19, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 16, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 12, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 11, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 9, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 6, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 2, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 1, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 8, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 7, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 5, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 4, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 3, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 27, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 26, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 24, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 23, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 21, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 18, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 17, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 15, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 14, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 13, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
Apartment 10, Chorlton Heights, 615C Wilbraham Road, Manchester, M21 9AN
514A Wilbraham Road, Manchester, M21 9AW
Flat 2, 2A Oswald Road, Manchester, M21 9LH
510 Wilbraham Road, Manchester, M21 9AW
518A Wilbraham Road, Manchester, M21 9AW
Flat 3, 524 Wilbraham Road, Manchester, M21 9AW
Flat 4, 2A Oswald Road, Manchester, M21 9LH
Flat 3, 2A Oswald Road, Manchester, M21 9LH
Flat 1, 2A Oswald Road, Manchester, M21 9LH
514B Wilbraham Road, Manchester, M21 9AW
510A Wilbraham Road, Manchester, M21 9AW
Flat 2, 524 Wilbraham Road, Manchester, M21 9AW
PHO Bowl, 520 Wilbraham Road, Manchester, M21 9AW

518 Wilbraham Road, Manchester, M21 9AW
514 Wilbraham Road, Manchester, M21 9AW
512 Wilbraham Road, Manchester, M21 9AW
522 Wilbraham Road, Manchester, M21 9AW
2 Oswald Road, Manchester, M21 9LH

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 - Wilbraham Road/Edge Lane Conservation Area 2005
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA