

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133454/FO/2022

Date registered valid: 21 April 2022

Proposal: Change the use of the brick building from a disused toilet to a kitchen including elevational alterations to provide servery

Address: Bowls Pavillian WC, Platt Fields Park, Wilmslow Road, Manchester, M14 6LA

Ward(s): Fallowfield Ward

Applicant: Mr Sam Payne, Manchester Urban Diggers CIC

Agent (if any):

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23rd January 2023



Application details

Type of application:	Full Application Consent	
Development type:	Minor Other	
Date of site visit:	10 May 2022	
Standard consultations:	Printed: 25 April 2022	Expired: 16 May 2022
Neighbour notifications	No neighbour notifications have been printed and sent.	
Site notice	Posted: 10 May 2022	Expired: 31 May 2022
Press advert	Published: 3 May 2022	Expired: 24 May 2022
Departure from Development Plan:	No	
Environmental Statement:	Not required	

Description of site/building

This application relates to a single storey detached building formerly a toilet block located within Platts Field Park within the Market Garden area of the Park. The site is located south east of the site approximately 90 metres from the nearest property along Albion Road.



Listed building:	Not applicable
Conservation area:	Not applicable
Tree Preservation Order:	Not applicable

The applicant proposes the change of use of the brick building from a disused toilet to a kitchen including elevational alterations to provide servery.

The proposed hours of operation, of the commercial kitchen, are 9am to 5pm Tuesday to Saturday

Description of area

The area surrounding the park is predominantly residential.

Description of development

The applicant proposes the change of use of the brick building from a disused toilet to a kitchen including elevational alterations to provide servery.

The proposed hours of operation, of the commercial kitchen, are 9am to 5pm Tuesday to Saturday

Consultations & Notification Responses

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

GMP - Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356.

A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces.

Dusk till dawn lighting should be installed above all external doors.

Environmental Health - satisfied with the Ventilation Report

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 proposed use is considered to be acceptable the impact that it may have on nearby residents needs to be considered carefully; impacts on residential amenity, waste management and noise. These matters are set out below.

History

Previous planning applications relating to this site as follows;

Planning reference number: 059446/VO/SOUTH1/00 - CITY COUNCIL DEVELOPMENT
Installation of a container type building for use as a bowls pavilion for a temporary period of 4 years. This application was approved on 25.07.2000.

Residential Amenity/hours of operation

The site is located within Platt Fields Park Bowling Green near one of the park's entrances situated off Mabfield Road south of the park. The proposed development would be located approximately 90m from the nearest property which is sited along Albion Road. The applicant proposes to use a disused toilet block as a kitchen and servery. The current use of the building is to store food and equipment associated with the existing kitchen located next to the building. There is an existing single toilet in the block which the applicant is proposing to retain which has a separate entrance. The proposed use of the building would accommodate a servery, prep area and oven with extraction fan. The fan would be located on the rear of the building. The site has existing limited seating in the external garden area which is considered would provide no further

noise associated with the proposal. This will be mitigated by the limited capacity within the site curtilage, together with the managed closing hours (described below).

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.

As part of the development, the applicant proposes to install a servery opening on the front with a new entrance to the front elevation. The building measures 2.4m in height to a width of 8.250m and has a flat roof. The applicant has no intention of increasing the footprint of the building.

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 storage and disposal of refuse 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 9am to 5pm Tuesday to Saturday which are consistent with the existing use of the kitchen within the building block located next to it.

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

Waste Management

The application is supported by a Waste Management Strategy submitted on 6th July 2022. The applicant has confirmed that they already have commercial waste bins for the site which will be available for any kitchen waste. They confirm that the kitchen will generate limited waste as they will continue to be using produce from the market garden (no plastic packaging etc.) In addition, food waste will be recycled in the garden.

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 submitted on the 6th December 2022 and amended information on 6th January 2023 addresses the concerns raised and have no further comments.

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 6th April 2022 numbered A001-01 Existing and Proposed Sections and Floor Plans

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:

- i. Odour Control Report, Air Clean, received ,6th December 2022
- ii Activated Carbon Filters
- iii Baffle Type Grease Filters
- iv Drawing
- v Data Sheet Specifications

b)

- i Air Clean Duct Mounted Filter Boxes received 6th January 2023;

b) Prior to commencement of the operation of the scheme, 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 policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved polices DC10 and DC26 of the Unitary Development Plan.

5) The premises shall not be open outside the existing operating hours as follows:

9am to 5pm Tuesday to Saturday

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 scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the Waste Management Strategy Pro-forma stamped as received on 6th July 2022 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

Informatives

1) Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356.

A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces.

Dusk till dawn lighting should be installed above all external doors.

2) The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air. For further details refer to MCC's Environmental protection information for developers (GD 03) document.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Corporate Property
Greater Manchester Police
Parks & Events
Rusholme, Fallowfield & Moss Side Civic Society

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
Area Team Boundary - Name: SOUTH