

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135043/FO/2022

Date registered valid: 3 October 2022

Proposal: Part retrospective application for the installation of raised decking, with associated balustrading and retractable awning, to provide an external seating area.

Address: 62 Wilmslow Road, Manchester, M14 5AL

Ward(s): Moss Side Ward

Applicant: Mr Osama Chamoun, 62 Wilmslow Road, Manchester, M14 5AL

Agent (if any): Mr Sakib Ahmed, PEN Studios, 14 Montcliffe Crescent, Manchester, M16 8GR

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

Recommendation: Approve

Date of recommendation: 7 November 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 21 October 2022

Standard consultations:

Printed: 12 October 2022 Expired: 2 November 2022

Neighbour notifications

Printed: 12 October 2022 Expired: 2 November 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

This application site relates to the ground floor of a three storey, terraced building.

The premises occupies a mid-parade position and comprises a ground floor occupied by a fish and chip shop with residential to the upper two floors. The property has an original concrete canopy extending over part of the forecourt and a forecourt area underneath.



The premises lies on the western side of Wilmslow Road. Immediately to the front of the forecourt area is a pedestrian footway, beyond which the highway which includes a cycle lane that runs adjacent to the premises.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The property is located at the heart of Rusholme district centre which extends north to south along the main arterial route of Wilmslow Road. The immediate area is dominated by food and drink uses, along with other commercial uses, including retail outlets and shisha cafes. To the rear of the site along Walmer Street is a health centre.

Description of development

Retrospective planning permission is sought the installation of a raised decked with associated balustrade to form an external seating area to the forecourt of the existing restaurant/takeaway premises.

The forecourt was previously surfaced with concrete paving blocks and incorporated a gentle slope towards the highway. The application seeks to install decking to create a level floor and an external seating area enclosed by a timber clad balustrade with glazed panels above. The top of the glazed screens is approximately 1.8m above the adjacent pavement level.

It is intended that the forecourt will form an ancillary outdoor seating area in connection with the existing, authorised food and drink use.

The application follows two, recent similar applications within the same parade for which planning permission was granted.

Planning History

F04865

Use of shop as fish and chip shop. *Approved*

F09860

New shop front for existing retail shop. *Approved 29 January 1979.*

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policies E3.3, DC10 and DC26 of the Unitary Development Plan;
- Policies DM1, EC2 and SP1 of the Manchester Core Strategy;
- Guide to Development in Manchester (SPD);
- National Planning Policy Framework.

Consultations & Notification Responses

Local Residents/Occupiers – 1 representation has been received in support of the application. It is considered that the proposal will be beneficial to business and its design fits within the immediate area.

Environmental Health – Conditions are recommended in relation to hours of operation, acoustic insulation and external equipment.

Highway Services - The scheme does not impact on the adopted highway and therefore there is no objection

Principle

The use and enclosure of the premises for outdoor seating is consistent with the host parade and other similar uses along this stretch of Wilmslow Road use. The proposal seeks to enclose the forecourt which would prevent spillage of patrons onto the adjoining sites and would provide a level surface with the associated unit.

In principle the proposed works are considered to be acceptable and in compliance with the aforementioned policy and guidance.

The specific planning issues are outlined further below.

Residential Amenity

As the forecourt area forms part of the planning unit and can already legitimately used for outside seating, it is not considered that the proposed development would impact further on the amenity of the area.

In any event, given existing background noise levels and the busy nature of the immediate area and the main thoroughfare of Wilmslow Road, any impact as a consequence of noise and disturbance is considered negligible. The hours of use condition relating to the existing use of the premises has been included again as a safeguard.

Design and Visual Amenity

The proposed design of the enclosing balustrade and canopy reflects that of other neighbouring premises within the host parade.

The balustrade extends the full width of the forecourt and maintains a consistent height with the adjoining enclosure to the north.

The proposed balustrade and deck is of timber construction with glazed panels above.

On balance, the overall design and impact to the visual amenity is acceptable and is comparable to the prevailing appearance of the host parade.

Access

As the proposed tables and chairs are to be located on an area of privately owned forecourt between the edge of the adopted highway and the property, access along the public footway will not be impeded.

In terms of access to the premises, the existing premises already incorporates a stepped access from the unaltered forecourt. The floor level of the proposed decking area will however match the existing internal ground floor level of the premises. A portable access ramp could be used to transition between the levels from the street onto the decked area. In principle this arrangement is considered acceptable and is understood to be compliant with Class M of the Building Regulations.

Other Issues

The balustrade to the enclosure presently incorporates unauthorised advertisements. An informative has been included which makes it clear to the applicant that the separate advertisement is required.

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 to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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

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

Local Plan, elevation drawing, section drawing and floor plan referenced 000/20/FA received by the City Council as Local Planning Authority on 27 September 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

2) The outside seating area hereby approved shall only be used for purposes ancillary to the main food and drink uses of the premises and for no other purpose.

Reason - To safeguard amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

3) The outdoor seating area hereby approved shall not be open outside the following hours:-

Sunday to Thursday 11:30am to 11.00pm
Friday and Saturday 11:30am to midnight.

Reason - To safeguard the amenity of the nearby occupiers, pursuant to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

4) No amplified sound or any music shall be produced or played in any part of the site outside of the building.

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

Informative

1) Please note that the advertisements attached to the outdoors seating area enclosure are unauthorised. These should be removed until and if separate advertisement consent is granted.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Rusholme, Fallowfield & Moss Side Civic Society

66 Wilmslow Road, Manchester, M14 5AL
113A Wilmslow Road, Manchester, M14 5AN
Flat At, 117 Wilmslow Road, Manchester, M14 5AN
Flat At, 115 Wilmslow Road, Manchester, M14 5AN
117 Wilmslow Road, Manchester, M14 5AN
64 Wilmslow Road, Manchester, M14 5AL
60 Wilmslow Road, Manchester, M14 5AL
113 Wilmslow Road, Manchester, M14 5AN
31 Aspinall Street, Manchester, M14 5UD
115 Wilmslow Road, Manchester, M14 5AN
33 Aspinall Street, Manchester, M14 5UD
29 Aspinall Street, Manchester, M14 5UD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA