

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128385/FO/2020

Date registered valid: 8 January 2021

Proposal: Change of use restaurant/drinking establishment (Sui Generis) with associated elevation alterations

Address: 853 Ashton Old Road, Manchester, M11 2NL

Ward(s): Clayton & Openshaw Ward

Applicant: Ugo Inyama 853 Ashton Old Road, Manchester, M11 2NL

Agent (if any): Mr Jason Dugdale Wiplow Ltd The Old Post Room, 34 Chew Valley Road, Greenfield, Saddleworth , OL3 7DA

Case officer: Carl Glennon
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Recommendation: Approve

Date of recommendation: 7 September 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 26 February 2022

Standard consultations:

Printed: 11 January 2021 Expired: 1 February 2021

Neighbour notifications

Printed: 11 January 2021 Expired: 1 February 2021

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The planning application site forms one of three adjoining commercial and retail properties situated on the north-side of Ashton Old Road between its junction of Store Street and Bartlett Street. The site itself is located at the junction with Bartlett Street. A service road separates the application property from the back of footpath to Ashton Old Road. A light controlled crossing is site to the front of the property with adjacent section of Ashton Old Road demarcated with double yellow lines that return to Store Street and partially to Bartlett Street.

The north and south side of Ashton Old Road is characterised by a variety of retail, commercial and industrial uses punctuated by areas of open space. The application site is separated from the South Street, which runs to the north, by a small area of open space with tree planting. Further to the north is a site comprising industrial, warehousing and recreational uses. Terraced housing is located to the north-east of the site; the nearest being situated at the junction of Bartlett Street and South Street approximately 27 metres from the external areas of the application site (37 metres from the building itself).

The application property comprises of two storeys with roof space accommodation. The building consist of a pitched roof with a gable elevation and two storey rear extension with access to the first floor via an external staircase. The original elevational characteristics of the building has been lost through application of external render and the formation of new window openings.



Fig.1 – Views of the application site from Ashton Old Road and Bartlett Street

Site History

124899/FO/2019: Withdrawn 05.06.2020 - Retention of existing ground floor restaurant and change of use of first and second floor to form a 19 bedroom hotel with elevational alterations, including formation of front and rear roof extensions and new entrance and 5 space car park with access via Bartlett Street

114790/FO/2016: Withdrawn 14.03.2017 - Change of use of building to restaurant with ancillary function room (Sui Generis), with associated elevational alterations including fire escape staircase and two parking spaces

107471/FO/2014/N2: Refused 16.01.2015 - Retrospective application for the use of property as a place of worship (Class D1)

094640/AOH/2010/N2: Refused 20.12.2010 - Retrospective application for advertisement consent for retention of non-illuminated wall-mounted advertisement hoarding

084670/FO/2007/N2: Approved 18.01.2008 - Change of use from public house (Class A4) to mixed use restaurant, function room and take-away (sui generis)

064037/AOH/NORTH2/02: Refused 26.02.2002 - Retrospective application for retention of existing illuminated 1 X 48 sheet display panel on gable end of public house

046309/FO/NORTH2/94: Approved 01.02.1995 - Conversion and alterations to form 2no hostels

050179/AO/NORTH2/96: Refused 25.07.1996 - Illuminated free-standing double sided 6 sheet advertising unit

034062: Approved 30.05.1989 - Construction of a single storey rear extension to form access and ante chamber into toilets

026513: Withdrawn 18.06.1986 - Construction of a mock Eiffel Tower feature to roof of public house

026510 : Approved 29.09.1986 - Illuminated name sign to front and side elevation Non-Illuminated amenity sign board to front and side elevations

The date the public house use ceased is unclear. However, it is understood that a door and DIY supplies operated at the premises around 2011. In addition to this initial interruption of the historically established use, the property was used as a place of worship without planning permission and planning application to retain this use was refused (under ref: 107471/FO/2014/N2) on 16 January 2015. The unauthorised use ceased voluntarily following the refusal of planning permission. As an enforcement notice was not issued there was no mechanism for the public house use to be reinstated. The property was therefore effectively left with a 'nil' use and any subsequent use of the premises would therefore require planning permission.

Description of development

The proposed use is related to the ground floor with the partial use of the basement for storage. The development does not proposed a specific use for the upper floor but suggests that future development proposals may be brought forward. Elevational alterations involve the enclosure original window openings in the front and side elevations, the insertion of replacement windows and the application of external render. The external yard area to would continue to be accessed via Bartlett Street and enclosed by retained gates and walls comprising brick walls and concrete panel fencing. The yard area would be demarcated to form 5 car parking spaces, including one accessible space. Two electric vehicle charging point have been proposed with a charging capacity of 7kw/H. A cycle rack with a cycle capacity has been proposed and a bin storage area provided. The layout of the car park and servicing area would be facilitated by the removal of a timber lean-to structure attached to the rear elevation.

Consultations & Notification Responses

Local residents – No comments received.

Highway Services – The following comments have been received:

- i. The submitted trip assessment forming part of the transportation and highways statement demonstrates that the proposed development would result in a low number of vehicle trips and therefore is not considered to have any significant impact on the adopted highway;
- ii. It is recommended that a full travel plan be attached as a condition of any planning consent;
- iii. The proposed layout of the car parking area is considered to be acceptable, including the swept path details confirming access and egress arrangements to the car parking spaces. The provision of an accessible space is also considered to be acceptable;
- iv. Secure and sheltered cycle parking would be provided and is acceptable;
- v. Electric vehicle charging points are requested within the car park, in accordance with the Council's current planning guidance (min 7kw). The applicant has confirmed the provision of ye

three EC charging points that will be delivered by a condition that also requires it achieves a 7kw/H charging capacity;

- vi. For the avoidance of doubt, all external gates/doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway;
- vii. Pedestrian access points are acceptable;
- viii. Deliveries and servicing should be related to a site management plan, confirming details of type of service vehicles, times, frequency and duration of activity, and intended locations for loading and unloading;
- ix. A suitably sized bin store is being provided within the rear yard and collection from Bartlett Street are acceptable.

Environmental Health – The following comments have been received:

- i. The proposed fume/odour abatement system (ESP followed by UV ozone) is acceptable and should be conditioned for implementation as part of the development alongside the submitted Air Quality Assessments Ltd Odour Risk Assessment. ref J0543/1/F1 dated 12 July 2021. Fume extraction equipment should be installed and operated in accordance with the related details of the submitted acoustic report.
- ii. The development should be related to the submitted acoustic assessment. The findings of the acoustic report are accepted in principle, including the proposed opening times based on the noise assessment contained within it, i.e., 16:00 - 12:00 (Monday - Thursday), 16:00 - 02:30 (Friday and Saturday) and closed on Sundays. However, in the light of comments from the Neighbourhoods Team, regarding late night noise disturbance, it is recommended that the opening hours be reviewed. (A condition has thereby been included to relate opening hours to Monday to Friday: 12:00 to 23:30, Saturday 12:00 to 24:00 and Sundays and Bank Holidays 12:00 to 23:00.)
- iii. The waste and recycling plan should be supplemented with arrangements for a food waste bin provision and maintenance arrangements.

Neighbourhoods Team – Have reported that a number of complaints have been received regarding late night disturbance and anti-social behaviour around the property and have requested that the proposed hours be reviewed and preferably reduced.

Corporate Property – No objection.

Flood Risk Management Team - No objection. The site is within Flood Zone 1 and very low risk of surface water flooding. Whilst the change of use results in a change in Flood Risk Vulnerability Classification, it does not require any mitigation measures.

GM Police Design for Security – It is recommended that a condition be included relating the development to the physical security specifications set out in section four of the Crime Impact Statement should the application is to be approved.

United Utilities Water PLC – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications

for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The development has assessed and complies with the criteria in the NPPF for the following reasons:

Chapter 7. Ensuring the vitality of town centres – States that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Whilst it is not located in a district centre, the site lies within a section of Ashton Old Road that comprises of commercial, business and industrial uses. The nearest district centre at Openshaw is located approximately 1 km to the east of the site. Many traditional drinking establishments in the area have ceased trading. The development would not, in itself or conjunction with comparable local uses, harm provision in the city centre or Openshaw District Centre. On balance the development would be appropriately related to Chapter 7.

Chapter 8. Promoting healthy and safe communities – States that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other through the detailed design of development;
- (b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;
- (c) Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, including the provision of safe and accessible local shops and services.

It also encourages the positive provision and use of shared spaces, community facilities (including public houses) and other local services to enhance the sustainability of communities and residential environments.

It is considered that the development responds positively to chapter 8, through providing opportunities for social and community interaction through the provision of additional recreational facilities. It would also provide an active, sustainable and secure use for a building that might otherwise may be difficult to re-use. However, it is acknowledged that the development is likely to generate night-time activity and this will need to be related to a site management plan, that deals with the the arrangements for the safe dispersal of customers and uses of external areas of the site following the end of business, including the disposal of waste and recycling.

Chapter 9. Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes in relation to the proposed type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- Any significant impacts from the development on the transport network (or on highway safety, can be effectively mitigated to an acceptable degree (paragraph 108).

Notwithstanding the above, chapter 9 also states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (paragraph 109).

The development has been supported with a highways assessment, which is considered below. The development would have limited car parking and cycling provision. However, the site is in a location with sustainable public transportation links. Given the nature of the use, it is likely that the customers would depart the site using private hire cars. In these circumstances access to the site is not unduly reliant upon private car usage. Traffic generated by the use is also capable of being managed through a travel plan. On balance the development has been satisfactorily related to chapter 9.

Planning Practice Guidance (PPG) - On 6 March 2014, the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment of the proposed development has been given to the following aspects of the PPG:

- i. Consultation and pre-decision matters
- ii. Health and well-being
- iii. Noise

It is considered that the development accord with the above guidance for the reasons set out in this report.

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.'

The following policies are relevant to the proposed development:

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. 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.

The development provides a sustainable use of the building and makes a small scale employment contribution. Condition can also be attached to the operation of the development to improve the management of the site and safeguard the amenity and well-being of neighbouring residents. On balance the development has been satisfactorily related to the objectives of policy SP1.

Policy C 10 Leisure and the Evening Economy - States that new development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. Cumulative impact
2. Residential amenity
3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

When considering the impact of the proposed café bar regard has been given to the following:

- i. The existing number of similar establishments in the immediate area and their proximity to each other;
- ii. The type and characteristics of other uses, such as housing, shops and public houses;
- iii. The existence of vacant shop units and the condition of the unit;
- iv. The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- v. The character of the centre and its frontage, and the nature of the use proposed;
- vi. The potential impacts of the proposal on the wider community; and
- vii. Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

The general decline in demand for public houses outside the city centre and there are no comparable uses in the area. Although refreshment may be available at the Bloc Haus climbing centre to the north of the site, these facilities would only be available to its customers. The development would not therefore have a cumulative impact due to the absence of comparable uses in the area. It is understood that the building was previously vacant and has not been used for retail purposes. In any event local shopping need would be addressed by Openshaw District Centre. Impacts arising from the development are capable of being addressed by the included operational conditions.

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.

The site has sufficient capacity to accommodate the storage of waste and recycling within the curtilage of the site. Policy EN19 would thereby be complied with.

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.

Policy T2 (Accessible areas of opportunity and need) - Discusses the relationship of development to transportation routes and the utilisation of sustainable transport modes. It states, amongst other things, that the Council will take account of the circumstances of each proposal to establish what level of parking is appropriate and whether proposals are likely to be access or transport issues.

The application site is located on a radial within access to the public transport links. The site provides some car and cycling provision and it is proposed that the development be related to a travel plan condition. Policies T1 and T2 would thereby appropriately responded to.

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:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure it has regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- Accessibility – In relations to inclusive access for disabled people and access to development by sustainable transport modes.
- Community safety and crime prevention;
- Design for health;
- Refuse storage and collection.

The development has been limited to a limited area of the application and responds to the constraints. The elevational alteration are a response to the condition of the building following the cessation of the unauthorised use as a place of worship. The impacts on amenity are capable of being addressed by operational conditions. The existing access arrangements would be retained and an accessible car parking space would be provided. On balance, it is considered that the development would satisfactorily related to policy DM1.

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

Policy E3.3 Upgrade the appearance of radial and orbital routes - This policy (E3.3) is relevant given the views of the site from Ashton Old Road, which is a major radial route to the City Centre. It requires that new development contributes to the improvement of the appearance of such routes. Whilst the character of the original building has been affected by the loss of architectural features, the appearance of, what was a dilapidated building, has been improved by the application of render and the refurbishment of the exterior of the building. The development has brought the building back into active use, which would be beneficial to the appearance of the streetscene, demonstrate the on-going regeneration of area and thereby accords with the objectives of policy E3.3.

Policy DC10 Food and Drink Uses - This policy (DC10) is relevant to the proposed development and particular consideration has been given to the following:

Policy DC10.1 - States that, in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to:

- a. The general location of the proposed development, including any reference to the area in other policies in the development plan;
- b. The effect on the amenity of neighbouring residents;
- c. The availability of safe and convenient arrangements for car parking and servicing;
- d. Ease of access for all, including disabled people;
- e. The storage and collection of refuse and litter.

Policy DC10.2 -States that the Council will normally accept the principle of developments of this kind (food and drinks uses) in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

Policy DC10.4 - Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

It is considered that the submitted information demonstrates that the proposed use can be accommodated within a site subject to conditions to manage its appropriate operation. appropriate. Conditions relating to the implemented of submitted site management arrangements and the on-going management of the premises would provide suitable safeguards to residential amenity. It is thereby considered that policy DC10 would positively responded to and accorded with.

Policy DC26 Development and Noise - Is relevant to the proposed development due to its potential to generate noise and disturbance through the operation of the proposed use and any external associated equipment. The following aspects of this policy (DC26) are considered to be relevant to the proposed development.

Policy DC26.1 - Has been related to the proposal potential contribution to the local noise environment, in relation to the operation of associated external equipment and the additional activity that may be generated by customers and traffic movements and the undertaking of servicing and deliveries, particularly with regard to the residents of South Street and Bartlett Street.

Policy DC26.4 - Requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily. This is particularly relevant given the proximity of the site to established residential uses.

Policy DC26.5 - Has been related to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation.

On the basis of the comments of Environmental Health, it is considered that noise issues are capable of being addressed through the noise attenuation condition that is related to an acoustic report and the implementation of the development in accordance with conditions relating to opening hours and site management. Compliance with policy DC26 can be complied subject to the implementation of appropriate and agreed details.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. In this case, officers have engaged with the applicant to ensure the provision of additional details relating to noise attenuation, fume extraction and traffic generation. The submitted details have facilitated the appropriate assessment of the development.

Principle of the development - The suitability of the proposed development has been primarily assessed with reference to the relevant policies of the Core Strategy (including saved UDP policies) and the guidance within the National Planning Policy Framework. This assessment has

focussed upon the impact of the proposed use on residential and visual amenity, the character of the area and the suitability of the use in the context of the application site. Whilst the site is not located within a district centre, it is located in a context along Ashton Old Road comprising commercial, business and industrial uses that extend to the north of the site. The nearest residential uses at the junction of South Street and Bartlett Street are located approximately 27.8 metres from the external areas of the application site. Notwithstanding the proximity, of these residential uses it is considered that, subject to suitable site management conditions, the development can be suitably related to its context. The principle of the development is therefore considered to be acceptable.

Use – A condition has been included relating the undertaking of the development to the ground floor of 853 Ashton Old Road restaurant / drinking establishment (Sui Generis) with ancillary basement storage only.

Residential amenity – The nearest residential use is situated approximately 37 metres from the application building, which is separated by its rear yard and adjoining area of open space thereby providing some segregation of the respective uses. Given the limited number of car parking spaces, vehicle movements within the rear yard would have a limited impact. However, the potential increased incidence of on street car parking may result in some disturbance. The service road running to the front of the property would facilitate vehicular customer drop-off and collection from Ashton Old Road. These arrangements would also facilitate customer dispersal with reduced harm to residential amenity. The development would also be related to a series of operational conditions that would improve the overall management of the site to the benefit of residential amenity.

Noise – The applicant has submitted a noise report that assesses the noise impacts in relation to the development with particular regard to the nearest residential properties. The noise assessment includes surveys undertaken at [noise] sensitive times of the day and relates to noise from the use of the premises and operational of external mounted equipment. It concludes that noise from the premises and equipment would be within Council noise criteria and development would not, therefore, require additional attenuation. These findings have been accepted by Environmental Health and give some certainty regarding the containment of noise from the general operation to the site. However, there are concerns regarding the potential for noise disturbance as customers leave the premises and it has been necessary to review the late-night opening hours (as discussed below). A separate condition has been included to prevent the transmission of amplified music in the external areas to safeguard residential amenity. The site management plan would help to manage noise and confirm details relating to the disposal of bottles and refuse after closing. It is considered that these measures would satisfactorily reduce harm to neighbouring residents.

Opening times – The opening hours as applied for would exceed those usual permitted in relation to comparable uses outside the city centre, i.e., Monday to Friday: 12:00 to 23:30, Saturday 12:00 to 24:00 and Sundays and Bank Holidays 12:00 to 23:00. Although these hours have been operation for some time, there have been reported incidence of noise and disturbance outside the premises, particularly as customers disperse. As harm to residential amenity has been identified, it has been necessary to limit opening to the following:

Monday to Thursday: 1200 to 2330;
Friday and Saturday: 1200 to 2400;
Sunday and Bank Holidays: 1200 to 2300.

These hours would be more consistent with comparable use outside the city centre and are considered to be acceptable.

Servicing hours - A condition has been recommended to only allow servicing of the premises within the following hours, including deliveries, servicing and collections, including waste collections: 7:30 am to 8:00 pm, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays. It is considered that these arrangements would ensure the satisfactory management of servicing arrangements.

External areas management plan - A condition has been included that requires the submission approval and implementation of scheme for the management of the external yard areas, which shall be implemented within and agreed timescale. This shall include arrangements for dispersal of customers and the transit of refuse including glass bottles to external bins outside the authorised trading hours. This condition is considered to be necessary in the interests of residential amenity. A further condition has been included to ensure that the rear yard is only used for car parking waste management and ancillary storage and not for external eating or drinking. Again, this condition is required to safeguard residential amenity.

Design – The implemented elevational alterations have materially affected the appearance of the building, including the loss of architectural detailing around original doors and windows. However, the implemented works, including the reinstatement of formerly enclosed window openings have arrested the dilapidation of the building and uplifted its appearance within the street scene.

Elevational alterations – The submitted drawings do not accurately reflect implemented works relating to the insertion of first floor windows in the side and rear elevation, i.e., additional windows have been inserted into the side elevation (to Bartlett Street) and additional and differently sized windows in the rear elevation. These windows do not directly relate to the development and are excluded from the planning permission by condition.

Highways issues – The adjacent section of Ashton Old Road has double yellow lines that return to the neighbouring junction of Store Street and Bartlett Street. This TRO together with the position of the light controlled crossing would aid the management of traffic in the immediate vicinity of the site. The development is supported with limited car parking and cycle storage. The site is located on bus route to and from the city centre providing an alternative to private car usage. Any additional on-street car parking related to the use is likely to occur outside the usual working times associated with the operation of neighbouring businesses reducing the potential for localised traffic congestion. Notwithstanding the above, it is considered that a condition would be appropriate to secure the provision and operation of customer and staff travel plan to reduce reliance on private car usage. A condition has been included to ensure the setting out of the car parking space in accordance with the submitted details.

Electric vehicles (EV) charging points – A condition has been included to ensure the installation of electric vehicle charging points in the position shown of the submitted drawings with confirmation of the attainment of a minimum charging capacity of 7kw/H.

Cycle parking - The applicant has indicated the provision of a cycle shelter with a capacity for six cycles within the enclosed yard area. Given the magnitude of the development this provision is considered to be appropriate and is conditioned for implementation and retention as part of the development.

Waste Management – Environmental Health are satisfied with the existing arrangements for general waste and mixed recycling but has requested the provision of a food waste bin. The site has the capacity to provide such a bin and a condition has been included to ensure its delivery as part of the development. Details of existing waste contracts have been submitted and a bin collection point identified. The presentation and return of bins to the collection point is related to

the development through the site management condition. It is considered that waste and recycling arrangements are capable of being delivered as part of the development.

Fume extraction and external equipment – The applicant has indicated that the existing rear extraction flue and air conditioning units would be retained as part of the development. The applicant has provided details to demonstrate that the equipment is capable of being operated and maintained without undue harm to residential amenity. These operational details are related to the development by condition. The external equipment is located to the rear of the building reducing its visual impact in the streetscene.

Crime and security – The development has been related to the findings of the submitted crime impact statement as a condition. It is considered that these measures together with included conditions relating to opening hours and site management arrangements, will ensure the appropriate operation of the site and address anti-social behaviour issues and related harm to residential amenity.

Lighting – A condition has been included to ensure that any glare from external lighting is appropriately controlled to prevent undue harm or disturbance to neighbouring housing.

Accessibility – The constraints of the site would limit the provision of inclusive access. The existing arrangement for access to the front of the property, including the modified step to the entrance would be maintained. The configuration of the internal layout including position of the internal staircase would prevent the formation of an accessible WC. A condition has been included to secure that appropriate demarcation of the car parking area to secure the delivery of an accessible car parking space.

Conclusion – The development is considered to be acceptable subject to its implementation with conditions to manage its future operation and to safeguard residential amenity and the character of the area.

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. In this case, officers have engaged with the applicant to ensure the provision of additional details relating to noise attenuation, fume extraction and traffic generation. The submitted details have facilitated the appropriate assessment of the development.

Condition(s) to be attached to decision for approval

1) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on: 23 October 2020, 20 November 2020, 7 January 2021 and 14 May 2021:

Planning application forms

Planning - Site plan (existing and proposed) Ref: 019-TR-003 Rev C

Planning - Proposed plans and elevations Ref: 020-TR-002 Rev B

Planning – Location plan Ref: 020-TR-004

Proposed Restaurant 853 Ashton Old Rd Highways Technical Note Comments on the potential impact of a proposed change of use from retail to restaurant and bar dated March 2021

Planning Statement on behalf of Tinapa Restaurant & Bar Ltd, 853 Ashton Old Road, Openshaw, Manchester, M11 2NL dated 16th October 2020 by Holliss Vincent Consultants

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

2) Notwithstanding the 'Drawing / Job Title annotation' shown in the above drawings, the planning permission hereby granted relates to the undertaking of a restaurant/drinking establishment (Sui Generis) within the ground floor of 853 Ashton Old Road with ancillary basement storage only. No tables, chairs or other furniture shall be positioned in any external areas within or adjacent to the site in association with the authorised use and/or for the purposes of drinking or dining at any time whilst the use is in operation.

Reason - In the interests of residential amenity and in order to safeguard the future viability and vitality of Levenshulme District Centre pursuant to policies SP1, C1, C2, C10 and DM1 of the Core Strategy for the City of Manchester.

3) The planning permission hereby granted only relates to the elevational alterations, including door and window openings as shown on drawing referenced Planning - Proposed plans and elevations Ref: 0202-TR-002 Rev B and for no other external works to the building.

Reason – For the avoidance of doubt and in the interests of residential amenity pursuant to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

4) The development, including the existing air conditioning units and extraction flue as shown on drawing referenced: Planning - Proposed plans and elevations Ref: 0202-TR-002 Rev B, shall be operated at all times in accordance with the noise attenuation details of specified within documents referenced:

Tinapa Restaurant & Bar, 853 Ashton Old Road, Noise assessment for retrospective planning application by Hepworth Acoustics Report No P21-05-R01v1 dated 14 April 2021, including details relating to the operation of external plant and equipment and the specifications within Mitsubishi Electric - Air conditioning systems brochure Ref: R410A.

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

5) The existing flue as shown on drawing referenced: Planning - Proposed plans and elevations Ref: 0202-TR-002 Rev B shall be operated at all times in accordance with the details of document referenced: Odour Risk Assessment Tinapa Manchester Ref: J0543/1/F1 dated 12 July 2021 by Air Quality Assessments.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 of the Unitary Development Plan for the City of Manchester.

6) Within 3 months of the date of the planning permission hereby granted, the submitted waste management plan, comprising drawing referenced Planning - Site plan (existing and proposed) Ref: 019-TR-003 Rev C and Waste Management proforma dated 14 May 2021 shall be supplemented with details confirming the provision, siting and capacity of a bin for the storage of food waste. The approved arrangements shall be fully implemented to a timescale agreed in writing by the City Council as local planning authority and remain in place at all times whilst the development remains in operation.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

7) There shall be no operation or use of external loudspeakers, bells, tannoy, public address systems or any other form of amplified internal or external sound equipment or musical performance in association with the authorised restaurant/drinking establishment (Sui Generis) within the external rear yard areas and/or front forecourt areas at any time whilst the authorised development is in operation.

Reason - In the interests of the amenity of the occupiers of nearby residential properties pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester and guidance contained within the National Planning Policy Framework.

8) Notwithstanding the detail of document referenced: Tinapa Restaurant & Bar, 853 Ashton Old Road, Noise assessment for retrospective planning application by Hepworth Acoustics Report No P21-05-R01v1 dated 14 April 2021, the premises shall not be open outside the following hours:

Monday to Thursday: 1200 to 2330;
Friday and Saturday: 1200 to 2400;
Sunday and Bank Holidays: 1200 to 2300.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

9) No loading or unloading, including waste collections, shall be carried out on the site outside the following hours:

Monday to Saturday 7:30 am to 8:00 pm with no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

10) Within 3 months of the planning permission hereby granted written confirmation shall be submitted to and approved in writing by the City Council as local planning authority relating to the implementation of the details and specification contained within document referenced: Crime Impact Statement – Change of use to restaurant and bar 853 Ashton Old Road for Tinapa Restaurant Ref: 2007/1589/CIS/01 Version A: 23.09.20. The approved security measures shall be maintained in situ at all times thereafter.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and to reflect the guidance contained in the National Planning Policy Framework.

11) Within 3 months of the date of the planning permission hereby granted, a scheme for the management of the external yard area and the dispersal of customers from the Ashton Old Road entrance shall be submitted to and approved in writing by the City Council as local planning authority. This shall include arrangements for the implementation of the the external smoking policy as received on 23 October 2020, the management of waste and recycling, including glass bottles, prior to transit to external storage areas outside authorised trading hours and the positioning of external lighting and CCTV cameras. The approved measures shall be fully implemented to a timescale agreed in writing by the City Council as local planning authority and remain in place whilst the development remains in operation.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

12) If any lighting and /or CCTV cameras relating to the authorised development, when operational, in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of its written request, a further scheme for the elimination of glare, light spillage or intrusion of privacy (in the case of CCTV cameras) shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of related illumination on the occupiers of nearby residential accommodation, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

13) Within 3 months of the date of the planning permission hereby granted, a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed in the development
- ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the date of the planning permission hereby granted, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to and from the authorised restaurant/drinking establishment (Sui Generis), pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

14) Within 3 months of the planning permission hereby granted written confirmation shall be submitted to and approved in writing by the City Council as local planning authority relating to the implementation of the car parking layout shown on drawing referenced: Planning site plan (existing and proposed) Ref: 019-TR-003 Rev C, including appropriate surfacing and demarcation of car parking spaces. The implemented works shall be maintain in situ at all times thereafter and shall only be used in conjunction with the authorised development.

Reason – To ensure that the development is supported with appropriate car parking and in the interests of pedestrian and highway safety and residential amenity pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

15) Within 3 months of the planning permission hereby granted a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the siting and specification of electric vehicle charging units as referenced on drawing: Planning site plan (existing and proposed) Ref: 019-TR-003 Rev C. The approved details shall be implemented to a timescale agreed in writing by the City Council as local planning authority and maintained in situ at all times thereafter and only be used in conjunction with the authorised development.

Reason – To ensure that the development is supported with appropriate car parking and in the interests of pedestrian and highway safety and residential amenity pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

16) Within 3 months of the planning permission hereby granted written confirmation shall be submitted to and approved in writing by the City Council as local planning authority relating to the implementation of the cycle storage arrangements shown on drawing referenced: Planning site plan (existing and proposed) Ref: 019-TR-003 Rev C. The implemented works shall be maintain in situ at all times thereafter and only be used in conjunction with the authorised development.

Reason - In the interest of residential amenity and to promote sustainable transportation modes pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) Developers guidance can be found via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) The planning permission hereby granted does not confer consent for the display of advertisement signage.

3) Licensing - The applicant should be aware that under the Licensing Act 2003 the carrying on of a licensable activity on or from premises requires a premises licence from Manchester City Council as Licensing Authority. Further information is available on the following website: <https://www.manchester.gov.uk/directory/26/licensing/category/356>.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Corporate Property
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC

Unit 8, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NA
Unit 7, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NA
Unit 6, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NA
Unit 5, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NA
Units 1 To 3, Greenside Street, Manchester, M11 2FZ
22 Bartlett Street, Manchester, M11 2EU
15 Vincent Street, Manchester, M11 2FU
8 Bartlett Street, Manchester, M11 2EU
26 Bartlett Street, Manchester, M11 2EU
9 Vincent Street, Manchester, M11 2FU
7 Vincent Street, Manchester, M11 2FU
3 Vincent Street, Manchester, M11 2FU
19 Vincent Street, Manchester, M11 2FU
17 Vincent Street, Manchester, M11 2FU
11 Vincent Street, Manchester, M11 2FU
1 Vincent Street, Manchester, M11 2FU
First Floor Unit 2A, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NL
Ground Floor Unit 2A, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NL
INFINITY, 819 Ashton Old Road, Manchester, M11 2NL
839 Ashton Old Road, Manchester, M11 2NL
Flat 9, 3 Greenside Street, Manchester, M11 2FZ
3A Greenside Street, Manchester, M11 2FZ
Unit 1, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NA
116 - 118 South Street, Bradford, Manchester, M11 2FY
Unit 2, Cuthbert Business Centre, Ashton Old Road, Manchester, M11 2NA
The Queen Anne, 815 - 817 Ashton Old Road, Manchester, M11 2NL
30 Wood Street, Bradford, Manchester, M11 2FY
34 Wood Street, Bradford, Manchester, M11 2FY
MANCHESTER FOOD TRADERS LIMITED, 32 Wood Street, Bradford, Manchester, M11 2FB
Flat At, The Queen Anne, 815 - 817 Ashton Old Road, Manchester, M11 2NL
Flat 3, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NL
Flat 2, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NL
Flat 1, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NL
Unit 9, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NA
Unit 3-4, Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NA
Cuthbert Business Centre, 877 Ashton Old Road, Manchester, M11 2NL
Flat 8, 3 Greenside Street, Manchester, M11 2FZ

Flat 7, 3 Greenside Street, Manchester, M11 2FZ
Flat 6, 3 Greenside Street, Manchester, M11 2FZ
Flat 5, 3 Greenside Street, Manchester, M11 2FZ
Flat 4, 3 Greenside Street, Manchester, M11 2FZ
Flat 3, 3 Greenside Street, Manchester, M11 2FZ
Flat 2, 3 Greenside Street, Manchester, M11 2FZ
Flat 1, 3 Greenside Street, Manchester, M11 2FZ
1 Greenside Street, Manchester, M11 2FZ
Unit 6, Clayton Court, 5 Welcomb Street, Manchester, M11 2NB
Unit 5, Clayton Court, 5 Welcomb Street, Manchester, M11 2NB
851 Ashton Old Road, Manchester, M11 2NL
24 Bartlett Street, Manchester, M11 2EU
18 Bartlett Street, Manchester, M11 2EU
12 Bartlett Street, Manchester, M11 2EU
5 Vincent Street, Manchester, M11 2FU
13 Vincent Street, Manchester, M11 2FU
849 Ashton Old Road, Manchester, M11 2NL
20 Bartlett Street, Manchester, M11 2EU
16 Bartlett Street, Manchester, M11 2EU
14 Bartlett Street, Manchester, M11 2EU
10 Bartlett Street, Manchester, M11 2EU

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
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: NORTH