

## List No. 9

<b>Levenshulme Ward</b>	<b>Application Number</b> 079113/FO/2006/N2	<b>Date of Appln</b> 19th Jul 2006	<b>Committee Date</b> 31st May 2007
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**Proposal** Change of use from Social Club to restaurant on ground floor with banqueting hall at first floor and take-away facilities with external alterations.

**Location** Palace Nightclub, Farmside Place, Levenshulme, Manchester, M19 3BF,

**Applicant** Mr N Mussarat Property Route Ltd Mayfair Court, 357a Great Western Street, Rusholme, Manchester, M14 4AH

**Agent** Howard And Seddon Partnership 64 Washway Road, Sale, Cheshire, M33 7RE

### Description

This application relates to the former Palace Social Club, a large two storey building located in Levenshulme district centre to the rear of shops on Stockport Road. It is accessed off Farmside Place close to a signal control pedestrian crossing. There is a large public car park to the south of the premises with the main London to Manchester railway line and Levenshulme station on an embankment to the west. The rear of terrace houses on Carrill Grove are situated immediately to the north separated by an alleyway. There is taxi hire office based on Farmside Place.

The proposal involves creation of a restaurant on the ground floor with 54 tables providing 212 covers plus a small bar waiting area at the entrance area. The first floor will be used for banqueting purposes with 30 large tables creating 300 covers plus a bar area. New toilets, kitchen, lift, office and staffroom are also proposed.

The proposed opening hours are 8.00 am to 2.30 am Monday to Sundays.

There is a small forecourt to the front of the premises that can be used for parking and beer deliveries. General deliveries will take place at the rear of the building off the main car park.

### Consultations

**Local Residents/ Businesses** Four letters of objection have been received objecting to the proposal on the following grounds. The access to the restaurant is from an extremely busy junction as it is on a pedestrian crossing, it is a very narrow street used by taxis, and close to the entrance to the main car park in Levenshulme. It is difficult to get in and out of this junction and this proposal would make matters worse. There are already sufficient restaurants/banqueting facilities in Levenshulme that causes congestion on Stockport Road and do not wish to see another building turned into a restaurant. There is a general parking problem in Levenshulme and the adjacent Council owned car park is monopolized by taxis making it hard for shoppers to park. The area is going down hill due to takeaways and flytippers. The adjacent car park is a disgrace and has poor access to it, there are sufficient restaurants in Levenshulme and there is no need for another.

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Carrill and Worsley Grove Residents Association object to the proposal on grounds of noise, parking and cooking smells. The odd numbers on Carrill Grove back on to the site and object to the late licence until 2.30 am especially on weeknights which is considered to be completely unacceptable and suggest 11.00am as being a more reasonable closing time. Concerns about siting of the new ventilation is raised about cooking smells and it is considered that the ventilation should be made to face the opposite way to their street. Problems associated with parking in the area are raised and it is feared that increased use of their street for parking purposes will occur. Also further consideration should be given to the siting of the emergency exit as it leads out onto an alleyway behind the odd numbers on Carrill Grove given that they are looking to have the alleyways gated in the future. It is noted that the applicant has applied for a take-away licence and it is considered that there are plenty of such facilities in this part of Levenshulme and there is no need for any more.

South Manchester Regeneration Team In regeneration terms the change of use from a nightclub to a restaurant is probably not significant, it will continue to attract visitors to Levenshulme which is a benefit for the district centre and could increase the number of daytime visitors. The proposed use will rely on the existing council owned car park. There is also a cycle track running across the car park under the railway bridge. If the design introduces greater natural surveillance over this car park area this would be a benefit. Any approval should be subject to a section 106 agreement to secure improvements to the car park, boundary and environmental improvements, additional lighting and upgrade to footpaths on Farmside Place.

Greater Manchester Police can see no problem with the proposal.

Head of Engineering It is not clear whether the access ramp to the front entrance is internal or external. Disabled parking bays should be 2.4m X 4.8 m with 1.2 m safety zone. Clarification required on the six parking spaces to be retained.

Head of Environmental Health has recommended standard conditions to cover fume extraction, an acoustic insulation study to limit break out of noise from the premises, acoustic insulation of external equipment, deliveries to be restricted to 07.30 to 8.00pm Monday to Saturdays, the premises shall not be open outside the hours of 0.800 to midnight Monday to Sunday, details for storage of refuse required.

Licensing Unit. The premise applied for a premises licence conversion with simultaneous variation on 25 July 2005, for sale of alcohol, recorded and live music performances of dance and films from 11.00 am to 0200 Sundays to Thursdays, 11.00 to 0300 Fridays and Saturdays. Late night refreshment Sunday to Thursday 23.00 to 0200, Friday and Saturday 23.00 to 0300. The proposed opening hours for the premises Sunday to Thursday 11.00 to 0300 and Friday to Saturday 11.00 to 0400. This was granted by the Licensing Sub Committee subject to regular checks to ensure inaudibility at the nearest noise sensitive location will be carried out during the provision of regulated entertainment.

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### Issues

Unitary Development Plan. The site falls within policy areas LL6, LL14 and LL15. Policy LL14 states that the Council will permit new developments and the improvements of shopping and related services on Stockport Road within Levenshulme District Centre so long as they do not cause disamenity to residents of adjacent areas resulting from noise, litter and car parking; in order to ensure the function of this important centre continues in a way which is not disruptive to, and meets the needs of local residents. Policy LL15 is aimed at improving pedestrian safety and off street parking in shopping areas, with specific reference to the needs of people with limited mobility. Policy LL6 is aimed at improving the safety and quality of the environment of the district centre particularly pedestrian safety including paving and street furniture and enhanced lighting. Policy H2.2 protecting residential amenity is also relevant.

Principle. The premises has been used as a social club/nightclub for many years involving significant comings and goings late at night. The use of the premises as a restaurant/ banqueting facilities will also similarly involve comings and goings late at night and as such it would be difficult to resist at this location particularly given its location in a district centre.

Impact on the District Centre It is not considered that the proposal will have an adverse impact on the vitality and viability of Levenshulme district centre and it would not be significantly different to its previous use as a nightclub.

Residential Amenity The rear of the houses on Carrill Grove are in very close proximity to the premises. However, the main source of noise is likely to emanate from the entrance as groups of people leave, though this is on Farmside Place, and from use of the car park due to doors banging but the building may absorb some of this noise. However, the previous use as a nightclub would have had a similar impact on local residents and it is considered that a refusal of planning permission based on the impact of late opening would not be warranted. It is recommended that the opening hours are restricted to 2.00 am each night, rather than 2.30 pm as proposed, to reflect the conditions attached to licence previously granted.

Car Parking Diners going to the restaurant/banqueting facilities are most likely to use the adjoining free City Council owned car park where approximately 50 spaces are available. It is likely that the main trade to the restaurant will occur in the evening and at night when the car park is not required by shoppers and it should have adequate capacity to cater for most demands. However, if the banqueting facilities on first floor and the restaurant on ground floor are both fully used at the same time overspill parking is likely to take place, though such events are likely to be rare. The rear of properties on Stockport Road and Albert Road face on to the car park and this does not give it an inviting appearance/environment. In view of this it is considered that the applicant should make a financial contribution to visually enhance the surrounding area and this has been agreed.

External Appearance /Fume Extraction Three louvres are to be formed in the gable to the roof, to the front and rear, to discharge air from the premises. Two kitchen extract ducts are also to be installed at roof level to the kitchen on the Carril Grove elevation. It is recommended that a condition is attached to install

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these two ducts on the car park elevation of the building to meet concerns raised by Carrill and Worsley Grove Residents Association.

Access for Disabled People. The car parking arrangements to the front of the building have been amended to meet concerns raised by Head of Engineering and three spaces for disabled people are to be laid out with a 1.2 m safety zone. A ramp is to be created at the entrance to the building. A lift is to be installed and disabled toilet facilities will be provided on ground and first floor.

Crime and Safety . The building is currently empty and the reuse of the building will attract more people to area and result in more general activity especially with additional comings and goings to the car park and this should help to create a safer environment here which presently lacks much in the way of natural surveillance.

Emergency Exit. The existing arrangements to the building involves four exits onto the alleyway to the rear of the houses on Carrill Grove. One of these will be bricked as part of the proposal, however, as there are internal staircase to allow escape from first floor at present, the means of escape are to an extent already fixed.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

## **Recommendation APPROVE**

APPROVE (SUBJECT TO SECTION 106 AGREEMENT) on the basis that the proposal accords with the development plan in particular policy LL14 of the City Council's Unitary Development Plan and it is an appropriate use in a district centre location and residential amenity will be protected by conditions and there are no material considerations of sufficient weight to indicate otherwise.

## **Conditions and/or Reasons**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason -

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Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) Before the development hereby approved commences, the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason

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

3) No loading or unloading shall be carried out after 8.00p.m. Saturdays or before 7.30a.m. Sundays. Loading and unloading shall be restricted to the period between 11.00a.m. and 5.00p.m. daily.

Reason

In the interests of residential amenity.

4) Before development commences a scheme for the extraction of any fumes, vapours and odours from any kitchen areas within the development hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority.

Reason - In the interests of the amenities of the occupiers nearby properties.

5) The restaurant and banqueting facilities shall only be open to the public between the hours of 8.00am to 2.00am each day of the week.

Reason

In order to protect the amenity of local residents pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) Before the development hereby approved commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

7) The development hereby approved shall be carried out in accordance with the drawings numbered M1, M3, M4, stamped as received by the Local Planning Authority on 10 July 2006, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans.

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8) The car parking indicated on the approved plans 8122/07B, stamped as received by the local authority on 19 July 2006 shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

### Reason

To ensure that there is adequate car parking for disabled people to the development proposed when the use first commences pursuant to policy T2.6 of the Unitary Development Plan for the City of Manchester .

9) The two ducts from the kitchen shall be installed on the roof slope facing on to the adjoining public car park.

### Reason

In the interests of amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

10) Details of access proposals for disabled people including including external ramp, widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

11) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

### Reason

To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

## Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 079113/FO/2006/N2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

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**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

The Fire Prevention Officer  
Licensing Unit  
Network Rail Fao Ms Kay Uka  
South Manchester Regeneration  
Greater Manchester Police  
Head of Environmental Health  
Head of Engineering Services  
Doria Catering Management, 888 Stockport Road, Levenshulme, Manchester, M19 3BN  
892 Stockport Road, Levenshulme, Manchester, M19 3BN  
892a, Stockport Road, Levenshulme, Manchester, M19 3BN  
890 Stockport Road, Levenshulme, Manchester, M19 3BN  
8 Carrill Grove, Levenshulme, Manchester, M19 3AE  
6 Carrill Grove, Levenshulme, Manchester, M19 3AE  
4 Carrill Grove, Levenshulme, Manchester, M19 3AE  
20 Carrill Grove, Levenshulme, Manchester, M19 3AE  
2 Carrill Grove, Levenshulme, Manchester, M19 3AE  
18 Carrill Grove, Levenshulme, Manchester, M19 3AE  
16 Carrill Grove, Levenshulme, Manchester, M19 3AE  
14 Carrill Grove, Levenshulme, Manchester, M19 3AE  
12 Carrill Grove, Levenshulme, Manchester, M19 3AE  
10 Carrill Grove, Levenshulme, Manchester, M19 3AE  
914 Stockport Road, Levenshulme, Manchester, M19 3AD  
International Learning Centre, 912-914, Stockport Road, Levenshulme, Manchester, M19 3AD  
Topkai Take Away, 906 Stockport Road, Levenshulme, Manchester, M19 3AD  
Palace Night Club, 1a, Farmside Place, Levenshulme, Manchester, M19 3BF  
A S I S, 924 Stockport Road, Levenshulme, Manchester, M19 3AB  
Society For Abandoned Animals, 922 Stockport Road, Levenshulme, Manchester, M19 3AB  
Edward Mellor Estate Agents, 918 Stockport Road, Levenshulme, Manchester, M19 3AB  
Greggs Of Manchester Ltd, 916 Stockport Road, Levenshulme, Manchester, M19 3AB  
Pallas Cafe, 920 Stockport Road, Levenshulme, Manchester, M19 3AB  
Kings Private Hire, 2 Farmside Place, Levenshulme, Manchester, M19 3BF  
Philip James Partnership, 902 Stockport Road, Levenshulme, Manchester, M19 3AD  
894a, Stockport Road, Levenshulme, Manchester, M19 3AD  
Mellors, 918a, Stockport Road, Levenshulme, Manchester, M19 3AB  
D Lindop Optician, 923 Stockport Road, Levenshulme, Manchester, M19 3PZ  
9 Carrill Grove, Levenshulme, Manchester, M19 3AE  
7 Carrill Grove, Levenshulme, Manchester, M19 3AE  
5 Carrill Grove, Levenshulme, Manchester, M19 3AE  
3 Carrill Grove, Levenshulme, Manchester, M19 3AE  
17 Carrill Grove, Levenshulme, Manchester, M19 3AE  
15 Carrill Grove, Levenshulme, Manchester, M19 3AE  
13 Carrill Grove, Levenshulme, Manchester, M19 3AE  
11 Carrill Grove, Levenshulme, Manchester, M19 3AE  
1 Carrill Grove, Levenshulme, Manchester, M19 3AE

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Claddagh Cafe, 910 Stockport Road, Levenshulme, Manchester, M19 3AD  
Hennigans, 908 Stockport Road, Levenshulme, Manchester, M19 3AD  
J M Bluston Opticians, 904 Stockport Road, Levenshulme, Manchester, M19 3AD  
Foto Max, 900 Stockport Road, Levenshulme, Manchester, M19 3AD  
898 Stockport Road, Levenshulme, Manchester, M19 3AD  
Martins Swiss Confectioners, 896 Stockport Road, Levenshulme, Manchester, M19 3AD  
Money Shop, 894 Stockport Road, Levenshulme, Manchester, M19 3AD

**Representations were received from the following third parties:**

Bridgette Florist, 4 Albert Road, Levenshulme, M19 3AD  
MS S Deakin, 5 Carril Grove, Levenshulme, Manchester, M19 3AD  
Johnsons Quality Meats, 930 Stockport Road, Levenshulme, Manchester, M19 3AB  
MR S Knowes, 32 Arbor Avenue , Burnage, Manchester, M19 1EX  
Patrcikhalligan@ntlworld.com,

<b>Relevant Contact Officer:</b>	: David Hughes
<b>Telephone No.</b>	: (0161) 234 4530
<b>Email</b>	: d.hughes3@manchester.gov.uk