

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
111977/FO/2016/N2	3rd May 2016	28th Jul 2016	Gorton South Ward

**Proposal** Change of use of ground floor from retail shop (Class A1) to hot food takeaway (Class A5) together with a fume extraction flue to the rear

**Location** 811 Stockport Road, Levenshulme, Manchester, M19 3BS

**Applicant** Mr A Saleem , 811 Stockport Road, Manchester, M19 3BS

**Agent** Mr David Ormesher, Holborow And Ormesher, Station House, Adams Hill, Knutsford, WA16 6DN.

### Description

The application site is located on the eastern side of Stockport Road at its north-east junction with Carrill Grove East. The application site is also located within Levenshulme District Centre. Commercial and other non-residential uses continue on to Carrill Grove East. However, Carrill Grove East is characterised by terraced housing beyond its junction with Cardus Street. Double yellow lines are in place at the immediate junction of Stockport Road and Carrill Grove East (with unrestricted parking along the remaining extent of Carrill Grove East). The adjacent section of Carrill Grove East also has a 20 mph speed limit. Stockport Road (A6) is a main radial route into the city centre and is thereby served by a comprehensive bus services. The site is also within walking distance of Levenshulme Railway Station.

The entire curtilage of the application site extends by 24.25 metres from the back of pavement to Stockport Road to a rear alleyway accessed via Carrill Grove East. The full curtilage of the site is covered with red brick buildings comprising: a 3-storey pitched roof building constructed to the back of pavement to Stockport Road and Carrill Grove East; a pitched roof, 2-storey lean-to extension and a single storey flat roof extension adjoined to a pitched roof storage building. All of the rear extensions and outbuildings are constructed to the back of footpath to Carrill Grove East and incorporates roller shutters with projecting boxes to windows and doors. The adjacent rear alleyway is gated.

The main 3-storey building incorporates a shop front with fascia to Stockport Road and a separate display window to Carrill Grove East. The display windows at ground floor level incorporate roller shutters with projecting boxes. Windows are located at first and second floor levels to the front, side and rear elevations. The application premises are currently vacant. It is understood that the premises were last used as a college / educational facility (Class D1).

The proposed hot food take away use relates to the entire ground floor of the premises including its extension and outbuildings. The proposed layout would comprise of: customer service area accessed via Stockport Road; kitchen; 3x storerooms office and accessible WC. No alterations are proposed to the existing shop front and separate advertisement consent for the display of signage has not

been sought at this stage. The positioning of an extraction flue has been shown to the rear of the building, which breaks through the roof plane of the 2-storey lean-to extension and attached to the rear wall (of the main 3-storey building). The flue would have an exposed height of 4 metres terminating height of the ridge line to the main 3 - storey building.

The applicant proposes the following opening hours:  
Monday to Sunday (including Bank Holidays) - 10.00 am to 11.00 pm.

The applicant has indicated that waste bins would be located in the larger rear extension positioned adjacent to the adjacent alleyway with a roller shutter access on to Carrill Grove East.

## **Consultations**

Local Residents - 31 emails of objection have been received and are summarised below:

- i. There is an existing over proliferation of hot food takeaways in Levenshulme and the proposed development will add to this over provision. Some representations maintain that the provision of new hot food takeaways should be prohibited;
- ii. A further hot food take away will add to existing issues relating to litter and anti-social behaviour, which is considered to be detrimental to both residential amenity and the experiences of visitors to Levenshulme District Centre;
- iii. There is concern that the proposals will not be supported with adequate arrangement for the storage of waste leading to concerns regarding smells and potential infestation;
- iv. The application site is located close to a bus stop. The occurrence of unauthorised customer parking within this bus stop would result in significant congestion along Stockport Road. There is a more general concern that the development will generate significant volumes of traffic and lead to localised congestion;
- v. Traffic concerns are also related to the parking and movement of vehicles whilst undertaking servicing and deliveries to and from the premises;
- vi. The proposed development will not positively contribute to local regeneration and measure should be taken to expand the retail offer in Levenshulme District Centre, which is currently being inhibited by the over provision of hot food takeaways;
- vii. The proposals will promote the sale and consumption of unhealthy food;
- viii. Existing hot food take always fail to operate in accordance with authorised opening times to the detriment of residential amenity;
- ix. There are concerns that proposals will cause disamenity through the emission of fumes and vapours from the premises;
- x. It is reported that drains are already blocked through the inappropriate disposals of cooking oil. There are fears that, if the premises are not appropriately managed, similar circumstances will occur within the vicinity of the application site;
- xi. There is concern that clustering of hot food takeaways increases the localised risk of fire.

Carrill and Worsley Groves Residents Association - One email of objection has been received and is summarised below:

- i. There is an over provision of hot food takeaways in Levenshulme, which have a detrimental impact on the local area;
- ii. The existing hot food takeaways have a detrimental effect on residential amenity due to their visual impact and generations of litter and waste and the emission of fumes;
- iii. The associated external alterations to shops that have been converted to hot food takeaways, including the installation of extraction flues, are considered to be unsightly;
- iv. The number of hot food takeaways in the city as a whole needs to be reviewed and restricted.

Environmental Health - Should planning permission be granted conditions are requested in relation to the following:

- i. The premises shall not be open outside the following hours (as applied for):  
Monday to Sunday (including Bank Holidays: 10:00 am - 11:00 pm);
- ii. Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday with no deliveries and/or waste collections on Sundays/Bank Holidays;
- iii. Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location;
- iv. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences and subsequently implemented;
- v. The development, if approved, shall be undertaken in accordance with the submitted scheme for the storage and disposal of refuse, which shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation;
- vi. Any external lighting, associated with the proposed development, shall be designed and installed so as to control glare and overspill onto nearby residential properties.

Highway Services - There is no objection to the proposed development on the basis of the following:

- i. The proposed works relating to the proposed change of use are contained within the private boundary and therefore acceptable from a highways perspective. It is considered that there is sufficient capacity within the existing on-street parking in Carrill Grove East and surrounding roads to accommodate any slight increase in parking demands generated by the proposals;
- ii. As with similar sized developments of this type it is anticipated that a high number of trips to the hot food take-away would be undertaken by customers working or living local to the take-away and arriving on foot. Therefore there would be no requirement for specific parking at the premises. In addition, most hot food takeaways now provide on-line ordering and delivery services which also reduce the demands for high volume parking to be made available;

- iii. The proposed rear bin storage area is considered satisfactory and is located off the adopted highway;
- iv. Servicing to the hot food take-away can also be undertaken from the adjacent highway along Carrill Grove East and from the dedicated loading bay adjacent to the frontage of the building;
- v. Refuse vehicles would also be able to access the development from Carrill Grove East.

Greater Manchester Police Design for Security - No objection to the proposed development subject to the incorporation of the following into the development:

- i. Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards;
- ii. If cash is to be kept within the property overnight then a time delay safe certified to LPS 1183 should be installed and kept within a secure room that is only accessible by the members of staff;
- iii. Any staff areas that are to be included within the property should be access controlled and restricted to members of staff only;
- iv. Dusk till dawn lighting should be installed to all external doors;
- v. Opening hours should run in line with other businesses in the area.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

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. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 14 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should 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; or specific policies in this Framework indicate development should be restricted.

National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. In this case specific weight is given to the need to:

- i. Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;

- ii. Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- iii. Take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- iv. Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions;
- iv. Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 1: Building a strong, competitive economy - By securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future;
- ii. Chapter 2: Ensuring the vitality of town centres (including district centres) - The proposed development has been related to Chapter 2 (in conjunction with the relevant sections of the Core Strategy as set out below). Chapter 2 states that planning policies should be: positive and promote competitive town centre environments; set out policies for the management and growth of centres; recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. Chapter 2 has also been referred to in relation to the consideration of the impact of the contribution of the proposed use of the over proliferation of Class A5 uses in Levenshulme District Centre;
- iii. Chapter 7: Requiring good design - Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces. Chapter 7 has been referred to with regard to the design and appearance of the proposed extraction flue;
- iv. Chapter 8: Promoting healthy communities - States that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Significantly, Chapter 8 states that planning policies and decisions should help to form places which promote:
  - a. Opportunities for interaction between members of the community through mixed-use developments, neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
  - b. Safe and accessible environments where crime, disorder and the fear of crime, do not undermine quality of life or community cohesion.

Chapter 8 has been related to the assessment of the potential harm of the proposed use on the residential and visual amenities of the area.

National Planning Policy Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The NPPG 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 NPPG:

- i. Consultation and pre-decision matters - The NPPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. Furthermore any comments should be taken into account it is important to make comments before the statutory deadline. The NPPG also affirms that the NPPF states that statutory consultees should provide advice in a timely manner throughout the development process. The NPPG also states that where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, particularly when:
  - a. Objections or reservations raised in response to the original consultation stage substantial and, in the view of the local planning authority, enough to justify further publicity;
  - b. Proposed changes significant;
  - c. Earlier expressed views are related to the proposed changes. Issues raised by the proposed changes likely to be of concern to parties not previously notified.
- ii. Health and well-being - States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure. It recognises that development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital. It also recognises that development can provide opportunities for healthy lifestyles through the promotion of and access to high quality open spaces and opportunities for play, sport and recreation;
- vi. Noise - Needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.

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. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. 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.

Policy C 1 Centre Hierarchy - States that the development of town centre uses (as defined in national planning policy) will be prioritised in the centres identified in this policy, taking account of the different roles of the City Centre, District Centres and Local Centres. In order to maintain the vitality and viability of its centres, provide services as locally as possible and minimise the need to travel by car Manchester's centre hierarchy is:

- i. Manchester City Centre;
- ii. District Centres;
- iii. Local Centres.

Policy C1 states that district centres, such as Levenshulme, have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. It further states that these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres.

Policy C 2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. The delivery of this floor space should respect the network of centres across the City and in neighbouring districts. Development within this overall capacity which has the potential to impact on the current or future vitality

and viability of other centres in Manchester or other districts will only be acceptable if there is no prospect of the affected centres accommodating growth themselves.

The following relevant aspects of policy C2 have been identified:

- i. Prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink. However, policy C2 also states that retailing should be the principal use in Primary Shopping Areas and to ensure that provision is made in district centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres. Subject to impact on overall character and local amenity, the Council will support development which extends the time during which District Centres are active;
- ii. Promote the development of employment which provides opportunities for local people;
- iii. Promote the efficient use of land. New development should positively contribute to the reuse and regeneration of land and premises, together with wider regeneration and investment strategies;
- iv. Contribute positively to the diversity and mix of uses within centres without undermining their primary retail function;
- v. Remedy deficiencies in areas with poor access to facilities;
- vi. New development should respect and enhance the character of existing centres and deliver improvements to the quality and accessibility of the centre;
- vii. Environment;
- viii. Opportunities should be taken to adopt sustainable building design and practises to assist in adapting to climate change.

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 - In areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities;
2. Residential amenity - the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance;
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 a proposed bar or, in this case, a hot food take away regard should be given to the following:

- The existing number of similar establishments in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops and public houses;
- The existence of vacant shop units and the condition of the unit;



- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- The character of the centre and its frontage, and the nature of the use proposed;
- The potential impacts of the proposal on the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Policy EC9 South Manchester - States that within South Manchester, including Levenshulme District Centre, development proposals and planning applications should have regard to: ensuring efficient use of existing employment space; improving public transport, walking and cycling connectivity between residential neighbourhoods and employment locations such as the City Centre.

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.

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. The policy states that the Council will support proposals that, amongst other things:

- i. Improve choice by developing alternatives to the car;
- ii. Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- iii. Improve pedestrian routes and the pedestrian environment;
- iv. Reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties.

Furthermore, development should take account of the needs of road users according to a broad hierarchy consisting of (in the following priority):

- i. Pedestrians and disabled people;
- ii. Cyclists, public transport;
- iii. Commercial access;
- iv. General off peak traffic;
- v. General peak time traffic.

Policy T2 (Accessible areas of opportunity and need) - States that the Council will actively manage the pattern of development to ensure that new development: is located to ensure good access to the City's main economic drivers, including the regional centre and to ensure good national and international connections; is easily accessible by walking, cycling and public transport; connecting residential to jobs, centres, health, leisure, open space and educational opportunities. Policy T2 also states that applications should include appropriate Traffic Impact Assessments and

Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

With regard to development in district centres, policy T2 states 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.

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:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- g. Adequacy of internal accommodation and external amenity space;
- h. Refuse storage and collection.

Saved Unitary Development Plan (UDP) 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 Stockport 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. This is to be achieved through improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

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 DC10.3 - Development will not normally be permitted where:

- a. It is proposed outside the general locations mentioned above, or
- b. There is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

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.

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 Carrill Grove East and Cardus 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.

Draft Hot Food Take-Away Supplementary Planning Document (draft SPD) – On 1 June 2016, the Executive considered a report seeking approval to consult on the draft SPD. The Executive resolved to grant approval and the Council has embarked on a 3 month consultation period inviting representations from stakeholders, interest groups, businesses, organisations and members of the public. Given that the SPD is currently subject to consultation, it should be afforded limited weight at this stage. However, it does express the intentions of the Council and its intended approach when considering hot food takeaways (Class A5) and provides a framework for analysing the potential over proliferation of hot food takeaways in Levenshulme District Centre.

The emerging SPD seeks to build on the objectives and policies in the Manchester Core Strategy, as set out earlier in this report, in order to promote a healthy

population, sustainable communities and thriving district centres (in conjunction with Core Strategy policies SP1, C1, C2, C9 and C10). The Core Strategy seeks to promote centres as locations for a mix of uses including food and drink, and as places that improve access to healthy food. Centres are identified as suitable locations for the development of the night time economy, provided proposals meet policies controlling the harmful effects of uses on residential amenity and overall centre character.

The draft SPD has 3 policy objectives:

- i. To limit additional hot food takeaways within centres through the refusal of planning permission for new hot food takeaways where such uses already occupy 5% of the units within the centre. This figure is below the current average for the city and reflects the Council's desire to actively promote a more healthy food landscape across the city. The SDP also proposes that concentrations of hot food takeaways within centres should be avoided;
- ii. It includes a policy to manage the opening hours of hot food takeaways within 400 metres of a school, seeking to encourage children and parents to make healthy food choices;
- iii. There is also a proposed policy dealing with the range of amenity issues falling within the remit of planning, including noise, traffic and odours. Centres are the heart of our neighbourhoods and there is housing either within centres or immediately adjacent. It is important that development in centres does not compromise the attractiveness of the City's neighbourhoods as places to live.

Guide to Development in Manchester - States that throughout the City, the Council will encourage development that complements Supplementary Planning Document and Planning Guidance. The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester. The following aspects of the guide have been given consideration in this case:

- i. Paragraph 4.11 - States that all developments should be supported with a waste management strategy to ensure that adequately sized bin storage areas, access for collection crews and vehicles, and other aspects of waste management are designed into the development at the earliest stage;
- ii. Paragraph 11.24 - States that district and local centres are an important feature of neighbourhoods and contribute to the image and sense of place of an area;
- iii. Policy 11.25 - State that, whether they play a district or local function, centres should accommodate a range of facilities and services, not simply shops and hot food premises.

Levenshulme District Centre Action Plan 2009-2019 - The Levenshulme District Centre Plan is the first district centre plan to be developed in the south Manchester area. It is a long-term plan that aims to address the current and future development needs of the district centre, with a focus on strengthening the commercial and neighbourhood qualities of the area, looking specifically at the long-term social and

economic future of Levenshulme. The plan emphasises the need to provide services and facilities for Levenshulme residents.

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.

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, the applicant has been advised of concerns regarding the contribution of the proposed use on the over proliferation of Class A5 uses within Levenshulme District Centre. As a result of these discussions, the applicant provided supplementary details in relation to the period that application premises have been vacant. These details were subsequently material to the consideration of the proposed use. Sufficient information was submitted to allow the full consideration of all other aspects of the proposals.

Principle - The suitability of the proposed development has been primarily assessed with reference to the relevant policies of the Core Strategy and the guidance within the National Planning Policy Framework.

The proposals have been assessed with reference to the draft SPD, which has been used as an analytical framework for the consideration of its potential contribution to an over proliferation of hot food takeaways (HFTAs) in the district centre. It has also been necessary to consider the impact of the proposed use on residential and visual amenity and its effect on the character of the area.

For the reasons outlined within this report, it is considered that the proposed development would contribute to the over proliferation of HFTA in Levenshulme District Centre and character of the area. With regard to residential amenity, it is the case that the operation of authorised takeaways in the city is usually subject to conditions which ensure: the appropriate management of fume and vapour emissions; mitigation of noise from external equipment and provision of arrangements for waste storage and collection and opening times. The potential effects of the proposals on residential amenity are discussed more fully below. However, it is considered that the proposed use would have a potentially more significant impact on the wider amenities of the area when assessed in conjunction with the cumulative operation of other HFTA, particularly with regard to: the appearance of the application premises within the street scene and the generation of additional litter, noise, disturbance and activity.

In the light of the above considerations and for the reasons set out below, it is considered that the proposed use would be contrary to Core Strategy policies SP1, C1, C2, C10 and DM1 and the National Planning Policy Framework, particularly Chapters 2 and 8.

Impact on the district centre - The draft SPD refers to city-wide surveys of district centres undertaken in 2009, 2013 and 2015. The survey data for Levenshulme indicates:

- i. A total of 288 units excluding residential uses;
- ii. 31 HFTA uses (11%);
- iii. 20 vacant units (7%).

Levenshulme District Centre is significantly above the 5% acceptable threshold for HFTAs within the district centres as specified by draft SPD Policy 1. Levenshulme District Centre also has a vacancy rate that is below the 10% threshold as defined by SPD Policy 1. It is therefore considered that an over proliferation of HFTAs has been demonstrated. The cumulative impact of a further HFTA, in conjunction with existing Class A5 uses, would be contrary to Core Strategy Policy C10, due to its detrimental impact on the character or vitality and viability of the centre. The proposed use would not result in the clustering of Class A5 uses but the cumulative impact of the proposed use would be experienced through its stated combined operation in conjunction with existing HFTAs.

The draft SPD states that exceptions to Policy 1 may be considered where it can be demonstrated that use of a premises for a non-Class A5 purposes has been marketed for a period of 6 months without success. The applicant has indicated that the ground floor of the application premises have been vacant for approximately 15 months. The applicant has been asked to provide further evidence regarding the marketing of the premises and for what purposes. Notwithstanding the above, it is the case that Levenshulme District Centre has a relatively low vacancy rate. It is suggested that it would be thereby difficult to demonstrate exceptionality particularly where there is such a strong case for: the need to protect the sustained viability and vitality of the district centre; securing an appropriate balance between the provision uses that contribute positively to the respective day-time and evening / night-time economies and safeguarding residential amenities and character of the area. In the light of the above, it is considered that the proposed use would fail to meet the requirements of Core Strategy policies C2 and C10 and the National Planning Policy Framework (Chapter 2).

Residential amenity – Environmental Health have assessed the proposed use and advised regarding the technical measures that could be put in place to mitigate against identified and potentially harmful impacts on residential amenity. It is considered that measures could be put in place to ensure that the proposals could be appropriately undertaken in accordance with schemes to control the emission of fumes and vapours, ensure noise insulation to externally mounted equipment and the provision of satisfactory waste management arrangements. It is also considered that the proposed operating hours would reflect those that are commonly found within the district centre and would not be unreasonable given the nature of the proposed HFTA use, i.e., Monday to Sunday (including Bank holidays) 10.00 am to 11.00 pm. Whilst the proposed use may increase vehicular activity around the site, the position of existing double yellow lines would deter parking immediately outside the premises. The nature and magnitude of the proposals are considered to be acceptable to Highway Services subject to the undertaking of servicing and waste collection from Carrill Grove East.

It is considered, for the reasons discussed below, that the proposed use would potentially contribute to the harmful and cumulative impact of the operation of existing HFTAs in Levenshulme District Centre on the wider amenities of the locality. This would include the experiences of people visiting, working in and travelling through the district centre. This cumulative impact would be difficult to manage or mitigate against due to the number and dispersal of the HFTAs throughout the district centre. Notwithstanding the above, it is considered that elements of the proposed use would be harmful to the well-being and amenity of immediate local residents, particular with regard to litter, noise disturbance and activity. The proposed use would thereby be contrary to Core Strategy polices SP1, C10 and DM1, saved Unitary Development Plan policies E3.3 and DC26 and the National Planning Policy Framework (Chapter 8).

Impact on the street scene - The draft SPD discusses the vitality and viability of district centre with regard to the appropriate balance of their composite uses. It is the case that the occurrence of predominantly evening / night-time uses will affect the appearance and perception of the street scene during the daytime. These issues are reflected in Core Strategy policies C1, C2 and C10. The need to ensure that new development contributes positively to centres and the promotion of health communities is also expressed in the National Planning Policy Framework (Chapters 2 and 8)

In this case, particular concerns are related to the potential dispersal of litter resulting from the operation of the premises and the formation of inactive shop frontages through the closed display of rollers shutters. These issues reflect the concerns that have been considered with regard to Core Strategy Policy C1, which discusses the need to ensure that new development contribute positively to the definition of local character. Furthermore, Core Strategy policies C2 and C10 discuss the need for new development to enhance to the character of the existing centre and be appropriately related to street frontages. Reference is also made to saved Unitary Development Plan policy E3.3, which requires that development makes a positive contribution the street scene along radial route, which includes Stockport Road.

In this case, it is considered that proposed use would utilise existing shop fronts incorporating roller shutters, which are likely to remain closed during the day-time. Such circumstances would lead to the continued occurrence of the existing in-active frontage within an otherwise active immediate grouping of units between 808 and 811 Stockport Road. This existing arrangement is considered to be detrimental to the street scene. Whilst it is recognised that the opening of roller shutter during the today can be a planning condition, it is the case that such conditions can present future compliance issues (particularly as a result of changing premises management). In the event of the roller shutters being left closed, the proposals would further undermine an existing street scene that is currently punctuated with closed and inactive shop fronts to the detriment of the appearance and vibrancy of the street and its perception when visiting and travelling through the district centre. Closed roller shutters also emphasise a lack of balance in the composition of uses within the district centre. It is also the case that HFTAs are likely to generate litter, which is capable of being dispersed over wide area and to the detriment of the character and appearance of the district centre. Taking the above factors into account, it is considered that the proposed use would fail to meet the requirements of Core

Strategy policies SP1, C2, C10 and DM1, Save Unitary Development Plan policy E3.3 and the National Planning Policy Framework (Chapters 2 and 8).

Highways issues - As stated, Highway Services consider that the proposed use, would not unduly impact upon the adjacent highways network subject to the undertaking of servicing from Carrill Grove East.

Waste Management - Notwithstanding concerns with regard to the dispersal of litter, it is considered that the submitted details demonstrate that waste generated by the proposals could be satisfactorily managed.

Fume extraction - It is considered that, subject to the submission of comprehensive details relating to its design, appearance, specification, operation and maintenance, fumes and vapours could be satisfactorily managed and emitted from the premises. These details could include a colour treatment to the flue as a further safeguard to residential and visual amenity.

Conclusion - It is considered that the proposed use would contribute towards an existing over proliferation of hot food takeaways (Class A5) in Levenshulme District Centre. The proposals would thereby undermine the future viability and vitality of the district centre due to the lack of balance between day-time and evening /night-time uses in Levenshulme District Centre and the resulting impact of the composition, character and appearance of the street scene. The proposed use would also undermine the residential and the wider amenities of the area through the exacerbation of localised noise, activity and disturbance. On this basis, it is considered, on balance, that the proposed use would be contrary to development Core Strategy policies SP1, C1, C2, C10 and DM1, Save Unitary Development Plan policy E3.3 and the National Planning Policy Framework (Chapters 2 and 8).

**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 Core Strategy and saved polices of the Unitary Development Plan, the Head 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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      REFUSE**



## **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, the applicant has been advised of concerns regarding the contribution of the proposed use on the over proliferation of Class A5 uses within Levenshulme District Centre. As a result of these discussions, the applicant provided supplementary detail in relation to the period that application premises had been vacant. These details were subsequently material to the consideration of the proposed use. Sufficient information was submitted to allow a full consideration of all other aspects of the proposals.

## **Reason for recommendation**

1) The proposed hot food takeaway (Class A5) would exacerbate an existing over proliferation of such (Class A5) uses within Levenshulme District Centre and would thereby fail to: secure an appropriately balanced provision of uses that contribute positively to the respective day-time and evening / night-time economies and delivery a sustainable use (of the application premises) that would contribute positively to the character, vitality, viability and mix of uses within Levenshulme District Centre. The proposed hot food takeaway (Class A5) would thereby be contrary to policies C1, C2 and C10 of the Core Strategy for the City of Manchester and the National Planning Policy Framework (Chapter 2).

2) The proposed hot food takeaway (Class A5) would, in conjunction with other existing Class A5 uses within Levenshulme District Centre, have a harmful, adverse and cumulative impact on the residential and visual amenities of the area due to the additional dispersal of litter, localised noise, activity and disturbance and the appearance of the shop front in relation to Stockport Road (A6) as a result of the potential day-time closure of roller shutters to the application premises. The proposed use would thereby be contrary to Core Strategy policies SP1, C10 and DM1, saved Unitary Development Plan policies E3.3 and DC26 and the National Planning Policy Framework (Chapter 8).

## **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: 111977/FO/2016/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 held by the Planning Division.

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

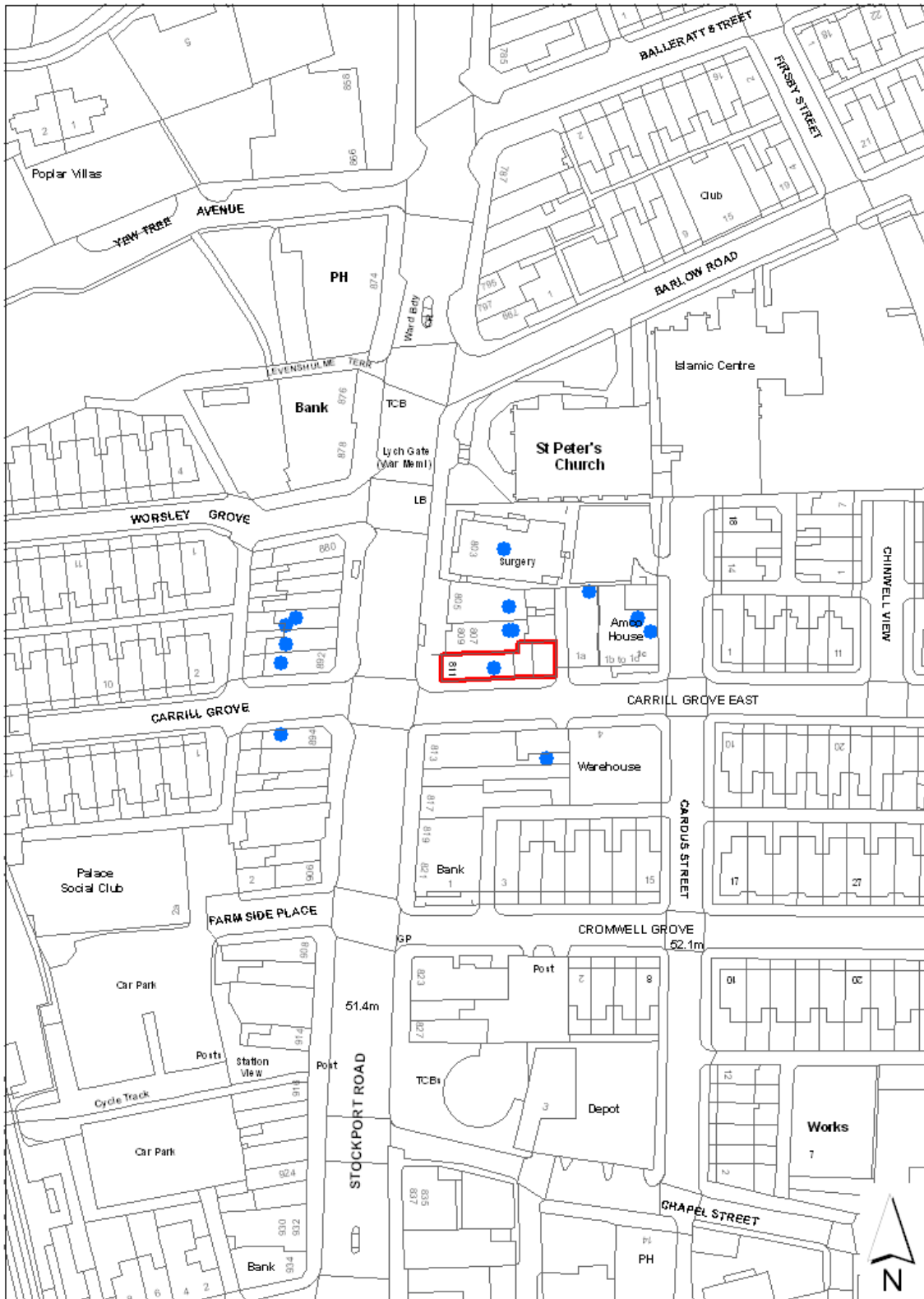
Levenshulme Traders Association  
Highway Services  
Environmental Health  
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

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

1 Danforth Grove, Levenshulme, Manchester, M19 2TD  
4 Brookfield Court, Burnage Ave, Manchester, M19 2JB  
4 Wray Gardens, Levenshulme, Manchester, M19 3HA  
6 Curtis Street, Manchester, M19 3ND  
45 Rushmere Avenue, Manchester, M19 3FH  
4 Collingwood Road, Manchester, M19 2AW  
6 Fernleigh Avenue, Manchester, M19 3 LU  
21 Marshall Road, Manchester, M19 2eg  
32 Lincoln Avenue, Levenshulme, Manchester, M19 3LB  
106 Watts Street, Levenshulme, Manchester, M19 2TS  
3, Stanhope Street, Manchester, M19 3WQ  
2 Delamere Road, Levenshulme, Manchester, M19 3NQ  
17 Roseleigh Avenue, Levenshulme, Manchester, M19 2NP  
27 Bristol Avenue, Manchester, M19 3NU  
183 Broom Lane, Manchester, M19 3LX  
9 Worsley Grove, Levenshulme, Manchester, M19 3AF  
76 Central Avenue, Levenshulme, M19 2EN  
8 Carrill Grove, Levenshulme, Manchester, M19 3AE  
3 Errwood Crescent, Manchester, M192NX  
26 Windsor Road, Manchester, M19 2EB  
29 Brynton Road, Manchester, M13 0Gy  
Osborne Road, Levenshulme, M19 2DT  
6 Carrill Grove, Levenshulme, M19 3AE  
5 Carrill Grove, Levenshulme, Manchester, M19 3AE  
8 Arliss Avenue, Levenshulme, Manchester, M19 2PD  
Broom Lane, Manchester, M19  
72 Matthews Lane, Manchester, M19 3ES  
6, Carrill Grove, Manchester, M19 3AE  
40 Thornccliffe Grove, Levenshulme, Manchester, M19 3LS  
12 Worsley Grove, Levenshulme, Manchester, M193AF  
Carrill and Worsley Groves Residents Association

**Relevant Contact Officer :** Carl Glennon  
**Telephone number :** 0161 234 4530  
**Email :** c.glennon@manchester.gov.uk



 Application site boundary  Neighbour notification  
© Crown copyright and database rights 2016. Ordnance Survey 100019568