

Application Number	Date of Appln	Committee Date	Ward
113707/FU/2016	1 Sep 2016	20 Oct 2016	Gorton South Ward

Proposal Change of use of ground floor from vacant shop (A1) to cafe (Class A3) together with associated fume extraction flue

Location 811 Stockport Road, Manchester, M19 3BS

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

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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 last authorised use of the premises were last used was a college / educational facility (Class D1) granted under planning application 084045/FO/2007/N2 on 21 November 2007. Notwithstanding the above, the applicant maintains that a ground floor retail use was undertaken prior to the application premises becoming vacant in March 2015. The upper floors also appear to be currently vacant.

The application site was the subject of the following planning application, which was refused planning permission on 29 July 2016:

Planning application Ref: 111977/FO/2016/N2 - 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

Planning permission was refused [in respect of planning application [111977/FO/2016/N2] on the grounds that a hot food takeaway (Class A5) use would:

- i. 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 that would contribute positively to the character, vitality, viability and mix of uses within Levenshulme District Centre;
- ii. 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 development relates to the formation of a restaurant (Class A3) with the associated internal reconfiguration of internal spaces entire ground floor of the premises including its extension and outbuildings. The ground floor has split level with the lower section to be used as a customer area accessed via the doorway to Stockport Road with 4 tables and a 17 seat capacity. The raised area would be accessed via 3 steps leading to a customer waiting area. Beyond the public areas the following would be formed: serving counter; kitchen; 2 x storerooms, office, accessible WC and bin store. 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.

Details of the proposed internal layout are shown in Figure 1 (overleaf).

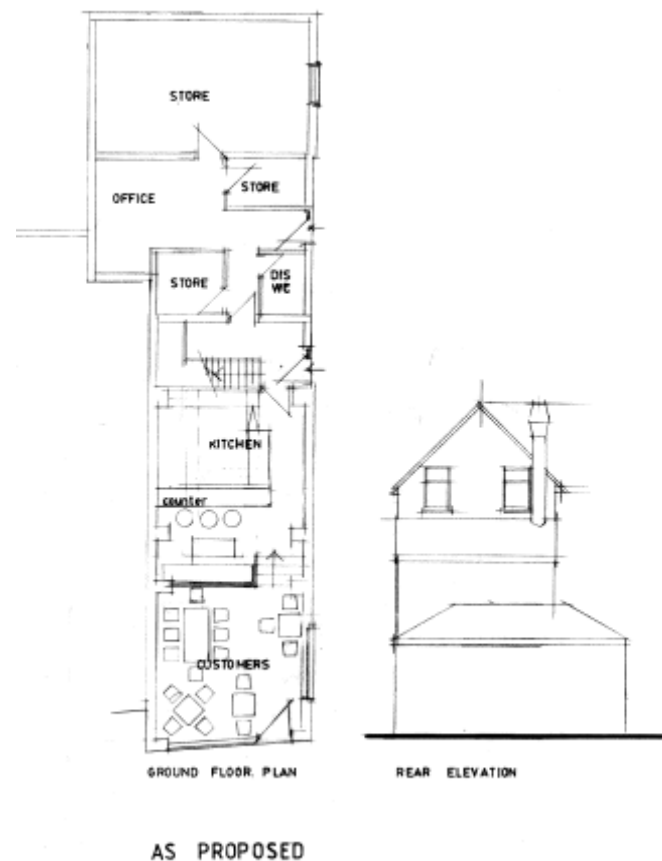


Figure 1: Proposed internal ground floor layout and elevational alterations

Consultations

Local Residents – 12 emails objecting to the proposals have been received and are summarised below:

- i. The proposals would add to an over provision of food outlets in Levenshulme District Centre;
- ii. These are concerns that the premises will operate as a hot food takeaway rather than a restaurant. This concern is heightened by the lack of a dedicated customer WC, which would usually be required in respect of the operation of a restaurant;
- iii. The proposal would generate additional traffic and on-street car parking thereby adding further to highway congestion in the district centre;
- iv. The proposal would generate additional noise and disturbance and thereby be harmful to residential amenity;
- v. The proposed use would also produce harmful smells, vapours, pollution and litter;
- vi. The proposals would result in the loss of a retail unit thereby reducing the retail offer in the district centre. A wider range of shops needs to be encouraged;
- vii. The proposal would not encourage healthy eating particularly if a hot food use were to be ultimately undertaken;

viii. There are vermin and infestation issues in the area, which are attributed to the large number of food outlets in the area and related poor waste management.

Councillor Dzidra Noor (Levenshulme Ward Member) – Objects to the proposed development on the following ground:

- i. Levenshulme District Centre has an over provision of hot food outlets and no further such uses are required;
- ii. The lack of a customer WC raises concerns that the premises would be used as a hot food take away rather than a restaurant;
- iii. There are existing issues in the district centre relating to fly-tipping and dispersal of waste. There is concern that these issues would be exacerbated by the waste and litter generated by the proposed use.

Highway Services – The following comments have been received:

- i. Given its district centre location the site is considered to be suitably accessible by sustainable modes of transport for both staff and clients. The site is in close proximity to a number of bus stops and frequent services are in operation. It is also located within walking distance of Levenshulme Railway Station;
- ii. It is anticipated that the proposed change of use is unlikely to generate a significant increase in the level of vehicular trips. Therefore, the proposal does not raise any highway safety or network capacity concerns;
- iii. There is no off-street parking provided within the development. However, there is unrestricted parking along the majority of side roads within the district centre which is considered adequate. An on-street loading bay operating Monday to Saturday 7.00 am to 7.00 pm is located on Carrill Grove East at the side of the property which will assist when deliveries are received;
- iv. The submitted waste management strategy indicates that all waste is to be stored within the building then moved on agreed days to the designated collection point on Carrill Grove East at the side of the building which is considered acceptable;
- v. Detail is sought on proposed construction arrangements from a highways perspective covering proposals for delivery, storage and disposal / collection of materials. The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the City Council's Highways Applications and Network Resilience teams.

Environmental Health – A request has been made for conditions to be applied, should planning permission be granted, in relation to the following:

- i. Opening hours should be restricted to this applied for:
Monday to Sunday 10:00 am to 11.00 pm (including Bank Holidays);
- ii. Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 7:30 am to 8:00 pm, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays;
- iii. A scheme should be submitted, approved, and implemented to ensure the appropriate extraction of fumes and vapours;
- iv. A scheme should be submitted, approved, and implemented to ensure that 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 below the typical background level at the nearest noise sensitive location.

- I. The development should be undertaken in accordance with the submitted waste management scheme;
- vii. Any external lighting that may be required as part of the proposed development shall be designed and installed so as to control glare and overspill onto nearby residential properties.

GM Police Design for Security - Any comments to be reported.

Issues

National Planning Policy Framework - This Framework came into effect on 27 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 – Emphasises the importance of 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. Paragraph 23 aims to ensure the vitality of town centres through carefully management.
- 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 to the quality of 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;
 - c. Paragraph 69 recognises planning plays an important role in facilitating the creation of healthy communities. It encourages local planning authorities to work with public health practitioners to understand the health needs of their population and to do what they can to address any barriers to improving health and well-being;
 - d. 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:

- i. 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;
- ii. Residential amenity - the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance;
- iii. 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:

- 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.

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 been referred to in the assessment of this planning application due to concerns regarding the potential for the premises to be used as an hot food take-away (HFTA) or that food may be made available for consumption off the premises as part of a restaurant use. The draft SPD acknowledges that it can be difficult to draw a distinction between restaurants (Class A3) and HFTAs (Class A5) particularly as such uses can often operate from the same premises. However, the SPD advises that a distinction can be made through the application of the following criteria:

- i. The presence of an ordering counter for hot food takeaways and the proportion of space given over to food preparation in relation to customer circulation;
- ii. The number of tables and chairs to be provided for customer use.

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, discussions have been undertaken to ensure that the internal layout would secure satisfactory access to the proposed ground floor WC. In all other respect the application was supported to allow its full assessment and therefore there was no further requirement to request any additional information.

Principle - 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 and its effect on the character of the area, including the appearance, vitality and viability of Levenshulme District Centre.

The proposals have also been related the draft SPD (hot food take aways). Whilst the proposed development would not involve the formation of a HFTA, the draft SPD has been used to assess and differentiate between the formation of the proposed restaurant (Class A3) and the operation of a HFTA (Class A5). This distinction is particularly important as there is an acknowledged over proliferation of HFTAs in

Levenshulme District Centre and the provision of additional hot food take away as an ancillary function of the proposed use.

In the case of this planning application, the applicant has submitted a proposal for a small restaurant with a 17 seat dining capacity. The identified counter within the ground floor layout would be used for the service of diners' food rather the sale of hot food for consumption off the premises. It is considered that restriction can be related to the proposed use by planning condition to prevent the future operation of an HFTA (Class A5) as part of the proposed development.

Notwithstanding the above, it is has been necessary to acknowledge the potential impact of the development on the locality, particularly with regards to the need to ensure: appropriate management of fume and vapour emissions; mitigation of noise from external equipment and provision of arrangements for waste storage and collection and operation of appropriate opening times. It is considered that these potential impacts, for the reasons set out below, are capable of being addressed through the detail of the planning application and by necessary and appropriate conditions to secure compliance with 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 – In assessing the proposed development, its potential contribution to the vitality and viability of district centre has been considered, including the appropriate balance of its composite uses. The draft SPD refers to surveys of the city's district centres undertaken in 2009, 2013 and 2015. The most recent (2015) survey data for Levenshulme indicates a total of 288 units excluding residential uses of which there are:

- i. 31 HFTA uses (11%);
- ii. 11 Restaurants (4%);
- iii. 20 vacant units (7%).

On the basis of the above data, it is not considered that the district centre has an over provision of restaurant (Class A3) uses. The uses immediately adjacent to the application premises comprises of a health centre, discount retail store and a pharmacy with an estate agency located on the opposite corner of Stockport Road and Carrill Grove East. On this basis, a clustering of food and drink uses would not occur. Any emission of fumes and vapours would be localised and more manageable than in other circumstances where there would a cumulative impact from the operation of a food and drink uses in close proximity to each other.

It is considered that a restaurant use (Class A3) would make a more positive contribution to the district centre that a HFTA (Class A5) as it would: be more likely to open during the day-time and would generate fewer customer and vehicle movement to and from the premises. The proposed use would have a less transient patronage and be less likely to become a focal point for people wishing to engage in anti-social behaviour or otherwise create disturbance. As food would be solely consumed within the proposed restaurant, the dispersal of litter outside the premises and surrounding streets would be avoided. It is thereby considered that the proposed development would overcome many of the concerns relating to the refusal of previous planning application 111977/FO/2016/N2 and positively contribute to the vitality and viability of the district centre. The proposed development would thereby be positively related to Core Strategy policies C1, C2 and C10 and the National Planning Policy Framework (Chapters 2 and 8)

Management of the future use of the premises – The acceptability of the proposed development is related to its sole operation as restaurant. A condition has therefore been recommended that the premises to ensure that it is only used for Class A3 purposes within the ground floor and limited to the dining and food preparation areas identified on the approved drawings. A separate condition has been recommended to specifically state that there is no provision for sale, collection or delivery from the premises, this would include home deliveries via a 'courier' arrangement. It is considered that such an approach will clearly differentiate the authorised use from a HFTA and ensure the operation of the premises with unduly affecting residential amenity. The applicant has provided an amended layout drawing to demonstrate that a ground WC would be provided and accessible to customers thereby positively responding to a concern expressed by residents. The proposed development would thereby be positively related to Core Strategy policies C1, C2 and C10 and the National Planning Policy Framework (Chapters 2 and 8).

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 appropriate control of the emission of fumes and vapours, 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 scale of proposed restaurant use, i.e., Monday to Sunday (including Bank holidays) 10.00 am to 11.00 pm. It is considered that the nature of the proposed development would need to be viewed within the context of the character of a vibrant district centre and that any impact on residential amenity would be capable of being managed through planning conditions. On this basis it is considered that the proposed development would be satisfactorily related 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).

Highways issues - Whilst the proposed use may increase vehicular activity around the site, its capacity and potential to generate traffic would be consequentially small. The existence of double yellow lines would deter parking immediately outside the premises and waste collection is capable of being undertaken from Carrill Grove East thereby reducing potential impact of the flow of traffic on Stockport Road. It is also the case that application site benefits from its proximity to local bus services and Levenshulme Railway Station. In such circumstances there would be a reduced reliance on the premises being visited using private cars. The exclusion of hot food sales and deliveries from the proposals would reduce the number of vehicles potentially visiting the site. It is also the case that the site benefits from an on-street loading bay on Carrill Grove East, which would aid servicing and thereby helping to ensure that traffic along Stockport Road would not be unduly affected by deliveries to the premises. On balance, it is considered that vehicular activity attributable to the development would be capable of being accommodated with the local highways network thereby ensuring that the development is appropriately related to Core Strategy policies SP1, T1, T2 and DM1 and saved UDP policies E3.3 and DC10.1.

Impact on the street scene – The applicant has not proposed any external alteration of the premises or details relating to the display advertisement signs. There are roller

shutters to the external windows and doors, which have been in place for a number of years and appear to be beyond the period for enforcement action. The relationship of the ground floor of the premises to the street scene would not appreciably change. However, it is considered that there is an opportunity to improve its appearance through a condition requiring that roller shutters to windows on the Stockport Road and Carrill Grove East elevations are open throughout the proposed trading hours of 10.00 am to 11.00 pm, Monday to Sunday. It is considered that the above measures would contribute positively to the character of the streetscene and the wider district centre thereby complying positively with the requirements of Core Strategy policies SP1, C2, C10 and DM1, saved Unitary Development Plan policy E3.3 and the National Planning Policy Framework (Chapters 2 and 8).

Opening hours – The proposed opening hours would secure the potential day-time operation of the premises from 10.00 am, whilst ensuring that residential amenity would not be unduly affected (within the context of the district centre) by the cessation of trading at 11.00 pm. On this basis it is considered that the development has been appropriately related to Core Strategy policies SP1 and DM1 and saved UDP policies DC10.1 and DC26.

Servicing hours – A condition has been recommended to only allow servicing of the premises within the following hours: deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 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 secure compliance with Core Strategy policies SP1 and DM1 and saved UDP policy DC10 and DC26.

Waste Management – The submitted details relating to waste storage arrangements within an identified storeroom accessed within Carrill Grove East are considered to be acceptable. A condition has been recommended to ensure that these arrangements are related to the development by condition with their implementation in place upon commencement of the authorised use and maintained in situ thereafter. This condition will secure compliance with Core Strategy policies SP1, EN19 and DM1 and saved policies E3.3, DC10.1 and DC10.4.

Fume extraction – Environmental Health are satisfied that an appropriate fume extraction system is capable of being suitably designed but the submitted details do not provide sufficient assurances in relation to odour and noise control and ventilation. The LPA has concerns regarding the design and colour treatment of the flue which would be visible from Carrill Grove East. The applicant has been advised that a condition is to be recommended to ensure the submission, approval and implementation of a scheme relating to the appearance, specification and maintenance of a fume extraction system. The provision of a satisfactory scheme would ensure that the development is appropriately related to Core Strategy policies SP1 and DM1 and saved policies DC10.1, DC10.4 and DC26.

Noise – In response to the comments of Environmental Health, a condition has been recommended to ensure that a scheme is submitted, approved, and implemented to ensure that externally mounted ancillary plant, equipment and servicing is selected and / or acoustically treated in accordance with a scheme designed so as to achieve a rating level below the typical background level at the nearest noise sensitive location. This condition is considered to be necessary given the proximity of the application premises to nearby housing and secure compliance with Core Strategy policies SP1 and DM1 and saved policies DC10.1, DC10.4 and DC26.

Conclusion – It is considered that the nature of the development would potentially allow the day time, evening and night time operation of the premises, which contribute the commercial offer within the strict centre. The development would thereby be appropriately relates to Core Strategy policies C2 and C10. Following an assessment of the planning application, it is considered that the development would not unduly affect residential amenity or wider character of the area and any potentially harmful impact could be managed through conditions. Furthermore, conditions have been recommended to ensure the ground floor premises would only be used as a restaurant (Class A3). Taking the above factors into account it is considered that the development would be appropriately related and compliant with Core Strategy policies SP1, C1, C2, C10, EN19 and DM1, Save Unitary Development Plan policies E3.3, DC10 and DC26 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 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

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, discussions have been undertaken to ensure that the internal layout would secure satisfactory access to the proposed ground floor WC. In all other respect the application was supported to allow its full assessment and therefore there was no further requirement to request any additional information.

Reason for recommendation

Conditions to be attached to the decision

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received on the specified dates: Planning application forms (received 23 August 2016); Site location plan with a red edge (received 23 August 2016) Plan and elevations existing and as proposed ref: 1675/16/01B (received 6 October 2016).

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

- 3) The planning permission hereby granted relates to the undertaking of a restaurant use (Class A3) within the ground floor of 811 Stockport Road and for no other purposes. The public dining facilities forming part of this permitted uses shall only be undertaken within the customer areas as shown on approved drawing Ref: Plan and elevations existing and as proposed ref: 1675/16/01B.

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.

- 4) The planning permission hereby granted does not confer consent for the collection or delivery of customers' food and drink for consumption off the premises at any time.

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.

- 5) The premises shall not be open outside the following hours:

Monday to Sunday (including Bank Holidays) – 10.00 am to 11.00 pm

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 policy DC26 of the Unitary Development Plan.

- 6) No loading or unloading shall be carried out on the site outside the hours of daily:

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.

- 7) The development hereby approved shall be fully implemented in full accordance waste management strategy, comprising, Waste Management Strategy document and accompanying proposed drawing and waste strategy pro forma (all received on 1 September 2016), which shall be in place upon first use of the development and remain in situ thereafter.

Reason - In the interests of residential amenity pursuant to policies SP1, DM1 and EN19 of the Core Strategy for the City of Manchester and the guidance within the National Planning Policy Framework.

- 8) Before the first use of the development, a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority, including the external colour treatment of external flues. The approved scheme shall be implemented prior to the first use and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy 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) Before first use of the development 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, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

- 10) The planning permission hereby granted does not confer consent for alteration to the existing shopfront or the display of advertisement signage.

Reason – In the interests of residential amenity and to safeguard the appearance and character of Levenshulme District Centre, pursuant to policies SP1, C2, C10 and DM1 of the Core Strategy for the City of Manchester and saved Unitary Development Plan policy E3.3.

- 11) The existing roller shutters to the Stockport Road shopfront and windows to the ground floor Carrill Grove East elevations shall remain in open position during the hours of 9.00 am and until the premises close in accordance with the authorised opening times.

Reason - In interests of residential amenity and to safeguard the appearance and character of Levenshulme District Centre, pursuant to policies SP1, C2, C10 and DM1 of the Core Strategy for the City of Manchester and saved Unitary Development Plan policy E3.3

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: 113707/FU/2016 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:

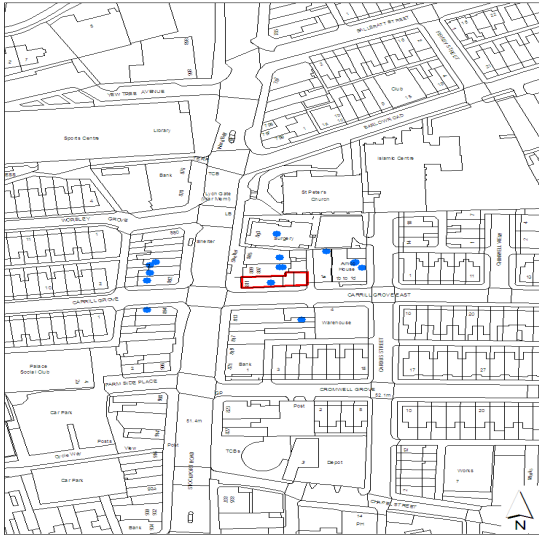
Highway Services
Environmental Health
Greater Manchester Police

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:

11 Oldhall Lane West Point, Manchester, M19 2AJ
3 Errwood Crescent, Manchester, M19 2NX
34 Lincoln Avenue, Manchester, M19 3LB
9 Kingsway Avenue, West Point, Manchester, M19 2DH
Flat 2 Brookfield Court, Burnage Avenue, Manchester, M19 2JN
17 Kingsway Avenue, Manchester, M19 2DH
11 Old Hall Lane, Levenshulme, Manchester, M19 2AJ
Osborne Road, Levenshulme, Manchester, M19 2DT
74 Milwain Road, Manchester, M19 2PR
62 Albert Road, Manchester, M19 2AB
8 Woodfold Avenue, Manchester, M19 3AP
One email without postal address

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



 Application site boundary  Neighbour notification
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