

Application Number	Date of Appln	Committee Date	Ward
112528/FO/2016/N2	6th Jul 2016	9th Feb 2017	Levenshulme Ward

Proposal Change of use of ground floor to two units ,comprising one restaurant and one cafe (Class A3) with 3 apartments above, single storey rear extension and associated elevational alterations

Location 863-871 Stockport Road, Levenshulme, Manchester, M19 3PW

Applicant Mr Ary Hasan Mohammed , 28 Honeywell Lane, Oldham, OL8 2AA,

Agent Mrs Dawn Winterbottom, Plans Drawn, 4 Swallow Close, Carrbrook, Stalybridge, SK15 3LU,

Background

This planning application was deferred from consideration by the Planning and Highways Committee at its meeting on 20 October 2016 so that further supporting information could be submitted. The committee requested information in respect of the following:

- i. A comprehensive waste management which:
 - a. Identifies separate refuse areas must be provided for residential and commercial properties with appropriate capacity of the storage of separated waste and recyclable material.
 - b. Provides details of commercial waste contract and the location of the proposed collection point for domestic and commercial waste/recycling and details of the route the collection vehicles will take;
 - c. Confirmation of the site management arrangements for the presentation of refuse containers to the identified collection points and their return to storage areas on collection days;
 - d. Arrangements for street sweeping around the premises at the end of each working day;
- ii. An assessment needs to be made of the car parking demand in respect of the restaurant and café uses and the upper floor residential accommodation. This should include an assessment of: the extent of on street car parking in the area; the availability and capacity of public car parking in the surrounding area (including lay-by parking) and measures to reduce private car usage by residents and staff and encourage cycling;
- iii. Justification of the loss of retail units (Class A1) to determine if there is any demand for its future and continued use for retail (Class A1) purposes;

Description

In response to the above the applicant has submitted additional information, which has been considered and commented upon in the following report. This application relates to a 2-storey building, which is located in Levenshulme District Centre and presents its frontage to Stockport Road. To the immediate north

of the site is a former public house, which has been converted as part of a mixed use retail and residential development. To the south is a parade of 2-storey shops two hot food take-aways (Class A5), an insurance brokers (Class A2) and a retail shop (Class A1). Bankley Street is located to the rear (east) of the site and access via Alexandra Terrace. Bankley Street is characterised by former warehouse building accommodating light industrial uses and provide access to an enclosed service yard.

The ground floor of the premises is vacant but was last used for retail purposes with its Stockport Road elevation incorporating display windows with entrance doorways, roller shutters and separate doorway to the first floor. The first floor elevation to Stockport Road is rendered in contrast to the red brick rear elevation, which also incorporates a 2-storey flat roof outrigger.

During the consideration of this planning application, the applicant amended it's description to omit the inclusion of a hot food take-away, which was originally proposed as part of the ground floor restaurant use. The revised proposals comprise of:

- i. The sub-division of the ground floor into two Class A3 units. The first would be a restaurant incorporating a single storey flat roof extension and internal public dining area, WC, kitchen and food preparation area. The restaurant would have an internal area of 182 sq metres. The proposed extension would be extended across approximately half of the rear yard to a position adjacent to the boundary with Bankley Street. The extension would have a maximum height of 3.2 metres. The development also involves the formation of a smaller self-contained café with an internal area of 87 sq. metres and incorporating a public dining area, WC, kitchen and external drinking and dining area;
- ii. Ground floor elevations would be altered to replace the existing centrally positioned ground floor double doors with glazing to match the existing. A single doorway with level access would be installed in relation to the proposed restaurant. A pair of sliding doors, again with level access, would be formed in respect of the proposed café;
- iii. The 3 proposed first floor flats would be linked internally by an L-shaped corridor connecting the front door adjacent to 873 Stockport Road with a new rear first floor doorways and external staircase to the ground floor. The proposed flats would comprise:
 - a. Flat 1 – Two bedrooms, kitchen/living room and bathroom with an area of 84 sq. metres;
 - b. Flat 2 - Two bedrooms, kitchen/living room and bathroom with an area of 61 sq. metres;
 - c. Flat 3 - One bedroom, kitchen/living room and bathroom with an area of 54 sq. metres.

The applicant proposes to locate waste and recyclable containers within the retained rear yard with access via new gates to Bankley Street. The following hours of operation are proposed in respect of the ground floor Class A3 uses:

Monday to Friday: 9.00 am to 10.30 pm;

Saturday: 9.00 am to 11.00 pm;
Sunday and Bank Holidays: 9.00 am to 10 .30 pm.

The proposed elevations and layout drawings are shown at Figure 1, 2 and 3.

Figure 1 - Elevations



Figure 2 – Proposed ground layout

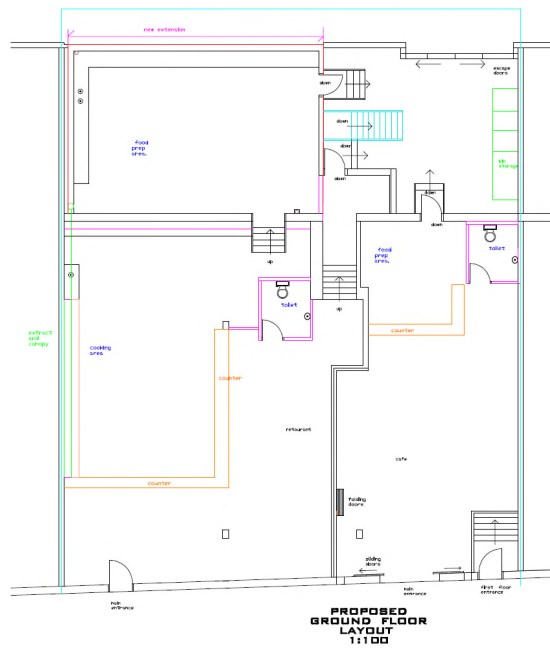
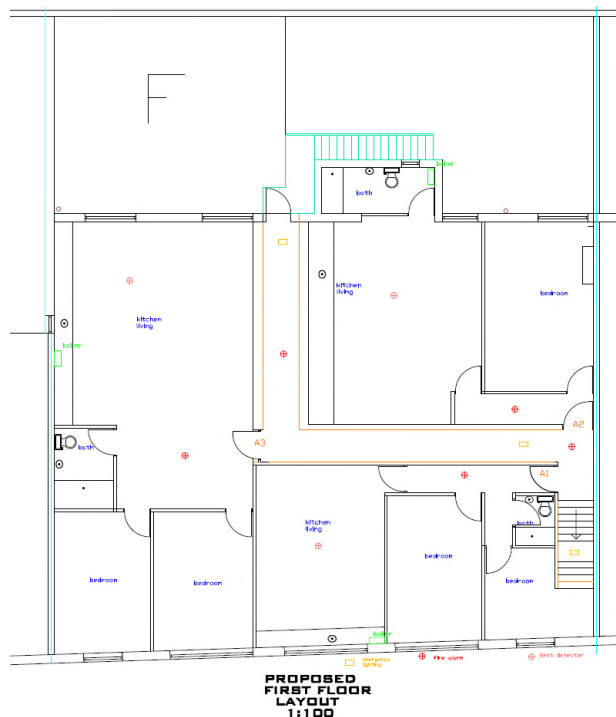


Figure 3 – Proposed first layout



Consultations

Local Residents – As previously stated, this planning application was amended during its consideration and it was necessary to undertake a series of re-consultation with local residents and other interested parties in respect of the detail of the proposed amended development.

The initial consultation related to the proposed formation of ground floor restaurant with take away facilities and separate café with 3 flats above. In response 105 emails of objection were received and are summarised below:

- i. There is an over proliferation of hot food take aways (HFTAs) in Levenshulme District Centre. The introduction of a further HFTA would exacerbate the disamenity experienced by residents and further diminish the quality of the retail offer in the District Centre. There is a view that the diversity of shops and services in the District Centre need to be improved;
- ii. The local area is affected by the harmful impacts of a high concentration of HFTAs, in terms of: fumes, odours, litter, poor waste management leading the rodent infestation, noise, disturbance and anti-social behaviour;
- iii. The introduction of an HFTA, in an area with a high concentration of such uses, would be contrary to the City Council's draft SPD;
- iv. The proposals would generate additional traffic and lead to increased and potentially hazardous on-street car parking;
- v. The proposals would encourage the consumption of unhealthy food to the detriment of the well-being of the local population.

A second re-consultation was undertaken following the applicant's confirmation that the HFTA element of the proposals had been withdrawn. A further 64 emails of objection were received. Many residents maintained that, despite changes to the description of the proposed development, HFTA facilities would still be available from the application premises. As a result, the previous expressed concerns and objections relating to the over proliferation and concentration of HFTAs, and the resulting harmful impact on local amenities and highway safety, would remain and be unaffected by the changes to the proposals.

A third re-consultation was undertaken to clarify the inclusion of a single storey rear extension as part of the proposed development. As result a further 34 emails of objection were received, which reiterated some of the previously expressed concerns regarding the proposals, particularly with regard to the potential operation of HFTA facilities as part of the operation of the premises. The following additional comments were received:

- i. It is not considered that the proposed development would improve health and social and cultural well-being and would thereby be contrary to policies within the Core Strategy and the National Planning Policy Framework. Nor does the development positively contribute to the formation of neighbourhoods of choice;
- ii. The high street (Stockport Road) is dominated by fried chicken outlets and there is a limited retail offer. There is a perceived over proliferation of hot food
- iii. take- aways and it is considered that any new food outlets should offer family friendly dining with healthy cuisine;
- iv. There is concern that despite the description of the development that the application premises will operate as a hot food take-away rather than a restaurant;
- v. There is also concern that any planning conditions, that may be imposed should planning permission be granted, will not be adhered to particularly if the premises were to be re-sold as a hot food take-away. There is concern that the future use of the premises will not be monitored by the City Council to secure compliance with any planning permission that may be granted;
- vi. It is considered that the proposal will not be supported with satisfactory arrangements for the storage and collection of waste. It is reported that waste cooking oil has been deposited into the local drainage system thereby causing environmental harm;
- vii. Concern has been expressed regarding the potential for the proposals to contribute to localised infestation by vermin.

Councillor Dzidra Noor (Levenshulme Ward Member) – Has submitted 2 emails of objection; one in respect of the original proposals and the other in respect of the revised proposals, which omitted the previously proposed HFTA. Councillor Noor maintains that there are too many hot food take-aways and other food outlets in the District Centre, which have a detrimental impact upon the amenities of the local area. Concern was also expressed regarding the potential for additional traffic and on-street car parking in respect of the revised proposals. Councillor Dzidra Noor has reaffirmed her objections to any further hot food take-aways and restaurants in

Levenshulme District Centre and requests that planning permission be refused prior to the Planning and Highways Committee meeting of 20 October 2016.

Councillor Basat Sheikh (Levenshulme Ward Member) – Has submitted an email that agrees with the comments of Councillor Noor and expresses his objection to both the original and revised proposals.

Levenshulme Traders Association – Objected to the original proposals, on the basis of the over proliferation of hot food take-aways in Levenshulme District Centre. Concern was expressed in respect of traffic potentially generated by the proposals and the occurrence of parking on-street despite the presence of double yellow lines. It is also considered that the proposed development would generate harmful smells, odours and litter. The proposed opening hours are objected to particularly with regard to late evening opening and the disturbance from car visiting the premises.

Highway Services – Have indicated that their originally submitted comments have not been affected by changes to the proposals. The following comments are therefore asked to be taken into consideration:

- i. There are no proposed works to the adopted highway. The proposed change of use to form two restaurants and residential units are all contained within the private boundary to the development with minimal highway implications;
- ii. As with similar restaurant/takeaway developments, a high proportion of customers would make pass-by trips travelling on foot or using public transport. The application site is served by bus services and stops on Stockport Road and Levenshulme Railways Station. These circumstances would reduce customer car parking demand;
- iii. As the development proposal is within a local shopping area it is likely that a high proportion of trips to the restaurants would be undertaken as part of a linked trip to the area and as such the provision of specific car parking would not be essential to the development;
- iv. There is some limited waiting parking bays on Stockport Road should customers require short stay car parking.

Comments have been made with regard to servicing arrangements, waste management and secure cycle storage. The applicant has provided indicative details of how these arrangements can be accommodated within a relatively large external yard with access via Bankley Street. The additional submission gives a high degree of certainty that the operational requirements of the substantive development can be accommodated within the site with the final details being capable of being agreed by condition.

Environmental Health – Prior to the previous consideration of the proposed development, a request has been made for conditions to be attached to any planning permission relating to the following:

- i. Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays;

- ii. 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; any works approved shall be implemented before the use commences;
- iii. Opening hours to be agreed following the undertaking of a satisfactory noise assessment;
- iv. External lighting shall be designed and installed so as to control glare and overspill onto nearby residential properties;
- v. Before the Class A3 uses commence, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as Local Planning Authority. Any scheme approved in discharge of this condition shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as Local Planning Authority;
- vi. Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Stockport Road and the proposed Class A3 uses shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied;
- vii. 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 (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location;
- viii. Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation;
- ix. An air quality impact assessment for the development shall be submitted to and approved in writing by the City Council as local planning authority.

In response to the expressed concerns of members and comments of Environmental Health, the applicant has submitted an additional package of information.

Environmental Health have assessed the information and indicated that, subject to clarity regarding its detailing, the arrangements relating to waste storage and collection for the proposed restaurant and residential uses, these matters can be addressed by condition. These conditions would ensure the provision of details of a waste collection contract, which would need to be put in place prior to the first occupation of the residential or restaurant uses. Details would also need to be provided relating to the presentation and return of bins to and from their specified collection points and the undertaking of street sweeping at the end of each trading day. Given the space within the external yard area, it is considered that the site has the capacity to secure appropriate waste and litter management and the final details are capable of being agreed via condition. Furthermore, the applicant is actively

working towards the submission of waste management and operational plan with a view to fulfilling the requirements of the relevant recommended conditions.

Greater Manchester Police Design for Security – No objection subject to further consideration of the following:

- i. Physical Security – Restaurant/Café
 - a. Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards;
 - b. 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;
 - c. Any staff areas that are to be included within the property should be access controlled and restricted to members of staff only.
 - d. Dusk until dawn lighting should be installed to all external doors.
- ii. Physical Security - Apartments
 - a. Access in to the flats should be controlled by a video entry phone system (with the picture viewable on the phone unit, rather than on a television set) so that residents can vet visitors before allowing them access in to the building. Trade access is not permitted;
 - b. The flat entrance doors must be compliant with and certified to appropriate secured by design standards. It is advised that these doors do not have fixed sidelights, and are provided with door viewers instead.

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;
- v. 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.
- i. 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;
- ii. 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;
- iii. 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, 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.

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 proposed units to be used as an 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 hot food take-aways 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;
- iii. 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;
- iv. 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.

In this case, 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 with the applicant via his agent resulted in amendments to the description of the development and the removal of a hot food take away as part of its operation. Discussions have also secured agreement in respect of the conditions requested by Environmental Health. Discussions with the applicant also secured satisfactory alterations to the existing shopfront and its entrance arrangements. 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 of the development – The suitability of the proposed development has been primarily assessed with reference to the relevant policies of the Core Strategy (including saved UDP policies) and the guidance within the National Planning Policy Framework. This assessment has focussed upon the impact of the proposed use on residential and visual amenity and its effect on the character of the area, including the appearance, vitality and viability of Levenshulme District Centre.

In considering the proposed development reference has, therefore, been made to saved UDP policy DC10, which identifies District Centres as suitable locations for food and drink uses, including restaurants. The contribution of the development to the provision of services, facilities and residential accommodation in Levenshulme District Centre has also been considered with reference to Core Strategy SP1 and C1. It is considered that the proposals would deliver a sustained use for the ground floor of the premises and add to local housing choice. On this basis, it is considered that the development would accord with Core Strategy policies SP1 and C1 and saved UDP policy DC10.

The proposals have also been related the draft SPD (hot food take-aways). As the draft SPD has not been adopted as City Council policy its can be given only limited material weight. However, its content has been referred to in the assessment of the differing characteristics impacts of a 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.

It is the case that the proposals would introduce 2 food and drink uses in close proximity to two existing hot food take-aways. Whilst that may be some cumulative impact, it is considered that the proposed restaurant and café uses would involve customers remaining within the premises for a period of time, which differs from the transient visits to a hot food take-away. Not only would the turnover of custom differ, its considered that the proposed opening hours would allow the proposed development to make a contribution to both the day-time and night-time economy

thereby making a more positive contribution to the District Centre. It is considered that with suitable design and maintenance regimes, issues of noise, fume extraction and waste management can be addressed. It is also considered that, through conditions to prevent the premises from being used for Class A5 purposes, many of the issues raised by objectors can be responded to, particularly with regarding to noise disturbance and litter.

The identified counters within the respective ground floor layouts 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.

The applicant has submitted a statement that indicates his intention to occupy one of the proposed flats with the remaining flats potentially being made available to staff. These arrangements, should they occur, would aid the future management of the site. However, in any event it has been necessary to ensure that the proposed residential units are of an appropriate quality and satisfactory mitigation is put in place to address issues that may be related to the operation of proposed ground floor restaurants.

Notwithstanding the above, it is has been necessary to acknowledge the potential impact of the development on the locality, particularly with regard to 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. In this case, the proposed development would introduce restaurant and café in close proximity to existing HFTAs. However, it is considered that the characteristics of Class A3 uses differ significantly from Class A5 uses. It is considered that a restaurant use (Class A3) would make a more positive contribution to the District Centre than 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 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).

Loss of a retail unit (Class A1) – The applicant has indicated that the existing ground floor retail (Class A1) was vacated prior to July 2016 having been previously used as a furniture store. The floorspace within the ground floor is relatively large at 383 sq metres and is not typical of retail units in the district centre in terms of its size and layout. Whilst acknowledging that the proposal would result in the loss of a retail unit, it is considered that the proposed restaurants represent appropriate district centres uses that offer the opportunity for sustained ground floor occupation. The proposed development would thereby be positively related to Core Strategy policies C1, C2 and C10 with any impacts being capable of being addressed by condition.

Management of the future use of the premises – The acceptability of the proposed development is related to the proposed operation of the respective units as a restaurant and cafe. A condition has therefore been recommended to ensure that the ground floor units would only be used for Class A3 purposes and limited to purposes of dining and food preparation within the areas identified within the approved drawings. A separate condition has been recommended to specifically state that the no provision would be made for the sale, collection or delivery from the premises, including 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. 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).

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 Friday 9.00 am to 10.30 pm, Saturday 9.00 am to 11.00 pm and Sunday and Bank Holidays 9.00 am to 10.30 pm. The applicant is amenable to a series of conditions to relate the above safeguard to the proposed development. 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. It is considered that the above conditions will also safeguard the amenities of the future residents of the proposed flats. It is therefore 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).

Standard of residential accommodation – It is appropriate for residential uses to be located above shops and commercial uses. It is considered, in this case, that the inclusion of the proposed residential would improve housing choice and positively contribute to the vitality and viability of the District Centre. The layout of the proposed flats has been assessed against the following nationally described space standards for on storey dwellings:

- i. One bed, 2 person (50 sq metres);
- ii. Two bed, 3 person (61 sq metres), 4 person (70 sq metres).

The area of each of the proposed flats would exceed the relevant thresholds and the quality of the proposed residential space is therefore considered to be appropriately related to Core Strategy policies SP1 and DM1. The principal entrance to the proposed flats would be from Stockport Road thereby achieving a high degree of natural surveillance for residents and visitors entering and leaving the site. It is also considered that the existing activity along Bankley Street and the position of rear habitable room windows at first floor would afford satisfactory surveillance of the rear yard and the secondary access to the proposed flats. The comments of GM Police Design for Security have been related to the applicant, in order to inform the design of future security measures. It is considered that the proposed residential access arrangements have been appropriately related to Core Strategy policies SP1 and DM1.

Impact on the streetscene – The applicant has submitted amendment to the design of the proposals to provide a continuous ground floor shopfront with the insertion of new windows related to the style of its existing composition. It is considered that the insertion of new doors would be appropriately related to the overall appearance of the shopfront. 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 streetscene 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 to Stockport Road elevation are open throughout the authorised trading hours (Monday to Friday: 9.00 am to 10.30 pm; Saturday: 9.00 am to 11.00 pm and Sunday and Bank Holidays: 9.00 am to 10 .30 pm). 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).

Highways issues - Whilst the proposed use may increase vehicular activity around the site, it is considered that, given the district centre location, the location is sustainable with access to modes of transport other than private cars. There is a bus stop immediately in front of the premises partially protected by double yellow lines with adjacent lay-by parking terminating at Alexandra Terrace. The application site is within walking distance of the District Centre car park. 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. There would also be opportunities for linked trips to the restaurant particularly in the day-time period. Highway Services have no objections to the development on this basis.

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 application site is capable of being serviced by delivery and refuse vehicles from the rear of the site via Blankley Street thereby helping to ensure that traffic along Stockport Road would not be unduly affected by deliveries to the premises.

There would not be scope to accommodate car parking within the retained yard as this would disrupt its function in respect of servicing waste storage, amenity space for residents and a means of secondary access to the first floor flats. The applicant has submitted a statement indicating that it is likely that potential restaurant staff would have low car ownership and thereby would utilise public transport and cycling. However, given the sustainability of the site, in terms of access to public transport and access to local services, it is also likely that future residents would use transport modes other than private cars. 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.

Cycle Parking – The applicant has submitted a revised site layout drawing, which indicates the provision of a 4 space cycle store within the enclosed rear yard. Clarity has been sought regarding its allocation between restaurant staff and residents. Confirmation has also been sought with regard to its elevational design and security specification. In the event that further details are not submitted before the committee meeting, a condition has been recommended to ensure that sufficient, satisfactory and secure cycle facilities are provided pursuant to Core Strategy policies SP1, T1, T2 and DM1.

Opening hours – The proposed opening hours would secure the potential day-time operation of the premises from 9.00 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 (at its latest on Saturdays). Notwithstanding the request of Environmental Health for opening hours to be related to a noise survey, it is considered that the proposed opening times would be consistent with comparable uses in the District Centre and related activity would be consistent with the character of the area. It is considered that the recommended noise insulation condition would afford satisfactory safeguard to the amenities of first floor residents. 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 without a requirement to undertake a noise survey.

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 – As previously stated, the applicant has provided additional details relating to the arrangements for waste management in respect of the proposed residential and restaurant uses, which have been assessed by Environmental Health. These details include:

- i. Identification of servicing arrangements, including waste collection, from the rear external yard via Bankley Street;
- ii. The identification of domestic and residential bin storage area within the rear yard with the following identified capacities:
 - a. Commercial waste:
 - 1 x 1100 waste container
 - 1 x 1100 recycling container
 - b. Residential waste (per flat):
 - 1 x general waste
 - 1 x paper / cardboard
 - 1 x green recycling

The applicant has advised of the need to further review waste storage capacities in accordance with current City Council guidance, including segregated domestic waste. However, the rear yard is relatively large and has the capacity to accommodate required additional bins within appropriate enclosures. In these circumstances, it is considered that further details relating to waste management and collection can be submitted for approval and implemented as part of the recommended condition. These details would include details of waste collection contracts for implementation alongside the commencement of the respective residential and restaurant uses. Details of the siting and appearance of bin storage enclosure has been recommended with a requirement for implementation prior to the commencement of the respective residential and restaurant use.

A further condition has been recommended that requires the submission, approval and implementation of a site management scheme relating to the arrangements for presenting waste and recycling containers / bins to a designated collection point and their return to designated bin storage areas. It also requires the sweeping and removal of litter from the frontage of the application site at the end of night-time trading (Monday to Sunday, including Bank Holidays). The approved scheme shall be fully implemented upon first occupation of the related parts of the authorised development and remain in place there after. These conditions would secure compliance with Core Strategy policies SP1, EN19 and DM1 and saved policies DC10.1 and DC10.4.

Fume extraction – Environmental Health are satisfied that a fume extraction system is capable of being installed to ensure appropriate odour and noise control and ventilation. As the flues would be visible from Bankley Street, it is also necessary to ensure that its appearance is minimised. 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, including the external colour treatment of

external flues. 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 would also require that the appropriate insulation is incorporated to minimise any potential noise transfer from the ground to upper floor residential uses. It 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.

Accessibility – The applicant has provided level access to the proposed ground floor restaurant and café and enlarged WC facilities thereby responding to the needs of customers with disabilities. The ground floor layout has therefore been appropriately related to Core Strategy policies SP1 and DM1 and saved UDP policy DC10. The proposed first floor residential accommodation would be entered via stairs and therefore has limited accessibility.

Crime and safety – The comments of Greater Manchester Police Design for Security are related to the development as an informative. A condition has been recommended to ensure secure cycle storage in the rear yard area. Given the activity along Bankley Street and the natural surveillance from first floor habitable room windows to the front and rear elevations, it is considered that the development would improve security to the rear yard area and the use of the second access. The proposed development would therefore be appropriately related to Core Strategy policies SP1 and DM1.

Conclusion – It is considered that the proposals relating to a relatively small restaurant with a limited seating capacity and commensurate customer activity. 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 District Centre. The development would thereby be appropriately related 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. Where appropriate conditions have been amended in response to the expressed concerns of members. Furthermore, conditions have been recommended to ensure the proposed ground floor units would only be used as a restaurant and café respectively (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). With regard to the proposed first floor flats, it is considered the proposed accommodation would contribute positively to the proposed residential offer in the District Centre and would achieve a satisfactory quality in terms of internal space. It is considered that the safeguards set out within the recommended condition would afford satisfactory

protection of residential amenity. This residential aspects of the proposals is considered to be appropriately relate to 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 (Chapter 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 with the applicant via his agent resulted in amendments to the description of the development and the removal of a hot food take away as part of its operation. Discussions have also secured agreement in respect of the conditions requested by Environmental Health. Discussions with the applicant also secured satisfactory alterations to the existing shopfront and its entrance arrangements. 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: Site location plan with a red edge (received 17 June 2016), Existing ground floor layout 8R863/01 (received 17 June 2016), Existing first floor layout 8R863/02 (received 17 June 2016), Existing front view 8R863/03 (received 17 June 2016), Proposed ground floor layout 8R863/04 (received 11 October 2016), Proposed first floor layout 8R863/05, Proposed front view 8R863/06 (received 11 October 2016), Existing side view 8R863/07, Proposed side view 8R863/08 and Proposed site block plan 8R863/09.

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 operation of a restaurant and café (Class A3) within the ground floor of 863 - 871 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: Proposed ground floor layout 8R863/04.

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 from either of the ground floor restaurant or café uses (Class A3) as hereby approved.

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 planning permission hereby granted relates to the formation of 3 residential flats (Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) Order 2015) as shown on drawing ref: Proposed first floor layout 8R863/ 05 and for no other purposes.

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

- 6) The ground floor restaurant or café uses (Class A3) as hereby approved shall not be open outside the following hours:

Monday to Friday: 9.00 am to 10.30 pm;

Saturday: 9.00 am to 11.00 pm;

Sunday and Bank Holidays: 9.00 am to 10 .30 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.

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

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.

- 8) Before the commencement of the use of the application premises for residential and/or restaurant uses, a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority, including details of an agreed contract with a licensed waste removal contractor. The details of the approved scheme, including the continued maintenance of a waste contract, shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of 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.

- 9) Before the commencement of the use of the application premises for residential and/or restaurant uses as part of the authorised development, a site management scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the arrangements for presenting waste and recycling containers / bins to a designated collection point and their return to the designated bin storage areas and for the sweeping and removal of litter from the frontage of the application site at the end of night-time trading (Monday to Sunday, including Bank Holidays). The approved scheme shall be fully implemented upon first occupation of any part of the authorised development and remain in place 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.

- 10) Before the commencement of the ground floor restaurant uses, 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.

- 11) Before the commencement of the use of the application premises for residential and/or restaurant uses, 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.

- 12) The planning permission hereby granted does not confer consent for 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.

- 13) The existing roller shutters to the Stockport Road shopfront 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.

- 14) Before the commencement of the use of the application premises for residential and/or restaurant uses, a scheme shall be submitted to and approved in writing by the City Council as local planning authority detailing the siting, appearance and specification of secure cycle and bin enclosures to be sited within the rear yard of the planning application site. The approved shall be fully implemented before the first use of the development and maintained in situ thereafter.

Reason – In the interests of residential amenity and to encourage alternatives to private car usage pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester.

- 15) Before the commencement of the use of the application premises for residential and/or restaurant uses, a scheme shall be submitted to and approved in writing by the City Council as local planning authority detailing the provision of lighting in the external rear yard areas. The authorised development shall be undertaken in accordance with the approved details, which shall remain in place thereafter. If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

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: 112528/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:

Highway Services
Environmental Health
Greater Manchester Police
Levenshulme Traders Association

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:

3, Stanhope Street, Manchester, M19 3WQ
15 Broom Lane, Levenshulme, Manchester, M19 2TN
8 Errwood Road, Manchester, M19 2PA
14 Langthorne Street, Manchester, M19 2GR
15 Crayfield Road, Manchester, M19 3NX
50 Linden Park, Levenshulme, Manchester, M19 2PW
5 Kirk Road, Levenshulme, Manchester, M19 2RH
28 Greening Road, Manchester, M19 3EQ
22 Blackthorn Avenue, Levenshulme, M19 1FT (x2)
18 Fernleigh Avenue, Levenshulme, Manchester, M19 3LU
19 Albert Rd, Levenshulme, M19 2EQ
14 Broom Ave, Manchester, M19 2UD
9 Wray Gardens, Levenshulme, Manchester, M19 3HA
85 Bowler Street, Manchester, M19 2UA
4 Dorset Road, Manchester, M19 3WA
1 Mayford Rd, Levenshulme, Manchester, M19 3AT
9 Kingsway Avenue, West Point, Manchester, M19 2DH
308 Mount Road, Levenshulme, Manchester, M19 3HN
9 Highfield Road, Levenshulme, Manchester, M19 3LL
5 Ranford Road, Burnage, M19 2QN
15 Chapel Street, Levenshulme, Manchester, M19 3GJ
68 Hemmons Road, Manchester, M12 5ST
20 Beech Range, Manchester, M19 2EU
16 Gloucester Avenue, Levenshulme, M19 3WT
51 Cromwell Grove, Levenshulme, Manchester, M19 3QD
Flat 53 Cundiff Court, Levenshulme, M19 3HZ
9, Marshall Road, Manchester, M19 2EG
28 Cromwell Grove, Manchester, M19 3GB
32 Woodland Road, Manchester, M19 2QP

50, Manchester, M19 1EY
32 Lincoln Avenue, Manchester, M19 3LB
28 Elmsworth Avenue, Manchester, M19 3NS
74 Milwain Road, Burnage, Manchester, M19 2PR
22 Osborne Road, Levenshulme, M19 2DT
11 Davenhill Road, Manchester, M19 2JU
31 Garfield Avenue, Levenshulme, M19 3LE
10 Highfield Road, Manchester, M19 3JX
Marcliffe Drive, Levenshulme, Manchester, M19 3XD
6, Curtis Street, Manchester, M19 3ND
52 Ratcliffe Street, Levenshulme, Manchester, .M19 3QH
37 Garfield Avenue, Levenshulme, Manchester, M19 3LE
1 Danforth Grove, Levenshulme, Manchester, M19 2TD
11 Langthorne Street, Levenshulme, Manchester, M19 2GR
15 Elbow Street, Manchester, M19 3PY
4 Wray Gardens, Levenshulme, Manchester, M19 3HA
10 Pascal Street, Levenshulme, Manchester, M19 3WW
Delamere Road, Levenshulme, Levenshulme, M1 3NQ
26 Roseneath Avenue, Levenshulme, Manchester, M19 3LT
27 Stanhope St, Levenshulme, Manchester, M19 3WQ
8 Carrill Grove, Levenshulme, Manchester, M19 3AE
157 Mottram Towers, Stockport, SK1 3NY
19 Linden Park, Manchester, M19 2PQ
45 Barlow Road, Levenshulme, Manchester, M19 3DB
10 Higher Meadows, Levenshulme, Manchester, M19 3BQ
8 Audley Road, Levenshulme, Manchester, M19 3FQ
15 Berkley Avenue, Levenshulme, Manchester, M19 2ED
25 Windsor Road, Levenshulme, Manchester, M19 2FA
378 Slade Lane, Manchester, M19 2BU
15 Garfield Ave, Levenshulme, Manchester, M19 3LE
64 Ratcliffe Street, Levenshulme, M19 3QH
10 Langthorne Street, Levenshulme, Manchester, M19 2GR
11 Berkley Avenue, Levenshulme, Manchester, M19 2ED
1 Dean Bank Avenue, Levenshulme, Manchester, M19 2EZ
2, Clare Road, Manchester, M19 2GP
106 Watts Street, Levenshulme, Manchester, M19 2TS
107 Henderson Street, Levenshulme, Manchester, M19 2QT
16 Redrose Crescent, Manchester, M19 2WT
18 Central Avenue, Levenshulme, M19 2EN
36 Fairbourne Road, Levenshulme, Manchester, M19 3HU
22 Watts Street, Levenshulme, Manchester, M19 2TR
62 Albert Road, MANCHESTER, M19 2AB
20 Roseneath Avenue, Manchester, M19 3LT
40, Thornccliffe Grove, Levenshulme, M19 3LS
28 Delamere Road, Levenshulme, Manchester, M19 3NQ
3 Errwood Crescent, Manchester, M19 2NX
9 Gordon Avenue, Levenshulme, Manchester, M19 3WG
4 Brookfield Court, Burnage Avenue, Manchester, M19 2JB
9 Danforth Grove, Levenshulme, Manchester, M19 2TD
76, Central Avenue, Levenshulme, M19 2EN

26 Cromwell Grove, Manchester, M19 3GB
17 Danforth Grove, Levenshulme, Manchester, M19 2TD
53 Agnes Street, Levenshulme, Manchester, M19 3AY
51 Grange Avenue, Levenshulme, Manchester, M19 2FZ
11 Old Hall Lane, Levenshulme, Manchester, M192AJ
1 Scarisbrick Road, Levenshulme, M19 2BT
36 Buckhurst Road, Levenshulme, Manchester, M19 2DS
7 Cronshaw Street, Levenshulme, M19, M19 2TE
6 Fernleigh Avenue, Levenshulme, Manchester, M19 3 LU
8 Woodfold Avenue, Manchester, M19 3AP
8 Woodfold Avenue, Manchester, M19 3AP
5 - 7 Derby Grove, Manchester, M19 3EY
33 St Oswalds Road, Levenshulme, Manchester, M19 3DR
2 Delamere Road, Levenshulme, Manchester, M19 3NQ
50 Livesey Street, Levenshulme, M19 2GU
40 Thorncliffe Grove, Manchester, M19 3LS
17 Roseleigh, Manchester, M19
9 Marshall Road, Levenshulme, Manchester, M19 2EG
75 Cromwell Grove, Levenshulme, Manchester, M19 3GD
20 Roseleigh Avenue, Levenshulme, Manchester, M19 2NP
68 Linden Park, Levenshulme, Manchester, M19 2PP
76 Avon Road, Manchester, M19 1JW
6 Guildford Road, Manchester, M19 3FP
17 Bournvile Grove, Manchester, M19 3HJ
22, Windsor Road, Manchester, M19 2EB
6 Danforth Grove, Manchester, M19 2TD
90 Linden Park, Burnage, Manchester, M19 2PP
27, Bristol Avenue, Manchester, M19 3NU
46 Tytherington Drive, Levenshulme, Manchester, M19 3TD
32 Lincoln Avenue, Levenshulme, Manchester, M19 3LB
74 Milwain Road, Manchester, M19 2PR
24 Cumbrae Road, Levenshulme, Manchester, M19 3NF
8 Watts Street, Levenshulme, M19 2TR
76, Central Avenue, Levenshulme, M19 2EN
72 Matthews, Levenshulme, Manchester, M19 3ES
15 Elbow Street, Manchester, M19 3PY
6 Curtis Street, Manchester, M19 3ND
9 Kingsway Ave, West Point, Manchester, M19 2DH
32 Lincoln Avenue, Levenshulme, Manchester, M19 3LB
3 Elton Avenue, Manchester, M19 2PL
13 Tonbridge Rd, Manchester, M19 2TQ
30 Kingsway Ave, West Point, Manchester, M19 2DH
5 Sandringham Avenue, Dane Bank, Denton, M34 2NT
9 Wray Gardens, Levenshulme, Manchester, M19 3HA
39 Bowler Street, Levenshulme, Manchester, M19 2UA
2 Clare Road, Manchester, M19 2GP
15 Berkley Avenue, Levenshulme, Manchester, M19 2ED
10 Highfield Road, Manchester, M19 3JX
84 Milwain Road, Manchester, M19 2PR
22 Osborne Road, Levenshulme, Manchester, M192dt

6 Delamere Road, Manchester, M19 3NQ
23 Victoria Avenue, Manchester, M19 2PE
5 Arliss Avenue, Levenshulme, Manchester, M19 2PD (x2)
29 Brynton Road, Manchester, M13 0GY
7 Fernleigh Avenue, Levenshulme, Manchester, M19 3LU
32 Woodland Road, Levenshulme, Manchester, Manchester, M19 2QP
6 Carrill Grove, Manchester, M19 3AE
18 Clare Road, Manchester, M19 2GP
11, Berrie Grove, Manchester, M19 2QA
6 Curtis Street, Manchester, M19 3ND
2a Dorset Road, Levenshulme, Manchester, M19 3WA
74 Milwain Rd, Burnage, Manchester, M19 2PR
40 Thorncliffe Grove, Manchester, M19 3LS
51 Grange Avenue, Levenshulme, Manchester, M19 2FZ
6 Curtis Street, Manchester, M19 3ND
17 Curtis Street, Manchester, M19 3ND
45 Osborne Road, Levenshulme, Manchester, M19 2DU
42 Collingwood Road, Manchester, M19 2AW
15 Arliss Avenue, Levenshulme, Manchester M19 2PD
36 Buckhurst Road, Levenshulme, Manchester, M19 2DW
34 Lonsdale Road, Levenshulme, Manchester, M19 3FL
4 Brookfield Court, Burnage Ave, Manchester, M19 2JB
3 Elton Avenue, Manchester, M19 2PL
106 Watts Street, Levenshulme, Manchester, M19 2TS
87 Delamere Road, Levenshulme, M19 3NZ
17 Roseleigh Avenue, Levenshulme, Manchester, M19 2NP
4 Westminster Street, Levenshulme, Manchester, M19 3FE
40 Thorncliffe Grove, Levenshulme, Manchester, M19 3LS
27 Stanhope Street, Levenshulme, M19 3WQ
Julius Street, Manchester, M19 2TL
40 Wetherall Street, Levenshulme, Manchester, M19 3GE
47 Osborne Rd, Manchester, M19 2DU
33 Montreal street, Levenshulme, Manchester, M19 3BY
7 Cornwall, Levenshulme, M19 2UN

Councillor Dzidra Noor (Levenshulme Ward Member)
Councillor Basat Sheikh (Levenshulme Ward Member)

Highway Services
Environmental Health
Greater Manchester Police
Levenshulme Traders Association

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 Application site boundary  Neighbour notification
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