

Application Number	Date of Appln	Committee Date	Ward
087397/FU/2008/S2	7th Aug 2008	23 rd October 2008	Burnage Ward

Proposal Change of use from A1 (shop) to (A5) takeaway

Location 8 Lane End Road, Burnage, Manchester, M19 1WA,

Applicant Ms Noureen Ahmed, 12 Sandringham Drive, Heaton Mersey,
Stockport, SK4 2DD

Agent

Description

The application relates to a change of use to of the premises from A1 (shop) to A5 (Hot Food Takeaway). The proposal is located on Lane End Road and is a detached building that forms part of the shopping area. To the north of the site is no. 7 & 9 Lane End Road, to the west is no. 6 Lane End Road, to the east is no. 10 Lane End Road and to the south is a garden of rest.

The property is currently an unused shop that was last used as a newsagents. The only history on the site was for an application for a single storey rear extension that was approved on 8th October 2008. The property is situated on Lane End Road within an existing retail parade of shops. The parade is located on the southern side of Lane End Road. The make up of the commercial premises in the vicinity comprises of a mixture of tenure including A1, A2 and A5 uses. Residential flats and offices occupy the upper floors of the units. The premises next door at no. 4-6 Lane End Road operates as a takeaway, but the other A5 uses in the area are located on the northern side of Lane End Road and on the western side of Burnage Lane.

Consultations

Local Residents – Occupiers of properties surrounding the application were consulted on the application and a petition of 23 signatures has been received from another takeaway in the locality.

- Too many takeaways already in the immediate area

In addition to the petition an individual letter of objection has been received from a local business, the comments of which are outlined below:

- The area is already home to a number of take-aways and cafes, some of which are in a state of disrepair, used and unsightly.
- There is already an issue with the amount of litter that is generated by these establishments, as well as the unsociable opening hours, parking restrictions and noise.
- The City Council has made an effort in recent months to make good the pavements and parking areas and it is felt another food outlet in this locality would be detrimental to the area.

Environment Health – No objection subject to conditions.

Licensing – No Premise License present for the site, therefore an application would be required to sell hot food between the 11.00pm and 05.00am.

GMP, Architectural Liaison Officer – No objections.

Traffic and Transport – No objections.

Issues

Unitary Development Plan (UDP) for the City of Manchester (Adopted 1995) – The application site does not have any allocation within the Adopted UDP and therefore policy H2.2 in part 1 of the UDP and Policies DC10.1, DC10.2 and DC26.1 are applicable.

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. Matters which the Council will consider when determining such applications are the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy DC10.1 (Food & Drink Uses) states that in determining planning application for development involving the sale of hot food to be consumed off the premises the Council will have regard to, particularly in this instance:

- i) The general location of the proposed development;
- ii) The effect on the amenity of neighbouring residents;
- iii) The storage and collection of refuse and litter.

Policy DC10.2 states further that the Council will normally accept the principle of development of this kind in the City Centre, industrial and commercial area and, at ground level, in local shopping parades of more than 8 shops or offices.

Policy DC10.4 states that where the Council considers food and drink premises to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. Such conditions include limitations in terms of the hours of opening and the need to deal adequately with the storage of refuse and collection of litter.

Policy DC26.1 (Development & Noise) states that the Council intends to use the Development Control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider the effect of new development proposals, which are likely to be generators of noise.

Policy DC26.3 states that development likely to result in unacceptably high levels of noise will not be permitted in residential, near schools, hospitals, nursing homes and similar institutions and near open land used frequently for recreational purposes.

Other Relevant Policies and Guidance – In considering development proposals, reference is not only made to the UDP, but also other policies and supplementary planning guidance. In this case, these include Planning Policy

Statement 1 (PPS1) and The North West of England Plan Regional Spatial Strategy to 2021.

The Regional Spatial Strategy for the North West, adopted in September 2008 provides planning guidance for the North West region. Since 2004, the RSS has formed part of the statutory development plan, as such, the weight to be attached to its policies has increased. The following policies are considered of relevance in this instance:

Policy DP2 (Enhancing the Quality of Life) seeks to revive local economies and ensure that developments provide a high quality of life for this and future generations.

Policy W1 (Strengthening the regional economy) states that plans and strategies should promote opportunities for economic development.

Residential Amenity – The site premises are adjoining a car parts shop with a Chinese Takeaway adjacent. The entrance to the premises fronts Lane End Road and there is no external seating to the rear of the property, it is considered that there will not be significant noise and disturbance associated with the proposed change of use. There will not be increased levels of activity from patrons congregating in and around the premises that would have an unacceptable impact upon the amenity of the occupiers of the nearest residential properties, as they are not sited too close to the site. It is considered that allowing these premises to operate as a takeaway with similar hours of operation would not have an increased impact upon crime and safety in the local area, as it is recognised that many of the other existing licensed premises for the same use in the vicinity are legitimately until the same time of the evening.

Visual Amenity – Although there are no details of the extraction flue at present, a condition could be placed upon any permission requesting that all details must be first submitted to and approved in writing prior to the change of use becoming operational.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/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. He 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

APPROVE - on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular the following policies and there are no material considerations of sufficient weight to indicate otherwise.

Policy H2.2 states that the Council will not normally allow development which will have an unacceptable impact on residential areas. It is not believed that the proposed development will have a detrimental impact in terms of noise, vibration, traffic generation, road safety and air pollution or through its scale and appearance.

Conditions and/or Reasons

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

Reason - 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 unless otherwise agreed in writing by the City Council as Local Planning Authority: floor plan date stamped as received 7th August 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) Before the change of use commences a scheme including full details (plans and elevations of flue) for the extraction of any fumes, vapours and odours from the premises shall first be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) Before first occupation 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 policy H2.2 of the Manchester Unitary Development Plan.

5) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has

been submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

11.00hrs to 23.00hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

7) No deliveries or waste collections shall be carried out on the site outside the hours of 07.30hrs to 20.00hrs Monday to Saturday and no deliveries / collections on Sundays or Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

8) Any roller shutters or security grilles that shall be fitted to the new shop fronts shall be of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and be colour-coated in accordance with a scheme to be first agreed in writing with the City Council as local planning authority before they are in place. The roller shutters thereafter shall be open between the hours of 11.00hrs to 23.00hrs Monday to Sunday.

Reason - To improve the appearance of the shop front pursuant to policy S2.5 and H2.2 of the Unitary Development Plan for the City Council (Adopted 1995).

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: 087397/FU/2008/S2 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:

Engineering Services
Environmental Health
Licensing Unit
Greater Manchester Police
Burnage Tenants Association
I M A B, 23b, Lane End Road, Manchester, M19 1WA
Louise's Hair Design, 23 Lane End Road, Manchester, M19 1WA

Flat 6, 23 Lane End Road, Manchester, M19 1WA
Lancewise Pharmacy, 2a, Lane End Road, Manchester, M19 1WA
The Barber Shop, 21 Lane End Road, Manchester, M19 1WA
Deansgate Insurance Services Ltd, 19 Lane End Road, Manchester, M19 1WA
Flat 4, 19 Lane End Road, Manchester, M19 1WA
Spicy Taste, 17 Lane End Road, Manchester, M19 1WA
Flat 3, 17 Lane End Road, Manchester, M19 1WA
Flat 1, 13 Lane End Road, Manchester, M19 1WA
Flat 5, 21 Lane End Road, Manchester, M19 1WA
Nice N Tasty, 15 Lane End Road, Manchester, M19 1WA
Flat 2, 15 Lane End Road, Manchester, M19 1WA
1 Lane End Road, Manchester, M19 1WA
The Manchu Wok, 4-6, Lane End Road, Manchester, M19 1WA
3 Lane End Road, Manchester, M19 1WA
Portfolio, 5 Lane End Road, Manchester, M19 1WA
Kingsway Dental Care, 7 Lane End Road, Manchester, M19 1WA
Kingsway Taxis, 7a, Lane End Road, Manchester, M19 1WA
Kingsway Auto Electrical Services, 10 Lane End Road, Manchester, M19 1WA
Pizza Pizza, 9 Lane End Road, Manchester, M19 1WA
Express Hire Service, 11 Lane End Road, Manchester, M19 1WA
Jade House Take Away, 13 Lane End Road, Manchester, M19 1WA
473a, Kingsway, Manchester, M19 1NR
The Kitchen Appliance Shop Ltd, 473 Kingsway, Manchester, M19 1NR
D L M Nationwide Ltd, 473 Kingsway, Manchester, M19 1NR
Reproduction Furniture, 2 Lane End Road, Manchester, M19 1WA

Representations were received from the following third parties:

Petition of 23 signatures from 13 Lane End Road
10 Lane End Road
Greater Manchester Police

Relevant Contact Officer : Wayne Johnson
Telephone number : 0161 234 4544
Email : w.johnson@manchester.gov.uk