

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
091120/FO/2009/N1	25th Jan 2010	8th Apr 2010	Miles Platting And Newton Heath Ward

**Proposal** Change of use of ground floor from warehouse/storage use to outside catering business with associated flue, change of use of first floor to offices and changes to car park layout and the siting of three metal containers in the car park.

**Location** 5 Thornton Street, Collyhurst, Manchester, M40 7GL,

**Applicant** Ms Harleen Kaur , 5 Thornton Street, Manchester, M40 7GL,

**Agent** Mr Talat Zeria, Home Sweet Home Architectural Design Service, 428 Cheetham Hill Road, Cheetham, Manchester, M8 9LE,

### **Description**

This application was deferred for a site visit at the Planning & Highways Committee held on 11 March 2010.

This application relates to a long narrow two storey white rendered building situated on the east side of Thornton Street. There is a large Telephone Exchange building to the north of the application site and a vacant plot of land to the south. There is a railway line immediately next to the site that forms its eastern boundary. There are modern terraced house nearby on the west side of Thornton Street and on Whitley Road and Wilmcote Road.

The property has an enclosed yard that is used for parking purposes. The premises were previously used for warehousing/storage purposes and the owner wishes to convert the ground floor into a unit for making and supplying mainly cold food for distribution to local shops and petrol filling stations and traditional Asian food for functions such as parties/weddings. It is proposed to create offices on the first floor and one of these will be used to provide a twenty four hour security service. The car park layout will be changed and will retain ten parking spaces. Three containers will also be stored in the yard including a refrigeration unit next to the railway line and an area will be demarcated for storage of bins.

The proposed opening hours are 7.30 am to 8.00pm Monday to Saturdays and 9.00am to 4.00pm on Sundays. The new business will provide job opportunities for approximately 10 new staff. The new flue will be situated at the back of the building.

Planning permission to convert the building to a single family dwelling house including roof garden was refused in September 2006 under ref 079839/FO/2006/N1 due to the adverse visual impact the alterations would have on the form and character of the building.

### **Consultations**

Local Residents. A petition signed by sixteen local residents, organised by the Collyhurst South Tenants and Resident Association, opposing the application has been received. The residents consider that the use will not be suitable for the area

and are concerned with the opening hours, and the environmental impact for residents, increase in traffic, noise and smell from the flue.

Following re-consultation with local residents a further letter of objection has been received from the Collyhurst South Tenants and Resident Association on behalf of residents in the area who wish to object to having three steel containers stored in the car park as they fear that they will be used to store food waste which will cause smells and attract vermin.

One letter of objection has been received from a local resident on grounds that the proposal will result in an increase in traffic on a quiet residential street. There will be an increase in noise due to vehicles coming and going at all hours, and consider that on-street parking will become an issue. They are also concerned about the visual appearance of the flue and metal containers and the odour emanating from the flue. The impact on the future sale of their property is raised.

Environmental Health - have recommended that standard conditions be attached to cover servicing and delivery times, the opening hours should be restricted to those applied for, external lighting should be designed so as to control glare and overspill onto nearby residents, externally mounted equipment should be acoustically insulated, details for control of fumes/odour should be submitted, and refuse disposal details should be submitted.

North Manchester Regeneration Team - have no objections to this proposal which will help to create local employment opportunities and bring a vacant building back into use. The conditions recommended by Environmental Health should ensure that there is no significant loss of amenity for local residents.

Greater Manchester Police - have expressed concern about the unacceptable levels of crime locally and advise the site should be secured commensurate with the current risks. Within the last 12 months, over 670 crimes were recorded. Of these criminal damage; car related crimes and arson, were above the average. From a site inspection, serious attacks on the building and site have been experienced resulting in the erection of unsightly rolled 'barbed-wire'. Alternative measures should be adopted. The site is overlooked from the adjacent multi-storey flats, which should offer some small level of visual-active security.

Cars must not be parked on site over night when the building is unoccupied. The proposals include a security suite to be accessible 24 hours a day. If late night use is frequent, a safe exit from the building should be paramount. Vehicular access gates should open outwards to resist forced entry from outside the site. Preferably a robust sliding (motorised) gate should be employed. The gate should be visually permeable to permit good lines of sight from within and outside the court yard/ car park. CCTV will be necessary to monitor and record activity during all hours. Cameras should focus on the gate, front and rear entrance and the car park. Lighting must be provided to illuminate the car park with a uniform level and not less than 15 lux. Staff leaving the site late at night (non-daylight hours) must feel safe in the knowledge they can exit the car park through the rear gate relatively safely within their vehicle without the need to leave the car to lock the gates. i.e. a semi-automatic closing/ locking gate is required. Alternatively the last person leaving the building, should not exit from the

rear car park but via the pedestrian access gate on Blackwin Street, in sight of the roadway. This gate should also open outwards. The installation of 7.5mm (min) laminated glass to all ground floor windows is required. Internally security shutters should be fitted.

Engineering Services - no objections

Network Rail - no objections but have requested that certain issues are taken into account such as water or effluent discharge onto railway land, security to railway boundary needs to be maintained at all times, construction work should not affect the safety of Network Rail land, or operations, and any lighting must not interfere with signalling apparatus.

### **Issues**

The Regional Spatial Strategy (RSS) for North West England - The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. The following policies are considered to be relevant to the proposals:

Policy DP 1 - Spatial Principles - Identifies the principles underpinning RSS (incorporating RTS). All may be applicable to development management in particular circumstances: promote sustainable communities; promote sustainable economic development; make the best use of existing resources and infrastructure; manage travel demand, reduce the need to travel, and increase accessibility; marry opportunity and need; promote environmental quality; mainstreaming rural issues; reduce emissions and adapt to climate change.

Policy DP 2 - Promote Sustainable Communities - Building sustainable communities - places where people want to live and work - is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Policy DP 5 - Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility - Development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally.

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) - Encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities.

Principle.

There are no objections in principle particularly given its previous commercial use. Also it will help to retain employment uses in the area creating ten new full time jobs.  
Unitary Development Plan

The site is located in the area covered by HC8 where the Council will carry out a series of environmental improvements in the areas of Monsall, Carisbrook Estate and Collyhurst. These will include the removal of narrow walkways and altering the layout to a more traditional form; and the removal of high fences, walls and planted areas close to pavements and footpaths.

H2.2 The Council will not allow development which will have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

### Collyhurst Local Plan

The site is located within a neighbourhood of major housing renewal in the Collyhurst Local Plan where the vision is to create a mixed neighbourhood in which a broad range of people choose to live, offering choice, quality and mix of housing types well connected to the wider Collyhurst area and making a positive frontage onto Rochdale Road. The Council is seeking investment through a Private Financing Initiative to remodel the estates to improve housing choice, address antisocial behaviour and the poor quality of life, and reconnect these estates into Collyhurst and the wider area.

### Impact on Residential Amenity.

Given the modest nature of the development it is considered that the change of use will not cause any undue residential amenity problems. It is recommended that the conditions suggested by the Head of Regulatory Services particular those to cover opening hours and fume extraction should be attached to any permission in order to protect residential amenity.

The steel containers will have sealed units and there will be further internal measures incorporated to prevent rat infestation.

An additional condition to ensure that the steel containers are not used to store waste food is recommended and a condition to require a scheme for acoustic insulation of the refrigeration unit is recommended. The proposed hours of working are from 7.30 am to 8.00pm Mondays to Saturdays and 9.00am to 4.00pm on Sundays. Whilst these times extend into the early evening the number of people to be employed is ten and it is considered that level of comings and goings associated with this number people will not give rise to any significant residential amenity problems.

### Impact on Visual Amenity

There are no changes proposed to the elevations of the building. The flue is positioned towards the rear of the building next to the railway and it is considered that it will not adversely affect the visual amenities of the area. There is tall brick wall and solid gates at the front of the site that is set back from Thornton Street that provides an effective screen so that the yard and steel containers will not be seen from the public highway.

#### Adequacy of Parking/ Traffic Impact.

It is considered that the ten parking spaces that will be laid out on site will provide adequate level of parking to serve the development. There is space in the yard for smaller type delivery vehicles to load and unload. However, larger delivery vehicles will park on street next to the vehicular entrance and goods taken into the building through the door at the front of the building on Thornton Street.

#### Security.

The applicant has confirmed that the site has an existing 24 hour staffed security team, cars will be parked in the secure car park overnight. There is already CCTV in operation and lighting in place. Staff leaving late at night will do so via an exit door onto the front on Thornton Street. Ground floor windows have 7.5mm laminated glass, the new gate will be installed to open outwards. It is therefore recommended that an appropriate condition to ensure that security measures are kept in place at all times is attached.

#### Access for Disabled People

Two parking spaces are to be demarcated for use by disabled drivers. There will be level access into the building and other measures will comply with part M of the Building Regulations.

#### Impact on Railway Line

The applicant has confirmed that none of the work will impact on the Railway Line.

**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 accords with the development plan in particular policy H2.2 of the City Council's Unitary Development Plan and there are no material considerations of sufficient weight to indicate otherwise.

### **Conditions and/or Reasons**

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

Reason - 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: drawings numbered, 2,3,4 and 6 stamped as received on 4 November 2009

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) No development shall commence until 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. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interest of amenity pursuant to policy H2.2 of UDP.

4) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

5) Before development commences 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. 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.

6) 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

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to UDP policy H2.2

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

7.30 am to 8.00pm Monday to Saturdays, no working on Sunday

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.

8) 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.

9) Details of the security measures to be installed at the premises including a twenty four hour security system with cctv cameras to monitor access to the building and car park shall be submitted to and approved in writing by the City Council, as local planning authority and shall be implemented in accordance with the agreed details prior to the use commencing and shall be kept in situ thereafter.

Reason

To reduce the risk of crime pursuant to policy E3.5 of the Unitary Development Plan for the City of Manchester and to reflect guidance in Planning Policy Statement "Delivering Sustainable Development".

10) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

11) Full details of the entrance gate to the car park shall be submitted to and approved in writing by the City Council as local planning authority and shall be installed in accordance with the approved details prior to the use commencing on site

Reason

To reduce the risk of crime pursuant to policy E3.5 of the Unitary Development Plan for the City of Manchester and to reflect guidance in Planning Policy Statement "Delivering Sustainable Development".

12) All barb and razor wire fixed to the existing perimeter walls shall be removed within two months of the permission hereby granted.

Reason

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

13) No waste food shall be placed in the steel containers to be stored in the yard.

Reason

To prevent odours from occurring in the interests of amenity pursuant to policy H2.2 of the Unitary Development Plan.

14) The approved flue shall be painted in a colour to be agreed in writing by the local planning authority within two months of being installed and shall be retained as such at all times thereafter .

Reason

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

15) Before the development hereby approved commences, the refrigeration steel container unit, 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 site.

The buildings plant and equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave at the nearest noise sensitive location unless otherwise agreed in writing by the City Council as the local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

16) The permission hereby granted is for an outside catering business only and for no other purpose (including any other purpose within Use Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - Other uses within the same use class may have a detrimental effect on the neighbourhood and the restriction of the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, pursuant to UDP policy H2.2

### **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: 091120/FO/2009/N1 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:**

Environmental Health  
North Manchester Regeneration Team  
Greater Manchester Police  
Engineering Services  
Network Rail

British Telecom, Collyhurst Telephone Exchange, 1 Thornton Street, Manchester, M40 7GL

36 Ryder Street, Manchester, M40 7GF  
34 Ryder Street, Manchester, M40 7GF  
58 Whitley Road, Manchester, M40 7GH  
40 Whitley Road, Manchester, M40 7GH  
44 Whitley Road, Manchester, M40 7GH  
54 Whitley Road, Manchester, M40 7GH  
42 Whitley Road, Manchester, M40 7GH  
56 Whitley Road, Manchester, M40 7GH  
52 Whitley Road, Manchester, M40 7GH  
46 Whitley Road, Manchester, M40 7GH  
50 Whitley Road, Manchester, M40 7GH  
48 Whitley Road, Manchester, M40 7GH  
1 Wilmcote Road, Manchester, M40 7GJ  
3 Wilmcote Road, Manchester, M40 7GJ  
5 Wilmcote Road, Manchester, M40 7GJ  
7 Wilmcote Road, Manchester, M40 7GJ  
9 Wilmcote Road, Manchester, M40 7GJ

30 Ryder Street, Manchester, M40 7GF  
CHAIR COLLYHURTS SOUTH T.R.A., 7 HUMPHRIES COURT, WHITLEY ROAD,  
COLLYHURTS, MANCHESTER, M40 7GB

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

Environmental Health  
North Manchester Regeneration Team  
Greater Manchester Police  
Engineering Services  
Network Rail  
5 Wilmcote Road, Manchester, M40 7GJ  
CHAIR COLLYHURTS SOUTH T.R.A., 7 HUMPHRIES COURT, WHITLEY ROAD,  
COLLYHURTS, MANCHESTER, M40 7GB

**Relevant Contact Officer :** David Hughes  
**Telephone number :** 0161 234 4636  
**Email :** d.hughes3@manchester.gov.uk