
Application Number	Date of Appln	Committee Date	Ward
091871/FU/2009/N2	30th Nov 2009	11th Mar 2010	Longsight Ward

Proposal Retrospective Application to continue the use of former betting shop (Class A2) to cafe/social centre (sui generis)

Location 818 Stockport Road, Levenshulme, Manchester, M19 3AW,

Applicant Mr Saadat Nadery , 818 Stockport Road, Levenshulme, Manchester, M19 3AW,

Agent Mr Charles Gorman, 80 Bluestone Road, Moston, Manchester, M40 9NY

Description

This application, for retrospective planning permission, relates to part of the ground floor of a detached building in Levenshulme District Centre. The authorised use of the premises is as a shop and betting office on the ground floor, with restaurant above. The betting office element of the building has been converted into a café/social centre, known as Oasis Café. The remainder of the building, including the first floor above the café, is in use as a college, which is also therefore an unauthorised use. The site is otherwise surrounded by an open yard to the north, used for tyre storage, with residential properties to the north-west, a place of worship to the west and retail/commercial premises to the east.

In addition, the frontage of the property has been altered. The shop front glazing has largely been removed and replaced with 1.2 metre high screens, with an open area above, with an open seating area behind. The door into the premises remains unaltered and glazed, with two steps up to shop floor level. There is a roller shutter over the door, which has been retained from the previous use of the site, and a new roller shutter has been installed to cover the open seating area. The premises operate from 11.00 am to 11.00 pm, 7 days a week.

As part of the proposal, the frontage of the property is to be further modified by removing the 1.2 metre high screens and replacing them with 1.2 metre high white PVCu framing and infill panels, with lockable sliding windows above, also framed in white PVCu, which would allow an open area to be created on the frontage, whilst the premises were open, whilst retaining a traditional glazed frontage at other times.

The proposed hours of operation are 11.00 am to 11.00 pm, 7 days a week.

Consultations

Local residents/Adjoining occupiers - No comments received.

Ward Councillors (Gorton South, Levenshulme and Longsight wards) - Councillor Ashley stated that he did not wish to see this application approved under delegated powers, for the following reasons:

- Firstly, it would set a precedent and encourage similar back door "change of use" applications in the future.
- Secondly, it would look like we are rewarding the retrospective application by effectively fast tracking it, after steadfastly doing nothing on enforcement.

Head of Engineering - Feels that the nature of the site, as a community café within a district centre, is unlikely to cause significant parking/traffic generation problems, and there are no highway objections.

Head of Environmental Health - recommends that conditions are attached to any planning permission, in relation to refuse storage, hours of operation, delivery times, discharge of fumes and noise insulation.

Licensing Unit - State that there is no premises license in force at the premises, nor has an application for a license been received.

South Manchester Regeneration - No objections.

Greater Manchester Police - Recommends that the shutters and fixings are to Secured by Design specifications.

Friends of Levenshulme - No comments received.

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. It contains policies that address core principles of development, including the following:

DP2: Promoting sustainable communities - Ensuring development contributes to a high quality of life for existing and future residents;

DP 5: Manage Travel Demand - Ensuring development is 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.

DP7: Promote Environmental Quality - Ensuring that new development demonstrates good design and respect for its setting;

Unitary Development Plan - The site falls within Unitary Development Plan sub area 12, Longsight and Levenshulme. These are predominantly residential areas, which are densely populated and the general policy for the area LL1 states the council will improve the quality of the local environment. The site lies in Levenshulme District Centre, as identified in the Plan. Policy LL6 states that the Council will improve the safety and quality of the environment of the centre. Policy LL14 states that the Council will permit new developments so long as they do not cause disamenity to residents. Policy LL15 relates to pedestrian safety and off street parking.

Policy H2.2 states that 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.

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 (whether or not other activities, such as a nightclub, are included), 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 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; and
- 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 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 states that 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 states that where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

Policy DC10.5 states that the Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy DC10.2.

Policy E3.3 relates to sites along radial routes, which includes Ashton New Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

With regards to development and noise Development Control policy DC26 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 both the effect of the new development proposals, which are likely to be generators of noise.

Principle of use - The property lies in a district centre, and meets the locational criteria set by policy DC10. The centre is mainly characterised by A1, A2 and A3/A4/A5 uses and a new café/social centre use would generally be considered to be a compatible use, within such an area.

Breakdown of uses within Levenshulme District Centre - The use of premises in Levenshulme District Centre has recently been surveyed (August 2009). There are 298 properties, of which 38 are residential properties. Of the remaining 260 properties, the breakdown of uses is as follows:

A1 retail - 118 properties (45%)
A2 professional services (Banks/solicitors etc) - 30 properties (12%)
A3 restaurants and cafes - 9 properties (3.5%)
A4 drinking establishments - 9 properties (3.5%)
A5 hot food take-aways - 23 properties (9%)
Other uses (churches/community uses etc) - 21 properties (8%)
Vacant units - 50 properties (19%)

If we examine the area immediately surrounding the appeal site, there are 44 properties within 150 metres of the appeal site, in both directions along Stockport Road. In this area, the breakdown of the uses is as follows:

A1 retail - 15 properties (35%)
A2 professional services (Banks/solicitors etc) - 3 properties (7%)
A3 restaurants and cafes - 2 properties (5%)
A4 drinking establishments - 2 properties (5%)
A5 hot food take-aways - 6 properties (14.5%)
Other uses (churches/community uses etc) - 8 properties (19%)
Vacant units - 6 properties (14.5%)

It can be seen from these figures that the percentage of cafes/restaurants, both in the centre and particularly in the immediate vicinity of the site, is quite low. There is a fairly high percentage of other uses within the immediately surrounding area, which comprises 3 churches, 4 educational establishments and a community centre. It is not therefore considered that it can be concluded that there is an over-proliferation of this type of unit in Levenshulme District Centre generally or in the immediate vicinity of the site, and it is considered that the District Centre retains a predominantly A1 bias, with almost half the units being used for such purposes. Also, it is considered that the percentage of vacant units in the centre also needs to be noted, and it is therefore considered that bringing one of these units back into an active use aids other businesses in the area.

Residential amenity - Although there is some residential accommodation within the vicinity of the application site, the premises lie in the district centre, in what is primarily a mixed use area of shops, pubs, offices and hot food take-aways/restaurants. Whilst the impact that the use may have on nearby residents needs to be considered, this needs to be done in the context of the nature of this part of the district centre. The use could result in an increase in comings and goings later in the evening than at present and there could be some disturbance associated with this. However given the nature of the area in terms of the proximity of other premises, some of which open later at night, the use is considered to be acceptable.

Elevational alterations - The proposed new glazing element gives the premises a more traditional shop front appearance, whilst allowing the windows to slide open to create an open area to facilitate the operation of the premises. It is considered that

this would represent an improvement on the existing arrangement, and is considered acceptable. Negotiations are ongoing regarding an alternative shutter type, which allows greater visibility, rather than the solid shutters currently in place.

Highways and Parking - It is not considered that the proposal causes any highway or parking problems. There are parking restrictions across the Stockport Road frontage, that prevent waiting at any time, and there are currently adequate, legal parking arrangements available near the application premises. Highway Services are satisfied with this arrangement and do not object to the proposal, subject to the premises being serviced from the side/rear.

Disabled persons access - Access to the premises is stepped, but this is an existing arrangement, which has not been altered.

Designing out Crime- It is considered that a condition be imposed, on any planning permission, that the applicant agrees suitable measures to design out crime at the premises.

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 Regional Planning Guidance for the North West and policies LL1, LL6, LL14, LL15, DC10, DC26, E3.3 and H2.2 of the Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The development hereby approved relates to the drawing number SN2 stamped as received by the City Council, as Local Planning Authority on 30th November 2009 and the drawing titled Rev A sliding windows added - Feb 10, stamped as received by the City Council, as Local Planning Authority on 16th February 2010, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DC10, E3.3 and H2.2 of the Unitary Development Plan for the City of Manchester.

2) No external works that are hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies H2.2 and E3.3 of the Unitary Development Plan for the City of Manchester.

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

11.00 am to 11.00 pm

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.

4) Deliveries, servicing and collections, including waste collections, shall not take place on Stockport Road, shall be from the side/rear of the premises only and shall not take place outside the following hours:

Monday to Saturday: 07.30 - 20.00

Sunday and Bank holidays: no deliveries

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

5) Within 3 months of the date of this permission, 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 Unitary Development Plan for the City of Manchester.

6) Within 3 months of the date of this permission, 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.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) Within 3 months of the date of this permission, 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, and implemented in accordance with the approved details. The approved scheme shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) The development shall not be occupied until details of the security measures to be incorporated into the development (or phase thereof), which shall be to secured by design specification, have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details, unless otherwise agreed by the City Council, as Local Planning Authority.

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

9) Within 3 months of the date of this permission, new roller shutters shall be erected at the premises, in accordance with full details of the appearance, position and colour of the roller shutters which shall be submitted to and agreed in writing by the City Council as local planning authority. Only the agreed details shall be implemented as part of the development.

Reason

In the interests of visual amenity, pursuant to policy DC14 of the Unitary Development Plan for the City of Manchester.

10) The roller shutters shall remain up at all times during the opening hours of the premises, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

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

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: 091871/FU/2009/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:

Engineering Services
Environmental Health
South Manchester Regeneration
Licensing Unit
Judith Hackney, Crime Reduction Officer
Greater Manchester Police
Friends Of Levenshulme
25 Pennington Street, Manchester, M12 4QJ
23 Pennington Street, Manchester, M12 4QJ
21 Pennington Street, Manchester, M12 4QJ
19 Pennington Street, Manchester, M12 4QJ
17 Pennington Street, Manchester, M12 4QJ
15 Pennington Street, Manchester, M12 4QJ
Amani News, 721 Stockport Road, Manchester, M19 3AG
Red Cherry, 717 Stockport Road, Manchester, M19 3AG
715a, Stockport Road, Manchester, M19 3AG
Auto Parts Ltd, 715 Stockport Road, Manchester, M19 3AG
715b, Stockport Road, Manchester, M19 3AG
Uk College Of Arts & Technology, 818 Stockport Road, Manchester, M19 3AW
713 Stockport Road, Manchester, M19 3AG
713a, Stockport Road, Manchester, M19 3AG
Future Financial Services, 711 Stockport Road, Manchester, M19 3AG
Shri Bhavani Video Enterprise, 707 Stockport Road, Manchester, M19 3AG
705a, Stockport Road, Manchester, M19 3AG
Canadian Charcoal Pit, 705 Stockport Road, Manchester, M19 3AG
816 Stockport Road, Manchester, M19 3AW
Oxford College Of Management Sciences, 703 Stockport Road, Manchester, M12 4QN
G L Aquatic Wholesale, 725-729, Stockport Road, Manchester, M19 3AR
Tasty Fried Chicken Ltd, 723 Stockport Road, Manchester, M19 3AR
Little Vic, 709 Stockport Road, Manchester, M19 3AG
13b, Park Grove, Manchester, M19 3AQ
13a, Park Grove, Manchester, M19 3AQ
11b, Park Grove, Manchester, M19 3AQ
11a, Park Grove, Manchester, M19 3AQ
1 Park Grove, Manchester, M19 3AQ
8-12, Park Grove, Manchester, M19 3AQ
A6 Premier College, 824 Stockport Road, Manchester, M19 3AW
9 Park Grove, Manchester, M19 3AQ
822 Stockport Road, Manchester, M19 3AW
7 Park Grove, Manchester, M19 3AQ

723a, Stockport Road, Manchester, M19 3AR
Alborz, 820 Stockport Road, Manchester, M19 3AW

Representations were received from the following third parties:

Relevant Contact Officer : Ian Jarvis
Telephone number : 0161 234 4079
Email : i.jarvis@manchester.gov.uk