

Application Number	Date of Appln	Committee Date	Ward
091063/FU/2009/N2	11th Sep 2009	19th Nov 2009	Levenshulme Ward

Proposal Change of use of ground floor from A1 shops to A3 & A5 Restaurant & Hot Food Takeaway and alterations to shop front

Location 884 - 886 Stockport Road, Levenshulme, Manchester, M19 3AE,

Applicant Mr A Sattar Rana , 884 - 886 Stockport Road, Levenshulme, Manchester, Lancashire, M19 3BN,

Agent Mr Niamat Ali, 888 Stockport Road, Levenshulme, Manchester, M19 3BN,

Description

Site

The application site is a mid-terrace pair of ground floor commercial units, presently in A1 (Shop) and A2 (professional services) uses. The premises are situated within the Levenshulme district centre, facing Stockport Road. The upper floors are in ancillary office/storage use, with residential accommodation at second floor. There is residential accommodation behind the premises, where the terraced housing at Worsley Grove and Carrill Grove are situated end-on to the back of the property.

Proposal

Change of use to mixed-use restaurant and hot-food takeaway, with associated external alterations to modify existing shop front. This would involve replacing a door with a window and making good brickwork to extend brick dwarf wall. The proposal would require installation of an extract flue at the rear of the building.

Consultations

Neighbouring residents and businesses
Standard letter. No representations received.

Head of Environmental Health -

Conditions recommended on any approval, with reference to opening and servicing hours, and acoustic insulation.

South Manchester Regeneration -

The proposal would not contribute towards a high quality diverse district centre.

Licensing Unit –

No premises license has been applied for.

Head of Engineering Services –

Any comments received will be reported to the Committee.

Crime Reduction Officer, Levenshulme –

Any comments received will be reported to the Committee.

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 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 A5 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%)

Breakdown of uses within 400m of the application site:

Of 39 properties within 200m to the north:

- A1 retail - 23 properties (58%)
- A2 professional services (Banks/solicitors etc) - 4 properties (10%)

A3 restaurants and cafes - zero
A4 drinking establishments - zero
A5 hot food take-aways - 3 properties (8%)
D1 education/training etc - 2 properties (5%)
Vacant - 7 properties (17%)

Of 47 properties within 200m to the south:

A1 retail - 19 properties (40%)
A2 professional services (Banks/solicitors etc) - 14 properties (30%)
A3 restaurants and cafes - 1 property (2%)
A4 drinking establishments - 5 properties (11%)
A5 hot food take-aways - 5 properties (11%)
B1 light industrial/office - 1 property (2%)
Vacant - 2 properties (4%)

It can be seen from these figures that the percentage of hot food take-aways, both in the centre and particularly in the immediate vicinity of the site, is quite low. Even if the number of hot food take-aways is added to the number of restaurants, this still amounts to just over 10% of units, in the immediate vicinity of the site and 12.5% of units in the District Centre as a whole. 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 and particularly 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. The Levenshulme District Centre Plan, referred to by South Manchester Regeneration, is part of the ward plan, and sets out their objectives for the area, and whilst it is a consideration, in the assessment of this application, it is not planning policy. Also, it is considered that the percentage of vacant units in the centre also needs to be noted. In the immediate vicinity of the site, the percentage of vacant units is about 10%, and it is therefore considered that bringing one of these units back into an active use would aid other businesses in the area, and that this needs to be balanced against concerns about over-proliferation, particularly as these concerns do not appear to be supported by the above statistics.

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 proposal 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 until midnight, the proposed use is considered to be acceptable.

Elevation alterations - A new flue is proposed to the rear of the premises, which is not easily visible and therefore would have a minimal impact upon visual amenity (fume extraction details are also supplied and a condition, relating to fumes, is not considered necessary). The proposed alterations to shop front would have a minimal visual impact.

Car parking and highway safety

The site is located within the District Centre, as such it is not considered that the use would be likely to generate significant car parking demand as to warrant refusal of the application, by virtue of its accessible location and existing on-street parking restrictions.

Safety and security

There are existing roller shutters on site, these are to be retained.

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 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 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 drawings numbered P-01, P-02 and P-03 date stamped as received by the Local Planning Authority on 19 August 2009 and the design and access statement date stamped as received by the Local Planning Authority on 8 September 2009, 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.

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

Mon-Sun 1200-2300

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) No deliveries, servicing or collections, including waste collections, shall take place on the site on Sundays or Bank Holidays, and all deliveries, servicing or waste collections on other days shall be confined to the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

0730 to 2000 Monday to Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2 and DC26.4 and the Unitary Development Plan for the City of Manchester.

5) Prior to commencement of use on site, 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.

6) Unless otherwise approved in writing by the City Council as local planning authority, all new external work and finishes, and work of making good, shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance.

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 E3.3 and DC14 of the Unitary Development Plan for the City of Manchester (adopted 1995).

7) Before the development commences a scheme shall be submitted to and approved in writing by the City Council as local planning authority to ensure that the shutters are opened at agreed times during the daytime periods. The shutters shall remain open at all times during the agreed hours, unless otherwise agreed in writing by the City Council, as Local Planning Authority.

Reason - In the interests of residential amenity and the amenities of the district centre pursuant to policies E3.3, H2.2 and DC10.1 of the Unitary Development Plan for the City of Manchester.

8) The proposed extract flue shall be painted or otherwise finished in a colour the detail of which is to be submitted to and agreed in writing by the City Council as local planning authority prior to installation. The flue shall be installed in accordance with the approved details only.

Reason

In the interests of visual amenity, pursuant to policies H2.2 and LL1 of the Unitary Development Plan for the City of Manchester (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: 091063/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:

Environmental Health

South Manchester Regeneration

Licensing Unit

Environment & Operations (Highway Authority)

Judith Hackney, Crime Reduction Officer

807 Stockport Road, Manchester, M19 3BS

Lloyds Pharmacy, 809 Stockport Road, Manchester, M19 3BS

3 Worsley Grove, Manchester, M19 3AF

4 Carrill Grove, Manchester, M19 3AE

2 Carrill Grove, Manchester, M19 3AE

1 Worsley Grove, Manchester, M19 3AF

Subway, 892 Stockport Road, Manchester, M19 3AD

892a, Stockport Road, Manchester, M19 3AD

Baker Ellis, 880 Stockport Road, Manchester, M19 3BN

Super Aftab, 890 Stockport Road, Manchester, M19 3BN

Winsol Internet Cafe, 888 Stockport Road, Manchester, M19 3BN

El Jeadore, 884 Stockport Road, Manchester, M19 3BN

Lets Link, 886 Stockport Road, Manchester, M19 3BN

Sarahs Hair Salon, 882 Stockport Road, Manchester, M19 3BN

West London College, 811 Stockport Road, Manchester, M19 3BS

Ashcroft Surgery, 803 Stockport Road, Manchester, M19 3BS

Tote Bookmakers, 805 Stockport Road, Manchester, M19 3BS

805a, Stockport Road, Manchester, M19 3BS

Representations were received from the following third parties:

Environmental Health

South Manchester Regeneration

Licensing Unit

Relevant Contact Officer : Robert Lilburn
Telephone number : 0161 234 4166
Email : r.lilburn@manchester.gov.uk