

Application Number	Date of Appln	Committee Date	Ward
090676/FU/2009/S1	21 st Aug 2009	19th Nov 2009	Moss Side Ward

Proposal Change of use from retail (A1) to cafe (A3) together with the retrospective installation of a flue to the rear

Location 231 Great Western Street, Moss Side, Manchester, M14 4LG,

Applicant Mr Mohamed Khasim, 221 Great Western Street, Moss Side, Manchester, M14 4LG,

Agent

Description

The application site relates to a vacant, ground floor retail unit within a two storey terraced block on the northern side of Great Western Street. The premises was formerly used as an internet café which falls within a retail (A1) use class.

The site lies adjacent to a hardware store on one side and a food store on the other. The premises is situated within a section of Great Western Street dominated by small-scale commercial uses including a variety of retail and food and drink uses. The wider area including the side roads off Great Western Street is predominantly residential in nature.

With regard to this application, it is proposed to change the use of the ground floor from retail (A1) to that of a café (A3). The proposal also involves the installation of a large flue to the rear which has already been installed.

The applicant has stated the café is to be used as a community café focusing on providing a resource for the local Somali residents. The premises has had a previous temporary planning permission which expired on 31st January 2008 following which the use ceased. The current application seeks a permanent community café use.

Consultations

Local Residents - No letters of representation received.

Other Interested Parties - An NHS community dietician as part of Manchester's Joint Health Unit supports the proposal. It is considered that such facilities can also be a vehicle for community specific practical nutrition programmes addressing current concerns specifically in the Somali community with regard to vitamin D deficiency, diabetes and obesity.

Ward Members - Councillor Cox generally supports the proposal but has a number of concerns. Namely, that the premises does not become a takeaway facility, that consideration is given to the impact of increased parking, that it keeps to clearly agreed hours of opening and that cooking smells are monitored to prevent any

adverse impact on the area. If possible enforceable conditions should be inserted to protect residential amenity. Local community uses are encouraged provided that residential amenity can be protected.

Regulatory and Enforcement Services - No objection in principle to the proposal

Great Western Street Residents Association - No comments received.

Issues

Unitary Development Plan (UDP) - There are no site-specific policies in the UDP for this site. However, in considering this proposal consideration is given to policy H2.2 in the Part 1 of the UDP and policies DC10 and DC26 in Part 2 of the plan.

Policy H2.2 states that the Council will not allow development which will have an unacceptable impact on residential areas. The matters which will be considered 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 (Food and Drink Uses) states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, the Council will have regard to, in this instance:

- The general location of the proposed development.
- The effect on the amenity of neighbouring residents.

Policy DC26 seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted

Regional Spatial Strategy - In terms of regional policy, it is not considered that any policy is of particular relevance in this case.

In addition to the above, Central Government provides national planning guidance in the form of Planning Policy Guidance Notes (PPGs) and more recently on some planning issues, Planning Policy Statements (PPSs).

PPS1 'Delivering Sustainable Development' underpins the planning system and sets out the overarching policies on the delivery of sustainable development. Emphasis is placed on the need for good design to ensure attractive, usable, durable and adaptable places.

Principle – The principle of a change of use from retail to café is considered acceptable in his location. The premises lies within a commercial parade close to other similar uses on a main east/west route in south Manchester. As such, due to the site’s commercial location, it is not considered that any significant impact upon the character of the area will result.

Residential Amenity and Noise – Due to the commercial location of the site and present activity and background noise levels that exist in the local area, it is not believed that there will be any significant, detrimental impact upon residential amenity. A planning condition has been inserted with respect to hours of opening in order to prevent any late night disturbance as a consequence of the proposed use.

Visual Amenity – The main issue from a visual amenity perspective is that of the flue to the rear. However, as the site lies perpendicular to the gable walls of properties on Maine Road and Upper Lloyd Street, it is believed that the flue will not be overlooked by any primary, habitable windows. As such, the proposal is considered satisfactory in visual amenity terms. Moreover, to help the flue blend in more closely with its surroundings, a condition has been inserted requiring the flue to be painted a colour to the satisfaction of the City Council as Local Planning Authority.

Car Parking – The site does not include any off-street car parking within the curtilage of the property. However, as is the case for all commercial properties in the local area and as is normal in local shopping centres, off-street car parking is not a feature. Due to nature of the proposed café use, there is unlikely to be high levels of traffic or parking demand at one specific time. Therefore, it is considered that any traffic generated by the café is likely to be adequately catered for by frontage, on-street car parking. Further, it should be noted that as the café is to predominantly cater for the local Somali community, it is probable that many patrons will walk to visit the café. As such, car parking and any associated problems is not thought to be a significant issue in this instance.

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 increase in the hours of operation of the premises will not have an adverse impact on residential amenity. The proposal therefore accords with Policies DC10, DC26 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 following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Plans and submitted details, stamped as received on 21st August 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) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

10.00 am to 8.00 pm Monday to Saturday

11.00 am to 6.00 pm Sunday and Bank Holidays

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 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 Policy H2.2 and DC10 of the Unitary Development Plan for the City of Manchester.

5) 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 interests of public safety and residential amenity, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The flue hereby approved shall be painted a colour to be agreed in writing by the City Council as Local Planning Authority before the approved use is operational. The agreed colour shall be painted within 3 months of details being agreed.

Reason -

To minimise the visual impact of the flue pursuant to policies H2.2 and DC10 of the Unitary Development Plan for the City of Manchester

7) The flue shall be maintained at all times in accordance with the manufacturers specifications.

Reason -

To protect the amenity of nearby residents from the adverse affects of fumes and odours pursuant to policies H2.2 and DC10 of the Unitary Development Plan for the City of Manchester

8) The roller shutters shall remain up between the hours of 9am and 5pm Monday to Saturday and 10am to 4pm on Sundays unless otherwise agreed in writing by the City Council as Local Planning Authority.

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

9) A Management Plan for use of the premises shall be submitted to and approved by the City Council as local planning authority. The Management Plan shall remain in operation at all times unless otherwise agreed in writing.

Reason -

In the interests of residential 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: 090676/FU/2009/S1 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

Greater Manchester Police
Steve Hobson, Crime Reduction Officer
Great Western Street Residents Association
43 Upper Lloyd Street, Manchester, M14 4HY
304 Great Western Street, Manchester, M14 4LP
294 Great Western Street, Manchester, M14 4LP
302 Great Western Street, Manchester, M14 4LP
286 Great Western Street, Manchester, M14 4LP
Sharma Greengrocers, 284 Great Western Street, Manchester, M14 4LP
Rusholme Dental Practice, 300 Great Western Street, Manchester, M14 4LP
288 Great Western Street, Manchester, M14 4LP
296 Great Western Street, Manchester, M14 4LP
298 Great Western Street, Manchester, M14 4LP
290 Great Western Street, Manchester, M14 4LP
292 Great Western Street, Manchester, M14 4LP
278 Great Western Street, Manchester, M14 4HT
251 Great Western Street, Manchester, M14 4LQ
241 Great Western Street, Manchester, M14 4LQ
249 Great Western Street, Manchester, M14 4LQ
243 Great Western Street, Manchester, M14 4LQ
253 Great Western Street, Manchester, M14 4LQ
247 Great Western Street, Manchester, M14 4LQ
237 Great Western Street, Manchester, M14 4LQ
245 Great Western Street, Manchester, M14 4LQ
239 Great Western Street, Manchester, M14 4LQ
Caribbean Style Agency Shipping & Travel, 235 Great Western Street, Manchester,
M14 4LQ
231 Great Western Street, Manchester, M14 4LG
233 Great Western Street, Manchester, M14 4LG
20 Ruskin Avenue, Manchester, M14 4DQ
18 Ruskin Avenue, Manchester, M14 4DQ
16 Ruskin Avenue, Manchester, M14 4DQ
14 Ruskin Avenue, Manchester, M14 4DQ
2 Ruskin Avenue, Manchester, M14 4DQ
6 Ruskin Avenue, Manchester, M14 4DQ
4 Ruskin Avenue, Manchester, M14 4DQ
12 Ruskin Avenue, Manchester, M14 4DQ
10 Ruskin Avenue, Manchester, M14 4DQ
8 Ruskin Avenue, Manchester, M14 4DQ
266 Great Western Street, Manchester, M14 4HT
221 Great Western Street, Manchester, M14 4LG
268 Great Western Street, Manchester, M14 4HT
47 Upper Lloyd Street, Manchester, M14 4HY
45 Upper Lloyd Street, Manchester, M14 4HY
270 Great Western Street, Manchester, M14 4HT
223 Great Western Street, Manchester, M14 4LG
225 Great Western Street, Manchester, M14 4LG
225a, Great Western Street, Manchester, M14 4LG
272 Great Western Street, Manchester, M14 4HT
227-229, Great Western Street, Manchester, M14 4LG

274 Great Western Street, Manchester, M14 4HT
276 Great Western Street, Manchester, M14 4HT
4 Maine Road, Manchester, M14 4DW
6 Maine Road, Manchester, M14 4DW
8a, Maine Road, Manchester, M14 4DW
8 Maine Road, Manchester, M14 4DW

Representations were received from the following third parties:

Environmental Health
Ward Councillors
Levenshulme Health Centre, Dunstable St, Manchester, M19 3BX

Relevant Contact Officer : **Steven McCoombe**
Telephone number : **0161 234 4607**
Email : **s.mccoombe@manchester.gov.uk**