

Application Number	Date of Appln	Committee Date	Ward
090939/FO/2009/N1	2nd Sep 2009	19th Nov 2009	Charlestown Ward
Proposal	Change of use from B1 office to hot food takeaway (A5 Use Class) and new shop front		
Location	1200 Rochdale Road, Blackley, Manchester, M9 6FR,		
Applicant	Mr Charles Phillips, Tatton Property Investments, Booths Hall, Chelford Road, Knutsford, Cheshire, WA16 8GS,		
Agent	Mr Adrian Caulfield, HA Design (Cheshire) Ltd, 28 Belmont Avenue, Macclesfield, Cheshire, SK10 3JN,		

Description

This application relates to a vacant, former office premises, that is located in a local shopping centre, centred around the junction of Victoria Avenue East and Rochdale Road. It is located on the north side of Victoria Avenue and is an end property in a block of four units comprising an ironmongers, chemist, with a hot food take away shop adjacent to the application property. The vacant former Kwik Save building and car park is situated to the rear of the site that has the benefit of planning permission for a new store with gross floorspace of 4,005 sq metres and library. The M60 is situated just to the north of the site.

There is a service road off Rochdale Road that provides access to the rear of the block 1190 -1200 Rochdale Road. There is a reasonably sized yard to the rear of the property where deliveries can take place. Three parking spaces and space for storage of bins is shown in the yard. A flue is to be erected at rear. A new fully glazed aluminium frame shop front together with a ramp is also included as part of the proposal. The proposal will create 5 full time jobs and two part time jobs.

Consultations

Local Residents Two letters of objection have been received. One resident considers that there are enough hot food take away shops and cafes in the area and what is needed is more general shops that can be used during the day. The second letter is from a local business who considers that there is sufficient hot food take aways in the area and would damaged existing businesses due to increase in competition. It would lead to more litter, drainage problems crime and disruption to local residents.

Rochdale Road Residents Action Group. An adjoining development to this application is for anew library and supermarket. They understand that as part of this development a one - way system is proposed and this may or may not impact on the waste management proposals for 1200 Rochdale Road.

Ward Councillors. A letter of objection has been received from Councillor Kirkpatrick on behalf of Councillor Curley, and Councillor Hackett. It is considered that the proposal would exacerbate an existing problem of anti-social behaviour

created by youths congregating in the area. Concerns are raised about increase in traffic flow from customers and deliveries and there is inadequate car parking leading to further congestion. There area already contains a high number of food outlets and the proposal would increase paper, rubbish and vermin in the area. Another food outlet would provide competition in the area that could lead to existing businesses having to close.

Engineering Services - There are no major highway objections to the proposals. Traffic regulation orders to the frontage of the development are for 'No Waiting Mon-Sat 7.30- 9.30am and Mon-Fri 4.30-6pm'- ie key network peak hours. For short term, fast food pick-ups, predominantly after the evening peak, this should not present a particular problem from a highway perspective. Patrons should be encouraged to use the access road and parking to rear if possible. This remains unadopted and provides reasonable service access.

Environmental Health - No objections, subject to standard conditions relating to refuse, delivery times, hours of operation, noise insulation and fume extraction, external lighting.

North Manchester Regeneration Team - object to the proposal on the following grounds:-

1. There is already adequate hot food/ takeaway provision in this local shopping area.
2. The Higher Blackley East Local Plan approved by the City Council in 2006 seeks to provide a quality, local shopping offer and makes reference to the oversupply of hot food takeaway provision.
3. Via the local plan improvements, have commenced on upgrading the visual amenity of the area where there have been issues of on street car parking and issue related to litter / food waste from hot food takeaway establishments.
4. General concerns raised by residents of the related antisocial behaviour linked to late night opening of such establishments.

Highways Agency - no objections

Greater Manchester Police - There is a high frequency of anti -social behaviour, violence and drinking related incidents in the local area. The creation of a hot food take away opening until midnight is likely to attract customers who might be intoxicated there is a potential that the proposed take away will be scene of late night disorder and therefore it is essential that comprehensive CCTV system be in place covering areas of potential conflict (including but not limited to: serving area, entrance/exit and any seating areas).

Crime Reduction Officer - no objections

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 is within the area covered by policy BM11 No major new shopping facilities are envisaged in the area and the main emphasis will therefore be on retaining and improving existing centres, especially at Rochdale Road/Victoria Avenue; Moston Lane East/Hollinwood Avenue; Charlestown Road; and on the Riverdale estate.

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 Rochdale 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 local centre, and meets the locational criteria set by policy DC10. This local centre comprises 34 commercial properties comprising A1, A2, A3 and A5 uses, plus the former Kwik Save site that is currently vacant. The breakdown of uses in the centre is as follows:

A1 retail -	14 properties	(41%)
A2 professional services (banks estate agents)	8 properties	(24%)
A3 cafe/restaurants	3 properties	(9 %)
A5 hot food take away shops	7 properties	(20%)
other taxi hire base _ application site that is empty	2 properties	(6 %)

The hot food take away shops are evenly distributed across the centre. The activities associated with the premises, in terms of comings and goings, will be similar to other units in the centre and therefore considered to be a compatible use. The fear of competition is not a relevant planning matter to be taken into consideration.

The vitality and viability of the centre also needs to be taken into account in terms of the impact this change of use could have on the centre. The application property is the only vacant unit in this local centre and it has managed to remain buoyant despite the closure of the Kwik Save store two years ago. There is a good choice of eating establishments at present in the centre and should the application be approved 31% or nearly one in three units in this local centre would be involved in the food catering business. This could start to have an impact on the character of the centre and may erode its vitality during the day though given the scale of the proposal it is not likely to have a significant impact on the overall viability of the centre. The redevelopment of the former Kwik Save site with a larger food store than previous and a library will clearly bring more activity into the centre and expand the role of this local centre.

The applicant has written in support of the application and considers that the change of use is in line with existing policies and that the centre has a high level of A1 uses and a diverse mix of A2, A3 and A5 uses furthermore there will be a greater concentration of A1 uses when the new store on the former Kwik Save site is built.

Residential amenity - The proposed opening hours are 11.00am to midnight Monday to Saturdays and 11.00am to 11.00pm on Sundays. However, there are no houses in the immediate vicinity of the application site. The proposal is likely to 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 late at night, the proposed use is considered to be acceptable subject to control over the opening hours.

Elevational 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. The ramp at the front of the building would have a minor visual impact, but it is within their own forecourt area and ensures that the facility is accessible to all sectors of the community. The changes to front elevation are considered to be satisfactory.

Servicing/Parking The property has the benefit of a rear service yard with some parking spaces and refuse storage area, that will not be affected by the redevelopment of the adjacent site, and it is considered that this provides a reasonable level of provision.

Crime and Security

Anti -social behaviour has been raised as a particular problem in this area, however, this is a common problem that is associated with many hot food take away shops through out the city. The recommendation made by the Police for a comprehensive CCTV system to be put in place would help in this respect.

The applicant has confirmed in writing that they are willing to consider installation of CCTV cameras in order to deter crime and increase safety in the centre. They also point out that the property has been vacant for almost 12 months and creates a dead frontage to the street which undermines the character and vitality of the centre. The proposed hot food take away will attract customers and stimulate pedestrian flow and activities in this part of the centre throughout the day and at night.

Conclusion.

This proposal meets the Council's normal criteria for the location of hot food take away food shops and is located in a designated local centre and is situated well away from any houses. In addition it has its own small rear service yard that can provide some off street parking and refuse storage facilities.

Representation have been received about a possible increase in anti-social behaviour due to opening of a hot food away shop at this location. However it is considered that a condition requiring the installation of comprehensive cctv system could help to discourage such behaviour. Strong representations have been received about over proliferation of food catering businesses in the centre and it is acknowledged that a good choice of food establishment is currently available in the centre. It is debatable whether an additional hot food take away shop would have any significant impact on the viability and vitality of the centre and on balance it is recommended that the application be approved.

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 of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation

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 following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: P20061-P 02 AND P-03 stamped as received on 02 - 09 -2009

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy DC10 of the Manchester Unitary Development Plan.

3) The hot food take away premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

Monday to Saturday 11.0am to midnight

Sundays 11.30 am to 11.00pm

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

4) 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.

5) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:

07:30 to 20:00 Monday to Saturday

11.00 to 17.00 Sundays/Bank Holidays

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

6) 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.

7) 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.

8) The development hereby approved shall include the installation of CCTV cameras providing coverage of the entrance and internal/ external areas, and full details of such a scheme shall be submitted to and approved in writing by the City Council as local planning authority prior to the hot food take away shop being opened to the public. The approved scheme shall be implemented in full in accordance with the approved details and shall remain in operation for so long as the development is occupied.

Reason

In the interest of amenity, crime reduction and 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.

9) The window glass of the shopfront shall not be obscured by security shutters or grilles between the hours of 9.00 am to 6.00 pm Monday to Saturdays excluding Sundays and Bank Holidays.

Reason

In the interests of visual amenity of the area pursuant of policies S2.5 and E3.3 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: 090939/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:

Dennis Brogan, Crime Reduction Officer
PC Bill Ashton, Crime Reduction Dept
Engineering Services
Environmental Health
Contaminated Land Section
North Manchester Regeneration Team
The Highways Agency

Greater Manchester Police
Rochdale Metropolitan Borough Council
Dennis Brogan, Crime Reduction Officer
Lloyds Pharmacy, 1190-1192, Rochdale Road, Manchester, M9 6FR
Wing Wah Shop, 1198 Rochdale Road, Manchester, M9 6FR
1200 Rochdale Road, Manchester, M9 6FR
Chambers & Perkins, 1194-1196, Rochdale Road, Manchester, M9 6FR
Vanilla Poperties, Bannister Mews , Baldhoon, Laxey, ISLE OF MAN, 1M4 7QH

Representations were received from the following third parties:

Engineering Services
Environmental Health
North Manchester Regeneration Team
The Highways Agency
Greater Manchester Police
Crime Reduction Officer
Wing Wah Shop, 1198 Rochdale Road, Manchester, M9 6FR
33 Bransby Avenue, Manchester, M9 6JN
Cllr Kirkpatrick.

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