

Higher Blackley Ward	Application Number 081253/FU/2006/N1	Date of Appln 29th Nov 2006	Committee Date 18th Jan 2007
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Proposal Change of use of ground floor from financial and professional services to cafe and sandwich bar (sui- generis)

Location Ground Floor, 250 Middleton Road, Crumpsall, Manchester, M8 6WA,

Applicant Teresa MCarrick 12 Leegate Drive, Blackley, Manchester, M9 6BB,

Agent

Description

This application relates to a vacant ground floor unit in a parade of six shops on the eastern side of Middleton Road close to the signal controlled junction at Sheepfoot Lane. The unit is adjacent to a restaurant at 252 Middleton Road and there is an accountants office above the proposed cafe/sandwich bar. There is a chemist, a hairdresser's, a tanning centre and a post office in this block. There are residential properties to the rear on Welford Road and Windle Avenue. There is a petrol filling station and a parade of seven shops including a small bar on the opposite side of Middleton Road.

The proposal is for a cafe-deli sandwich bar with eating in facilities. The proposed opening hours are 7.00am to 2.00pm Mondays to Fridays and 7.00am to 1.00pm on Saturdays. It will create three new jobs. The applicant has operated catering services in the University area and are slimming world consultants and hope to promote a healthier style of takeaway and eat in. Toilet facilities will be available in the basement.

Parking is available in the forecourt to the front of the premises.

Consultations

Local Residents Two letters of objection have been received. The grounds of objection are parking problems will increase, people visiting the shops park outside their house on the pavement causing them inconvenience and to pedestrians. It will involve increase in noise and disturbance with groups of youngsters "hanging about". Litter problems will increase, the area is already well served by eateries. It would increase traffic congestion as the site is located next to a bus stop.

Local Businesses Three letters of objection have been received. A professional services company that occupies the first floor is concerned about smells permeating to their offices and wish to ensure that effective extractor fans will be installed to keep cooking smells to a minimum. One business fears that the sandwich bar will cause nuisance parking and affect

fuel tanker deliveries to their premises as they already suffer from people parking on their forecourt to visit the nearby shops and fear this will get worse. The third business argues that there are plenty of existing facilities in the locality that provide a similar service to that proposed. Another food retailer says it would decrease the quality of life, due to more litter and result in an increase in anti-social behaviour and make parking difficulties worse.

Greater Manchester Police can see no problem with this change of use.

Head of Environmental Health has recommended that standard conditions are attached to any approval to cover the opening hours as applied 7.00am to 14.00pm Monday to Friday and 07.00am to 13.00pm Saturday, externally mounted equipment should be acoustically insulated, a scheme for discharging fumes should be submitted and deliveries/ collections should be restricted to 7.30 am to 20.00 hours Monday to Saturday with no deliveries on Sundays/ Bank Holidays.

Head of Engineering any comments to be reported.

Issues

Unitary Development Plan Policies DC - 10 Food and Drink Uses and H2.2 protection of residential areas from inappropriate development are relevant .

Policy DC 10.2 , the City Council will normally accept the principle of developments for food and drink uses, at ground floor level, in local shopping parades of more than 8 shops. The proposal is situated in a parade of six shops, however, there are shops on the opposite side of the road, in addition it is not an end unit. The proposed opening hours of the cafe/sandwich bar is aimed at attracting the breakfast and lunchtime trade rather than evening/ night time trade which normally has the potential to create residential amenity problems. On this basis it is considered that the proposal can be accepted as an exception to the policy. It should be noted that the Food and Drink Policy DC10 was drafted at the time when A3 uses covered a range of uses including restaurants, public houses and hot food take away shops. This application is for a sui-generis use which will include consumption of food on the premises.

Vitality of the Shopping Centre There is a good mix of facilities available to residents at this local centre and it is considered that the change to a cafe/sandwich bar of this unit will not have any significant impact on the vitality of this parade.

Residential Amenity There are residential properties situated to the rear on Welford Road. However, the cafe is situated in a fairly active local centre and it is considered that the additional comings and goings due to the proposal in the mornings should not lead to any noticeable increase in residential amenity problems. The fume extraction system involves internal ducting from the oven hood leading to the rear window which is to be replaced and to include an external weather louvre that will have dimensions 600mm X 600mm. As such it

will have a minimal visual impact. However, the conditions recommended by the Head of Environmental to minimise residential amenity problems should be imposed should planning permission be granted.

Parking. Cars are able to park on the private forecourt that goes across the front of the shops in the parade and there is room for about 12 cars, however, the spaces are well used at present. The cafe could attract passing motorists and this would put further pressure on the limited off-street spaces that are available, though it should be noted that the premises could open as a retail outlet without requiring an application for planning permission and this would also add to the parking problems

Access for Disabled People. There is level access to the premises.

Anti - Social Behaviour As the cafe will only open in the mornings it is considered that it will not give rise to any problems in relation to anti-social behaviour.

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)/objectors/residents 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 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 that it is located in a small parade of shops and should not give rise to any significant residential amenity problems 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 premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

* Monday to Fridays 7:00am to 2:00pm

* Saturdays 7:00am to 1:00pm

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, in particular due to noise and disturbance, pursuant to policy H2.2 and DC10.4 of the adopted Unitary Development Plan for the City of Manchester.

3) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours 07.30 am to 8.00pm Monday to Saturdays, 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 of the adopted UDP.

4) Before the use hereby approved commences, a scheme for acoustically insulating the premises, together with any externally mounted ancillary equipment, shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be completed before the use commences and remain in operation thereafter.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation particularly from noise pursuant to policy DC26.5 of the Unitary Development Plan for the City of Manchester.

5) Before the use hereby approved commences a scheme for the extraction of any fumes, vapours and odours from the premises shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The approved scheme shall be completed before the use commences and remain in operation thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties pursuant to policy DC10.4 of the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall be carried out in accordance with the drawings stamped as received by the Local Planning Authority on 7 and 24 November 2006, 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.

7) Before the development hereby approved commences 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 adopted UDP.

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: 081253/FU/2006/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 all held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted on the application:

Engineering Services
Environmental Health
Greater Manchester Police
Environment & Operations (Refuse & Sustainability)
Licensing Unit
244 Middleton Road, Manchester, M8 4WA
27 Kendall Road, Manchester, M8 4ND
29 Kendall Road, Manchester, M8 4ND
248 Middleton Road, Manchester, M8 6WA
250 Middleton Road, Manchester, M8 6WA
252 Middleton Road, Manchester, M8 4WA
254 Middleton Road, Manchester, M8 4WA
256 Middleton Road, Manchester, M8 4WA
1 Windle Avenue, Manchester, M8 4NY
3 Windle Avenue, Manchester, M8 4NY
5 Windle Avenue, Manchester, M8 4NY
7 Windle Avenue, Manchester, M8 4NY
9 Windle Avenue, Manchester, M8 4NY
11 Windle Avenue, Manchester, M8 4NY
1 Welford Road, Manchester, M8 4NZ

3 Welford Road, Manchester, M8 4NZ
5 Welford Road, Manchester, M8 4NZ
7 Welford Road, Manchester, M8 4NZ
2 Welford Road, Manchester, M8 4NZ
4 Welford Road, Manchester, M8 4NZ
6 Welford Road, Manchester, M8 4NZ
8 Welford Road, Manchester, M8 4NZ
10 Welford Road, Manchester, M8 4NZ
12 Welford Road, Manchester, M8 4NZ
Bowker Vale Post Office, 242 Middleton Road, Manchester, M8 4WA
246 Middleton Road, Manchester, M8 4WA
Flat Ab, 242 Middleton Road, Manchester, M8 4WA
Top Flat, 242 Middleton Road, Manchester, M8 6WA
Evergreen, 1 Windle Avenue, Manchester, M8 6ND
236A Middleton Road, Manchester, M8 4WA
Bus Shelter Gmpte137 Nb 4262 Outside 252, Middleton Road, Manchester,
M8 4WA
242 Middleton Road, Manchester, M8 4WA
279 Middleton Road, Manchester, M8 4WA
281 Middleton Road, Manchester, M8 4WA
283 Middleton Road, Manchester, M8 4WA
285 Middleton Road, Manchester, M8 4WA
287 Middleton Road, Manchester, M8 4WA
289 Middleton Road, Manchester, M8 4WA
291 Middleton Road, Manchester, M8 4WA
293 Middleton Road, Manchester, M8 4WA
295 Middleton Road, Manchester, M8 4WA
256 Middleton Road, Higher Crumpsall, Manchester

Representations were received from the following third parties:

M EPSTEIN _ CO, 250 Middleton Road, Manchester, M8 6WA
Mrs S Oakley, 7 Windle Avenue, Manchester, M8 4NY
Mr Singh, Bowker Vale Post Office, 242 Middleton Road, Manchester, M8
4WA
ALEEF GARAGES LTD, 279 Middleton Road, Manchester, M8 4WA
Mr & Mrs Farooq, 256 Middleton Road, Higher Crumpsall, Manchester

Relevant Contact Officer: : David Hughes
Telephone No. : (0161) 234 4530
Email : d.hughes3@manchester.gov.uk