

SECTION 78 APPEAL

APPELLANT'S STATEMENT OF CASE

**PLANNING APPLICATION FOR A CHANGE OF USE FROM CLASS E TO USE
CLASS E AND/OR HOT FOOD TAKEAWAY (SUI GENERIS)**

135-141 WITHINGTON ROAD, MANCHESTER, M16 8EE

ON BEHALF OF THE CO-OPERATIVE GROUP

LPA REF: 131351/FO/2021

Prepared by: Chris Edge



Pegasus Group

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1.0 Introduction and Appeal Background

- 1.1 This Statement of Case has been prepared in support an appeal against Manchester City Council's decision to refuse planning application reference 131351/FO/2021 for the following development at 135-141 Withington Road, Manchester (the 'Site'):

"Change of Use from Class E to Use Class E and/or Hot Food Takeaway (Sui Generis)".

- 1.2 The application was submitted to the Council on 13 August 2021 by Pegasus Group acting as agent for the appellant, The Co-operative Group. However, on 25 August 2021 a letter was received indicating that the application was considered to be invalid for three reasons: i) A Waste Management Strategy was required; ii) An Odour Impact Assessment was needed to demonstrate how fumes and odours associated with the proposed use as a Hot Food Takeaway would be dealt with; and iii) The Site Location Plan and Proposed Layout Plan needed to be amended to ensure all vehicle parking associated with the proposal was included within the applications red line boundary.
- 1.3 In response to the above a Waste Management Strategy was prepared using Manchester City Council's Proforma along with amended copies of the Site Location Plan (Dwg No. 204649 - IDL - 01 - XX - DR - A - P1001 - S3 - P02) and Proposed Site Plan (204649 - IDL - 01 - ZZ - DR - A - P2029 - S3 - P02). The latter of which also specified the location of the proposed waste storage facility associated with Units 2 & 3.
- 1.4 An Odour Impact Assessment was submitted to the Council on 20 October 2021 and following which the application was confirmed as valid on this date with a target date for determination of 15 December 2021. However, following subsequent extensions of time, the planning application was refused on 4 February 2022 for two reasons:

"1) The proposed use would have an adverse impact upon the residential amenity of surrounding occupiers due to its potential generation of an unacceptable level of pedestrian and vehicular activity, associated noise and disturbance and the congregation of people in and adjacent to the premises, which would thereby affect the amenity of neighbouring and local residents. The proposed use is therefore considered to be contrary to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, C10 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017).

2) The creation of a hot food takeaway (Sui Generis Use) at 135 - 141 Withington Road is an inappropriate use, as it is located outside an established and defined shopping parade/centre where hot food take away uses are usually considered to be appropriately located, to avoid any adverse impacts on the character or amenities of the occupiers of residential premises. The proposed use is therefore considered to be contrary to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017)".

- 1.5 A list detailing the application submissions and its subsequent amendments is contained in **Appendix 1**.

APPENDIX 1: LIST OF PLANNING APPLICATION DOCUMENTS

- 1.6 A copy of the Decision Notice and Officer's Report, setting out the Council's detailed reasoning for refusal is included at **Appendix 2**.

APPENDIX 2: DECISION NOTICE AND OFFICER'S REPORT (131351/FO/2021)

- 1.7 For context, it should be noted that the Site was also subject to a separate application over the same time period for external works to facilitate the subdivision of the retail unit into 3 units (Application reference 131304/FO/2021). This application was also refused on 4th February 2022.

2.0 The Appeal Site and Surroundings

The Appeal Site

- 2.1 The Site comprises part of the floorspace within an existing Co-op Food store. The shop is a single storey brick-built building with a pitched roof which is located within the western part of the Site. Car parking is located to the rear of the shop and access to the car park is afforded from Mayfield Road. Servicing access is taken from Withington Road only which is located to the north of the shop. There is a fence between the service yard and car park and access into the service yard is restricted by way of a gate.
- 2.2 The shop as a whole was originally built for, and occupied by, Netto until the Co-op took over this shop. The outline planning permission was approved in 1992 for a single storey retail unit and parking (application reference 40052). Approval of reserved matters (application reference 40865) pursuant to the outline planning permission was granted in May 1992.
- 2.3 The Site is bounded by Withington Road to the west, Mayfield Road to the south, residential dwellings on Mayfield Road to the east and a car sales forecourt and single storey sales building within the land adjacent to the north of the Site.

Surrounding Area

- 2.4 The immediate surrounding area is characterised by a mixture of land uses, with residential dwellings to the east and south and more commercial premises to the north and west of the Site. Directly opposite the site on Withington Road, and further north, are a number of café/restaurant and hot food takeaway uses.
- 2.5 The Site lies within the Whalley Range Conservation Area but is not a listed building. There are no Listed Buildings within proximity of the Site. The site is

in Flood Zone 2, with a medium probability of flooding. The Site is located in close proximity, and to the south of the Withington Road / Yarburgh Street Local Centre. The boundaries of the Local Centre are not defined in the Local Plan.

3.0 Planning History

- 3.1 The planning history for the foodstore (Netto) starts in 1992 when outline planning permission was approved for a single storey retail unit and parking (application reference 40052). The hours of operation were restricted by Condition 6 as follows: *'The premises shall not be open on Sundays or Bank Holidays and not outside the following hours:- Monday to Wednesday, 9.00 a.m. to 6.00 p.m. Thursday and Friday, 9.00 a.m. to 8.00 p.m. Saturday, 8.30 a.m. to 6.00 p.m.'*
- 3.2 Approval of reserved matters (application reference 40865) pursuant to the outline planning permission was granted in May 1992. There are no conditions attached to either planning decision restricting the amount of floorspace (other by way of the approved plans) nor is there any condition restricting the subdivision of the unit.
- 3.3 The hours of operation were varied by way of planning permission reference 096967/JO/2011/S1 as follows: 07.00 to 22.00 hrs Monday to Saturday 10.00 to 16.00 hrs on Sundays. This planning permission also restricts the hours of deliveries to 07.00 to 19.00 hrs Monday to Saturday and 08.00 to 16.00 hrs on Sundays and Bank Holidays as well as stating that servicing and delivery vehicles shall use the Withington Road entrance only and shall not use the Mayfield Road entrance at any time.
- 3.4 Three planning applications were submitted across 2007 to 2010 for the extension of the foodstore to provide additional back of house. These were, in turn, refused, withdrawn and then finally granted planning permission in 2010 (application reference 091008/FO/2009/S1).
- 3.5 A planning application was refused for an ATM in 2007 due to the risk of crime for ATM users (application reference: 084870/FO/2007/S1).
- 3.6 There are a number of other minor applications for advertisement consent and other minor works that are not relevant.

- 3.7 In addition to the application which this statement relates to, the application site was also subject to a separate application over the same time period for external works to facilitate the subdivision of the retail unit into 3 units (Application reference 131304/FO/2021). This application was also refused on 4th February 2022 and the decision notice confirms that this was due to the potential impact extended operating hours would have on the residential amenity of surrounding occupants. This application is subject to a separate appeal.

4.0 The Appeal Proposals

- 4.1 This Statement of Case has been prepared in support of an appeal which seeks planning permission for the change of use of part of the internal floorspace within the existing Co-op Food Store to be used for a combination of shop uses and / or hot food takeaway uses within two new units (Use Class E and / or hot food takeaway (Sui Generis)).
- 4.2 The rationale for the proposed development is due to the fact that the Co-op is looking to downsize its foodstore in this location to bring it into line with the majority of its Food estate and so that it can trade in accordance with the Sunday Trading Act. In doing so, the Co-op shall retain the northern part of the building and would look to release the remaining floorspace within for other uses.
- 4.3 This application seeks to widen the potential uses and occupiers of part of the existing retail floorspace. This will enable the Co-op to market the premises more widely to reduce the prospect of the 'leftover' floor space from the subdivision remaining vacant.
- 4.4 The existing building accounts for a total of 761 sqm gross floorspace. This appeal proposal seeks permission to change the use of part of the gross internal floorspace into Use Class E and / or Hot Food Takeaway (Sui Generis). Whilst the remaining floorspace will be retained by the Co-op as a foodstore (Use Class E).
- 4.5 For the avoidance of doubt, this appeal does not include the subdivision of the shop or any development to facilitate the changes. A separate planning application (reference 131304/FO/2021) was submitted in that respect and as it was subsequently refused by the Council, it is currently subject to a separate appeal.
- 4.6 Furthermore, the scope of this appeal does not include any works required to facilitate potential operators associated with the proposed sub-division. Therefore, any future ventilation or extraction equipment would be subject to securing permission via a separate planning application.

5.0 Planning Policy

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to accord with the adopted Development Plan unless material considerations indicate otherwise.

The Development Plan

- 5.2 The relevant Development Plan for this Site comprises the following documents:

- The Manchester Core Strategy DPD (Adopted July 2012); and
- Saved Policies from the Manchester UDP (Adopted July 1995)

- 5.3 According to Manchester Core Strategy Proposals Map the appeal site is located within the defined urban area of Manchester and lies within the Whalley Range Conservation Area. The site is also recognised within the 'South Manchester' designation and on that basis the following policies are considered of particular relevance to this appeal:

Manchester Core Strategy DPD (2012)

- Policy SP1 – Spatial Principles
- Policy EC9 – South Manchester
- Policy CC9 – Design and Heritage
- Policy C1 – Centre Hierarchy
- Policy C9- Out of Centre Development
- Policy C10 – Leisure and the Evening Economy
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Policies from the Manchester UDP (1995)

- Policy DC10 – Food and Drink Uses

- Policy DC26 – Development and Noise

5.4 Full extracts of all policies can be found on Manchester City Council's website and for convenience have also been provided within this statement at **Appendix 3**.

APPENDIX 3: EXCERPTS OF RELEVANT DEVELOPMENT PLAN POLICIES

National Planning Policy Framework

5.5 The National Planning Policy Framework (NPPF) was published in February 2019 and most recently updated in July 2021, and sets out the Government's policies for the planning system to ensure that it helps to achieve sustainable development.

5.6 The key objective of the NPPF is to achieve sustainable development and **paragraph 8** confirms there are three dimensions to achieving this, namely economic, social and environmental. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development is delivered to support growth.

5.7 **Paragraph 11** confirms that a presumption in favour of sustainable development is at the heart of the NPPF and that for decision taking, this means that where the development plan is out-of-date, planning permission should be granted unless other adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. This confirms that Local Plans should have sufficient flexibility to adapt to rapid change.

5.8 **Paragraph 81** of the NPPF confirms that the planning system should facilitate conditions in which businesses can invest, expand and adapt.

5.9 **Paragraph 86** seeks to ensure the viability of town centres, requiring that local authorities define a network and hierarchy of centres and also define

primary shopping areas, as well as primary and secondary frontages. This paragraph also states that local authorities should also set policies for consideration of main town centre uses which cannot be accommodated within or adjacent to town centres.

- 5.10 In summary it can be seen from the NPPF that not only does it provide a sound platform on which to promote economic growth, but a clear and demonstrable harm has to be demonstrated for a planning application to be refused.

Other Material Considerations

- 5.11 Other material considerations of relevance to this appeal but not comprising part of the Development Plan include:

- National Planning Practice Guidance; and
- The Manchester City Council Hot Food Takeaway Supplementary Planning Document (March 2017).

- 5.12 Given the nature of the proposal the Council's Hot Food Takeaway SPD is of particular relevance and was formally adopted on 8th March 2017. The document sets out a number of policies to guide development associated with hot food takeaways.

- 5.13 Considering the application site within the context of the Council's guidance it is evident that Policy 1 of the SPD is not relevant as the Site is not located within a defined centre. However, Policies 2 and 3 of the SPD are directly relevant and further details of which are provided below.

Policy 2

"Amenity

Hot food takeaways (A5 uses) will be considered against Core Strategy Policy DM1 Development Management and specific considerations include:

Hours of Opening

- *Unless affected by Policy 3 of this SPD, the hours of opening of a hot food takeaway will depend on whether it can be demonstrated that there would be: no unacceptable impact on residential amenity as set out in DM1 Development Management,*
- *there is an established night time economy*
- *it would not adversely affect the character and function of the immediate area, including existing levels of background activity and noise.*

Extraction of odours and noise abatement

Hot food takeaways must provide appropriate extraction systems to effectively disperse odours and show that they are meeting the minimum guidance in the Department of Environment, Food and Rural Affairs Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005 and Odour Guidance for Local Authorities 2010. Applications must be accompanied by an Odour Impact Assessment (OIA) and include suitable mitigation measures. They must demonstrate that they have no adverse impacts on visual amenity, including location and external finish.

Hot food takeaways must consider their impact on noise sensitive developments and any proposal that has the potential to cause noise disturbance to existing residential development or noise sensitive properties should be accompanied by a noise survey and assessment and only approved if the impact is shown to be acceptable.

5.14 Disposal of Waste Products and Customer Litter

All planning applications should be accompanied by a waste management strategy setting out how a hot food takeaway will deal with its own waste and also the waste generated by customers. All waste generated by the business

should be accommodated on site. Consideration should also be given to the need to mitigate for the impact of customer waste on the surrounding area. The Manchester City Council guidance GD04 Waste Storage and Collection Guidance for New Developments, Environmental Protection should be used in the preparation of a waste strategy.

5.15 Highway Safety

Planning permission for hot food takeaways will only be granted where there would not be an adverse impact on highway safety and the amenity of the surrounding area. Proposals should take account of the likely needs of both customers and the operator's delivery requirements. Regard will be given to:

- 1. Existing traffic conditions;*
- 2. The availability of public parking provision in close proximity to the premises, including suitable on-street parking;*
- 3. The availability of an adequate loading and unloading area."*

Policy 3

5.16 "Hot Food Takeaways and Schools

Where a hot food take away is proposed within 400 metres of a primary or secondary school, and the proposal meets planning policy in other respects, planning permission will only be permitted subject to the condition that opening hours are restricted to the following:

- A primary school: the hot food takeaway is not open to the public between 3 pm to 5.30pm on weekdays.*
- A secondary school: the hot food takeaway is not open to the public*

before 5.30pm on weekdays.

The only exception to this approach will be where the proposal is within a district centre designated in the Local Plan and can demonstrate that the introduction of such a use will meet all other relevant policies."

6.0 Main Matters

- 6.1 This section of the Statement demonstrates that the proposal accords with the objective of national and local planning policy and that there are no material considerations which outweigh its acceptability.
- 6.2 As confirmed within the decision notice (dated 4th February 2022) planning permission was refused for two reasons. The first of which relates to the potential impact upon the residential amenity of surrounding inhabitants. Whereas the second was on the basis that the proposed use as a hot food takeaway was considered to be inappropriate due to the site's location outside a defined shopping parade/centre.
- 6.3 For completeness, please see the reasons for refusal as shown on the decision notice set out below.

"1) The proposed use would have an adverse impact upon the residential amenity of surrounding occupiers due to its potential generation of an unacceptable level of pedestrian and vehicular activity, associated noise and disturbance and the congregation of people in and adjacent to the premises, which would thereby affect the amenity of neighbouring and local residents. The proposed use is therefore considered to be contrary to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, C10 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017).

2) The creation of a hot food takeaway (Sui Generis Use) at 135 - 141 Withington Road is an inappropriate use, as it is located outside an established and defined shopping parade/centre where hot food take away uses are usually considered to be appropriately located, to avoid any adverse impacts on the character or amenities of the occupiers of residential premises. The proposed use is therefore considered to be contrary to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017)".

- 6.4 As such, the Appellant considers there to be two main matters for assessment which are related in our view. This Statement will discuss each in order taking into account all documents submitted as part of the planning application, the decision notice, the planning officers delegated report and representations received from statutory consultees and local residents.

Reason for Refusal 1 - Impact on Residential Amenity

- 6.5 On 20th October 2021 an Odour Impact Assessment, prepared by Smith Grant LLP, was submitted to Manchester City Council. The scope of the report was agreed in advance with the Council's Environmental Health Officer and undertook a technical assessment of the proposed use as a hot food takeaway. This involved an odour risk assessment which considered a number of factors including the nature of dispersion from an outlet, the proximity of receptors, size of the kitchen and the cooking type.
- 6.6 Section 3 of the Odour Impact Assessment provided further details in that regard. However, please see a summary of the risk assessment provided within the table below and Appendix 4.

Table 1. Risk Assessment for Odour (Extract from the Odour Impact Assessment dated 20.10.2021)

Aspect	Comment		Score
Dispersion	No data but given nature of building and location no restrictions on possible discharge likely, i.e. would not need to be a low level discharge and can assume it would be at least 1m above the eaves.	Moderate to Good	5-10
Proximity of Receptors	Closest sensitive receptor would be at least 20m from any kitchen discharge.	Medium	5
Size of kitchen	Unknown – reasonable to say medium sized take away	Medium	3
Cooking type (odour and grease loading)	Unknown – could include fish & chips, fried chicken or alternatively may be a low odour risk take-away such as pizzeria	Low to Very High	1-10
Total score			14-28

APPENDIX 4: SUBMITTED ODOUR IMPACT ASSESSMENT

- 6.7 In light of the above, the consultant concluded that the risk of adverse impacts arising from the proposed change of use to a hot food takeaway were 'low to high' depending on the nature of the business and associated discharge. However, given that the site currently operates as an existing food store and benefits from appropriate separation distances to the nearest sensitive receptors, the Site was deemed suitable for the proposed use.
- 6.8 Whilst the report acknowledges that the application did not contain any specific details regarding extraction or ventilation equipment, by virtue of the fact that any potential operators remain unknown. It notes that the provision of an appropriate ventilation system, and if required additional odour abatement equipment, could be secured by a suitably word condition and attached to the planning permission accordingly.
- 6.9 On 24th November 2021 the Council's Environmental Health Officer provided a response and confirmed there were no objections subject to the imposition of certain conditions relating to a kitchen fume extract strategy, delivery times, opening hours, a noise management plan and an external lighting scheme.

APPENDIX 5: ENVIRONMENTAL HEALTH OFFICER EMAIL RESPONSE 24.11.21

- 6.10 Following further discussions with the Council, an Activity Noise Impact Assessment was instructed in respect of the application for external works to facilitate the subdivision of the retail unit into 3 units (reference 131304/FO/2021). The purpose was to consider potential noise emission from external activities, and given that it related to the same site, this report was also submitted in respect of this application.

APPENDIX 6: SUBMITTED ACTIVITY NOISE IMPACT ASSESSMENT

- 6.11 As indicated within Section 6 of the document, the assessment was informed by an environmental sound survey. The objective of which was to establish the prevailing level of background noise near the closest sensitive receptors, which were identified as residential properties along Mayfield Field, and acoustic

readings were taken at appropriate locations. This approach was carried out in accordance with BS 4142:2014 guidance and enabled comparisons to be made between the existing food store and the proposed development.

6.12 Although further details are provided within the report, the table below provides a comparison between the existing ambient noise levels and those associated with predicted car parking activities over certain operating hours. Over the course of the planning application the applicant confirmed that in agreement with Manchester City Council a suitably worded condition could be imposed which would restrict operating hours in accordance with the conclusions of the Activity Noise Impact Assessment to enable the local planning authority to maintain control in that regard.

Table 2. Predicted carpark noise levels (Extract from the Activity Noise Impact Assessment prepared by Noise solutions Ltd).

Period	Measured ambient L_{Aeq} (dB)	Predicted noise from carpark activities $L_{Aeq,T}$ (dB)	Difference (dB)	Increase in $L_{Aeq,1hour}$ sound pressure level, dBA
Friday 22:00 to 23:00	48	37	-11	0
Saturday 22:00 to 23:00	49	37	-12	0
Sunday 07:00 to 10:00, peak hour	50	44	-6	+1
Sunday 16:00 to 23:00, peak hour	51	44	-7	+1

6.13 As demonstrated above, the level of noise expected from activities within the carpark is similar in nature to the existing ambient sound. This is predominately attributed to the fact that existing traffic on the local highway network provides a similar level of background noise, and the proposed change of use would not result in any material increases. In accordance with Paragraph 004 of the Noise section of NPPG this will result in "No Observed Effect" Mondays to Saturdays, and although noise may increase 1 dBA on Sundays, the level of which is considered "present and unintrusive".

- 6.14 Within the scope of the report potential noise impacts from delivery and servicing vehicles was also taken into consideration. Following further discussions with the Council, the applicant confirmed that all delivery vehicles will arrive and depart via the Withington Road access only. This means there will be no change to the existing arrangements associated with the Co-op store and although the overall number of deliveries will increase in order to accommodate the hot food takeaway uses any impact would be marginal in nature.
- 6.15 As such the proposed would not result in any material change above and beyond the existing serving arrangements and therefore shall not have any significant adverse impact upon the residential amenity of surrounding occupants. No changes are proposed to the hours or method of deliveries which are conditioned by planning permission reference 096967/JO/2011/S1 (conditions 3 and 5).
- 6.16 Whilst we note that the Planning Officer's Report and decision notice both refer to the prospect of customers congregating near the store. The nature of the produce and style of operation provided by hot food takeaway operators lends itself to the fact that orders tend to either be delivered or collected by customers for consumption at home or destinations further afield. Additionally, there is no outdoor seating area associated with the existing premises which would encourage people to congregate immediately outside of the building. Therefore, the proposed change of use would have no greater impact on residential amenity in that regard when compared to the existing lawful use as a convenience store.
- 6.17 By virtue of the above, it is evident that the application was refused on the Planning Officer's own judgement and therefore not based on any technical evidence or advice from statutory consultees. The Council's Environmental Health Officer did not raise any objection to proposal and the submitted Odour Impact Assessment and Activity Noise Impact Assessment both demonstrate that the change of use to a hot food takeaway will not have any adverse impact upon the residential amenity of neighbouring inhabitants. The proposed change of use is therefore considered to comply with all relevant policies within the

adopted Development Plan, and there are no other material considerations which indicate otherwise.

Reason for Refusal 2 – Creation of a Hot Food Takeaway Outside an Established and Defined Shopping Parade/Centre

- 6.18 The Manchester Core Strategy Proposals Map confirms that the Site is located within the defined urban area of Manchester and lies within the Whalley Range Conservation Area. The site is also identified within 'South Manchester', an area which will play a key part in supporting growth over the plan period, and in accordance with Policy EC9 of the Core Strategy the principle of development in such locations is generally supported.
- 6.19 As indicated within Section 6 of the accompanying Planning Statement, whilst it is acknowledged that the site is not located within a defined centre, it comprises the southern section of an existing convenience store which has operated for a long time with no issues that we are aware of. Following a review of the local area it is evident that the immediate surroundings are characterised by a mixture of uses including a number of restaurants and take away facilities directly opposite the site along Withington Road. All of which remain outside of the defined shopping centre, and whilst some may benefit from historic planning consents, they have collectively established a precedence for the suitability of restaurant and hot food takeaway uses within this location.
- 6.20 Appeal reference APP/B4215/W/20/3261720 (Appendix 7) confirms that although Appendix 2 of the Council's Hot Food Takeaway SPD identifies all district and local centres, it acknowledges that *"locations not identified in the Policy (C1 of the Manchester Core Strategy) but which perform the same function in terms of scale and meeting local needs would also be considered to be local centres"*. Importantly, the extent of the Local Centre is not defined within the Local Plan and this had to be queried with the planning officer during the determination of the planning application. Whilst the officer stated that the Site is not within a defined centre, given that there are a number of

existing commercial uses on the opposite side of Withington Road and the proximity of the Local Centre, it is considered that the proposal will not be an incongruous or un-neighbourly use in this location.

APPENDIX 7: APPEAL DECISION REF APP/B4215/W/20/3261720

- 6.21 The majority of the existing hot food takeaways and restaurants along this part of Withington Road (some within the Local Centre and some not) are located closer to existing properties when compared with the Site. As confirmed within the submitted Noise Impact Assessment the nearest sensitive receptors constitute dwellings along Mayfield Road. The closest of which are located around 10 meters from the centre line of the car park and 22 meters from the rear of the store itself.
- 6.22 The Site therefore benefits from sufficient separation distances with existing residential properties and the proposed change of use would not have any material increase above and beyond the levels of noise and / or disturbance generated by existing hot food takeaway premises. These conclusions are verified by NSL's technical noise assessment and although we acknowledge that the proposal does not necessarily satisfy the requirements of all relevant policy criteria. Safeguarding the residential amenity of surrounding occupants has been a key priority which remains in accord with the objectives of Policy DM1 of the Manchester Core Strategy and Saved Policy DC.10 of the UDP.
- 6.23 The proposal which this Statement supports solely relates to the change of use of part of the existing floorspace of the Co-op store to operate more flexibly as Use Class E and / or Hot Food Takeaway (Sui Generis). In turn this would broaden the potential uses and subsequent occupiers of this part of the building to allow the Co-op to market the premises on a wider basis without having any significant adverse impacts on the local area. Given that no new floorspace is proposed this negates the requirement to assess any sequentially preferable sites or the potential impact of the proposed development. Although there are currently no details regarding potential operators the nature of the proposal will provide an opportunity to diversify the range of services available to local residents. This complies with Policy SP1 and will ensure that the building

contributes towards both daytime and night-time economies in a manner suitable with the size, scale and function of Whalley Range.

- 6.24 Although development to facilitate the sub-division of the existing store is subject to a separate application, the proposed change of use will ensure that the floorspace from the subdivided shop does not remain vacant. In doing so, the premises shall provide additional active frontage on to Withington Road to positively contribute towards the overall vitality and viability of the local centre. Policies C9 and C10 of the Core Strategy attribute significant weight to the positive economic benefits of development which the proposal would fully accord with.
- 6.25 With reference to the Decision Notice and the Planning Officer's Delegated Report it is evident that the second reasons for refusal is predicated on the basis that the proposed use is considered 'inappropriate', as hot food takeaway services are usual located within defined shopping parade/centre to "*avoid any adverse impacts on the character or amenities of the occupiers of residential premises*". Considering the wording in further detail, it's clear that the overarching objective is to safeguard the amenity of local residents within the surrounding area.
- 6.26 Despite the fact that the application was refused on such grounds it is evident that this decision was based on the Planning Officer's own judgement and therefore not any technical evidence or advice. The Odour Impact Assessment and Activity Noise Impact Assessment submitted by the applicant on the other hand are informed by sound databases and both demonstrate that the proposed change of use to a hot food takeaway will not have any adverse impact upon the residential amenity of neighbouring inhabitants.
- 6.27 The existing store also benefits from a large car park at the rear of the site which is accessed off Mayfield Road and can be used by customers over the duration of opening hours. The submitted Activity Noise Impact Assessment demonstrates that the potential level of noise generated by the customers and employees associated with proposed change of use will not have any adverse impact upon the residential amenity of local inhabitants. The car park also has

sufficient capacity to accommodate the projected level of activity associated with collections and deliveries, and as such the proposal would not have any impact upon the local networks from a highway safety perspective.

- 6.28 Furthermore, given the Site lies within 400 meters of St Margaret's Church of England Primary School and St. Bede's Preparatory School the proposal would comply with the restricted opening hours as set down by Policy 3 of the Council's Hot Food Takeaway SPD. This was confirmed by the applicant within the Planning Statement and as such the hot food takeaway uses would not be open to the public between 3pm to 5:30pm on weekdays.
- 6.29 Given that the Site constitutes part of an existing food store, does not propose any new floorspace and is located within an area characterised by existing commercial premises, the proposed change of use is considered appropriate. Technical reports demonstrate that the proposed hot food takeaway use would not have any adverse impact upon the residential amenity of local inhabitants and nor the local highway network. As such, we conclude that the proposed development accords with national and local policy objectives, and there are no material considerations to outweigh its acceptability.
- 6.30 Considering the proposal within this context we believe the proposed change of use is acceptable, and we respectfully request that planning permission is granted by allowing this appeal.

7.0 Conclusions

- 7.1 This Statement has been prepared in support of an appeal against Manchester City Council's decision to refuse an application for the change of use of part of an existing food store from Class E to Use Class E and/or Hot Food Takeaway (Sui Generis).
- 7.2 The decision notice, dated 4th February 2022, confirms that planning permission was refused for two reasons: 1) impact upon the residential amenity of surrounding inhabitants; and 2) the proposed use as a hot food takeaway was considered inappropriate due to the site's location outside a defined shopping parade/centre
- 7.3 This Statement has demonstrated that although the application site is not located with a defined centre, it comprises the southern section of an existing convenience store which has operated for a long period of time and is situated within an area including a mix of uses. This includes a number of restaurants and hot food take away's on the opposite side of Withington Road.
- 7.4 An Odour Impact Assessment and Activity Noise Impact Assessment were both submitted as part of the application and demonstrated beyond doubt that the proposal would have any significant adverse impact on the residential amenity of neighbouring inhabitants.
- 7.5 Given all of this, the proposed change of use is considered to accord with the overarching objectives of the Local Development Framework and the NPPF. As such, we respectfully requested that the appeal is allowed and planning permission granted, subject to any conditions as may be considered reasonable and necessary.

APPENDICES

APPENDIX 1: LIST OF PLANNING APPLICATION DOCUMENTS

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA

The following plans:

- i. Location Plan 1:1,250 (Reference: 204649-IDL-01-XX-DR-A-P1004-S3-P01)
- ii. Block Plan 1:500 (Reference: 204649-IDL-01-XX-DR-A-P1005-S3-P01)

Pegasus covering letter (dated 06.08.21); and

Planning Statement (August 2021) prepared by Pegasus Group

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application

PLANNING SUBMISSION DATED 21.09.21

- i. Site Location Plan 1:1,250 (Reference: 204649-IDL-01-XX-DR-A-P1001-S3-P02)
- ii. Proposed Site Plan 1:250 (Reference: 204649-IDL-01-ZZ-DR-A-P2029-S3-P01)

PLANNING SUBMISSION DATED 20.10.21

- i. Odour Impact Assessment (20.10.21)

**APPENDIX 2: DECISION NOTICE AND OFFICER'S REPORT
 (131351/FO/2021)**

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Co-operative Group Food Ltd
C/o Agent

Agent (if used)

Pegasus Planning Group Ltd
1st Floor South Wing
Equinox North
Great Park Road
Bristol
BS32 4QL

Part 1 – Particulars of the application/development

Proposal: Change of Use from Class E to Use Class E and/or Hot Food Takeaway (Sui Generis)

Location: 135 - 141 Withington Road, Manchester, M16 8EE

Date of application: 20 October 2021

Application number: 131351/FO/2021

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant before and during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reason(s) for decision

1) The proposed use would have an adverse impact upon the residential amenity of surrounding occupiers due to its potential generation of an unacceptable level of pedestrian and vehicular activity, associated noise and disturbance and the congregation of people in and adjacent to the premises, which would thereby affect the amenity of neighbouring and local residents. The proposed use is therefore considered to be contrary to saved policies DC10 and DC26 of the Unitary Development Plan for

the City of Manchester and policies SP1, C10 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017)

2) The creation of a hot food takeaway (Sui Generis Use) at 135 - 141 Withington Road is an inappropriate use, as it is located outside an established and defined shopping parade/centre where hot food take away uses are usually considered to be appropriately located, to avoid any adverse impacts on the character or amenities of the occupiers of residential premises. The proposed use is therefore considered to be contrary to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017)

Date: 4 February 2022

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Planning**Growth & Development****Delegated officer report for planning application**

Application no. 131351/FO/2021

Date registered valid: 20 October 2021

Proposal: Change of Use from Class E to Use Class E and/or Hot Food Takeaway (Sui Generis)

Address: 135 - 141 Withington Road, Manchester, M16 8EE

Ward(s): Whalley Range Ward

Applicant: Co-operative Group, Food Ltd C/o Agent

Agent (if any): Pegasus Planning Group Ltd, 1st Floor South Wing, Equinox North, Great Park Road, Bristol, BS32 4QL

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 04.02.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 04.11.2021

Standard consultations:

Printed: 3 November 2021 Expired: 24 November 2021

Neighbour notifications

Printed: 3 November 2021 Expired: 24 November 2021

Site notice

Posted: 4 November 2021 Expired: 25 November 2021

Press advert

Published: 9 November 2021 Expired: 30 November 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The property is a commercial property within a residential area to the south of Whalley Range Local Centre within Whalley Range Conservation Area.

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable

Description of development

Change of Use from Class E to Use Class E and/or Hot Food Takeaway (Sui Generis)

Consultations & Notification Responses

Objections received from 5 residents on the following grounds:

- Having already submitted objections to this proposal 131304/FO/2021, we now understand that the co-op is asking to change use to takeaways. Whalley Range does not need are more takeaways! They form over 50% of the high street already and the resultant mess, noise and traffic do not need to be further exacerbated. The units will result in constant traffic and inconsiderate parking on Mayfield Road (which is already a dangerous junction on a residential road). The same objections we raised on 131304 still apply. Please reject this application as poorly thought out and showing no concern or regard for the Whalley range community. The co-op should be ashamed of themselves as their 'Helping communities thrive by doing the right thing' is certainly not being applied here.
- No more fast food outlets x 2

- We are drowning in hot food takeaway shops.
A little sit down restaurant within walking distance would be lovely.
A small café to meet with friends would be such a pleasure.
A retail unit for dog paraphernalia would be welcome by the considerable local community of dog owners living within the vicinity of our delightful Alexandra Park.
A little aspirational thinking would go along way to creating the potential for further positive and prosperous development in Whalley Range.
- Please can you kindly accept my objection to the planning application for change of use to Hot Food outlet based on the fact that my neighbourhood is already filled with hot food outlets. The air constantly smells of cooking foot and hot fat and the litter unsightly and the increase in rats etc is very noticeable. We should be encouraging healthy eating and home cooking in our diverse Whalley Range instead of unhealthy processed foods which is not sustainable for our health our the planet.

Whalley Range Community Forum –

There would be no objection from Whalley Range Community Forum to the proposed change of use to two new retail units, as such, provided that the fence and gate dividing the existing service area from the existing car park remain in place.

The objection is to the proposed permission for use of the units as hot food takeaways.

In my letter of 28th September in response to the main application number 131304/FO/2021 I anticipated this latest application and stated that any approval of the main application should contain conditions restricting the future use of those two new units. The main issue is that any further takeaway units on Withington Road will inevitably increase the already intolerable level of littering on the local streets. Range Road is the next street to the north of the site. It is constantly plagued by litter from people who have purchased food and drink from the takeaways on Withington Road. If the new units become takeaways then Mayfield Road residents will suffer from the same problem.

There is nothing in the latest application that could address this issue, and I would therefore urge that the application for use of the units as takeaways is refused.

Range Road Residents – Whalley Range is rapidly on course to becoming the takeaway and chips capital of South Manchester! We're already inundated with them. This isn't a desirable future, as anyone who routinely has to deal with the continual dumping of takeaway containers and rotting food discarded on especially Range Road and neighbouring streets will confirm. Since there doesn't seem to be any way of effectively dealing with this, we strongly oppose the proposal to add even more. At meetings I've attended, healthy eating has been widely applauded as the way to go; now is the time to do something about it and halt the progress to worse.

The Potential Future

Due to the popularity of online shopping, the modern high street is either food or beauty/fashion and it is important we accept this and move with the times. I'm aware these suggestions may be controversial but they indicate a solution.

It is in nobody's interest that the units stand empty, so perhaps it is time to face possibilities that have previously seemed unthinkable.

In the not too distant past we were told or it was commonly believed:

- There was no demand for fresh produce in Whalley Range – nonsense; we now have four shops all competing on range and quality
- Whalley Range cannot sustain a good supermarket – nonsense; we now have two and it is difficult to imagine being without them
- Whalley Range isn't a safe place for a cash machine – nonsense, we now have two which operate with minimal problems and are essential

The area is continually changing and improving but one complaint is that anyone here who wants a decent quality sit down meal has to face the trek to Chorlton, Didsbury, Rusholme or the City Centre.

The Mediterranean Café has proved there is a demand for a quality sit down café which doesn't have to be a nuisance to the surrounding area.

For historical reasons, there is no decent bar in the immediate vicinity except the Carlton Club (shortly to become members and friends only I understand). They, the Hilary Step and Jam Street have proved that they can operate with minimal problems in a residential area when well and responsibly run. They also have a community building role.

Both of the new units face onto the main road – away from residential properties – have plenty of room inside and have an area in front of them for tables and sitting out if necessary. They also have off street parking.

Conclusion

While strongly opposing any new takeaways in the area, it is clearly in nobody's interest for the new shop units to stand empty. Retail may be the ideal solution but perhaps it is time to consider raising our ambitions for Whalley Range and its new demographic by bringing our High Street experience into the 21st century, if retail isn't an available option.

Environmental Health – Satisfied subject to the imposition of appropriate conditions.

Highways – Have concerns that the addition of hot food takeaways to this location will generate a high turnover of trips that cannot be adequately accommodated in the car park, this could add to on-street car parking demand and this may cause congestion/highway issues.

Policies

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

C1 – Centre Hierarchy

C10 – Leisure and Evening Economy

EN3 - Heritage

The relevant **UDP** policies for this application are:

DC10 Food and Drink Uses

Hot Food Take Away SPD (March 2017)

National Policy

National Planning Policy Framework. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF was revised in July 2021 and is a material consideration in the determination of all planning applications.

Legislative requirements. Section 72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a Conservation Area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Issues

This is an application not just purely for the change of use of part of 135-141 Withington Road to Hot Food Takeaway, although the subdivision of the existing co-op unit itself to provide two separate Class E uses would not require consent (there is a separate planning application reference 131304/FO/2021 for external works to facilitate the subdivision of the retail unit into 3 units to include shopfront works, two new entrance doors, rear service access doors, installation of plant and enclosure, bollards, cycle stands, external roller shutters, reconfigured car park, new service bay and amended servicing proposals), it is also an application for alterations to the hours of operation.

Extant UDP policy DC10.2 establishes the principles for and seeks to guide food and drink uses to the City Centre, industrial and commercial areas, in shopping centres, and at ground floor level in local shopping parades of more than eight shops or offices.

The existing premises is not considered to be within a district centre or a local centre as defined by the Core Strategy (2012) under policy C1 nor is it located within a shopping parade of 8 or more units.

It is considered that this application represents a policy conflict, at paragraph 5.11 of the submitted supporting planning statement it sets out that this location is not in the city centre, industrial or commercial areas, in a shopping centres or in a parade of more than 8 shops. Paragraph 6.2 of the submitted supporting planning statement acknowledges the site is outwith a defined centre. Where a proposed change of use is outside of these areas the principle may be acceptable subject to no adverse impact on the amenity of nearby residents.

The proposed operating hours are 07.00 to 23.00 Monday to Sunday inclusive.(although reference was made in the submitted Planning Statement about the proximity to a school and that a condition in accordance with the recommendations of the Hot Food Takeaway Supplementary Planning Guidance could be accommodated).

The hours of operation set by the planning application for the unit 096967/JO/2011/S1 were: 07.00 to 22.00 hrs Monday to Saturday, 10.00 to 16.00 hrs on Sundays.

This planning permission also restricts the hours of deliveries to 07.00 to 19.00 hrs Monday to Saturday and 08.00 to 16.00 on Sundays and Bank Holidays.

The current application would therefore see an increase in the hours of operation of: 1 hours in the evening Monday to Saturday and three hours in the morning on a Sunday and seven hours in the evening.

We have received objections from Whalley Range Forum, Range Road Residents and a local resident relating to the use of the proposed units for take-away use and the associated littering and parking issues. We have also received concerns from Highways on the basis that there would be an increase overall trips and car parking demand associated with take-away uses.

Amenity is a material consideration. It is considered that the introduction of two takeaway units would affect the character and function of the immediate area by virtue of the generation of an unacceptable level of pedestrian and vehicular activity, associated noise and disturbance and the congregation of people in and adjacent to the premises. It is considered that there is conflict with relevant development plan policies and it is not considered that there is sufficient mitigation to overcome the harm to adopted policy. There is also harm associated with the addition of the hours proposed late in the evening and on early in the morning and late in the evening on a Sunday when there is an expectation of lower levels of noise disturbance.

Impact on the character of the Whalley Range Conservation Area – This application does not involve physical change, however, the character of this part of Whalley Range Conservation Area is predominately residential and the proposed change of use will be harmful to residential amenity as set out above. This however will cause less than substantial harm to the Conservation Area and there is not reason for refusal relating to the impact of the proposed change of use on the character of the Conservation Area.

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 a right to a fair hearing and to this end the local planning authority 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 Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing 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. She believes that any restriction on these rights posed by the recommendation given 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: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant before and during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. The proposed use would have an adverse impact upon the residential amenity of surrounding occupiers due to its potential generation of an unacceptable level of pedestrian and vehicular activity, associated noise and disturbance and the congregation of people in and adjacent to the premises, which would thereby affect the amenity of neighbouring and local residents. The proposed use is therefore considered to be contrary to saved policies DC10 and DC26 of the Unitary Development Plan for the City

of Manchester and policies SP1, C10 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017)

2. The creation of a hot food takeaway (Sui Generis Use) at 135 - 141 Withington Road is an inappropriate use, as it is located outside an established and defined shopping parade/centre where hot food take away uses are usually considered to be appropriately located, to avoid any adverse impacts on the character or amenities of the occupiers of residential premises. The proposed use is therefore considered to be contrary to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy and Hot Food Take Away SPD (March 2017)

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Whalley Range Forum
Whalley Range Conservation Area Group

List of properties notified on Uniform

Appendix 2 – Planning constraints

Article 4 Direction - Removal of PD Rights Change of Use from Class C3 to Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Whalley Range Conservation Area 1992
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH

APPENDIX 3: EXCERPTS OF RELEVANT DEVELOPMENT PLAN POLICIES

Manchester's Local Development Framework

Core Strategy Development Plan Document (Adopted July 2012)

Policy SP1 – Spatial Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

- The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.
- The growth of Manchester Airport will act as a catalyst for the regional economy, and will also provide the impetus for a second hub of economic activity in this part of the City.
- Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.
- The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.
- The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.
- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

Development in all parts of the City should:- Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character.
 - making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - protect and enhance the built and natural environment.
-
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
 - Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EC9 – South Manchester

South Manchester is not expected to make a significant contribution to employment provision within the City. New development is expected to mainly comprise office development, although proposals for high technology industry and research will also be supported. Employment and economic development provision will be within:

1. Existing employment locations, such as

- Business Parks, such as, Towers, Didsbury Point, Christie Fields and Parkway;
- Christies Hospital;
- Along Princess Parkway;

2. District Centres of Chorlton, Didsbury, Fallowfield, Levenshulme and Withington. These will be suitable for mixed use development providing local needs and services.

Development proposals and planning applications should have regard to:

- Ensuring efficient use of existing employment space;
- Improving public transport, walking and cycling connectivity between residential neighbourhoods and employment locations such as the City Centre, district centres, Trafford Park and Manchester Airport, particularly orbital connectivity.

Policy CC9 – Design and Heritage

Design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre

context and character.

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment.

Policy C1 – Centre Hierarchy

Development of town centre uses (as defined in national planning policy) will be prioritised in the centres identified in this policy, taking account of the different roles of the City Centre, District Centres and Local Centres. In order to maintain the vitality and viability of its centres, provide services as locally as possible and minimise the need to travel by car Manchester's centre hierarchy is:-

Manchester City Centre

The City Centre is the focus for comparison retail for the Manchester City Region. Its catchment exceeds the City boundaries and the capacity for future comparison development reflects this. The focus for new comparison retail is the Primary Shopping Area. The City Centre is also the regional focus for commerce, culture, leisure and tourism. The City Centre has a need for additional convenience retail to meet the needs of a growing residential population, but this role is distinct from its comparison retail function, with a different catchment (see policies CC1-10 for detailed policy guidance).

District Centres

District centres have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. Manchester's 17 district centres are shown below including the newly designated district centre, Baguley (West Wythenshawe). Development in these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and

viability of other centres.

Local Centres

Local centres meet local needs for small scale retail and services to meet day-day needs. There are 24 identified local centres, including new local centres at Moston Lane, Collyhurst and Merseybank Avenue. Locations which are not identified in the Local Development Framework but which perform the same function in terms of scale and meeting local needs will also be considered to be local centres.

Regeneration Area	District Centres	Local Centres
North	Cheetham Hill Harpurhey	• Victoria Avenue/Rochdale Road (Charlestown) • Hollinwood Ave/Greengate (Moston) • Landsdowne Rd/Crumpsall Lane (Crumpsall) • Worsley Ave/Kenyon Lane (Lightbowne) • Moston Lane (Harpurhey) • Collyhurst (as part of redevelopment)
East	Eastlands Gorton Newton Heath Openshaw	• Ashton New Road/Manchester Road (Beswick and Clayton) • Hyde Rd/Reddish Lane (Gorton Newton Heath North)
Central	Hulme Longsight Rusholme	• Princess Rd/Claremont Rd (Moss Side) • Precinct Centre, Oxford Road (Ardwick/Hulme), • Withington Rd/Yarburgh St (Whalley Range) • Claremont Rd (Moss Side) • Dickenson Rd/Anson Rd (Longsight/Rusholme)
South	Chorlton Didsbury	• Manchester Rd/Upper Chorlton Rd (Whalley Range) • Lloyd St South/Platt Lane/Hart Rd (Fallowfield) • Kingsway/Slade Lane (Levenshulme) • Beech Rd/Stockton Rd/Chorlton Green (Chorlton) • Barlow Moor Rd/Mauldeth Rd West (Chorlton Park)

		• Merseybank Ave (Chorlton Park) • Mauldeth Rd (Withington) • Kingsway/Mauldeth Rd (Burnage) • Burnage Lane (Burnage) • Burton Road/Cavendish Road/Lapwing Lane (West Didsbury) • Fog Lane/Lane End/Burnage Lane (Burnage)
Wythenshawe	Northenden Wythenshawe Baguley (West Wythenshawe)	

Policy C9- Out of Centre Development

Development of town centre uses in locations which are outside a centre identified in policy C1 or a strategic location identified for such uses will be inappropriate unless it can meet the following criteria:

- There are no sequentially preferable sites, or allocated sites, within the area the development is intended to serve that are available, suitable and viable
- The proposal would not have unacceptable impacts, either individually or cumulatively with recently completed and approved schemes and having regard to any allocations for town centre uses, on the vitality and viability of the City Centre and designated district and local centres. An assessment of impacts will be required for retail developments of more than local significance; and
- The proposal is appropriate in terms of its scale and function to its location.
-

Development that improves the environment of an existing out-of-centre facility or its relationship with surrounding uses will be supported, providing that it also meets the other criteria in this policy.

Policy C10 – Leisure and the Evening Economy

New development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot

food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.

2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.

3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also:

- The existing number of similar establishments in the immediate area and their proximity to each other;
- The type and characteristics of other uses, such as housing, shops and public houses; The existence of vacant shop units and the condition of the unit;
- The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;
- The character of the centre and its frontage, and the nature of the use proposed;
- The potential impacts of the proposal on the wider community;
- and Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

Policy EN3 – Heritage

Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1 – Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection
- Vehicular access and car parking. Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required: Year 2010 – Code Level 3; Year 2013 - Code Level 4; Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the

Code for Sustainable Homes will also apply to all new non-domestic buildings.

Saved Policies from the Manchester UDP (1995)

Policy DC10 – Food and Drink Uses

DC10.1 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

DC10.2 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.

DC10.3 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.

DC10.4 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.

DC10.5 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.

Policy DC26 – Development and Noise

DC26.1 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: a. the effect of new development proposals which

are likely to be generators of noise; and b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 New noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted: a. in residential areas; b. near schools, hospitals, nursing homes and similar institutions; c. near open land used frequently for recreational purposes.

DC26.4 Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following: a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers; b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or noncritical rooms within a building; and c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 Exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

APPENDIX 4: SUBMITTED ODOUR IMPACT ASSESSMENT

135-141 Withington Road, Whalley Range, Manchester, M16 8EE

Odour Impact Assessment

1. Background

1.1. Pegasus Group (PG) has submitted a planning application (ref: 131351/FO/2021) to Manchester City Council (MCC), on behalf of the Co-operative Food group Ltd (the Co-Op) for the change of use of a property at 135-141 Withington Road, Whalley Range from 'Class E' to 'Class E / hot-food take away (sui generis)'. The Site for which the proposed change of use is proposed under the planning application forms the southern part of an existing food retail unit which is currently occupied by the Co-Op. Proposals are to downsize the existing foodstore and create two additional units for occupation by another retailer and / or hot food takeaway user¹.

1.2. In its' validation response MCC has advised an Odour Impact Assessment (OIA) is required as follows:

2) Whilst it is indicated details of fume extraction and odour control will be subject to separate applications, these are important considerations in determining the acceptability or otherwise of the proposed use of the floorspace. As such we will require details of how fumes and odours are to be dealt with as part of the proposed use (Hot food Takeaway) being applied for. An Odour Impact Assessment (OIA) is required and this must demonstrate that they have no adverse impacts on visual amenity, including location and external finish.

1.3. RLB, acting on behalf of the Co-Op, accordingly instructed Smith Grant LLP (SGP) to undertake the required OIA of the proposed development for submission with the application.

1.4. In preparing this OIA SGP has reviewed the development proposals and available background information on the site setting. The scope of this statement has been agreed in advance with the Environmental Health officer of MCC. Reference has initially been made to MCC guidance on environmental health for developers². The Officer has advised that MCC is in the process of updating its' guidance in relation to kitchen odour assessments and advised current standard advice is 'The kitchen fume extract strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air'. The EMAQ document³ supersedes an earlier document provided by Defra⁴ which was withdrawn in 2017.

¹ Emery Group / Co-Op, Planning Statement, 135-141 Withington Road, Manchester, P21-0488, August 2021

² MCC, Environmental protection information for developers, v1.02, December 2015

³ EMAQ*, Control of Odour and Noise from Commercial Kitchen Exhaust Systems, 05.09.2018.

⁴ Defra, Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, January 2005

2. Site Setting and Proposed Development

- 2.1. The Site comprises the southern part of the existing Co-Op Food store located on Withington Road, Whalley Range. The building is bounded by Withington Road to the west and Mayfield Road to the south. An area of car parking is located to the east beyond which are located terraced residential properties.
- 2.2. To the west beyond Withington Road there are a series of commercial / retail units, including a café and hot-food take away, with probable first floor residential use. Residential development is predominant in the wider area. To the north, beyond the Co-Op food store is a commercial car sales unit.
- 2.3. Figure 1 below show the site location and site setting. Further site plans are provided in Appendix A.

Figure 1: Aerial Photo



Red line shows the part of the building for which the change of use is proposed; note plans in Appendix A show the planning application red line

3. Proposed Development and Impact Assessment

- 3.1. The planning application is for change of use to include hot-food take away, in addition to the existing consented retail use. However, at this stage there is no detail on the possible nature of any future hot-food take away user(s). As such there is therefore no information on any likely kitchen design or proposed extraction. However, although there is no information on the possible nature of future use, and the future use may well remain retail, MCC has nonetheless requested an OIA.
- 3.2. The MCC Guidance for Developers sets out information required to support a planning application for commercial kitchens. The EMAQ document sets out best practice for the design and operation of commercial kitchen ventilation systems, such as minimum ventilation rates, canopy requirements etc. Neither document sets out any guidance on carrying out an assessment.
- 3.3. Reference has therefore been made to the 'withdrawn' Defra guidance, which, in Annex C, set out a suggested risk assessment process for odour which can be used as a simple means of determining possible odour control requirements. The assessment process considers the nature of dispersion from an outlet, the proximity of receptors, size of the kitchen and the cooking type. This has therefore been referred to inform the suitability of the location for the proposed change of use.

Table 3.1: Risk Assessment for Odour

Aspect	Comment		Score
Dispersion	No data but given nature of building and location no restrictions on possible discharge likely, i.e. would not need to be a low level discharge and can assume it would be at least 1m above the eaves.	Moderate to Good	5-10
Proximity of Receptors	Closest sensitive receptor would be at least 20m from any kitchen discharge.	Medium	5
Size of kitchen	Unknown – reasonable to say medium sized take away	Medium	3
Cooking type (odour and grease loading)	Unknown – could include fish & chips, fried chicken or alternatively may be a low odour risk take-away such as pizzeria	Low to Very High	1-10
Total score			14-28

- 3.4. On the basis of the above, the risk of adverse impacts due to odour arising from the proposed use could be **low** to **high** depending on the nature of the take-away and discharge. Increasing the height and velocity of discharge, and hence the dispersion, would reduce the likely impact.

Depending on the nature of any take-away there may be a requirement for a **low** to **high** level of odour control.

- 3.5. However, given the nature of the site and distance to the nearest sensitive receptors, the site is deemed suitable for the proposed use, subject to the provision of appropriate design of the kitchen ventilation system. It is considered this could be secured by way of an appropriately worded condition.
- 3.6. Such a system, if required, would require design and installation by a suitably qualified and experienced person with specialist knowledge of ventilation schemes and should be based on the requirements as set out in the EMAQ guidance (or other guidance that may be deemed appropriate at the time). This guidance includes specification of minimum ventilation rates, minimum canopy requirements dependant on the nature of the food preparation methods, minimum requirements for dust work and fans and discharge stack requirements. Additional odour control may be required dependant on the cooking type and frequency.
- 3.7. Where possible any discharge stack should be at least 1m above the roof ridge at least 15m within the vent serving the kitchen³. If this is not possible then discharge should preferably be at least 1m above the roof eaves or kitchen dormer window, with the possibility of requiring a higher level of odour control. If neither of those are possible for planning reasons then discharge may still be possible but with a higher level of odour control measures again. Based on the current information available there is no reason to presume such discharge would not be possible, subject to relevant ventilation design and planning requirements.

4. Summary

- 4.1. It is considered that the Site is suitable for the proposed use as a hot-food take-away and there are no particular constraints that should preclude the granting of the change of use planning permission. The requirements for the provision of an appropriate ventilation system and agreement with MCC can be secured by condition to any granted planning permission. It is concluded that with the installation of appropriate ventilation equipment, and if required additional odour abatement equipment, there would be no unacceptable odour impact associated with the proposed change of use.

Prepared on behalf of Smith Grant LLP by:

Name:

K. Hawkins, Partner

BSc MSc MIAQM MEnvSci CEnv

Signature:



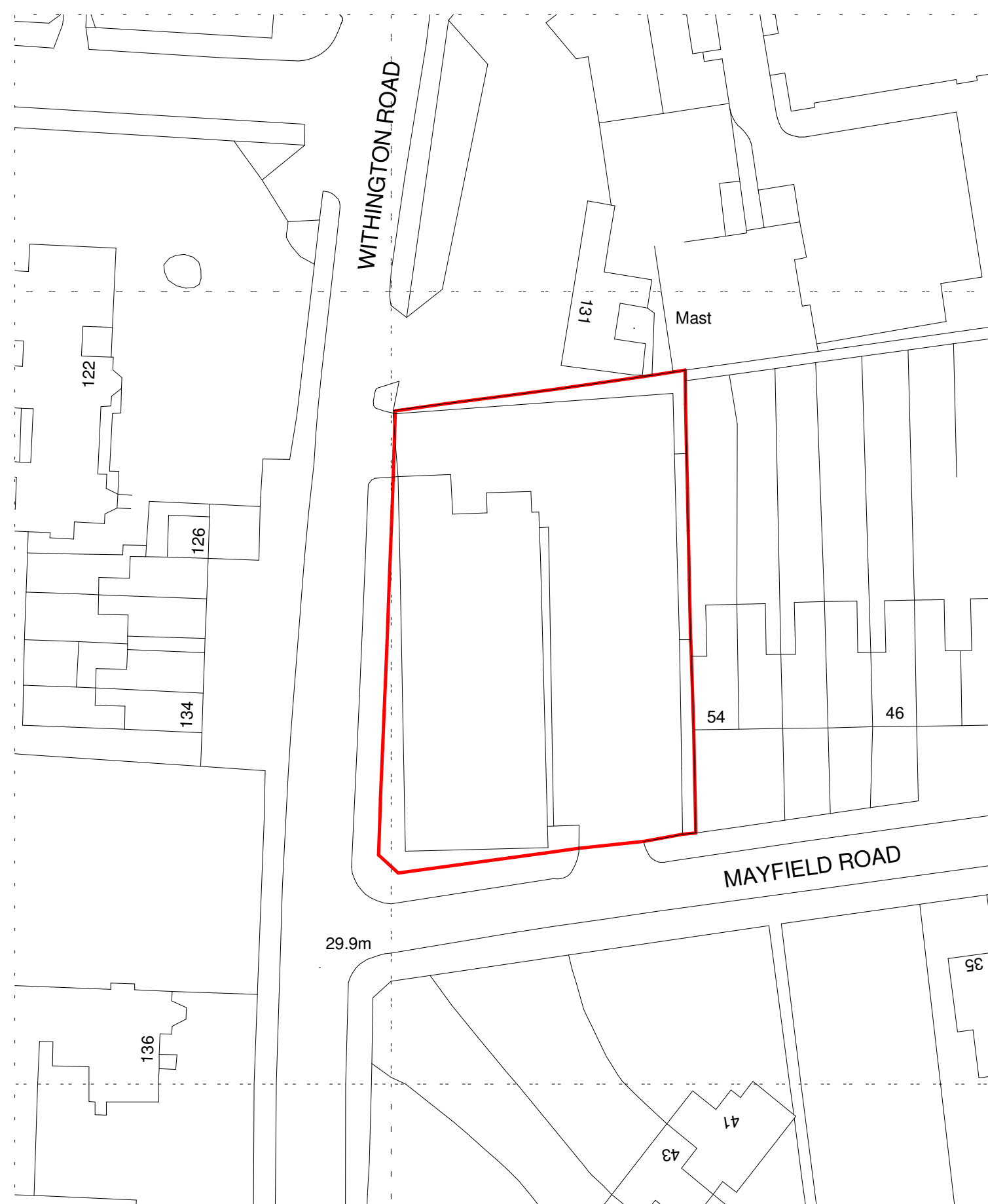
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20.10.21

APPENDIX A

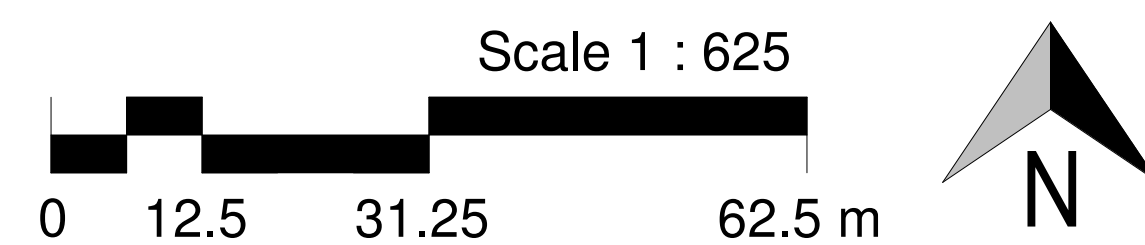
Site Plans

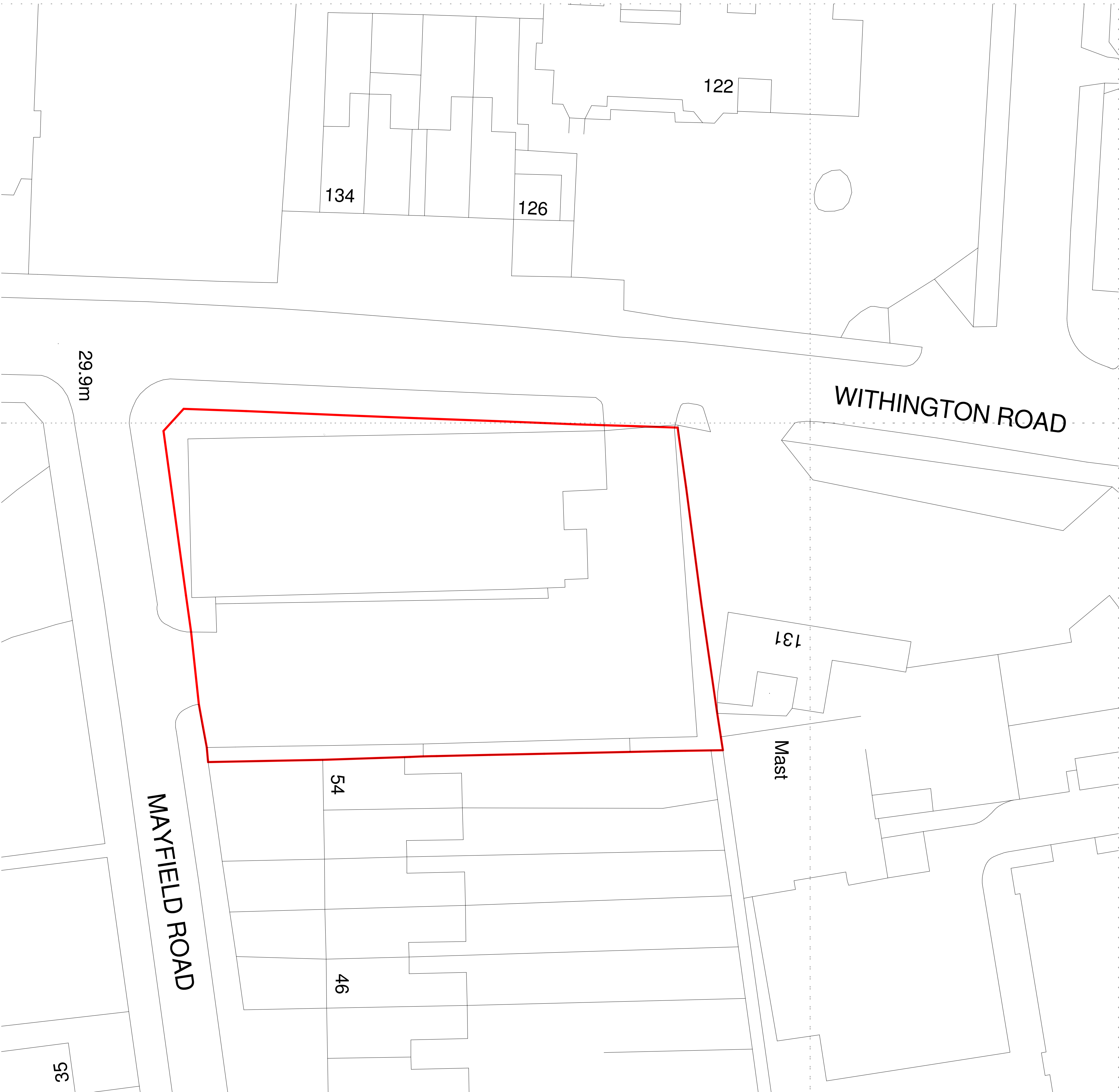
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P01	PLANNING ISSUE	06/05/21	GP
P02	PLANNING ISSUE	15/06/21	JB



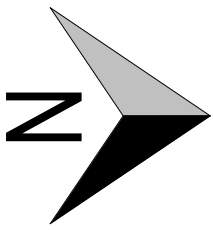
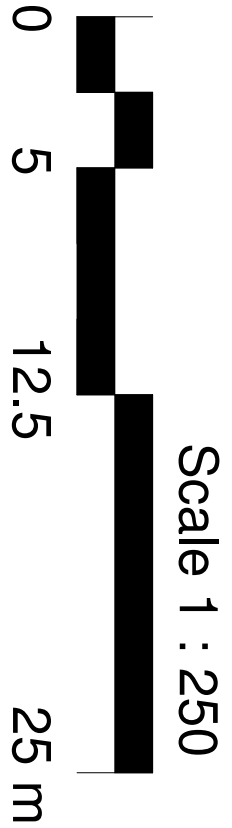
Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number 100022432

SITE LOCATION PLAN - SCALE 1:625 @A1 / 1:1250 @ A3

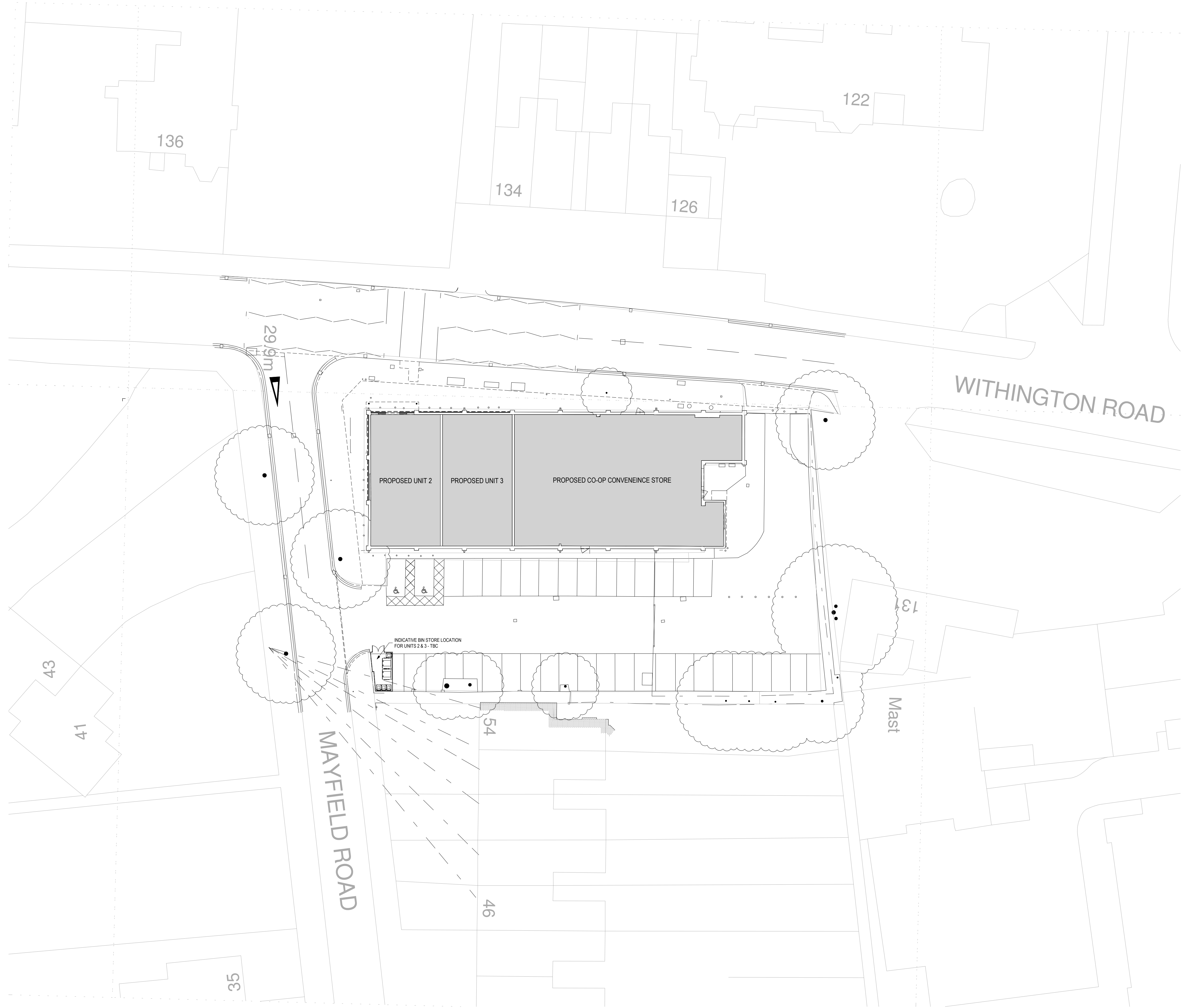




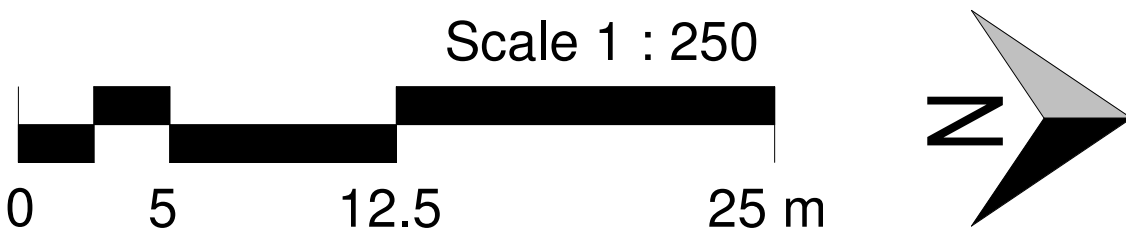
PROPOSED SITE BLOCK PLAN - SCALE 1:250 @A1 / 1:500 @ A3



REV NO	REVISION DESCRIPTION	DATE	CHND
P01	PLANNING ISSUE	06/05/21	GP
P02	PLANNING ISSUE	15/06/21	JB
P03	PLANNING ISSUE	02/08/21	JB



PROPOSED SITE LAYOUT PLAN- UNITS 2&3 BIN STORES - SCALE 1:250 @A1 / 1:500 @ A3



REV NO	REVISION DESCRIPTION	DATE	CHKD
R01	PLANNING ISSUE	07/09/21	JB
R02	PLANNING ISSUE	09/09/21	JB

PROJ1987	COOP RECORD ID	Originator	Volume	Level	Type	Role	Number	Stage	Revision
204649	IDL-01-ZZ	DR	A	P2029	S3	P02			

1 : 250 @ A1	09/09/2021
Scale	Date

**APPENDIX 5: ENVIRONMENTAL HEALTH OFFICER EMAIL RESPONSE
24.11.21**

Jamie Lewis

Subject: FW: 131351/FO/2021 | 135-141 Withington Road

From: Jennifer Connor <jennifer.connor@manchester.gov.uk>

Sent: 24 November 2021 10:32

To: Chris Edge <Chris.Edge@pegasusgroup.co.uk>

Subject: Fw: 131351/FO/2021 | 135-141 Withington Road

Dear Chris,

Please see the comments of Environmental Health below for response.

Kind Regards

Jen

Jennifer Connor (she/her)
Principal Planning Officer
Development Management South Area Team
Planning, Building Control and Licensing
Growth and Development
Manchester City Council
PO Box 532
Town Hall Extension
Manchester
M60 2LA
jennifer.connor@manchester.gov.uk
07852134904

We recommend the following conditions for the above application:

FUME*

a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties.

**The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air. (The Defra guidance referred to in the PS is out of date and the SPD referred to is due to be updated to this effect.)*

DEL

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.

HOURS2*

The premises shall not be open outside hours to be agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

**A noise impact assessment is required to determine appropriate operating hours. Also see recommended conditions NSE6 and NOISE below.*

NSE6

a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be 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 site.

b) Prior to occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

NOISE

Prior to commencement of the use hereby approved a Noise Management Plan (NMP) shall be submitted to and approved in writing by the City Council as local planning authority. The NMP shall include an assessment of noise from all activities associated with the loading bay, service yard and loading dock area. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential properties.

REF*

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.

**The Waste Management Strategy submitted with the application is acceptable.*

LIGHT - External Lighting Scheme (if relevant)

Before the use hereby approved commences external lighting shall be designed and installed in accordance with a scheme approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties.

Reason - To safeguard the amenities of the occupiers of nearby properties.

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APPENDIX 6: SUBMITTED ACTIVITY NOISE IMPACT ASSESSMENT

The Co-operative
135-137 Withington Road
Whalley Range
Manchester
M16 8EE

**Activity Noise
Impact Assessment**

On behalf of



Project Reference: 89855 | Revision: - | Date: 27th September 2021

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Noise Solutions Ltd, Unit 5, Oriel Court, Omega Park, Alton GU34 2YT Reg no. 3483481



Document Information

Project Name : The Co-operative, Withington Road, Whalley Range
Project Reference : 89855
Report Title : Activity Noise Impact Assessment
Doc Reference : 89855/ANA
Date : 27th September 2021

	Name	Qualifications	Initials	Date
Prepared by:	Adam Meakins	AMIOA	AM	27 th September 2021
Reviewed and approved by:	Nigel Chandler	BSc(Hons), MIOA	NAC	30 th September 2021
For and on behalf of Noise Solutions Ltd				

Revision	Date	Description	Prepared	Reviewed/Approved

Noise Solutions Ltd (NSL) disclaims any responsibility to the Client and others in respect of any matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence within the terms of the Contract with the Client and generally in accordance with the appropriate ACE Agreement and taking account of the manpower, resources, investigations and testing devoted to it by agreement with the Client. This report is confidential to the Client and NSL (Noise Solutions Ltd) accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

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Reg no. 3483481 Trading office Unit 5, Oriel Court, Omega Park, Alton GU34 2YT

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Appendices

Appendix A	Acoustic terminology
Appendix B	Aerial photograph showing site and surrounding area
Appendix C	Environmental sound survey
Appendix D	Carpark noise calculations
Appendix E	Small unit delivery noise calculations

1.0 Introduction

- 1.1. Noise Solutions Ltd (NSL) has been commissioned by Henry Riley to undertake a noise impact assessment in relation to external activities at the proposed Co-operative store along Withington Road in Whalley Range.
- 1.2. An environmental sound survey has been undertaken to establish the prevailing background sound pressure levels at a location representative of the sound levels outside the nearest noise sensitive receptors to the site. Noise emissions from external activities have been predicted at the nearest noise sensitive receptors and assessed in accordance with National Policy.
- 1.3. To assist with the understanding of this report a glossary of acoustic terms can be found in [Appendix A](#). An in-depth glossary of acoustic terms can be viewed online at <http://www.acoustic-glossary.co.uk>.

2.0 Site layout and development proposals

- 2.1. The existing Co-operative store is a dedicated single storey building at the junction between Withington Road and Mayfield Road. It is proposed to split the store into a smaller Co-operative store and two other retail units.
- 2.2. The new, smaller, Co-operative store will have the opening hours extended from the current 07:00 to 22:00 hours Monday to Saturday, 10:00 hours to 16:00 hours Sunday to 07:00 to 23:00 Monday to Sunday.
- 2.3. Deliveries to the Co-operative store will be unchanged. Delivery vehicles to the two new units will arrive from Withington Road and leave the site via the Mayfield Road entrance. The nature of deliveries to the proposed new units is unknown but they are likely to be smaller and less frequent than to the existing Co-operative store.
- 2.4. New roller shutters will be fitted to the Co-operative store. These will be similar to the existing shutters but will be closed later in the evening with the proposed later opening hours.
- 2.5. The proposed site layout and elevation drawing is shown in [Appendix B](#).

3.0 Nearest noise sensitive receptors

- 3.1. The area surrounding the site is mixed residential and commercial in nature. The area immediately around the site is mainly residential in nature. The closest residential dwelling (Reference R1) is the house behind the store along Mayfield Road. This is approximately 10m from the centre line of the car park.

- 3.2. The closest residential dwellings to the proposed new roller shutters are the flats above the shops across Withington Road (Reference R2) approximately 22m from the proposed roller shutters.

4.0 Policy context

National Planning Policy Framework

- 4.1. A new edition of NPPF was published in July 2021 and came into effect immediately. The original National Planning Policy Framework (NPPF¹) was published in March 2012, with revisions in July 2018 and February 2019 - this document replaced the existing Planning Policy Guidance Note 24 (PPG 24) "Planning and Noise." The 2021 revised edition contains no new directions or guidance with respect to noise, and hence, all previous references remain extant. The paragraph references quoted below relate to the July 2021 edition.
- 4.2. Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, (amongst others) *"preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, water or noise pollution or land stability."*
- 4.3. The NPPF goes on to state in Paragraph 185:
- "planning policies and decisions should ...*
- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, - and avoid noise giving rise to significant adverse impacts on health and quality of life;*
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason ...*
- 4.4. The NPPF document does not refer to any other documents or British Standards regarding noise other than the Noise Policy Statement for England (NPSE²).
- 4.5. Paragraph 2 of the NPPF states that *"planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."*
- 4.6. Paragraph 12 of the NPPF states that *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date*

¹ National Planning Policy Framework, DCLG, March 2012

² Noise Policy Statement for England, DEFRA, March 2010

development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

- 4.1. Paragraph 119 states that "*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land*".

Noise Policy Statement for England

- 4.2. The Noise Policy Statement for England (NPSE³), published in March 2010, sets out the long-term vision of Government noise policy. The Noise Policy aims, as presented in this document, are: "*Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*
- *avoid significant adverse effects on health and quality of life;*
 - *mitigate and minimise adverse effects on health and quality of life; and*
 - *where possible, contribute to the improvement of health and quality of life."*
- 4.3. The NPSE makes reference to the concepts of NOEL (No Observed Effect Level) and LOAEL (Lowest Observed Adverse Effect Level) as used in toxicology but applied to noise impacts. It also introduces the concept of SOAEL (Significant Observed Adverse Effect Level) which is described as the level above which significant adverse effects on health and quality of life occur.
- 4.4. The first aim of the NPSE is to avoid significant adverse effects, taking into account the guiding principles of sustainable development (as referenced in Section 1.8 of the NPSE). The second aim seeks to provide guidance on the situation that exists when the potential noise impact falls between the LOAEL and the SOAEL, in which case: "*...all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development."*
- 4.5. Importantly, the NPSE goes on to state that: "This does not mean that such adverse effects cannot occur."

³ Noise Policy Statement for England, Defra, March 2010

- 4.6. The NPSE does not provide a noise-based measure to define SOAEL, acknowledging that the SOAEL is likely to vary depending on the noise source, the receptor and the time in question. NPSE advises that: *“Not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.”*
- 4.7. It is therefore likely that other guidance will need to be referenced when applying objective standards for the assessment of noise, particularly in reference to the SOAEL, whilst also taking into account the specific circumstances of a proposed development.

Planning Practice Guidance – Noise

- 4.8. An updated Planning Practice Guidance (PPG⁴) for noise was published on 22 July 2019 and provides additional guidance and elaboration on the NPPF. It advises that when plan-making and decision-taking, the Local Planning Authority should consider the acoustic environment in relation to:
- Whether or not a significant adverse effect is occurring or likely to occur;
 - Whether or not an adverse effect is occurring or likely to occur; and
 - Whether or not a good standard of amenity can be achieved.
- 4.9. This guidance introduced the concepts of NOAEL (No Observed Adverse Effect Level), and UAEL (Unacceptable Adverse Effect Level). NOAEL differs from NOEL in that it represents a situation where the acoustic character of an area can be slightly affected (but not such that there is a perceived change in the quality of life). UAEL represents a situation where noise is ‘very disruptive’ and should be ‘prevented’ (as opposed to SOAEL, which represents a situation where noise is ‘disruptive’, and should be ‘avoided’).
- 4.10. As exposure increases above the LOAEL, the noise begins to have an adverse effect and consideration needs to be given to mitigating and minimising those effects, taking account of the economic and social benefits being derived from the activity causing the noise. As the noise exposure increases, it will then at some point cross the SOAEL boundary.
- 4.11. The LOAEL is described in PPG⁵ as the level above which *“noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard”*.

⁴ Planning Practice Guidance – Noise, <https://www.gov.uk/guidance/noise--2>, 22 July 2019

⁵ Paragraph: 005 Reference ID: 30-005-20190722

- 4.12. PPG identifies the SOAEL as the level above which “noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present.”
- 4.13. In line with the Explanatory Note of the NPSE, the PPG goes on to reference the LOAEL and SOAEL in relation to noise impact. It also provides examples of outcomes that could be expected for a given perception level of noise, plus actions that may be required to bring about a desired outcome. However, in line with the NPSE, no objective noise levels are provided for LOAEL or SOAEL although the PPG⁶ acknowledges that “...the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.”
- 4.14. The relevant guidance in the PPG in relation to the adverse effect levels is summarized below:

Table 1 Table of effects (Planning Policy Guidance)

Response	Examples of Outcomes	Increasing Effect Level	Action
No Observed Effect Level			
Not Present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not Intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and Intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum

⁶ Paragraph: 006 Reference ID: 30-006-20190722

Response	Examples of Outcomes	Increasing Effect Level	Action
Significant Observed Adverse Effect Level			
Present and Disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very Disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

4.15. The Planning Practice Guidance⁷ states the following in relation to mitigation measures:

"For noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope."

4.16. In addition, the Guide notes that it may also be relevant to consider⁸:

"... whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary. Further information on ventilation can be found in the Building Regulations".

⁷ Paragraph: 010 Reference ID: 30-010-20190722

⁸ Paragraph: 006 Reference ID: 30-006-20190722

5.0 Acoustic standards and guidance

Manchester City Council

- 5.1. Manchester City Council have published a leaflet GD03 Environmental Health Information for Developers. This states:

Any application for fixed plant, equipment or machinery must demonstrate that the noise will:

- 1. Achieve a noise level (L_{Aeq}) of at least 5 dB below the background noise level (L_{A90}) at the nearest noise sensitive location at the quietest time the equipment will be in operation; and*
- 2. Not contain any discernible tonal characteristics at the nearest noise sensitive location at the quietest time the equipment will be in operation.*

With respect to part b) this can be achieved by providing product information from the manufacturer or supplier of the equipment demonstrating the equipment does not contain any significant tonal element. This information would ordinarily be in the form of octave band noise level data. Where information of this kind is not available a consultant may choose to measure the octave band noise levels generated by the equipment in question where the equipment has already been installed elsewhere. Where neither of the above are possible the applicant will be required to demonstrate that the noise (L_{Aeq}) from the equipment in question will achieve a level of 10 dB below the background noise level (L_{A90}) at the nearest noise sensitive location at the quietest time the equipment will be in operation.

Where product data suggests there may be a tonal element to the noise (i.e. the octave band noise data shows a peak at a particular frequency) additional work will be required. In these circumstances a consultant will be required to demonstrate that noise from the equipment will be at least 5 dB below the background noise level (L_{90}) in each octave band at the nearest noise sensitive location at the quietest time the equipment will be in operation”.

- 5.2. In feedback to the planning application, the local authority has stated:

The submitted NSL noise assessment dated 8th June 2021 is satisfactory with respect to a scheme for proposed external plant ... however, noise impacts on nearby residents from the proposed roller shutter doors for the extended hours applied for, and from vehicles egressing the site via Mayfield Road, also require assessment

BS 4142:2014 Methods for rating and assessing industrial and commercial sound

- 5.3. BS 4142:2014 is intended to be used to assess the likely effects of sound on people residing in nearby dwellings. The scope of BS 4142:2014 includes *"sound from the loading and unloading of goods and materials at industrial and/or commercial premises"*.
- 5.4. The procedure contained in BS 4142:2014 is to quantify the *"specific sound level"*, which is the measured or predicted level of sound from the source in question over a one-hour period for the daytime and a 15-minute period for the night-time. Daytime is defined in the standard as 07:00 to 23:00 hours, and night-time as 23:00 to 07:00 hours.
- 5.5. The specific sound level is converted to a rating level by adding penalties on a sliding scale to account for either potentially tonal or impulsive elements. The standard sets out objective methods for determining the presence of tones or impulsive elements, but notes that it is acceptable to subjectively determine these effects.
- 5.6. The penalty for tonal elements is between 0dB and 6dB, and the standard notes: *"Subjectively, this can be converted to a penalty of 2 dB for a tone which is just perceptible at the noise receptor, 4 dB where it is clearly perceptible, and 6 dB where it is highly perceptible."*
- 5.7. The penalty for impulsive elements is between 0dB and 9dB, and the standard notes: *"Subjectively, this can be converted to a penalty of 3 dB for impulsivity which is just perceptible at the noise receptor, 6 dB where it is clearly perceptible, and 9 dB where it is highly perceptible."*
- 5.8. The assessment outcome results from a comparison of the rating level with the background sound level. The standard states:
- *Typically, the greater this difference, the greater the magnitude of the impact.*
 - *A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context;*
 - *A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context;*
 - *The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.*

- 5.9. The standard does state that *"adverse impacts include, but are not limited to, annoyance and sleep disturbance. Not all adverse impacts will lead to complaints and not every complaint is proof of an adverse impact."*
- 5.10. The standard goes on to note that: *"Where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night."*
- 5.11. In addition to the margin by which the Rating Level of the specific sound source exceeds the Background Sound Level, the 2014 edition places emphasis upon an appreciation of the context, as follows:
- "An effective assessment cannot be conducted without an understanding of the reason(s) for the assessment and the context in which the sound occurs/will occur. When making assessments and arriving at decisions, therefore, it is essential to place the sound in context."*
- 5.12. BS 4142:2014 requires uncertainties in the assessment to be considered, and where the uncertainty is likely to affect the outcome of the assessment, steps should be taken to reduce the uncertainty.

6.0 Existing noise climate

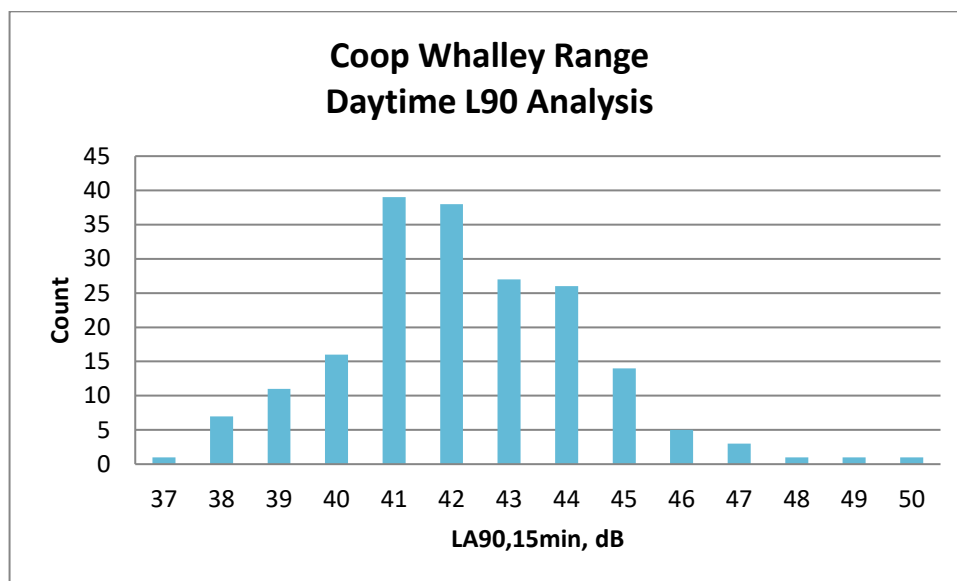
Environmental sound levels

- 6.1. An environmental noise survey was undertaken to establish the typical background sound levels at a location representative of the noise climate outside the façades of the nearest noise sensitive receptor to the proposed loading bay during the quietest times at which activity will occur.
- 6.2. The results of the environmental sound survey are summarised in Table 2. An aerial photograph showing the survey location is provided in [Appendix B](#). The full set of measurement results and details of the survey methodology are presented in [Appendix C](#).

Table 2 Summary of survey results

Measurement period	Range of recorded sound pressure levels (dB)			
	L _{Aeq} (15mins)	L _{Amax} (15mins)	L _{A10} (15mins)	L _{A90} (15mins)
Daytime (07.00 – 23.00 hours)	43-61	59-87	46-62	37-50
Night-time (23.00 – 07.00 hours)	37-58	52-85	37-61	33-44

Figure 1 Histogram of daytime L_{A90} background sound pressure levels



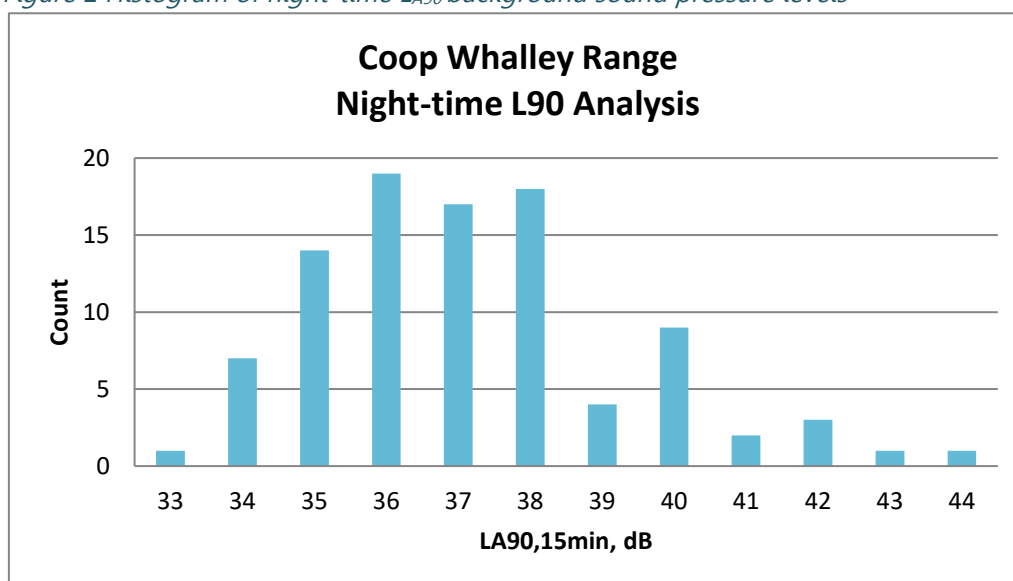
- 6.3. Additional statistical analysis has been undertaken. As shown in Table 4, the mean, median, and modal values have been calculated:

Table 4 Statistical analysis of $L_{A90,15min}$ levels during the daytime period

dB, L_{A90} daytime period	
Mean	42
Mode	41
Median	42

- 6.4. From reviewing the above histogram, 40dB has been selected to be representative for the background sound level in this area.

Figure 2 Histogram of night-time L_{A90} background sound pressure levels



- 6.5. Additional statistical analysis has been undertaken. As shown in Table 5, the mean, median, and modal values have been calculated:

Table 5 Statistical analysis of $L_{A90,15min}$ levels during the Night-time period

dB, L_{A90} night-time period	
Mean	37
Mode	36
Median	37

- 6.6. From reviewing the above histogram, 35dB has been selected to be representative of the night-time background sound level in this area.
- 6.7. Therefore, the following values are considered as representative of the existing background sound pressure levels at nearby noise sensitive premises:
- 40dB L_{A90} during the daytime period; and
 - 35dB L_{A90} during the night-time period.

7.0 Assessment of carpark activity sound

Sound pressure levels of activities associated with carpark activities

- 7.1. The sound pressure levels associated with carpark activities were established by measurement of activities at a similar store already in operation. The measurements included all aspects of the carpark activities including, but not limited to, the arrival, door slams and the departure of the vehicles. The sound pressure levels were normalised to a distance of 10m from the carpark area and have been converted to Sound Exposure Levels (SEL) for ease of comparison/calculation. Typical L_{Amax} levels were also established.
- 7.2. Table 6 details typical source noise levels, used within the assessment, with the data presented in terms of SEL and maximum individual noise event levels (L_{AFmax}).

Table 6 Reference noise data for carpark activities (at 10m)

Noise Source	SEL, dB(A)	L _{Afmax} , dB(A)
Vehicle Pass-by (in)	55	53
Vehicle Pass-by (out)	55	53
Vehicle Engine	59	59
Door Slam	57	57

Carpark noise predictions

- 7.3. The information contained in Table 6 was used to 'build-up' a source noise level based on the number of activity events over the required assessment period using the following equation:

7.4.
$$L_{Aeq,T} = SEL + 10 \cdot \log\left(\frac{1}{T}\right) + 10 \cdot \log(N) \quad (\text{Equation 1})$$

Where:

SEL is the L_{Aeq} over a one second period, and represents the noise energy from an event (e.g. cage movement) compressed into one second;

T is the reference time period in seconds; and

N is the number of movements in the time period, T.

- 7.5. The Transport Statement by TPA submitted in support of the Planning Application estimates a total of 39 vehicle arrivals and 39 vehicle departures during the peak hour. A reasonable assumption would be 20% of the peak arrivals and departures during the later evening periods (i.e. 8 arrivals and departures during the last hour of trading).
- 7.6. The centre line of the carpark is located approximately 10m from the nearest residential windows (Receptor R1). The carpark activity noise level at the nearest receptor has been predicted. Full calculations are shown in [Appendix D](#) and are summarised in Table 7.

Table 7 Predicted carpark noise levels

Receptor	Period	Predicted noise levels at upper window of most affected residential dwelling	
		L _{Aeq,T} , dB	Range of L _{Afmax} (dB)
R1	Last hour of trading	37 L _{Aeq,1hr}	53 - 59
	Peak hour	44 L _{Aeq,1hr}	53 - 59

Carpark noise assessment

- 7.7. Table 8 below compares the measured ambient L_{Aeq} during the proposed extended operational hours with the predicted carpark noise level:

Table 8 Predicted carpark noise levels

Period	Measured ambient L_{Aeq} (dB)	Predicted noise from carpark activities $L_{Aeq,T}$ (dB)	Difference (dB)	Increase in $L_{Aeq,1hour}$ sound pressure level, dBA
Friday 22:00 to 23:00	48	37	-11	0
Saturday 22:00 to 23:00	49	37	-12	0
Sunday 07:00 to 10:00, peak hour	50	44	-6	+1
Sunday 16:00 to 23:00, peak hour	51	44	-7	+1

- 7.8. The sound from activities within the carpark is similar in nature to the existing ambient sound mainly from road traffic. The predicted sound levels from the carpark activities during the last hour of trading are more than 10dB below the existing ambient L_{Aeq} levels so will not result in any increase.
- 7.9. Since the carpark activities will not change the ambient L_{Aeq} around the site during the additional trading hour, Monday to Saturday, this will result in "No Observed Effect" according to the PPG and no mitigation measures will be required.
- 7.10. During the peak hour on Sunday, and in the unlikely event that this may fall outside the existing store opening hours, the ambient $L_{Aeq,1hour}$ may be increased by up to 1dBA. A 1dBA change in noise level would not be noticeable and would therefore be considered "Present and in intrusive", according to the PPG, and similarly no specific mitigation measures are required.

8.0 Deliveries to the new units

- 8.1. Delivery vehicles for the new units will enter the site via the existing Withington Road entrance and leave via the Mayfield Road exit. It is currently not permitted for delivery vehicles to use the Mayfield Road exit.
- 8.2. The precise nature of the retail operations in the new units is not currently known, however it is likely that deliveries will be by smaller vehicles and will be less frequent than to the Co-operative store. Typically such deliveries would be made by smaller vehicles, and noise levels would therefore be similar to those from other cars and light vehicles using the car park, as shown in Table 6.

- 8.3. The delivery activity noise from the new units at the nearest receptor has been predicted similarly to the carpark activity noise in Section 7 above. Full calculations are shown in [Appendix E](#) and are summarised in Table 10.

Table 10 Predicted small unit delivery noise levels

Receptor	Period	Predicted noise levels at upper window of most affected residential dwelling	
		$L_{Aeq,T}$ dB	Range of L_{Amax} (dB)
R1	Day	34 $L_{Aeq,1hr}$	52 - 62

- 8.4. Table 11 presents the assessment of the likely impact during the proposed small unit deliveries in accordance with the BS 4142:2014 methodology at Receptor R1. As shown in Figure 3 the representative background sound levels are considered to be 40dB L_{A90} during the daytime hours Monday to Saturday.

Table 11 R1 Assessment of predicted external small unit delivery activity noise levels using BS 4142:2014 during the Monday to Saturday daytime hours

Results		Relevant Clauses of BS4142:2014	Commentary
Background Sound level	$L_{A90} = 40\text{dB}$	8.1, 8.2	Representative typical background sound level determined from a range of measurements (Monday to Saturday)
Assessment made during the daytime, so the reference interval is one hour		7.2	
Specific Sound Level	$L_{Aeq,T} = 34\text{dB}$	7.3.6	Calculations presented in Appendix E
Acoustic Feature Correction	3dB	9.2	Sound from the delivery activity may be discernible from passing traffic.
Rating Level	$(34+3) \text{ dB} = 37\text{dB}$		
Excess of Rating Level over background sound level	$(37-40) \text{ dB} = -3\text{dB}$		
Assessment of impact: low impact depending on context		11	

- 8.5. Table 12 presents the assessment of the likely impact during the proposed during the proposed small unit deliveries in accordance with the BS 4142:2014 methodology at Receptor R1. As shown in Figure 4 the representative background sound levels are considered to be 39dB L_{A90} during the daytime hours on Sunday.

Table 9 R1 Assessment of predicted external small unit delivery activity noise levels using BS 4142:2014 during the Sunday daytime hours

Results		Relevant Clauses of BS4142:2014	Commentary
Background Sound level	$L_{A90} = 39\text{dB}$	8.1, 8.2	Representative typical background sound level determined from a range of measurements (Sunday)
Assessment made during the daytime, so the reference interval is one hour		7.2	
Specific Sound Level	$L_{Aeq,T} = 34\text{dB}$	7.3.6	Calculations presented in Appendix E
Acoustic Feature Correction	3dB	9.2	Sound from the delivery activity may be discernible from passing traffic.
Rating Level	$(34+3) \text{ dB} = 37\text{dB}$		
Excess of Rating Level over background sound level	$(37-39) \text{ dB} = -2\text{dB}$		
Assessment of impact: low impact depending on context		11	

9.0 New roller shutters

- 9.1. The proposals for the remodelled store include new roller shutters along the Withington Road façade. These will only be activated at the beginning and end of each working day. The closest residential dwellings to the proposed new roller shutters are the flats above the shops across Withington Road (Reference R2) approximately 22m from the proposed roller shutters.
- 9.2. A reference survey was undertaken at a Co-operative store with similar roller shutters. The results are shown in Table 13 below:

Table 13 Roller shutter reference survey

Noise Source	L_{Aeq} , dB(A)	L_{Amax} , dB(A)
Roller shutter at 1m	68	72
Residual	51	-
Roller shutter specific level at 1m	68	72
Roller shutter equivalent level over 15-minutes	52	72
Roller shutter equivalent level over 15-minutes at R2	25	45
Corrected for two shutters	28	45

- 9.3. The worst-case background L_{A90} level for the roller shutter operation is 38dB between 23:00 and 23:15 on a Sunday night. Table 14 presents the assessment of the likely impact during the proposed roller shutter operation in accordance with the BS 4142:2014 methodology at Receptor R2.

Table 14 R1 Assessment of predicted external roller shutter activity noise levels using BS 4142:2014 23:00 – 23:15 Sunday

Results		Relevant Clauses of BS4142:2014	Commentary
Background Sound level	$L_{A90} = 38\text{dB}$	8.1, 8.2	Representative typical background sound level determined from a single measurement (Sunday)
Assessment made during the night-time, so the reference interval is 15-minutes		7.2	
Specific Sound Level	$L_{Aeq,T} = 28\text{dB}$	7.3.6	Calculations presented in Appendix E
Acoustic Feature Correction	3dB	9.2	Sound from the activity may be discernible from passing traffic.
Rating Level	$(28+3) \text{ dB} = 31\text{dB}$		
Excess of Rating Level over background sound level	$(31-38) \text{ dB} = -7\text{dB}$		
Assessment of impact: low impact depending on context		11	

10.0 Discussion of results

- 10.1. The results of the assessments have demonstrated that the noise impact associated with the extended opening hours of the Co-operative store will be "No Observed Effect" according to the PPG.
- 10.2. Assessments have shown that delivery activity associated with the two new, small units will be of "low impact, depending on context" when using the Mayfield Road exit.
- 10.3. Assessments have also shown that noise associated with the proposed new roller will be of "low impact, depending on context".

11.0 Context and Uncertainties

- 11.1. As the standard advises, the estimated impact must be considered within the context of the site and the surrounding acoustic environment. The following must, therefore, also be taken into

consideration when determining the potential impact that may be experienced:

- The assessments are undertaken at a single residential window. The impact on all other residential windows will be lower due to distance losses and noise screening provided by the building structure.
- The number of expected deliveries by large lorries is low (typically two per 24-hour period)..
- Deliveries are only proposed during the daytime period and not during the more sensitive night-time period. The delivery hours have also been limited, avoiding deliveries late into the evening.

11.2. Where possible uncertainty in this assessment has been minimised by taking the following steps:

- The measurement of the background sound levels was undertaken over a period including the quietest times of the day and night.
- The sound level meter and calibrator used have a traceable laboratory calibration and were field calibrated before and after the measurements.
- Uncertainty in the calculated impact has been reduced by the use of a well-established calculation method.

Care was taken to ensure that the measurement position was representative of the noise climate outside the nearby residential dwellings and not at a position where higher noise levels are present.

12.0 Conclusions

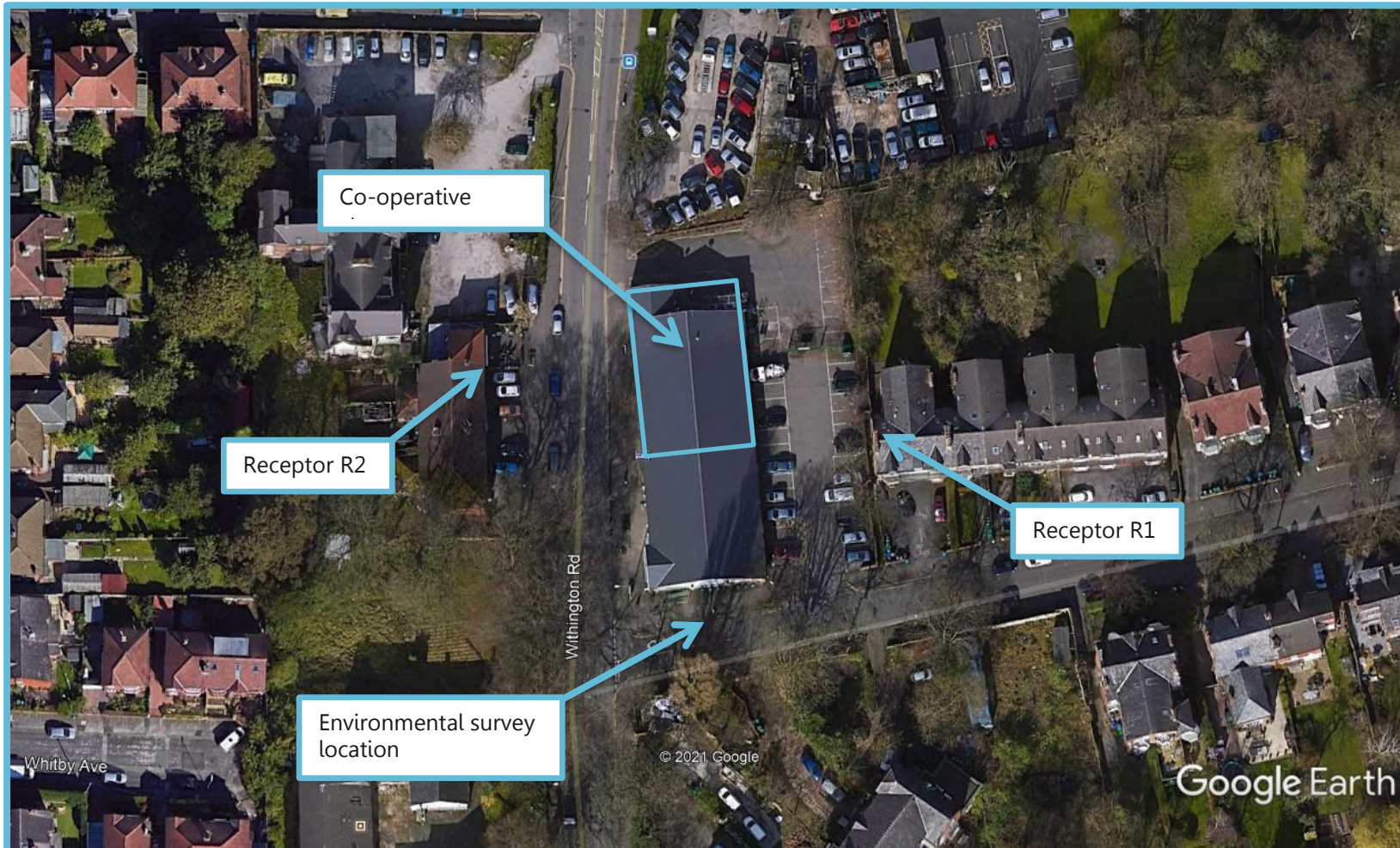
- 12.1. Noise Solutions Ltd (NSL) has been commissioned by Henry Riley to undertake a noise impact assessment in relation to external activities at the redeveloped Co-operative store along Withington Road in Whalley Range.
- 12.2. In support of these assessment works, a baseline noise survey was undertaken to determine the prevailing environmental noise levels at the nearest noise sensitive receptors to the store during representative periods. Reference noise measurements of similar activities at similar operating Co-operative stores were used in the assessment.
- 12.3. The results of the survey were used to undertake an assessment of the likely noise impact from activities at the store. For the purposes of the assessment, the methodology used in BS 4142:2014 was utilised.

-
- 12.4. The results of the assessments were analysed and reviewed in line with the aims and advice contained within the National Policy Statement for England, the National Planning Policy Framework and the Planning Practice Guidance.
- 12.5. Noise from external activities associated with the store have been assessed. The various assessments demonstrate that the impact should be considered acceptable to the residences near to store for all periods.

Appendix A Acoustic terminology

Parameter	Description
Ambient Noise Level	The totally encompassing sound in a given situation at a given time, usually composed of a sound from many sources both distant and near ($L_{Aeq,T}$).
Decibel (dB)	A scale for comparing the ratios of two quantities, including sound pressure and sound power. The difference in level between two sounds s_1 and s_2 is given by $20 \log_{10}(s_1/s_2)$. The decibel can also be used to measure absolute quantities by specifying a reference value that fixes one point on the scale. For sound pressure, the reference value is $20\mu\text{Pa}$. The threshold of normal hearing is in the region of 0 dB and 140 dB is the threshold of pain. A change of 1 dB is only perceptible under controlled conditions.
dB(A), L_{Ax}	Decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessment of loudness. A change of 3 dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound. The background noise in a living room may be about 30 dB(A); normal conversation about 60 dB(A) at 1 metre; heavy road traffic about 80 dB(A) at 10 metres; the level near a pneumatic drill about 100 dB(A).
Fast Time Weighting	Setting on sound level meter, denoted by a subscript F, that determines the speed at which the instrument responds to changes in the amplitude of any measured signal. The fast time weighting can lead to higher values than the slow time weighting when rapidly changing signals are measured. The average time constant for the fast response setting is 0.125 (1/8) seconds.
Free-field	Sound pressure level measured outside, far away from reflecting surfaces (except the ground), usually taken to mean at least 3.5 metres
Façade	Sound pressure level measured at a distance of 1 metre in front of a large sound reflecting object such as a building façade.
$L_{Aeq,T}$	A noise level index called the equivalent continuous noise level over the time period T. This is the level of a notional steady sound that would contain the same amount of sound energy as the actual, possibly fluctuating, sound that was recorded.
$L_{max,T}$	A noise level index defined as the maximum noise level recorded during a noise event with a period T. L_{max} is sometimes used for the assessment of occasional loud noises, which may have little effect on the overall L_{eq} noise level but will still affect the noise environment. Unless described otherwise, it is measured using the 'fast' sound level meter response.
$L_{10,T}$	A noise level index. The noise level exceeded for 10% of the time over the period T. L_{10} can be considered to be the "average maximum" noise level. Generally used to describe road traffic noise. $L_{A10,18h}$ is the A-weighted arithmetic average of the 18 hourly $L_{A10,1h}$ values from 06:00-24:00.
$L_{90,T}$	A noise level index. The noise level exceeded for 90% of the time over the period T. Generally used to describe background noise level.

Appendix B Aerial photograph showing site and surrounding area



Appendix C Environmental sound survey

Details of environmental sound survey

- C.1 Measurements of the existing background sound levels were undertaken between 11.30 hours on Friday 17 September and 11.00 hours on Monday 20 September 2021.
- C.2 The sound level meter was programmed to record the A-weighted L_{eq} , L_{90} , L_{10} and L_{max} noise indices for consecutive fifteen-minute sample periods for the duration of the survey.

Measurement position

- C.3 The sound level meter was positioned on a lamppost along Mayfield Road, near to the proposed delivery area. The approximate location of the microphone is indicated on the plan in [Appendix C](#). In accordance with BS 7445-2:1991 '*Description and measurement of environmental noise – Part 2: Guide to the acquisition of data pertinent to land use*', the measurements were undertaken under free-field conditions.

Equipment

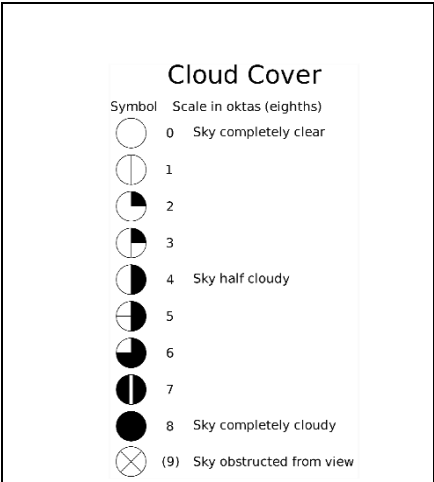
- C.4 Details of the equipment used during the survey are provided in the table below. The sound level meter was calibrated before and after the survey; no significant change (± 0.1 dB) in the calibration level was noted.

Environmental noise survey

Description	Model / serial no.	Calibration date	Calibration certificate no.
Class 1 Sound level meter	Rion NL-52 / 00654035	07/06/2021	1500431
Condenser microphone	Rion UC-59 /08290		
Preamplifier	Rion NH-25 / 54080		
Calibrator	Rion NC-74 / 35094453	20/08/2020	14015672-2

Weather Conditions

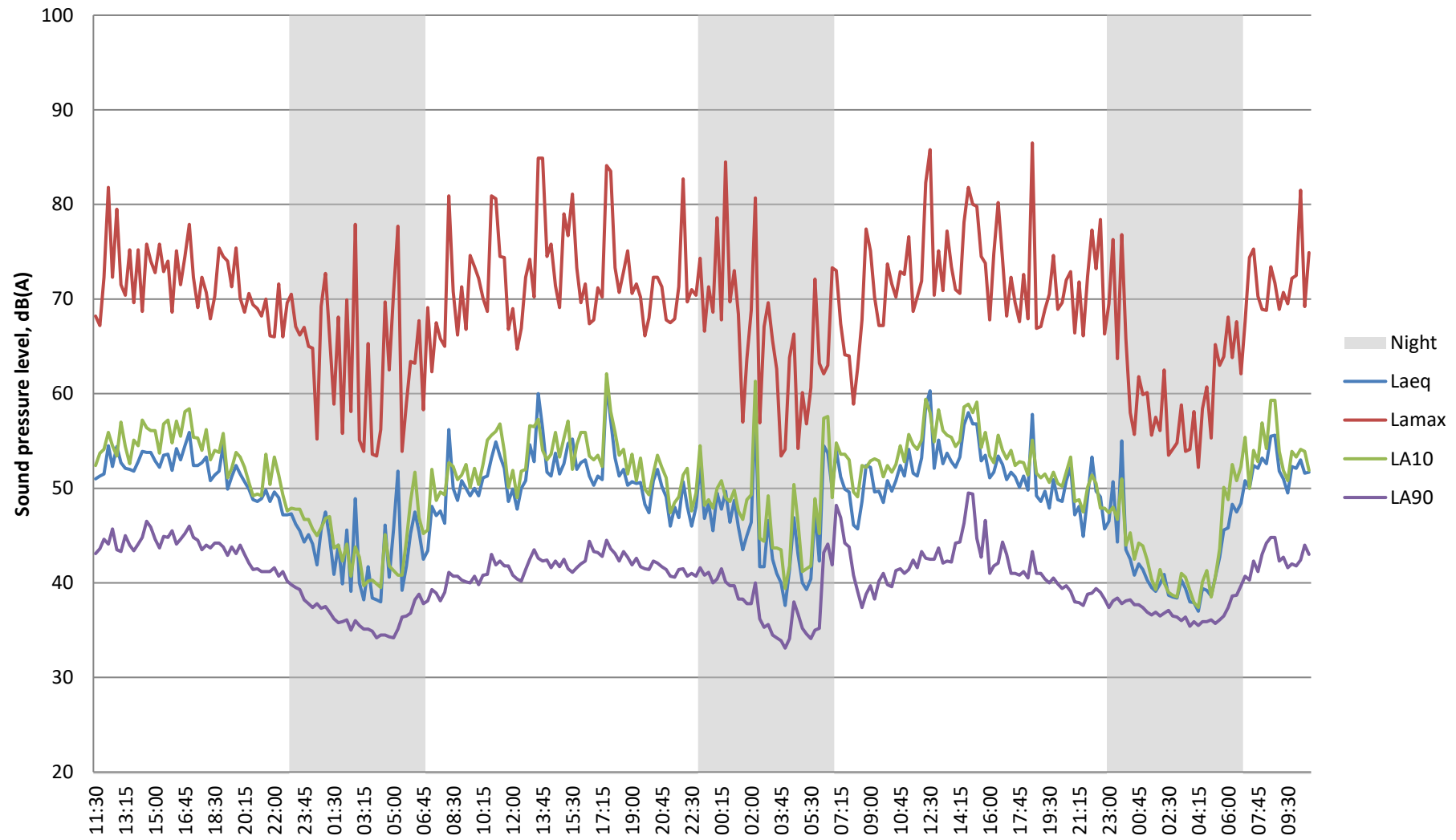
- C.5 Weather conditions were determined both at the start and on completion of the survey. It is considered that the meteorological conditions were appropriate for environmental noise measurements. The table below presents the weather conditions recorded on site at the beginning and end of the survey.

Weather Conditions				
Measurement Location	Date/Time	Description	Beginning of Survey	End of Survey
As indicated on Appendix B	11.30 17/9/21 - 11.00 20/9/21	Temperature (°C)	18	14
 Cloud Cover Symbol Scale in oktas (eighths) 0 Sky completely clear 1 2 3 4 Sky half cloudy 5 6 7 8 Sky completely cloudy (9) Sky obstructed from view		Precipitation:	No	No
		Cloud cover (oktas - see guide)	3	0
		Presence of fog/snow/ice	No	No
		Presence of damp roads/wet ground	No	No
		Wind Speed (m/s)	0	0
		Wind Direction	-	-
		Conditions that may cause temperature inversion (i.e. calm nights with no cloud)	No	No

Results

- C.6 The results of the environmental survey are considered to be representative of the background sound pressure levels at the façades of the nearest noise sensitive receptors during the quietest times at which proposed deliveries will occur. The noise climate during the setting-up and removal of the meter was dominated by local traffic. The results of the survey are presented in a time history graph overleaf.

Coop Whalley Range Friday 17 - Monday 20 Sep 2021



Appendix D Carpark noise calculations

Receptor R1 – last hour of trading

Activity	Measured noise levels		Correction for no. of occurrences		Distance correction		Resultant SEL at receptor (dB)	Resultant L _{Amax} at receptor (dB)
	SEL @ 10m	L _{Amax} @ 10m	No. of occurrences	Correction (dB)	Distance (m)	Correction (dB)		
Vehicle Pass-by (in)	55	53	8	9	10	0	63	53
Vehicle Pass-by (out)	55	53	8	9	10	0	63	53
Vehicle Engine	59	59	8	9	10	0	68	59
Door Slam	57	57	16	12	10	0	69	57
Cumulative SEL:							73	53 - 59
L _{Aeq} (1hour):							37	
Range of L _{Amax} :								

Receptor R1 – peak hour

Activity	Measured noise levels		Correction for no. of occurrences		Distance correction		Resultant SEL at receptor (dB)	Resultant L _{Amax} at receptor (dB)
	SEL @ 10m	L _{Amax} @ 10m	No. of occurrences	Correction (dB)	Distance (m)	Correction (dB)		
Vehicle Pass-by (in)	55	53	39	16	10	0	70	53
Vehicle Pass-by (out)	55	53	39	16	10	0	70	53
Vehicle Engine	59	59	39	16	10	0	75	59
Door Slam	57	57	78	19	10	0	76	57
Cumulative SEL:							80	53 - 59
L _{Aeq} (1hour):							44	
Range of L _{Amax} :								

Receptor R1

Activity	Measured noise levels		Correction for no. of occurrences		Distance correction		Resultant SEL at receptor (dB)	Resultant L _{Amax} at receptor (dB)
	SEL @ 10m	L _{Amax} @ 10m	No. of occurrences	Correction (dB)	Distance (m)	Correction (dB)		
Vehicle Pass-by (in)	68	62	1	0	30	-10	58	23
Vehicle Pass-by (out)	68	62	1	0	10	0	68	32
Vehicle Engine	59	59	1	0	10	0	59	59
Door Slam	57	57	2	3	10	0	60	57
Cumulative SEL: L _{Aeq} (1hour): Range of L _{Amax} :							69	
							34	

APPENDIX 7: APPEAL DECISION REF APP/B4215/W/20/3261720



Appeal Decision

Site visit made on 23 March 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/B4215/W/20/3261720

147 Greenbrow Road, Manchester M23 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jaffar Pervaiz of Dixy Chicken Wythenshawe against the decision of Manchester City Council.
 - The application Ref 127019/FO/2020, dated 27 May 2020, was refused by notice dated 24 July 2020.
 - The development is for the change of use cafe (A3)¹ conversion into hot food takeaway (A5).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of cafe (A3) conversion into hot food takeaway (A5) at 147 Greenbrow Road, Manchester M23 2DB in accordance with the terms of the application, Ref 127019/FO/2020, dated 27 May 2020 subject to the conditions in the attached schedule.

Procedural Matter

2. The wider evidence and my site visit indicate that works to the site have already commenced, albeit the appellant asserts that the change of use has not commenced. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on:
 - i. the living conditions of neighbouring residential occupiers, particularly through noise and disturbance; and,
 - ii. the character and appearance of the appeal site and surrounding area, including the function of the shopping parade (the parade).

Reasons

Background

4. The appeal site consists of a single unit within a parade of modern single storey commercial premises. The parade comprises of a local convenience store and post office, open 7 days a week from 07:00hrs to 22:00hrs, which is a double unit; a bookmaker and the appeal site. Outside the parade is a bus stop and a

¹ Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO)

short stay parking bay for a number of vehicles. In proximity to the site is a post box, a series of bicycle stands and a pedestrian crossing.

Living conditions

5. Either side and to the rear of the parade are residential properties, whilst on the opposite side of the road to the parade is a bus stop, a pharmacy, which adjoins 'The Maples Medical Centre'. Beyond this is a day nursery and on the opposite side of Scout Drive is the Newall Green public house (PH), which is close, but sited at an oblique angle to the site. Given the location of the site, the closest residential properties are the terrace of houses on Shadowbrook Avenue to the rear of the site and No 161 Greenbrow Road, which is located off the side elevation of the site by a reasonable distance, which is set back appreciably from the road by an intervening open grassed area.
6. Saved Policy DC10 of the Unitary Development Plan for the City of Manchester, 1995 (UDP) states that planning applications for food and drink uses shall have regard to the general location of the proposed development, including the effect on the amenity of neighbouring residents, amongst other things. UDP Policy DC26 states that consideration of the effect of new development which are likely to be generators of noise and will consider measures, such as engineering solutions and administrative steps to satisfactorily deal with potentially unacceptable levels of noise.
7. Policy SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (CS) considers the spatial principles, including making a positive contribution to health safety and well being of all residents. CS Policy C10 considers the evening economy and the cumulative impact, residential amenity and the overall balance. CS Policy DM1 has regard to various matters, including the effect on amenity.
8. Given the location of the parade when compared to the neighbouring residential units, I do not consider that the existing occupiers will receive harmful effects from increased pedestrian or vehicular activity in the immediate or surrounding area. This is primarily due to the location of the dwellings in relation to the site, the parking bay outside the parade and the unrestricted parking available on surrounding roads. In this respect I note that no objections have been received from either Highways Services or Environmental Health, where the latter suggests a number of conditions, which collectively seek to protect the amenity currently afforded by existing residential occupiers. I agree, in this instance that the imposition of a number of the suggested conditions would be necessary to ensure no harmful effects are encountered by existing residents.
9. Whilst, there are likely to be differences between an A5 and A3 uses, I also find that there are likely to be some similarities, which Highway Services highlight as unlikely to be dissimilar, whilst also pointing out the sustainable location of the site and it being easily accessible on foot. I have taken into consideration the distance of the site from the PH, which would be a compatible use. I have also noted the comments surrounding Newall Green High School (NGHS), including its planned closure later this year. Nonetheless, whilst the proposal would introduce an extra hour of activity in the evening to 23:00hrs as the local convenience store shuts at 22:00hrs, I do not find that this would be detrimental to the living conditions of the occupiers of neighbouring residential properties. On this matter, I note the absence of objections to the scheme from

Environmental Health or local residents and whilst not determinative, they are material considerations of significant weight.

10. For the reasons given above, I conclude that the development would not have a harmful impact on the living conditions of neighbouring residential occupiers, particularly through noise and disturbance. Consequently, the development accords with the amenity aims of Saved UDP Policies DC10, DC26, CS Policies SP1, C10, DM1 and the Council's Hot Food Takeaway Supplementary Planning Document 2017 (the SPD). Furthermore, the development would accord with the requirements of the National Planning Policy Framework (the Framework).

Character and appearance

11. The SPD states that a proposal will be considered to be harmful to the vitality and viability of a centre if, amongst other things, it increases the concentration of hot food takeaway ground floor frontages in a centre to more than 10%. Appendix 2 of the SPD identifies all of the district and 24no. local centres in Manchester, but acknowledges that locations not identified in the policy but which perform the same function in terms of scale and meeting local needs will also be considered to be local centres.
12. I note the concerns of the Council surrounding the potential for the hot food take away to undermine the daytime function of the parade. However, the proposed operating hours would be from 11:00hrs Monday to Saturday and from 13:00hrs on Sundays and Bank Holidays. Thus, the site would positively contribute to the function of the parade for a large part of the daytime. Whilst the Council suggest that the weekday operating hours should be no earlier than 17:30hrs during the week, due to the proximity of NGHS, I consider that as this school is closing in August 2021, it would be unreasonable to impose such a restriction that would only be justified for a matter of months. The long-term aspirations for the NGHS site have not been provided and I accept may not be yet known. However, given that the closure of NGHS will not have been taken lightly, I consider at this present time, that it is highly unlikely that another school would occupy the NGHS site at any time soon.
13. I acknowledge the changes that occurred in the UCO that came into effect on 1 September 2020 to facilitate greater flexibility to the change of uses within town centres, particularly through the introduction of the new Class E. However, in the case of this appeal, I find that whilst there are minor conflicts with some of the guidance contained in the SPD, the development complies with its overall objectives. Additionally, there will be no cumulative impact, or any adverse issues surrounding living conditions, as confirmed on the previous main issue. Furthermore, the balance of uses within the parade would be maintained, supporting the day-time and evening/night-time economies, where the local convenience store would still be the anchor property with the appeal site and the existing bookmakers remaining supplementary to the primary shopping function of the parade.
14. Concerns have been raised surrounding the design and appearance of the existing external flue that is located on the side elevation of the host property, set within an area enclosed by galvanised palisade fencing. I also note that that the appearance of this flue differs from that proposed on the submitted drawing. Whilst, I appreciate the sentiment from the appellant to relocate the flue to the rear of the host property, that is not something that I could consider on this appeal. In any event, whilst accepting the visual impact of the flue

currently on the appeal site and surrounding area, I do consider that it has a moderately harmful effect. Nonetheless, I note the offer from the appellant to colour coat the flue, which I consider would significantly improve its appearance.

15. I appreciate that there is little detail on the existing flue and that it may fall short of the dimensions required by Environmental Health to terminate at least 1m above the eaves level. However, I am convinced that this could be addressed through the imposition of a suitably worded condition and would not result in an excessive addition to the existing flue and therefore still within the scope of the application subject of this appeal. I am also confident in this particular instance that a suitably worded condition could still be imposed in such circumstances, to ensure that otherwise unacceptable development could be made acceptable.
16. For the reasons given above, I conclude that the development would not have a harmful impact on the character and appearance of the appeal site and surrounding area or the function of the parade. Consequently, the development accords with the design, character and appearance aims of Saved UDP Policy DC10, CS Policies SP1, DM1 and the SPD. Furthermore, the development would accord with the requirements of the Framework.

Conditions

17. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 55 of the Framework and the Planning Practice Guidance. In this instance a condition relating to the time limit for implementation is not required as the development has commenced.
18. A condition surrounding the approved plans is required for certainty. Conditions relating to opening hours/delivery times and that the flue or any other wall mounted ancillary equipment is operating correctly, are all necessary to ensure satisfactory living conditions of occupiers in neighbouring dwellings. A condition is reasonable and necessary to require that the waste management facilities are implemented to ensure the provision of satisfactory arrangements for the collection and storage of segregated waste. Finally, I also consider that it is necessary to include a condition to colour coat the flue black to improve the appearance of the flue.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should succeed.

W Johnson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plan: NA-PO1
- 2) The premises shall not be open outside the following hours: Monday to Saturday 11:00hrs to 23.00hrs; and Sunday and Bank Holidays 13:00hrs to 23:00hrs.
- 3) Deliveries, servicing and collections, including waste collections shall not take place outside the hours of 07:30hrs to 20:00hrs Monday to Saturday. No deliveries or collections on Sundays and Bank holidays.
- 4) Prior to first use and occupation of the development hereby approved and notwithstanding the flue shown on the approved drawing, 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 fully implemented prior to occupancy and shall be maintained and retained for the life of the development.
- 5) Prior to first use and occupation of the development hereby approved, a scheme for the storage (including segregated waste recycling and disposal of food waste) 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 fully implemented prior to occupancy and shall be maintained and retained for the life of the development.
- 6) Any externally mounted ancillary plant or equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location. The scheme should be 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 site prior to installation of any plant. The approved scheme shall be fully implemented prior to occupancy and shall be maintained and retained for the life of the development.
- 7) Within 6 months from the date of this decision, the external surface of the flue hereby approved shall be colour coated black (RAL 9005) and shall be maintained and retained for the life of the development.

End of Schedule