Application Number	Date of Appln	Committee Date	Ward
088757/FO/2009/N1	15th Jan 2009		Cheetham Ward

Proposal Change of Use from warehouse cash and carry to A3 cafe / A5 hot food take away and associated external flue to rear

Location Unit 4, 153 Great Ducie Street, Cheetham, Manchester, M3 1FB,

Applicant Mr Tahir Parvaiz , 19 Westwood Road, Heald Green, Stockport, SK8 3JN,

Agent Mr N Ali, 4 Mallowdale Avenue, Fallowfield, Manchester, M14 6GT,

Description

Planning Permission is sought for the change of use of Unit 4, 153 Great Ducie Street, Cheetham, from cash and carry warehouse to a cafe and hotfood takeaway, a sui generis use. An external extract flue is proposed to the rear of the property in conjunction with the change of use. No other external alterations are proposed.

The premises are situated within a commercial/industrial area, opposite HMP Manchester, part of which, located away from this site, is a listed building.

Unit 5 is an accident claim centre with offices above. Unit 3 is a car audio centre with storage above. The floor above Unit 4 appears to be used as storage. It is not considered that there is any residential accommodation in the immediate vicinity.

The site is situated within Flood Zone 2 of the Environment Agency's flood mapping system.

The business would have level access and a disabled accessible W.C. A Waste Management Strategy has been submitted, along with a fume extraction scheme.

It is proposed the premises would operate from 11am to 12midnight daily, except Sundays and Bank Holidays, when the premises would operate from 11am to 7pm.

There are double yellow line parking restrictions outside the premises. On-street parking is permitted nearby, for example, on Julia Street There is a private car park to the rear of the units. The Agent reports that 2 parking spaces are available within here.

No other takeaways are visible within the immediate vicinity.

Consultations

Neighbours - No representions received.

Environment Agency - No need for a Flood Risk Assessment, as no building is proposed.

Environmental Health - No adverse comment/no objection in principle. A license may be required.

Greater Manchester Police Architectural Liaison - All new external fittings should be Secured by Design standard.

North Manchester Partnership Team - No representations received.

Traffic and Transport - No representations received.

Issues

Planning Policy:

CC1 General Policy
In deciding its attitude to proposals within Cheetham and Crumpsall, the Council will have regard to the general policies in Part 1 of the Plan in order to:-

a. improve housing of all types and avoid the need for future widescale clearance;

b. provide infill and redevelopment sites for new housing;

c. discourage over-development and over-intensive use of residential land and buildings and so avoid congestion and overcrowding in housing units and their surroundings;

d. reduce the problems caused by vacant and derelict land and buildings by encouraging redevelopment, especially of smaller sites where shape and location would discourage proper maintenance for open space;

e. concentrate the provision of public open space into suitable areas close to where people live;

f. provide a network of green routes for pedestrians and cyclists between different parts of the area;

g. create a safer environment and allow for a greater sense of personal safety for all sections of society, especially children and the elderly;

h. encourage and promote the enterprise skills which exist especially in Strangeways and Chetwood, because of their contribution to the City's economic health;

i. provide for improvements to public transport and reduce congestion in areas such as Strangeways and Cheetham district centre;

j. ensure a balanced distribution and wide range of accessible shopping facilities to meet the needs of all sections of the community.

CC4 Environmental Improvement & Protection
The Council intends to enhance the character of Cheetham Hill Road, Bury New Road/Great Ducie Street, and the Metrolink line. A high standard of design will be expected from new developments in order to restore the unity and particular character of the roads, and to improve the setting of listed and other important buildings. In addition, the Council will encourage the conservation and refurbishment of buildings of character and quality.

CC10 Industrial & Commercial Uses
The Council will encourage the continued high level of economic activity in Strangeways and lower Cheetham Hill Road areas, recognising particularly the needs of the wholesale trades which dominate these areas. The Council recognises the regional role played by this locality and will pursue policies designed to improve the efficiency of existing businesses (notably wholesale cash and carry and bulk distributive trades), by environmental improvements and better parking and servicing. Permission will be granted for the redevelopment of buildings or sites only where the proposals incorporate sufficient parking and servicing for their own needs, subject to a proper balance of other planning requirements contained in policies expressed elsewhere in the Plan.

10. Food & 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 DC10.2.

9. New Commercial & Industrial Development - Access for Disabled People
DC9.1 The Council will require all new commercial and industrial buildings and the environments in which they are set, including car parking areas, to meet high standards of accessibility for disabled people. This requirement will also apply to development which involves the adaptation of existing buildings unless practical considerations dictate otherwise.

Issues:
It is considered that the proposal accords with Manchester City Council's adopted Unitary Development Plan and Regional Spatial Strategy.

A Flood Risk Assessment is not required, although the scheme is within Flood Zone 2, as no building work is proposed.

The proposed cafe and hot food takeaway would be situated within a commercial/industrial area. It is proposed that there would be an adequate fume extraction system, including an acceptable flue, in terms of appearance and operation. The waste management strategy is considered to be acceptable. Provision has been made for all to access the entrance to the property via an existing level access.

It is considered that the proposal would not detrimantally affect the character of Great Ducie Street. The use would be contained within an existing building, with the flue to the rear. Although a commercial/industrial area, it is recommended the premises are restricted to the proposed hours of operation, in the interests of amenity and disturbance.

There are double yellow line parking restrictions outside the premises. On-street parking is permitted nearby, for example, on Julia Street There is a private car park to the rear of the units. The Agent reports that 2 parking spaces are available within here. Objections have not been received from Highway Engineers.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all

material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Approval on the basis that the development accords with Manchester City Council's adopted Unitary Development Plan, specifically policies CC1, CC4, CC10, DC10, and DC9.1, and Regional Spatial Strategy, on the basis that the proposed change of use would be within a commercial/industrial area, would not detrimentally affect the character of Great Ducie Street, and would acceptably deal with the extraction of fumes and waste, and not have a harmful affect upon the flow of traffic on the highway.

Conditions and/or Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: drawings 01 and 02, including extract specification, Waste Management Strategy within Design and Access Statement

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

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

Monday to Saturday: 11am to 12 midnight

Sundays and Bank Holidays: 11am to 7pm

Reason - In interests of amenity, in order to reduce noise and general disturbance in accordance with policy DC26 of the Unitary Development Plan for the City of Manchester.

4) Prior to the erection of any flue and the commencement of the use hereby approved, details of a colour that it is proposed the external extract flue will be

coloured, shall be submitted in writing to the Local Planning Authority for their prior approval in writing. The approved flue shall then be erected in the agreed colour prior to the commencement of the use hereby approved.

Reason - In the interests of amenity, pursuant to policies CC4 and DC10 of Manchester City Council's adopted Unitary Development Plan.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 088757/FO/2009/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Engineering Services
Environmental Health
North Manchester Regeneration Team
Greater Manchester Police
Shonn Bros (manchester) Ltd, 151 Great Ducie Street, Manchester, M3 1FB
5 Langston Street, Manchester, M3 1EB
The Accident Claim Centre, Unit 4, 153 Great Ducie Street, Manchester, M3 1FB
Feingold & Co, Unit 5, 153 Great Ducie Street, Manchester, M3 1FB
1 Langston Street, Manchester, M3 1EB
Unit 2, 153 Great Ducie Street, Manchester, M3 1FB
Car Audio, Unit 3, 153 Great Ducie Street, Manchester, M3 1FB
Charisma Computers, Unit 1, 153 Great Ducie Street, Manchester, M3 1FB
E C H G, The Manchester Prison Visitors Centre, 1 Southall Street, Manchester, M60 9ST
All Star Costumes, 165 Great Ducie Street, Manchester, M3 1FF
L A Sports Ltd, 165 Great Ducie Street, Manchester, M3 1FF
S P Casuals, 165 Great Ducie Street, Manchester, M3 1FF
Tiles, 165 Great Ducie Street, Manchester, M3 1FF
Fender Footwear, 165 Great Ducie Street, Manchester, M3 1FF
Mountain Pass, 165 Great Ducie Street, Manchester, M3 1FF
Rockola, 165 Great Ducie Street, Manchester, M3 1FF
Amer House, Langston Street, Manchester, M3 1EB
16-18, Mary Street, Manchester, M3 1DZ

Representations were received from the following third parties:

Relevant Contact Officer : Helen Hodgett
Telephone number : 0161 234 4533
Email : h.hodgett@manchester.gov.uk