



Planning & Development Ltd

JMS Planning & Development

Planning Statement

In Support of a Planning Application by

MFG

**For a New Hot Food Takeaway Offer Within Existing
Sales Building**

at

MFG Rusholme

10 Wilmslow Road

Rusholme

Manchester

M14 5TQ

Proposal: Hot Food Element, Rusholme

Client: Motor Fuel Limited

Date: December 2021

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SECTION 1: INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Motor Fuel Limited (MFG) and is submitted in support of an application for full planning permission for the creation of a new hot food takeaway element within the existing sales building plus associated works at MFG Rusholme, 10 Wilmslow Road, Rusholme, Manchester, M14 5TQ.
- 1.2 This report continues in Section 2 by providing a summary of the Motor Fuel Group, with Section 3 providing a summary of the site's location and its context, with a brief summary of the planning history for the site within Section 4. Full details of the proposal are set out in Section 5. A detailed summary of the planning policy position at national and local level is contained within Section 6. Section 7 sets out the justification for the proposal in the context of the national requirements, local need and the policy position. Conclusions on all matters are drawn in Section 8.
- 1.3 The application merely seeks to authorise the introduction of an additional use of a hot food takeaway which is potentially ancillary to the main use of the site as a petrol filling station, providing a supplementary facility for existing users of the site, enhancing the retail offer for customers. This is expanded upon more fully in the report, particularly the Proposed Use Section and Planning Issues.
- 1.4 It is considered that the submitted application is of significant merit. Namely;
- The provision of a wider and enhanced sales offer at an existing service station to meet customer expectations, and
 - The proposal makes best use of an existing established service station in an appropriate location.

SECTION 2: MOTOR FUEL GROUP

- 2.1 Motor Fuel Group (MFG) is the largest independent forecourt operator in the UK. The Company has around 900 stations operating under the BP, Shell, Esso, Texaco, JET and Murco fuel brands.
- 2.2 MFG is backed by committed investors and is focused on growing and developing the business into one of the most dynamic and profitable independent forecourt operators in the UK.
- 2.3 MFG completed the acquisition of the retail assets of Murco Petroleum on 1 October 2014. In April 2015 90 Shell branded stations were acquired and then following this, the Company acquired the north-west based Synergie Holdings with 19 stations and the north-east based Roadside Group with 10 stations. In 2017, MFG acquired four stations each from FW Kerridge and Burns & Co, nine stations from Macclesfield-based Manor Service Stations and 14 stations from the Golden Cross Group.
- 2.4 At the end of February 2018, MFG announced the £1.2 billion acquisition of MRH, bringing nearly 500 stations and the Greggs, SPAR and its own Hursts brands into the network.
- 2.5 From 1 April 2015, MFG decided to launch Murco as a dealer brand. The 180 strong dealer network will continue to use this well recognised brand and with its dedicated team Murco intends to grow, develop and strengthen a very flexible dealer offer, building on the great service and delivery standards that Murco has always been known for.
- 2.6 MFG intends to continue to offer its customers premium fuel brands and electric vehicle charging (EVC) facilities, coupled with an attractive, competitive and expanding forecourt shop offer for today's cost-conscious consumers. The Company's key objective is to make all visits to a MFG forecourt as pleasurable as possible. They aim to provide our customers with high levels of service; good quality, competitively priced fuels and EVC and, of course, a convenient and competitive shopping experience.
- 2.7 The Company's intention is to ensure that its shops provide customers with an exceptional product range and '*food to go*' offer from top name brands, ongoing value promotions and a

shopping environment to match any of the multiples, whilst the forecourts meet the every need of motorists.

- 2.8 In July 2020 the Group was ranked 8th in a league table of Britain's one hundred private companies with the largest sales in the 19th annual Sunday Times' HSBC Top Track 100. The league table has not been updated for 2021.

SECTION 3: SITE AND SURROUNDING AREA

- 3.1 The site is broadly square in shape, bound by the Wilmslow Road/B5117 to the east; Great Western Street to the south; an access road leading to a pay and display car park to the west with student accommodation beyond. To the north of the site is a four storey development, with retail/commercial uses on the ground floor and residential use above. Wilmslow Road forms part of Rusholme District Centre and is characterised by properties with retail/commercial uses at ground floor and two/three storeys of residential above plus community uses.
- 3.2 The application site is broadly level and extends to 1,635 sqm and is known as MFG Rusholme Service Station, Wilmslow Road. The site currently comprises an operational petrol station, with a three island starter gate forecourt arrangement, accommodating refuelling points for six vehicles and a sales building with associated car parking for 7 vehicles and jet wash and car care facilities.
- 3.3 MFG Rusholme Service Station is located in the heart of Rusholme District Centre. It is approximately two miles from both Manchester city centre and Manchester Piccadilly train stations. The Wilmslow Road/B5117 provides access to the north to the M57(M) which is essentially a ring road around central Manchester and south to the M60 (about four miles away) which is an outer ring road around Greater Manchester, linking to various other motorways.
- 3.4 The character of the area is as expected for a district centre with commercial uses at ground floor and residential above with community facilities including churches, colleges and medical uses in the wider area, including a large hospital complex incorporating the Royal Manchester Children's Hospital, St Mary's Hospital and Manchester Royal Infirmary, less than half a mile away.
- 3.5 It is noteworthy that the area is in an area known for its food and drink offer and often called 'the Curry Mile' due to the number of Pakistani, Bangladeshi and Indian restaurants, takeaways and Shisha lounges. Therefore, the site has a high level of activity both during the day and night-time.

SECTION 4: PLANNING HISTORY

- 4.1 A review of the planning history of the application site has been undertaken using the Manchester Council's online database.
- 4.2 Planning permission was granted on 22 November 2021 for the 'Demolition of Existing car wash and installation of new substation, EV Canopy and 5no. EV Chargers with 3no. new jet wash bays' (ref: 131387/FO/2021). This permission was subject to a number of conditions including plant noise conditions and hours of operation for the jet washes. The implementation of this permission will have no impact on this current proposal as this relates to the sales building only. However, for the purposes of completeness, the works associated with this permission are shown on the proposed drawings for this application.
- 4.3 Prior to the above approval, there were a number of advertisement applications with the most significant historic permission on the site relating to a 1998 permission for 'erection of single storey building for shop use and construction of a plant room for existing car wash' (ref: 054445/FO/CENTL1/98).
- 4.4 Beyond the above there are no additional records, albeit the petrol station is long established and has formed part of the District Centre for many years.

SECTION 5: THE APPLICATION PROPOSAL

- 5.1 The application seeks planning permission for the creation of a new hot food takeaway offer within the existing sales building at MFG Rusholme, 10 Wilmslow Road, Manchester. The offer will include hot food and drinks, which will be primarily consumed off-site, complementing the existing offer on site and enhancing the experience for motorists and those utilising the site.
- 5.2 The established use of the site is sui generis (petrol filling station). The new hot food takeaway offer, which will be located within the existing envelope of the sales building, will technically introduce a new use to the site (sui generis – hot food takeaway), albeit this will operate in a secondary manner to the petrol filling station.
- 5.3 A small area of the petrol filling station sales building currently used as a storage area will be used for the new hot food takeaway offer of just 54 sqm, complementing the existing offer on site. The new hot food takeaway offer will operate within the current opening hours of the petrol filling station, ie 24 hours, 7 days a week as currently authorised.
- 5.4 The external appearance of the sales building currently will be broadly unchanged bar the addition of plant on the roof, which is shown in the application drawings. The plant and edge protection is set back from the roof edge so as to reduce its visual impact meaning it will be barely visible from ground level.
- 5.5 The hot food element will make use of the storage area within the eastern end of the sales building which is surplus to requirements as adequate space is provided at the western end of the sales building for the storage associated with the retail element. The physical size and appearance of the sales building will remain unchanged but better use of the existing floorspace will be made.
- 5.6 Therefore, the proposals relate primarily to the introduction of a new hot food takeaway offer on the site, which will complement the existing sales building offer and petrol filling station and will provide customers with an enhanced offer. Bar the addition of roof top plant, there are no physical alterations to the exterior of the building.

SECTION 6: PLANNING POLICY FRAMEWORK

- 6.1 This Section of the supporting Statement sets out national and local planning policy framework relevant to the proposed planning application.

National Planning Guidance

- 6.2 The revised National Planning Policy Framework (NPPF) was updated in July 2021 and constitutes guidance for local planning authorities and decision takers and is a material consideration in the determination of planning applications (paragraph 2).
- 6.3 The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7).
- 6.4 The purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Reference has recently been added to the 17 Global Goals for sustainable development set by the United Nations.
- 6.5 Paragraph 8 confirms that there are three overarching objectives to sustainable development: economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways.
- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - A social objective – to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and

- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making efficient use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.6 These objectives should be delivered through the preparation and implementation of plans and application of policies in the framework; they are not criteria against which every decision can or should be judged. It is confirmed that the planning system should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (paragraph 9).
- 6.7 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). For decision taking, this means:
- Approving development proposals that accord with the Development Plan without delay, and
 - Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless;
 - The application of policies in the framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole (paragraph 11).
- 6.8 The presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making (paragraph 12).
- 6.9 Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and

environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible (paragraph 38).

- 6.10 Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing (paragraph 47). Local Authorities may give weight to relevant policies and emerging plans according to the stage at which they are at and the extent of unresolved objections (paragraph 48).
- 6.11 Planning policies and decisions should help create the conditions which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and where there are opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future (paragraph 81).
- 7.1 Planning policies should set out a clear economic vision and strategy which positively and practically encourages sustainable economic growth having regard to local industrial strategies and other local policies for economic development and regeneration; set criteria to identify strategic sites for local inward investment to match the strategy and meet anticipated needs over the plan period; seek to address potential barriers to investment; and be flexible enough to accommodate the needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances (paragraph 82).
- 6.12 Planning policies and decisions should recognise and address the specific locational requirements of different sectors (paragraph 83).
- 6.13 Planning policies and decisions should support the role that town centres play at the heart of local communities taking a positive approach to their growth management and adaptation. Policies should define a network and hierarchy of town centres and promote their long term vitality and viability; define extent of town centres and primary shopping areas; retain and enhance existing markets and, where appropriate, reintroduce or create new ones; allocate a range of suitable sites in town centres to meet the scale and type of development likely to be

needed looking at least 10 years ahead; where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well-connected to town centres and if these are not able to be identified, set out policies which should explain how identified needs can be met in other accessible locations that are well-connected to the town centre; and recognise that residential development often plays an important role in ensuring the vitality of centres and encouraging residential development on appropriate sites (paragraph 86).

- 6.14 Local Planning Authorities should apply a Sequential Test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period of time) should out of centre sites be considered (paragraph 87).
- 6.15 When considering edge of centre or out of centre proposals, preference should be given to accessible sites which are well-connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centres or edge of centre sites are fully explored (paragraph 88).
- 6.16 When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, Local Authorities should require an Impact Assessment if the development is over a proportionate locally set floorspace threshold and if there is no locally set threshold the default threshold is 2,500 sqm of gross floorspace. This should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (paragraph 90).
- 6.17 Transport issues should be considered from the early stage of plan making in development proposals so that potential impacts of development and transport networks can be addressed, opportunities from existing or proposed transport infrastructure and changing transport technology and usage are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling or public

transport are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places (paragraph 104).

- 6.18 Paragraph 106 confirms that planning policies should provide for any large-scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. The footnote to this paragraph notes that such facilities will include roadside services but that the primary purpose of these services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).
- 6.19 Planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119).
- 6.20 Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users (paragraph 130).

Development Plan Policy

- 6.21 To the extent the Development Plan policies are material to an application for planning permission, a decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 6.22 The Development Plan to the application site comprises the Manchester Core Strategy 2012-2027 (Adopted July 2012), and the extant policies from the Unitary Development Plan (UDP)

(Adopted 1995). There is currently no neighbourhood plan for the area. The hot food takeaway SPG published in March 2017 is a relevant material consideration and is detailed below.

- 6.23 A Greater Manchester Joint Development Plan Document is currently being prepared by Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Thameside, Trafford and Wigan. The publication version of the plan was approved in July 2021 and consultation ended on 3 October 2021. It is hoped the document will be submitted to the Government in January 2022. The content of this document has been reviewed and whilst it is not yet a material consideration nor part of the development plan, policies are too high level or general to be relevant to the proposal.
- 6.24 Upon the Manchester Proposals Map the site is within Rusholme District Centre covered by Central Manchester Policy EC8 and H5, within the Inner Area Policy SP9 and within the Manchester City Boundary.

Manchester Core Strategy Development Plan Document (Adopted July 2012)

- 6.25 Policy SP1 (Spatial Principles) sets out the key spatial principles which will guide the strategic development of Manchester to 2027. These include the Regional Centre being the focus for economic and commercial development, retail, leisure and culture activity alongside high quality city living; the growth of Manchester Airport; and areas beyond focusing 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.
- 6.26 The Policy continues to confirm that 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, make a positive contribution to the health, safety and wellbeing of residents, meet all needs of members of the community and protect and enhance the built and natural environment. Consideration is also required to minimising emissions, including efficient use of natural resources, and reuse previously developed land where possible and also improving access to jobs, services, education and open space by being located to reduce the need to travel and providing good access to sustainable travel provision.

- 6.27 Policy EC8 (Central Manchester) sets out requirements for the provision of employment land and confirms that Rusholme, as a District Centre located on a major radial route through Central Manchester, will be suitable for mixed use development providing local employment.
- 6.28 Policy C1 (Centre Hierarchy) confirms that Rusholme is considered a District Centre which has 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. Development in these centres should primarily respond to the needs of the catchment and recognise the need for the vitality and viability of other centres.
- 6.29 Further guidance in relation to district centres is provided within Policy C2 where it confirms that development will support thriving district centres, with distinct local character, providing a good range of accessible key services including retail, health facilities, public services, leisure activities and financial and legal services. Housing is also considered an appropriate use within district centres provided it supports the vitality and viability of the centre. It is expected that additional convenience and comparison floorspace will be provided but with consideration to the vitality and viability of other centres.
- 6.30 The policy continues to say that key considerations for development in district centres should be prioritising the delivery of key visitor services including retail, public and commercial services and food and drink. The policy acknowledges that the Council ensures that retail remains the principal use in primary shopping areas but also ensures that provision is made in district centres for commercial and service uses, leisure and community and facilities and other uses which make a positive contribution to the vitality and viability of centres. Subject to the impact on the overall character and local amenity the Council will support development which extends the time in which the district centres are active. The Policy also supports development of employment which provides opportunities for local people and the efficient use of land. Reference is also made to contributing positively to the diversity of mixed uses and incentives without undermining their primary retail function. Development should also promote a range retailers and shop formats.

- 6.31 The supporting text to the above Policy confirms that District Centres are key focus of Manchester's communities. They are considered to be a hub for activity through which they attract visitors from surrounding neighbourhoods and the Council will therefore promote the provision of uses which serve this function.
- 6.32 Additional advice in relation to Rusholme District Centre is provided in Policy C5 where the floor area requirement for additional convenience and comparison floorspaces are set out. It confirms that retail development will be supported in Rusholme, and that this should complement the distinct commercial character of the District Centre. Enhancement to the quality of the environment is a priority in Rusholme to retain and attract shoppers and visitors.
- 6.33 The supporting text to Policy C5 acknowledges that Rusholme District Centre has some of the most distinctive characteristics of all the centres across Manchester and especially notable is the strong influence of Asian trade and the lively evening economy. It is a centre which attracts visitors from a wide catchment (beyond Manchester) and is a valuable aspect of the city's identity. It is confirmed that the Core Strategy will protect this character.
- 6.34 Policy C10 (Leisure and Evening Economy) confirms that 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 a number of considerations:
1. Cumulative impact;
 2. Residential amenity; and
 3. Balance ensuring that both the day and night time economy are supported whilst not undermining the role of the prime shopping area.
- 6.35 Additional guidance within Policy C10 is provided in relation to hot food takeaways and in addition to the above it is confirmed that consideration will be given to:
- The existing number of similar establishments in the immediate area and their proximity to each other;
 - The type and character of other uses such as houses, 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 nature of the proposed use;
- The potential impact of the proposal on the wider community; and
- Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

6.36 General guidance on development management is set out in Policy DM1 which requires considerations to the usual development control matters and of particular relevance to the proposal are the effects on amenity including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. Other considerations include general design related matters such as community safety crime prevention, designing for health, refuse storage and collection.

Saved Policies from the Unitary Development Plan

6.37 Policy 10 relates to food and drink uses and advises that in determining planning applications for development involving the sale of food or drink for consumption on the premises or for that food to be consumed off the premises (whether or not other activity such as a night club 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.

6.38 The Policy continues to say that the Council will normally accept the principle of developments of this kind in the city centre, industrial and commercial areas and in shopping centres and at ground level in local shopping parades of more than eight units or offices. In areas outside of the above, development will not normally be permitted.

6.39 Policy 26 relates to development and noise and confirms the Council's commitment the impact of noise on people living and working or visiting the city. This Policy confirms the Council considers both the effect of new development proposals which are likely to be generators of noise and the implications of new development being exposed to existing noise

sources which are effectively outside planning control. This is a pragmatic approach to noise consideration.

Hot Food Takeaway Supplementary Planning Document March 2017

- 6.40 The supplementary planning guidance builds on advice set out in the NPPF and Core Strategy and provides more concise guidance.
- 6.41 Policy 1 (Vitality and Viability) advises that hot food takeaways will not be supported in District and Local Centres where the cumulative impact of introducing this facility will be detrimental to the vitality and viability of a centre and would affect the balance between the day time and night time economy and the health of the population. The Policy goes on to set a number of criteria against which the proposals should be assessed. However, it continues to say that exceptions to the above are Manchester City Centre and Rusholme District Centre, where it is acknowledged that the key role of these centres is to serve the night time economy. These areas have become known as locations for food and drink attracting visitors from across greater Manchester and beyond. In these centres hot food takeaway applications will be considered based on an assessment of the impact on the role and character of the surrounding area.
- 6.42 The supporting text to this Policy states that within Rusholme there is an established evening/night time economy and a significant café/restaurant provision and hot food takeaways are part of the overall food and drink mix. However, the text still acknowledges that it is important to manage vitality and viability.
- 6.43 Policy 2 (Amenity) confirms that hot food takeaways will be considered against Core Strategy Policy DM1 (Development Management) and specific considerations include:
- Hours of opening;
 - Extraction of odours and noise abatement;
 - Disposal of waste products and customer litter; and
 - Highway safety.
- 6.44 Policy 3 (Hot Food Takeaways and Schools) sets a threshold in terms of a distance from a school in which a takeaway facility will be restricted in its hours of operation. However, this

does not apply to proposals within a District Centre designated in the local plan and where the proposal meets all other relevant policies.

SECTION 7: PLANNING ISSUES

7.1 This section of the Planning Statement sets out the general planning matters which require consideration in the determination of this application. Accordingly, the following general planning matters are considered below:

- The principle of development on the site;
- Retail impact and sequential assessment;
- Impact on residential amenity; and
- Parking and transport.

Principle of Development

7.2 MFG Rusholme Service Station is an established petrol filling station located in a District Centre. The provision of a hot food offer complements the existing offer on-site and supports the Applicant's ambition to ensure that its sales buildings provide customers with an exceptional product range and 'food to go' offer alongside its forecourt offer including fuel and electric vehicle charging facilities.

7.3 The established use of the site is sui generis (petrol filling station). The proposed use is sui generis (hot food takeaway). The existing sales building offer will remain as existing and the proposed takeaway element will utilise an existing storage area which is surplus to requirements as storage for the sales building occupies the western end of the sales building. Accordingly, the new use supplements the existing use and does not result in any loss of retail floorspace or compromise to the existing operation. Indeed, the proposal makes best use of existing floorspace which is currently unused.

7.4 The principle of a petrol station and associated uses is acceptable and established within Rusholme District Centre. The principle of food and drink uses in the wider District Centre is also acceptable as the District Centre is widely known, beyond the Manchester area, for its food and drink offer and night time economy, so the principle of such uses is accepted.

7.5 Core Strategy Policy C5 (Central Manchester District Centres – including Rusholme) supports additional retail which complements the character of the centre. Further guidance on the

evening economy is provided in Core Strategy Policy C10 which confirms general policies on takeaway uses. However, given the acknowledged character of Rusholme it is considered that the proposal meets the objectives of these policies.

- 7.6 Further guidance on takeaways is provided in supplementary planning guidance but Policy 1 specifically states that Rusholme is excluded from the policy requirements due to the character of the area. Policy 2 of this document relates to amenity and this is considered further below but the site is already a 24 hour petrol station. The wider area is renowned for its lively night time economy and the proposal will not adversely affect the character and function of the area. Policy 3 of the SPG also does not apply as the site is located in a District Centre, meaning there is no restriction in relation to proximity to schools.
- 7.7 In terms of the proposed hot food takeaway offer, this will not operate independently from the petrol filling station but will support the existing use and provide an enhanced retail / hot food offer for customers and motorists excluding the existing offer. The proposed facility will operate in a secondary manner to the petrol filling station. The external appearance of the existing sales building will remain unchanged bar the addition of the roof top plant.
- 7.8 Whilst planning permission is sought for the proposals as a technicality, it could be argued that the hot food provision will operate in an ancillary manner to the existing petrol filling station as it is intrinsically linked to the operation of the site as a petrol filling station.
- 7.9 Any test for whether a use is ancillary to another, or not, is a matter of fact and degree and each case has to be determined on its particular merits. However, in practice two principal criteria have emerged from case law (*Harrods Ltd v Secretary of State for the Environment Transport and the Regions* (2002)). First, a severability test, and second an environmental impact test.
- 7.10 Applying the first test, it must be considered whether the alleged ancillary use could practically and viably operate on its own were the primary use of the premises to cease. If it could, then the use is very unlikely to be ancillary as there is clearly no linkage or dependency. In the case of the proposed hot food takeaway, this would not viably operate without the petrol filling station as it relies on the petrol filling station sales building for access, floorspace and other shared facilities. The nature of the sales building and proposed hot food takeaway offer mean

that the hot food takeaway offer could not be severed from the rest of the sales building – this will be incorporated into the existing sales building and cannot physically be separated or cut off.

- 7.11 The second test would look to any outward effects of the use, in terms of the appearance of the premises, the amenity of the surrounding area or neighbourhood traffic conditions. If it could be shown that there would be a significantly greater impact following from the introduction of the alleged ancillary activity than one could reasonably expect from the existing use, then it is likely that a change of use has occurred.
- 7.12 In the case of the proposed new hot food takeaway offer, no change is proposed to the appearance of the premises which will remain as existing. Amenity and highways/traffic implications are considered further below, but it is concluded that there will be no material impact in this regard. Therefore, it is not considered that there would be a “*significantly greater impact*” (as defined by case law) following the introduction of the proposed hot takeaway offer.
- 7.13 In addition, the proposed hot food takeaway area will only form a small part of the overall sales building – approx. 54 sqm out of the 301 sqm of total GEA floorspace with the existing retail area remaining as existing.
- 7.14 Given the above, it could be argued that a material change of use will not occur as a result of the proposals. The proposed use will be largely ancillary to the existing petrol filling station use. Customers of the proposed hot food takeaway offer are anticipated to predominantly be customers/motorists visiting the petrol filling station, who have come into the shop to pay for fuel and purchase other items.
- 7.15 Notwithstanding the above, planning permission for the proposed hot food takeaway offer (and plant) is sought as a technicality. However, it is considered that the proposal is compliant with planning policy and entirely appropriate in this location within Rusholme District Centre.

Retail Impact and Sequential Assessment

- 7.16 Due to the site's location within Rusholme District Centre where the principle of retail, food and drink uses are supported, retail impact and the sequential assessment are not relevant considerations. Furthermore due to the very limited scale of the proposal which merely improves the offer of the petrol filling station site, together with the uses in the wider area, it is not considered that there will be any significant diversion of trade from any particular retail or commercial unit which is protected under retail policy. Accordingly, there will not be any adverse impact arising from the proposal. Overall, the proposal accords with the relevant national and local planning policy.

Impact on Residential Amenity

- 7.17 No physical alterations are proposed to the external appearance of the building, bar the addition of roof top extraction and refrigeration plant. Therefore, there will be no amenity impact by way of loss of privacy, overlooking, or loss of daylight/sunlight.
- 7.18 Having regard to noise, disturbance and level of activity, it is considered that the site will continue to operate much in the same way as the existing situation on site. No significant uplift of customers is envisaged, as it is anticipated that the majority of customers of the new hot food takeaway element within the building will be customers/motorists of the petrol filling station who require refreshments. Furthermore, the wider area is recognised for its food and drink offer and night time economy and is already characterised by similar uses. Therefore the proposal is entirely compatible with the existing use on the site and the character of the wider area.
- 7.19 The new vents, flues and extraction equipment is shown on the submitted plans. These will be fitted with the latest equipment ensuring no odours escape and noise is minimised. Therefore, there will be no increase in smells arising from the site as a result of the proposals. The plant and edge protection on the roof has been set back from the front/side elevations so as to reduce the visual impact when viewed from ground level meaning it will be barely visible.
- 7.20 Overall, given the district centre location of the site surrounded by food and drink premises including many takeaways and general character in the surrounding area and the existence of

the 24 hour petrol filling station on site it is not considered that the proposal will have any impact on residential amenity.

Parking and Transport

- 7.21 There are 7 existing car parking spaces on site, albeit this will change to three when the EVC permission is implemented and this scenario is shown on the proposed plans. However, it is considered the number of car parking spaces is sufficient to accommodate the existing petrol filling station use and as discussed above, it is not anticipated that there will be a significant increase in customers to the site as existing visitors will utilise the extended offer. Therefore, the number of car parking spaces will be sufficient to accommodate the proposal. No material increase in traffic is envisaged.
- 7.22 The site is also highly accessible by foot and cycle given its district centre location and is in a very urban part of Manchester. Therefore the site is well served by non-car modes for those making linked to the site for top-up shopping trips and the hot food offer.
- 7.23 No changes are proposed to the site in terms of access. Overall, the proposals are considered to be acceptable in highways and parking terms.

SECTION 8: CONCLUSIONS

- 8.1 The application seeks the creation of a new hot food takeaway offer within the existing sales building at MFG Rusholme Service Station, 10 Wilmslow Road, Manchester, M14 5TQ.
- 8.2 The National Planning Policy Framework identifies the need for planning positively for sustainable development and creating the conditions in which businesses can invest, expand and adapt. Significant weight is placed on the need to support sustainable economic growth and to allow for new and flexible working practices.
- 8.3 This proposal seeks to make the most efficient use of the site and provide an enhanced retail offer for motorists and users of the District Centre through the provision of a hot food takeaway use in addition to the current offer meeting the needs of motorists.
- 8.4 It could be argued that a material change of use will not occur as a result of the proposals and the proposed hot food takeaway use will be ancillary to the existing use due to the severance and environmental impact test. In addition, the hot food takeaway offer takes up only a small proportion of the existing (but currently under used) floorspace within the sales building. Notwithstanding, planning permission is sought as a technicality.
- 8.5 The proposed use will operate in a similar manner to other concessions found in petrol stations including Costa Express which operates on this site providing quality takeaway hot drinks, or Subway found in many petrol station sites countrywide without causing any adverse impacts. Customers of the proposed hot food takeaway offer are anticipated to predominantly be customers/motorists of the petrol filling station, who have come into the shop to pay for fuel and purchase other items. However due to the site's location, within a district centre renowned for its food and drink offer and night time economy, the use is entirely compatible with the character of the wider area and supported by planning policy.
- 8.6 There will be no material change in terms of the physical appearance of the building bar the addition of associated plant. No retail impacts nor any impacts on residential amenity will occur.

- 8.7 Overall, it is considered that the application proposal will enhance the site's offer, being complementary to the main petrol filling station use and will provide an upgraded product range in line with expectations of the modern motorist. The proposals are in accordance with policy for Rusholme District Centre which fully acknowledges the character of the centre and supports its role providing food and drink supporting a night time economy. Furthermore, this proposal makes best use of surplus floorspace in a sustainable manner which recognise that businesses need to be flexible and adaptable, particularly in these uncertain times. It is therefore respectfully requested that planning permission be forthcoming.