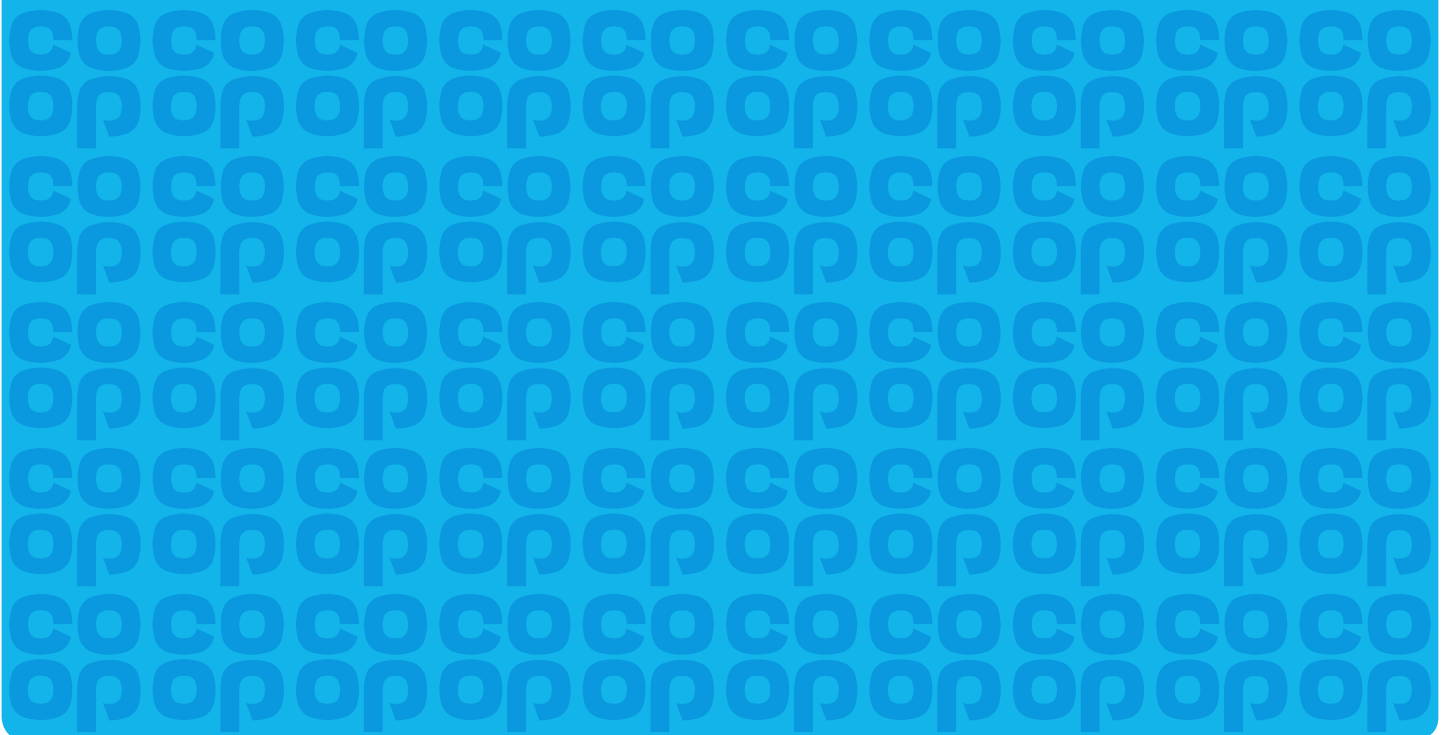


CO-OP FOOD
135-141 WITHINGTON ROAD
MANCHESTER

PLANNING STATEMENT

P21-0488 | August 2021



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

PLANNING STATEMENT

**CO-OP FOOD, 135-141 WITHINGTON ROAD,
MANCHESTER M16 8EE**

ON BEHALF OF THE CO-OPERATIVE GROUP FOOD LIMITED

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Prepared by: Chris Edge



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DESIGN **ENVIRONMENT** **PLANNING** **ECONOMICS** **HERITAGE**

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Pegasus Group on behalf of The Co-operative Group Food Ltd. The Co-op are seeking to downsize their foodstore at this address and in doing so, create two additional units for occupation by another retailer and / or hot food takeaway users.
- 1.2 This Statement sets out the background to the site and the proposals, including the relevant planning history and planning policy framework. Importantly, it sets out the planning history to this Site and Co-op's involvement in it and explains the reason why the proposed development should be granted planning permission.
- 1.3 The main justification section explores whether the proposal is compliant with the policies in the Local Development Plan and considers the proposal against other material considerations including the National Planning Policy Framework.

2.0 The Site and Surrounding Area

- 2.1 The Site comprises part of the floorspace within an existing Co-op Food store which extends to 288 sq.m gross floorspace. 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 to the north of the shop. There is a fence between the service yard and car park. 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 dwelling 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.
- 2.4 Land uses in the immediate are mixed, 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.

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.

4.0 The Proposed Development

- 4.1 This planning application seeks permission for the change of use of part of the internal floorspace within the Co-op Food store to be used for a combination of shop uses and / or hot food takeaway users within two new units (Use Class E and / or hot food takeaway (sui generis)).
- 4.2 The rationale for the proposed development is because the Co-op is seeking to downsize its foodstore in this location to bring it into line with the majority of its Food estate and trade a convenience store and so that it can trade in accordance with the Sunday Trading Act. In doing so, it will release part of the floorspace within its foodstore for other uses and this is subject to a separate planning application.
- 4.3 This planning application seeks to widen the potential uses and occupiers of part of this existing retail floorspace to allow the Co-op to market the premises more widely. In doing so, it will ensure that the floorspace 'leftover' from the subdivided shop will not remain vacant.
- 4.4 The proposal seeks planning permission for 288 sq.m of the 761 sq.m gross floorspace to be used for Use Class E uses (which the shop benefits from already) as well as hot food takeaway uses (sui generis).
- 4.5 This planning application does not seek planning permission for the subdivision of the shop, which is subject to a separate planning application, nor does it seek planning permission for the works required to facilitate specific operators within these units i.e. ventilation and extraction plant which would need planning permission in due course.

5.0 Relevant Planning Policy

- 5.1 This section highlights the planning policy considered relevant to the assessment of this application. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 confirm that planning applications must be determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

The Development Plan

- 5.2 The Development Plan for the Site comprises of the Manchester Core Strategy (2012) and saved policies from the Manchester UDP (1995).
- 5.3 The Site is located within the defined settlement boundary of Manchester City and the Whalley Range Conservation Area according to the Manchester Core Strategy Proposals Map. The Site is within the 'South Manchester' designation according to Policy EC9 of the Manchester Core Strategy. This policy states that South Manchester is not expected to make a significant contribution to employment provision except within existing employment locations.
- 5.4 Policy EN3 of the Core Strategy deals with heritage matters and states that development proposals in Conservation Areas must preserve or enhance the character of Conservation Areas.
- 5.5 Policy CC9 of the Core Strategy states that development in Manchester should preserve or enhance the heritage assets, including Conservation Areas.
- 5.6 Policy C9 deals with out of centre development (as in this case) and states that:

"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."

5.7 Policy C10 of the Core Strategy 'Leisure and the Evening Economy' states 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 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."*

5.8 Policy DM1 of the Core Strategy 'Development Management' is relevant to the proposed development which states that:

"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. "*

5.9 UDP Policy DC10.1 'Food and Drink Uses' is relevant which states that:

"In determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises (whether or not other activities, such as a nightclub, are included), the Council will have regard to:

- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;*
- b. the effect on the amenity of neighbouring residents;*
- c. the availability of safe and convenient arrangements for car parking and*

servicing;

d. ease of access for all, including disabled people; and

e. the storage and collection of refuse and litter."

5.10 UDP Policy DC10.2 states that:

"The Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

5.11 Policy DC10.3 states that development will not normally be permitted where:

a. it is proposed outside the general locations mentioned above, or

b. there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway."

5.12 Policy DC10.4 states that where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

The National Planning Policy Framework (NPPF)

5.13 The National Planning Policy Framework (NPPF) sets out the Government's policies for the planning system to ensure that it helps to achieve sustainable development. Sustainable development is defined as ensuring that growth takes place without compromising the lives of future generations.

-
- 5.14 The NPPF reaffirms the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, where applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and should be taken into account in the preparation of local plans.
- 5.15 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.
- 5.16 **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.
- 5.17 **Paragraph 81** of the NPPF confirms that the planning system should facilitate conditions in which businesses can invest, expand and adapt.
- 5.18 **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.
- 5.19 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.

Manchester City Council Hot Food Takeaway Planning Document March 2017 Supplementary Planning Document

5.20 This SPD is directly relevant to the proposed development as the use of the proposed two new units will include hot food takeaways. Policy 1 of the SPD is not relevant as the Site is not located within a defined centre but Policies 2 and 3 of the SPD are relevant.

5.21 Policy 2 is relevant and states that:

"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.

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.

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."

5.22 Policy 3 of the SPD states that:

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 Planning Assessment

Principle of the Development

- 6.1 The Site is located within the defined settlement boundary of Manchester City and the Whalley Range Conservation Area according to the Manchester Core Strategy Proposals Map. The Site is within the 'South Manchester' designation according to Policy EC9 of the Manchester Core Strategy. In locations such as this, development in principle is supported by the development plan policies.
- 6.2 In relation to the proposal for hot food takeaway uses within 288 sq.m of the existing floorspace of the Co-op Food store, Policy C9 is relevant as the Site is located outwith a defined centre. However, no new floorspace is proposed, rather the change of use to also allow hot food takeaway as well as the lawful Class E to trade from this existing floorspace in this established commercial location. Consequently, there is no requirement to assess any sequentially preferable sites in centres or the impact of the proposed development.
- 6.3 With regard to Policy C10 of the Core Strategy and UDP Policy DC10.3, whilst it is accepted that the site is not located within a defined centre, the proposed development represents the change of use of existing retail floorspace that could be used for a variety of uses within Use Class E without the need for planning permission. The immediate and wider area is an established commercial area including a number of restaurants and take away uses. There is no residential dwelling located next to the existing shop.
- 6.4 The existing shop has a large car park which provides safe car parking for existing patrons and would be able to provide this for customers to the proposed development. The shop is open 0700 to 2200, 6 days a week and trades in harmony with the adjacent land uses including the residential land uses which are within the wider area. There are several other restaurant and takeaway uses located on the opposite side of Withington Road and to the north between the Site and Dudley Road to the north, none of which are within a defined centre and whilst these may benefit from historic planning consents,

the Site represents an established commercial location with dedicated car parking with a history of trading all day, 6 days a week.

- 6.5 As a result, whilst we accept that there is some conflict with the relevant development plan policies, we consider that the thrust of the policies is to restrict new build takeaways within areas that have no established commercial uses at present. The application site does not fall into that category.

Residential Amenity

- 6.6 Policy DM1 of the Core Strategy and UDP Policies DC10.1 and DC10.4 as well as the Council's Hot Food Takeaway SPD Policy 3 are applicable here. Whilst the details of the proposed operators are not yet known it is considered that if this application were to be approved, future planning applications would be required for shopfront and/or plant and ventilation equipment which would provide the LPA some control over the potential for noise and disturbance.

- 6.7 As far as can be confirmed at this stage, we can state:

- Whilst there are other such takeaways in the locality, there is not a proliferation that is likely to give rise to additional noise and disturbance in this locality. Particularly when set against the existing use of the shop and its opening hours.
- There is an existing, large car park which can be used safely by patrons which will not lead to any highways safety concerns.
- Existing residential land uses are not adjacent to the proposed takeaway units but are beyond the existing car park which serves the Co-op from 0700 to 2220, 6 days a week.
- There is a well-established service area within the car park and regime that has not resulted in any statutory complaints regarding noise, odour or general disturbance.
- The re-use of part of the shop unit for hot food takeaway will ensure that the units can be marketed more widely and may not result in long term vacancy in this location.

- 6.8 Moreover, given the Site is within 400 metres of a primary and secondary school (St Bede's and St Margaret's Schools) we are happy to accept the condition in relation to opening hours as set out in Policy 3 of the Council's Hot Food Takeaway SPD.

Other Matters

- 6.9 The Site is located within Flood Zone 2 but represents existing floorspace and will not increase the likelihood of flooding in this area because no changes are proposed to levels or the means of access or egress to the building. A Flood Risk Statement has been prepared and submitted in support of the planning application for external works to facilitate the subdivision of the shop.
- 6.10 The Site is also located within the Conservation Area but the proposed development relates to the change of use of part of the shop. A Heritage Statement has been prepared and submitted in support of the planning application for external works to facilitate the subdivision of the shop.
- 6.11 Neither of these matters would represent a reason why planning permission should be refused.

Summary

- 6.12 The Site represents well established retail floorspace within an area established for other night time economy uses. The relevant development plan policies seek to restrict hot food takeaway uses to existing centres but in this case the fact that it is established retail floorspace and benefits from existing parking and servicing areas and is not adjacent to residential land uses should, in our view, be weighed in the planning balance against any conflict with the policies as set out above.

7.0 Conclusion

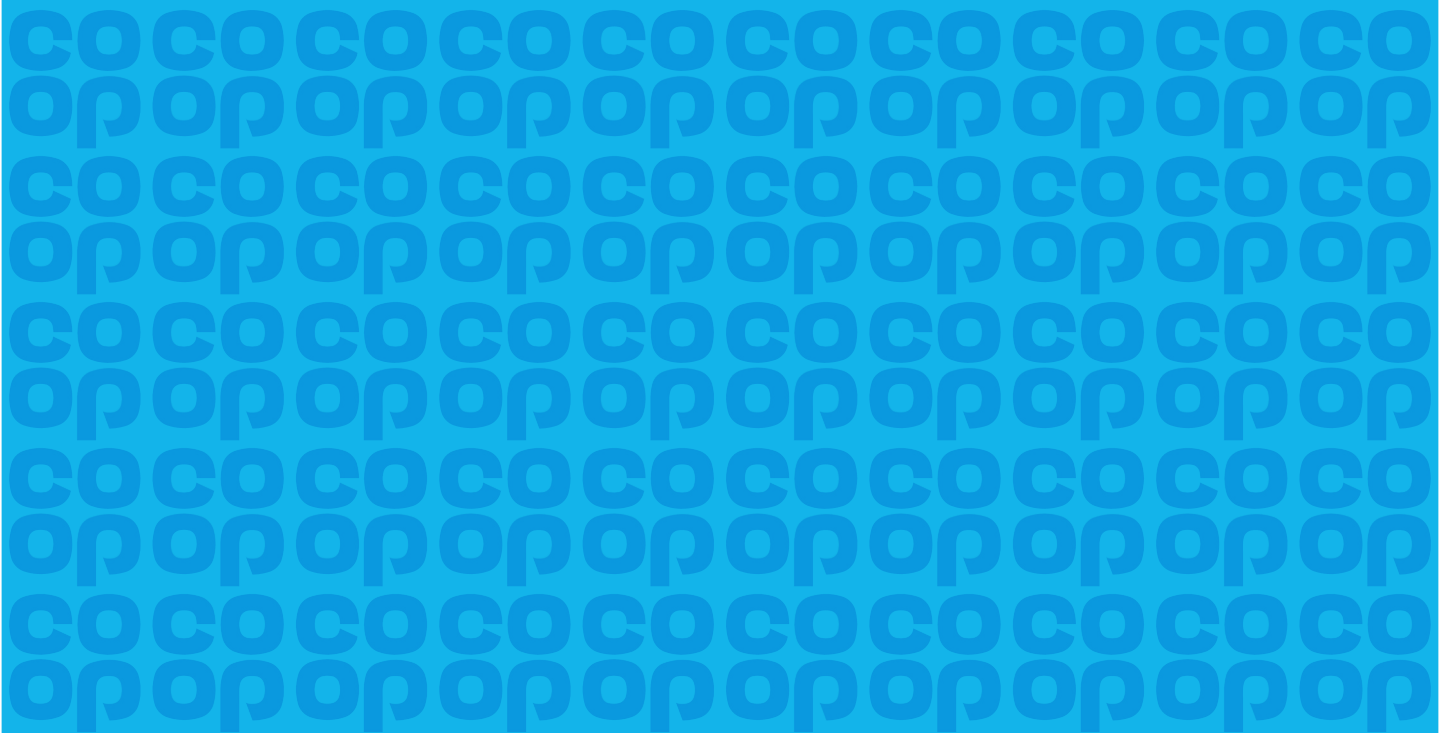
- 7.1 This Planning Statement supports a planning application to widen the permitted use of part of the floorspace of the existing Co-op Food store located on Withington Road in Whalley Range. An application proposing the external works to facilitate the subdivision of the shop has been submitted separately.
- 7.2 The proposed development will allow the Co-op to invest in its foodstore in Whalley Range which is too large and is in desperate need of a refit. The whole unit benefits from a lawful Class E use but in order to widen the marketing opportunity, the Co-op is seeking consent for some of the floorspace to be used by hot food takeaway operators. This could be one or both of the newly subdivided units.
- 7.3 The development plan policies seek to restrict such uses to defined centres, but in this case, when assessed against the relevant development management policies in terms of residential amenity impact, it is our view that there is little conflict.
- 7.4 When weighed against the site characteristics and benefits of the proposed development, we consider that the proposed development does not conflict with the thrust of the relevant policies and there is scope for any harm to be conditioned by the Local Planning Authority accordingly.

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