

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130070/FO/2021

Date registered valid: 16 April 2021

Proposal: Change of Use from Sandwich bar to Hot Food Takeaway (Use Class A5)

Address: 127 Oxford Road, Manchester, M1 7DY

Ward(s): Hulme Ward

Applicant: Mr Danish Ahmed D-A Architecture 96 Blacker Road, Birkby, Huddersfield, HD1 5HN

Agent (if any): Mr Danish Ahmed Th3m Architects 96 Blacker Road,, Birkby, Huddersfield, HD1 5HN

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 June 2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 4 May 2021 Expired: 25 May 2021

Neighbour notifications

Printed: 4 May 2021 Expired: 25 May 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The site is located within the 'Oxford Road Corridor' of Manchester City Centre. The area is characterised by a wide array of shops, amenities, services, facilities and employment opportunities that this brings. Many of the buildings in the vicinity of the site are owned by Manchester University or Manchester Metropolitan University. Oxford Road is a busy bus corridor with frequent services into the heart of Manchester City Centre and across the conurbation including routes to Greater Manchester

The proposal is not within any designated Conservation Areas, or directly adjacent to any listed building.

Description of Development

The submitted application seeks planning permission for a change of Use from Sandwich bar to Hot Food Takeaway (Use Class A5)

Consultations & Notification Responses

Local residents and businesses were consulted however no responses were received.

Environmental Health

Recommendation of a condition to ensure 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.

Recommended of a fumes condition and condition requiring a verification report.

Some information has been submitted in relation to the extract system at the premises but it is not sufficient to discharge the condition. The applicant has not submitted a risk assessment for odour and noise from the system, there is no information as to the filters which will be installed at the development and a detailed drawing of the system which shows the location of silencers, filters etc within the system must be submitted. There is insufficient detail on the drawing submitted with the application. The system which currently in place at the premises may be suitable for a sandwich shop which produces low levels of grease and odours but it is unlikely that this system will be suitable for a hot food takeaway end use without some adjustments to the system.

Premises opening hours as applied for are acceptable.

The limits set out in the acoustic report submitted must not be exceeded. The assessment for the extract system is based on the existing system being used as it is. If there are any changes to this system (additional fans are added etc) then a new assessment must be undertaken. Recommendation of a noise condition and condition requiring a verification report.

The Waste Management Strategy submitted with the application is acceptable.

Highways

PARKING AND ACCESS:

No car parking is being offered as part of the development and this aligns with current city centre transport aspirations.

Pedestrian access will remain as existing from Oxford Road and a second access is in place at the rear of the property to be used by staff and delivery.

CYCLE PARKING:

In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. The application states that 5 existing cycle parking spaces are in place and are to be retained.

REFUSE AND SERVICING:

A refuse storage area is noted at the rear of the site. The existing bin store will be retained and an additional 240l food waste bin is proposed.

A primary loading bay is located at the rear of the property and a secondary loading bay is located on Grosvenor Road. Bins will be taken from the rear of the property at the end of the business day. The refuse will be taken daily to/from collection point by staff.

This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

CONSTRUCTION MANAGEMENT:

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

In light of the above, Highways have no objections to the proposed development.

Design for Security at Greater Manchester Police:

Recommendation of a number of physical security measures which have been confirmed by the agent.

Policy

The following policies and guidance are considered to be most relevant to the application:

Manchester Core Strategy Policy DM1 (Development Management), Policy CC1 (Primary Economic Development Focus: City Centre and Fringe), Policy EC3 (Regional Centre), Policy CC10 (A Place for Everyone), Policy T1 (Sustainable Transport), Policy EN19 (Waste) and saved policies DC10 (Food and Drink Uses) and DC 26 (Development and Noise) from the Unitary Development Plan, Supplementary Planning Document; Guide to Development In Manchester, and the revised National Planning Policy Framework (Feb 2019).

The main planning issues to consider as part of this application would relate to the principle of the use, amenity, waste, access, crime & disorder, and transport & traffic impacts

Issues

Principle of Development

The principle of a new takeaway in this location is acceptable as proposed use is already established in the area, and is typical of this city centre location. There are other similar uses already present along this stretch of Oxford Road.

Residential Amenity

The applicant has submitted an acoustic study which details that the proposed use would not cause harm to neighbouring sensitive receptors in regard to noise. A condition is recommended within this report ensuring these measures are implemented prior to first occupation, and that also a verification report is submitted to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The proposed conditions, would seek to ensure that such a use would not cause undue noise and disturbance to nearby residents.

Some information has been submitted in relation to the extract system at the premises but it is not sufficient to discharge the condition. The applicant has not submitted a risk assessment for odour and noise from the system, there is no information as to the filters which will be installed at the development and a detailed drawing of the system which shows the location of silencers, filters etc within the system must be submitted. There is insufficient detail on the drawing submitted with the application. The system which currently in place at the premises may be suitable for a sandwich shop which produces low levels of grease and odours but it is unlikely that this system will be suitable for a hot food takeaway end use without some adjustments to the system.

As, the extraction scheme has not been finalised as yet so the agent has asked for this element of the proposal to be conditioned, such as the detailed fume extraction system and the external plant, including any required mitigation to control noise and odour will be required prior to first use of the takeaway . This is acceptable.

The hours of use for the new takeaway are considered acceptable by Environmental Health so as to not cause disamenity to nearby residential occupiers.

Visual amenity

There is already an existing flue which is to be maintained in situ and air condition unit which is to be replaced on the rear elevation of the property. Given this the proposal the proposal is not considered to have any significant impact on the appearance of the building and visual amenity within the area and would be acceptable. There would be no significant changes to the existing shopfront any new signage would require a separate advertisement consent.

Refuse

The existing refuse storage and access point from Grosvenor Street to reach the refuse area be utilised which is acceptable. The Existing Bins will be continued to be used with an additional proposed 1x 240L food waste bin.

Security

Design for security at greater Manchester police were consulted as part of the application and have recommended a number of security measures for the proposal site. The agent has agreed to implement these and this will be conditioned.

Access

Access into the unit would remain as existing, from the Oxford Road frontage. This entrance has level access.

Highways considerations

The site is well accessed by sustainable modes and in comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected. Regular bus services are routed along Oxford Road. There are 5 existing cycle parking spaces are in place and are to be retained which is acceptable. The proposal is acceptable in this respect.

For the above reasons, the proposal is considered to be acceptable and consistent with policies SP1, EN3, CC9 and DM1 of the Core Strategy and saved policy DC19.1 of the Core Strategy.

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: Approve

Article 35 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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:

Drawings referenced: 40.01, 40.02, 40.03, 40.04, 40.05, 40.06, 40.07, 40.09, 40.10, 40.11 received by the City Council as Local Planning Authority on 16 April 2021.

- Design & Access Statement
- Delivery Access Statement
- Disable Access Statement
- Air-conditioning Strategy dated March 2021
- Air-conditioning Strategy Technical specifications
- Noise Impact Assessment ref. MH0903211NR
- Waste Management Strategy

all received by the City Council as Local Planning Authority on 16 April 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The premises shall not be open outside the following hours -

Monday to Saturday 10:00 to 05:00
Sunday and Bank Holidays: 10:00 to 22:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) (a) The development hereby approved shall be carried out in accordance with the noise report Noise Impact Assessment ref. MH0903211NR received by the City Council as Local Planning Authority on 16 April 2021. If there are any changes to the proposed extraction system then a new assessment must be undertaken and submitted to the City Council as Local Planning Authority.

(b) Prior to first use, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report (part a of this condition). The report shall also undertake post completion testing to confirm that the noise criteria has 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, pursuant to policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

5) 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 permitted 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 in accordance with Core Strategy policy DM1.

6) The development hereby permitted shall be carried out in accordance with the security measures as outlined in agents email by dated 25 May 2021.

Reason - To reduce the risk of crime pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

7) The development is to be undertaken in accordance with the Waste Management Strategy received by the City Council as Local Planning Authority on 16 April 2021.

The approved details shall be in place prior to first use.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

8) 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, pursuant to policy DM1 of the Manchester Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Advice Centre, Sidney Street, Manchester, M1 7HB
135B Oxford Road, Manchester, M1 7DY
135A Oxford Road, Manchester, M1 7DY
Second Floor, 137 Oxford Road, Manchester, M1 7EA
131 Oxford Road, Manchester, M1 7DY
115B Oxford Road, Manchester, M1 7DU
115 Oxford Road, Manchester, M1 7DU
Scruffy Murphys And Holy City, Grosvenor Street, Manchester, M1 7HL
Second Floor, 125 Oxford Road, Manchester, M1 7DU
Ground Floor, 125 Oxford Road, Manchester, M1 7DU
The Pub Zoo, 126 Grosvenor Street, Manchester, M1 7HL
111 Oxford Road, Manchester, M1 7DU
137 Oxford Road, Manchester, M1 7DY
Top Flat, 129 Oxford Road, Manchester, M1 7DY
129 Oxford Road, Manchester, M1 7DY
Cafe, 107 Oxford Road, Manchester, M1 7DU
Apartment 2, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 17, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 15, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 13, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 10, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Flat 12, 117 Oxford Road, Manchester, M1 7DU
Flat 9, 117 Oxford Road, Manchester, M1 7DU
Flat 6, 117 Oxford Road, Manchester, M1 7DU
First Floor, 127A Oxford Road, Manchester, M1 7DY
Flat 14, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 12, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 10, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 7, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 5, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 2, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
117 Oxford Road, Manchester, M1 7DU
Apartment 9, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 8, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 7, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 6, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 5, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 4, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 3, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 23, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 22, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 21, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 20, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 19, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 18, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 16, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 14, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 12, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU

Apartment 11, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 1, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
127A Oxford Road, Manchester, M1 7DY
Flat 14, 117 Oxford Road, Manchester, M1 7DU
Flat 13, 117 Oxford Road, Manchester, M1 7DU
Flat 11, 117 Oxford Road, Manchester, M1 7DU
Flat 10, 117 Oxford Road, Manchester, M1 7DU
Flat 8, 117 Oxford Road, Manchester, M1 7DU
Flat 7, 117 Oxford Road, Manchester, M1 7DU
Flat 5, 117 Oxford Road, Manchester, M1 7DU
Flat 4, 117 Oxford Road, Manchester, M1 7DU
Flat 3, 117 Oxford Road, Manchester, M1 7DU
Flat 2, 117 Oxford Road, Manchester, M1 7DU
Flat 1, 117 Oxford Road, Manchester, M1 7DU
Second Floor, 127A Oxford Road, Manchester, M1 7DY
119 Oxford Road, Manchester, M1 7DU
Flat 2, Scruffy Murphys, 126 Grosvenor Street, Manchester, M1 7HL
Flat 1, Scruffy Murphys, 126 Grosvenor Street, Manchester, M1 7HL
125 Oxford Road, Manchester, M1 7DU
123 Oxford Road, Manchester, M1 7DU
121 Oxford Road, Manchester, M1 7DU
Flat 15, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 13, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 11, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 9, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 8, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 6, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 4, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 3, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 1, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CITY1