

Planning

Growth & Development

Delegated officer report for planning application

Application no. 125769/FU/2019

Date registered valid: 14 September 2020

Proposal: Change of use of existing retail premises (Class A1) to a hot food takeaway (Class A5)

Address: 43 Peel Hall Road, Manchester, M22 5DW

Ward(s): Sharston Ward

Applicant: Mr Ibrahim Gaddah 175 Withington Road, Manchester, M16 8EF

Agent (if any): Mr Muthahar Khan Studio Tashkeel Architecture 89 Princess Street, Manchester, M1 4HT

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 November 2020

Application details

Type of application: Change of use Consent

Development type: Change of use

Date of site visit: 23 October 2020, additional site photos were also provided by the applicant.

Standard consultations:

Printed: 16 September 2020

Expired: 7 October 2020

Neighbour notifications

Printed: 16 September 2020

Expired: 7 October 2020

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

Description of site/building



The application site relates to the ground floor of a mid-terraced three storey building within a parade of 11 commercial units. The commercial units are located at ground floor and residential units on the first and second floors.

The parade has a private parking / servicing area to the rear and public parking at the front.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in nature comprising of a mixture of housing types ranging from two storey semi-detached dwellinghouses to terraces and single storey bungalows.

The area also contains Peel Hall Primary School, Ashgate Primary School and Crossacres Primary School.

Description of development

The applicant is seeking planning permission to change of use of existing retail premises (Class A1) to a hot food takeaway (Class A5)

Consultations & Notification Responses

Local residents/public opinion – No comments, objections or representations in support of the application have been received.

Environmental Health - No objection, requested conditions regarding opening hours, refuse storage, fume and odour extraction and acoustically insulating any external equipment.

Highway Services – Did not object to the proposal but requested further information regarding trip generation, construction/fit out arrangement, cycle parking provision and details regarding deliveries

Greater Manchester Police – Made a series of recommendations regarding security.

Issues

Local Policy

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

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

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

SP1 – Spatial Principles

DM1 – Development Management 1
C1 – Centre Hierarchy
C10 ‘Leisure and the Evening Economy’

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

DC10 - ‘Food and Drink Uses’
DC26 - Development and Noise

Hot Food Takeaway Supplementary Planning Document March 2017

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

127. Planning policies and decisions should ensure that developments:

a) 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;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

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

The Peel Hall Road Parade is not considered to be a district centre or a local centre as defined by the Core Strategy (2012) under policy C1, however the unit is located within a shopping parade of 8 or more units.

Core Strategy policy C10 states that there will be a presumption against hot food takeaways and night time uses where there is already a high concentration of such uses and that 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. Factors taken into account include the existing number of similar establishments in the immediate area, the existence of vacant shop units, the function of the centre and the potential impact on the wider community.

Matters that will require consideration, in order to assess the acceptability of any proposal are impacts on residential amenity, hours of use, fume extraction, parking, servicing and refuse.

Vitality and Viability/Balance of Uses – It is recognised in the Core Strategy that a vibrant evening economy is important, however this needs to be balanced against the other functions of the centre/local parade and in particular the need to support the day time economy.

The proposed operating hours indicate that the hot food takeaway will be open from 11am until 11pm Monday to Fridays and then 11am to 11pm on Saturday, 12 -11pm Sundays and Bank Holidays.

However, Policy 3 of the Hot Food Take Away SPD requires that where a hot food take away is proposed within 400 metre radius of a primary or secondary school, and 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 3pm to 5.30pm on weekdays.
- A secondary school: the hot food takeaway is not open to the public before 5.30pm on weekdays.

The proposal is located within 400 metres of three primary schools (Peel Hall, Aschroft and Crossacres Primary Schools) and therefore policy 3 would require the restriction of opening hours on week days to close between 3pm to 5.30pm.

The existing site was previously a bookmaker and is currently vacant. It is acknowledged that a vacant unit does not contribute to vitality or viability of the shopping parade

Therefore, if approved the proposal would return a vacant unit into use and improve the viability and vitality of the parade, during the site visit it was noted that not all the units were occupied. There appears to be one only other Hot Food Take Away in the existing parade with the rest Class E (formerly A1 uses). If approved, at least 80% of retail units would remain. On balance, the use is considered to be acceptable for as it is considered that a further food use in this parade whilst resulting in a greater number of this type of use would still retain a suitable balance between day-time and night-time economies.

Therefore, the principle is considered to be in general accordance with the criteria set out in Policy C10 of the Core Strategy, saved policy DC10 of the UDP and Take Away Policies 1 and 3 of the Take Away SPD.

Appearance – There are no changes proposed to the front or rear of the building other than extract points for the flue.

Taking into consideration the changes to the building at the rear changes are considered to be acceptable in accordance with SP1 and DM1 of the Core Strategy.

Residential Amenity – There are residential properties located at first floor, Environmental Health, whilst not objecting to the proposals in terms of noise impacts, have requested that a number of conditions be attached to any approval including to acoustically insulate any associated external equipment.

This will ensure that the impact of the development will be mitigated in terms of noise. Further discussion on the flue and odour is detailed below.

Flue Extraction and Odours – Environmental Health have reviewed the information submitted with the application and considered the information to be sufficient.

A suitably worded condition is attached to ensure that the proposal would comply with policy 2 of the Hot Food Takeaway SPD, DM1, C10 and saved policy DC10 of the UDP.

Car Parking/Traffic Implications – Given that customers using the parade would be on a relatively short in terms of time, the proposal is not considered to give rise to any car parking or highway safety issues that would warrant a refusal.

Refuse Storage – The proposed drawings show that the refuse would be stored within the rear yard and upon request by environmental health a contract was provided to show how waste would be collected. It is therefore recommended that this condition is attached to ensure the development is carried out in accordance with the approved details.

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 with the applicant/agent 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 end of this report and the scheme is considered to be in accordance with the guidance contained within saved policy DC10 of the Manchester Unitary Development Plan and to policies SP1 and DM1 of the Core Strategy.

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:

PL- 005 Rev B stamped as received by the City Council as Local Planning Authority, on the 09.09.2020

PL-006 and PL-007 stamped as received by the City Council as Local Planning Authority, on the 19.12.2019

PL -008 stamped as received by the City Council as Local Planning Authority, on the 14.09.2020

Documents:

Waste Management Proforma stamped as received by the City Council as Local Planning Authority, on the 09.01.2020,

Vent and Extraction Statement stamped as received by the City Council as Local Planning Authority, on the 19.12.2019

Extraction Details as prepared by Manchester Applicances stamped as received by the City Council as Local Planning Authority, on the 09.01.2020

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 Friday

Start Time: 11:00 End Time:15:00

Start Time 17:30 End Time: 23:00

Saturday

Start Time: 11:00 End Time: 23:00

Sunday and Bank Holidays

Start Time: 12:00 End Time: 23:00

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, policies SP1 and DM1 of the Core Strategy and policy 3 of the Hot Food Takeaway Supplementary Planning Document March 2017

4) 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 - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

5) The roller shutters at the premises shall remain in open position during the hours of 9.30 am and until the premises close in accordance with the authorised opening times.

Reason - In interests of residential amenity and to safeguard the appearance and character of the area pursuant to policies SP1 and DM1 of the Core Strategy.

6) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the following documents:

Vent and Extraction Statement stamped as received by the City Council as Local Planning Authority, on the 19.12.2019

Extraction Details as prepared by Manchester Appliances stamped as received by the City Council as Local Planning Authority, on the 09.01.2020

These measures shall be implemented before first occupation of the premises and maintained in place as long as the use is in operation. The scheme shall be maintained in accordance with the manufacturer's specification.

Reason - In the interests of the amenities of occupiers of nearby property pursuant to Core Strategy policies DM1 and C10 and Saved Unitary Development Plan policy DC10.

7) The development shall be carried out in accordance with the submitted scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed in the Waste Management Proforma stamped as received by the City Council as Local Planning Authority, on the 09.01.2020, and drawings PL- 005 Rev B stamped as received by the City Council as Local

Planning Authority, on the 09.09.2020 and PL -008 stamped as received by the City Council as Local Planning Authority, on the 14.09.2020

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies SP1 and DM1 of the Core Strategy.

8) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

9) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy. I

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Corporate Property
Highway Services
Greater Manchester Police

46 Longwood Road, Manchester, M22 5FJ
53 Peel Hall Road, Manchester, M22 5DW
10 Pewsey Road, Manchester, M22 5BA
41 Peel Hall Road, Manchester, M22 5DW
15 Upavon Road, Manchester, M22 5DP
4 Pewsey Road, Manchester, M22 5BA
12 Pewsey Road, Manchester, M22 5BA
43A Peel Hall Road, Manchester, M22 5DW
53A Peel Hall Road, Manchester, M22 5DW
51A Peel Hall Road, Manchester, M22 5DW
49A Peel Hall Road, Manchester, M22 5DW
47A Peel Hall Road, Manchester, M22 5DW
45A Peel Hall Road, Manchester, M22 5DW
41A Peel Hall Road, Manchester, M22 5DW
39A Peel Hall Road, Manchester, M22 5DW
37A Peel Hall Road, Manchester, M22 5DW
35A Peel Hall Road, Manchester, M22 5DW
33A Peel Hall Road, Manchester, M22 5DW
51 Peel Hall Road, Manchester, M22 5DW
39 Peel Hall Road, Manchester, M22 5DW
37 Peel Hall Road, Manchester, M22 5DW
35 Peel Hall Road, Manchester, M22 5DW
33 Peel Hall Road, Manchester, M22 5DW
32 Peel Hall Road, Manchester, M22 5BZ
30 Peel Hall Road, Manchester, M22 5BU
61 Longwood Road, Manchester, M22 5EL
8 Pewsey Road, Manchester, M22 5BA
6 Pewsey Road, Manchester, M22 5BA
18 Pewsey Road, Manchester, M22 5BA
16 Pewsey Road, Manchester, M22 5BA
14 Pewsey Road, Manchester, M22 5BA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 15M
Area Team Boundary - Name: SOUTH