Planning Portal Number 2247480

CHANGE OF USE FROM SANDWICH SHOP WITH EAT IN FACILITY TO HOT FOOD TAKEAWAY WITH EAT IN FACILITY (SUI GENERIS) VENTILATION FLUE AT REAR
2 BROADWAY, NEW MOSTON M40 3LN

PLANNING AND BUILDING CONTROL
24 OCT 2012

PLANNING, DESIGN AND ACCESS STATEMENT

Introduction

The property is a double shop unit in a group of commercial properties at the crossroads where Moston Lane East meets Broadway. It is currently used as a sandwich shop with tables and chairs for 24 customers to eat in. The menu includes items of hot food including breakfasts. Other uses nearby include hot food takeaways, estate agents and two convenience stores.

The road junction is controlled by traffic signals which allow pedestrians to cross. There is a wide forecourt which is used for parking and unrestricted parking on the highway.

The shop has a passage at the side which also serves a first floor flat. The flat is deeded to be occupied only by the tenant of the ground floor unit. There is a large garage at the rear which is let separately. The hot food takeaway at 4 Broadway is also owned by the applicant.

Permission for the takeaway at number 4 was granted in 2000 (058815/FU) but planning permission (073800/FU) for a takeaway at number 2 was refused in January 2005 because of the alleged effect on residential amenity. The neighbouring property is an estate agents with a flat above. The subsequent appeal was dismissed.

The proposal is similar to that at number 357 Hollinwood Avenue which is also in the applicant's ownership. Planning permission (098502/FU) for the same sui generis use was granted in July 2012. Permission has also been granted for a hot food takeaway at 351 Hollinwood Avenue. This sets a clear precedent for approving the current planning application.

I enclose a copy of a letter from the applicant instructing me to submit the planning application because of the failure to let the unit as a sandwich shop. The tenant took over the business in July 2009 but is struggling to make a living. He now wishes to return to Cyprus. The business has been on the market for over 12 months. The asking price has been reduced by 40% but there are still no takers. The only interest has been from potential A5 users. As with 357 Hollinwood Avenue there is a danger that the tenant will leave and the property will remain empty.

Hot food takeaways are not always welcome to local authorities but, in approving the applications at 351 and 357 Hollinwood Avenue, the Council took the view that it is better to have properties in use and trading successfully rather than standing empty and becoming derelict.

The property is in a sustainable location and well served by buses. There is a large residential population within walking distance and on street parking outside. The only reason for the previous refusal related to residential amenity.

Planning Policy

The National Planning Policy Framework encourages Councils to grant planning permission for sustainable economic development in the absence of overwhelming policy issues.

Relevant local planning policies are contained in the old Manchester Unitary Development Plan and the emerging Core Strategy.

UDP Policy H2.2 states that the Council will not allow development which will have an unacceptable effect on residential areas but it did not prevent planning permission being granted at 351 and 357 Hollinwood Avenue. UDP Policy DC10 sets out the issues to be considered in determining applications for food and drink uses. The regeneration benefits amenity (DC10.4) should lead to the granting of planning permission as at 357 Hollinwood Avenue with similar conditions to protect residential amenity.

The Core Strategy is also concerned with the effect of food and drink uses on residential amenity (C8). Policies C9 and C10 seek a better balance of evening and night time activities.

Use

The proposed use is a hot food takeaway (A5) with eat in facilities. As with the present use 24 covers can be provided.

Amount of Development

One unit is proposed. There is an existing canopy and extract system with an external flue at the side of the property. It is not currently being used and its condition has not been checked. A new flue may be required.

Layout

The layout is indicated on the submitted plans. The existing layout lends itself to the proposed use with no significant alteration. Deliveries can be made to the side door which will lead to a food preparation area and then into the kitchen. Depending on the precise layout of the cooking equipment it may be necessary to relocate the flue.

Scale

The scale of the existing building is unchanged.

Landscaping

None is possible or proposed.

Appearance

No changes to the front elevation are proposed as part of this application. There are existing security shutters. The applicant is aware that separate consents would be required for a new shop front and certain types of advertisements.

The existing flue is largely hidden from view from the street. If a new flue is required it will be set back, making it even less obtrusive. It could be powder coated in a colour to be agreed.

Access

The existing front door is 900mm wide with a level threshold. There are existing customer toilets.

Opening Hours

The application is submitted by the owner of the building with no tenant in mind at this stage. As with the approval at number 351 and 357 Hollinwood Avenue, a condition requiring closure at 11.00 pm during the week and 11.30 on Friday and Saturday is acceptable.

Extraction System

Details of the system are appended below.

Servicing

Servicing will be unchanged from the existing arrangements and it is not anticipated that there will be any additional deliveries. Any use of the property will require service access and it is unrealistic for the Council's highway engineer to apply the same standards as for a new development. It is not anticipated that any deliveries would be made by anything larger than a Transit van that can park outside.

Bins

A Waste Disposal Strategy is submitted. A bin storage area is shown on the submitted plan. Coloured bins would be used for different types of waste and wheeled to the forecourt on collection day. Separate 240 litre bins would be used for rubbish and food waste. Separate 140 litre bins would be used for paper/card, cans, bottles and plastic. Waste cooking oil would be stored within the building and collected by a specialist contractor.

A litter bin would be provided on the forecourt together with litter bins within the unit.

Secured by Design

The front of the unit will be protected outside opening hours by the existing steel shutters. The passage at the side has a solid lockable gate. Additional security will be provided by the tenant living on the premises.

Justification for Approval

The previous planning application was refused in 2005 but only because of the alleged detrimental effect on residential amenity by reason of late night noise and disturbance. It is hoped that the current application can be approved.

- Unlike 357 Broadway, there is only one residential neighbour. The property is at a busy road junction with existing noise and activity. Conditions, including a restriction on opening hours, would protect residential amenity.
- The proposed use is an expansion of the existing use, the sale of hot and cold takeaway food.
- The application is speculative with no tenant in mind, but it is likely that the business will continue to provide breakfasts and lunches and trade during the day.
- Whether or not planning permission is granted it is likely that the tenancy will be given up. In the current financial climate it is highly unlikely that the unit will be let as an A1 retail shop. There is a large vacant property at 6 Broadway
- Unlike a vacant shop, a successful hot food takeaway will contribute to the vitality and viability of the shopping centre.
- The use will serve the local community. There is a large residential population within walking distance. The property is in a sustainable location on main bus routes.
- Any use of the property will generate traffic. There is existing on street parking outside.
- There are no residential neighbours whose amenities might be affected.
- Cooking smells will be dealt with by a purpose made extract system details of which are attached.
- The position of the flue will ensure that there is no harm to visual amenity.

PROPOSED HOT FOOD TAKEAWAY AT 2 BROADWAY, NEW MOSTON
DETAILS OF VENTILATION SYSTEM

Inclusion of a new extract system and flue is a contingency if the existing equipment is unsatisfactory for whatever reason and needs replacing. Otherwise the existing system will be retained

APPEARANCE

The existing system does not have a harmful effect on the appearance of the building or the area generally. If required, the new flue will be located where it will not be readily visible to members of the public. It could be powder coated in a colour to match the brickwork

ODOUR CONTROL

A new ventilation system would deal with any cooking smells, fumes and steam produced by cooking and prevent any nuisance to occupiers of adjacent property. The system will incorporate the following.

a) A canopy will extend beyond the cooking equipment area by at least 225mm to collect the cooking fumes and direct them into the ductwork. It will be constructed from stainless steel and will contain removable grease filters of the stainless steel baffle type, heat protected lighting and a cleanable channel around the lower edge to collect liquids that may condense out.
b) The duct will be impervious, of 450mm diameter, circular cross section and of galvanised steel with a smooth internal surface. Its route through and out of the building will be direct and avoid sharp bends to help waste gases pass through with the minimum of resistance. This will ensure that the gas flow is maximised until the gases are discharged.
c) The system will contain a 450mm short cased axle flow fan which will be sufficiently powerful to ensure the correct ventilation rate is achieved.
d) Ground level or low level discharges will be avoided. Any cowl would be designed so as not to impede the flow of gases or alternatively the top of the flue would be open and protected by wire mesh.
e) Odour control equipment will be included. This will take the form of activated carbon filters with pre-filters before the fan.

NOISE CONTROL

Ventilation equipment will be designed and installed to avoid nuisance to any neighbours by noise or vibration and it is not intended to increase ambient noise levels.

a) The fan will be sited within the building's structure to minimise outdoor noise. The fan and motor unit will be fixed on anti-vibration mounts and be joined to ductwork using flexible couplings in order to prevent the transmission of vibrations either to the structure or along the ducting.

b) Noise from the ventilation system will be kept as low as possible and it is not intended that it will be audible within neighbouring property.

c) The extract duct will be rigid in construction and installed with anti-vibration mountings.

There will be full consultation with the Council's Environmental Health Officer before the ventilation system is ordered and installed to ensure that the highest possible standards are met.