Application Number	Date of Appln	Committee Date	Ward
086860/FO/2008/S2	5th Jun 2008	21st Aug 2008	Burnage Ward

Proposal Change of use from newsagents (A1) to hot food takeaway (A5) and installation of flue to rear

Location 207 Burnage Lane, Burnage, Manchester, M19 1FE

Applicant Mr Saleen Nawaz, 147 Stanley Road, Cheadle Hulme, Stockport, Cheshire, SK8 6RF

Agent PDC Architects Barclay House, 35 Whitworth Street West, Manchester, M1 5NG

Description

The application relates to a change of use to of the premises from A1 (shop) to A5 (Hot Food Takeaway). The proposal is located on Burnage Lane and forms part of the local shopping parade. To the north of the site is no. 205 Burnage Lane, to the west is no's 182 and 184 Burnage Lane, to the east is no. 1 Avon Road and to the south is 209 Burnage Lane.

The property is currently an unused shop that was last used as a newsagents. The only history on the site was for an application for an illuminated fascia sign that was approved 23rd September 1986. The property is situated on Burnage Lane within an existing retail parade of shops. The parade is located on the eastern side of Burnage Lane and is split in two sections at the junction of Avon Road and Mauldeth Road. The parade comprises a mixture of premises including A1, A2 and A5 uses. Residential flats and offices occupy the upper floors of the units. The majority of the A5 uses are located in the parade that is to the south of the Avon Road and Mauldeth Road junction.

Consultations

Local Residents – Occupiers of properties surrounding the application were consulted on the application and no representations have been received.

Ward Members - A representation was received from Cllr John Cameron on behalf of Cllr's Donaldson and Isherwood also, who raised the following concerns:

i) Too many takeaways already in the immediate area
ii) Problems in the area already with litter
iii) It will attract crime and anti-social behaviour
iv) Concerns with highway safety
v) The use will not be in keeping with the aims of the shopping parade

Environment Health – No objection subject to conditions

Licensing - No Premise License present for the site, therefore an application would be required to sell hot food between the 11.00pm and 05.00am.

GMP, Architectural Liaison Officer – No Comments

Traffic and Transport – No objections

Issues

Unitary Development Plan (UDP) for the City of Manchester (Adopted 1995)

The application site does not have any allocation within the Adopted UDP and therefore policy H2.2 in part 1 of the UDP and Policies DC10.1, DC10.2 and DC26.1 are applicable.

Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. Matters which the Council will consider when determining such applications are the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy DC10.1 (Food & Drink Uses) states that in determining planning application for development involving the sale of hot food to be consumed off the premises the Council will have regard to, particularly in this instance:

i) The general location of the proposed development;
ii) The effect on the amenity of neighbouring residents;
iii) The storage and collection of refuse and litter.

Policy DC10.2 states further that the Council will normally accept the principle of development of this kind in the City Centre, industrial and commercial area and, at ground level, in local shopping parades of more than 8 shops or offices.

Policy DC10.4 states that where the Council considers food and drink premises to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. Such conditions include limitations in terms of the hours of opening and the need to deal adequately with the storage of refuse and collection of litter.

Policy DC26.1 (Development & Noise) states that the Council intends to use the Development Control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider the effect of new development proposals, which are likely to be generators of noise.

Policy DC26.3 states that development likely to result in unacceptably high levels of noise will not be permitted in residential, near schools, hospitals, nursing homes and similar institutions and near open land used frequently for recreational purposes.

Other Relevant Policies and Guidance-In considering development proposals, reference is not only made to the UDP, but also other policies and supplementary planning guidance. In this case, these include Planning Policy Statement 1 (PPS1), Regional Spatial Strategy for the North West (Formerly RPG13, The North West Plan (draft Regional Spatial Strategy) and Draft Supplementary Planning Document (SPD) "A Guide to Development in Manchester 2".

RSS for the North West (RPG13) provides planning guidance for the North West region. Since 2004, the RSS has formed part of the statutory development plan, as such, the weight to be attached to its polices has increased.

Policy DP2 (Enhancing the Quality of Life) seeks to ensure that developments provide a high quality of life for this and future generations.

Policy UR1 (Urban Renaissance) deals with reviving local economies and communities.

The North West Plan (Draft RSS), publicised in January 2006, provides the planning framework for the physical development of the region over the next 15 to 20 years.

Policy W1 (Strengthening the regional economy) states that plans and strategies should promote opportunities for economic development.

Residential Amenity- The site premises are adjoining a newsagents shop and a beauty / tanning salon, which is sited at the corner of Avon Road. The entrance to the premises fronts Burnage Lane and there is no external seating to the rear of the property, it is considered that there will not be significant noise and disturbance associated with the proposed change of use. There will not be increased levels of activity from patrons congregating in and around the premises that would have an unacceptable impact upon the amenity of the occupiers of the nearest residential properties, as they are not sited too close to the site. It is considered that allowing these premises to operate as a takeaway with similar hours of operation would not have an increased impact upon crime and safety in the local area, as It is recognised that many of the other existing licensed premises for the same use in the vicinity are legitimately open until 12:00am at weekends. For this reason it is advised that the request to be open until 12:00am Monday to Thursday be resisted and limited to 11.30pm like other similar outlets.

Visual Amenity – The extraction flue is sited on the rear of the property and will therefore have no visual impact on the main road frontage of Burnage Lane itself. Like wise the area for the storage of refuse is located in the enclosed rear yard. The proposal will therefore not have a detrimental impact on the streetscene of which the application site forms part. The proposal is therefore acceptable in terms of visual amenity.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation APPROVE

Approve in the light of policy DC10, DC24 and H2.2 of the Unitary Development Plan on the basis that the change of use is appropriate in this busy District Centre Location and will not have an adverse impact in the area in terms of residential and visual amenity because of the conditions proposed.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: Drawing no's 820.01, 820.02 date stamped as received 5th June 2008

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Thursday 12.00 to 23.30,
Friday and Saturday 12.00 to 00.00,
Sunday and Bank Holidays 16.00 22.00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

4) No loading or unloading shall be carried out on the site outside the hours of 07.30 to 20.00 Monday to Saturday and no deliveries / waste collections on Sundays and Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

5) 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 policy H2.2 of the Manchester Unitary Development Plan.

6) 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 policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) A litter bin of a size and type to be approved in writing by the City Council as local planning authority shall be installed on the forecourt of the premises before the use commences and shall remain there for so long as the use is in existence.

Reason - To maintain the quality of the street environment in the locality of the development in order to comply with Policies H2.1, H2.2, H2.6, DC10.1, DC10.4 and DC10.5 of the Unitary Development Plan for the City of Manchester.

9) Any roller shutters or security grilles that shall be fitted to the new shop fronts shall be of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and be colour-coated in accordance with a scheme to be first agreed in writing with the City Council as local planning authority before they are in place. The roller shutters therefter shall be open between the hours of 8:30 to 22:30 Monday to Saturday and 11:30 to 22:30 on Sundays and Bank Holidays

Reason - To improve the appearance of the shop front pursuant to policy S2.5 and H2.2 of the Unitary Development Plan for the City Council (Adopted 1995).

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 086860/FO/2008/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of

Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Environmental Health
Engineering Services
Licensing Unit
Greater Manchester Police
Steve Hobson, Crime Reduction Officer
Burnage Multi Agency Group
172 to 178 (even) Burnage Lane, Manchester, M19 1EF
Francis House Charity Shop, 184 Burnage Lane, Manchester, M19 1EF
Bargain Booze, 187 Burnage Lane, Manchester, M19 1FE
Cooker & Washer Centre, 189 Burnage Lane, Manchester, M19 1FE
The Pound Shop, 195 Burnage Lane, Manchester, M19 1FE
H & H News, 207 Burnage Lane, Manchester, M19 1FE
Body Torq, 209 Burnage Lane, Manchester, M19 1FE
211 Burnage Lane, Manchester, M19 1FN
The Junction Cafe, 213 Burnage Lane, Manchester, M19 1FN
Grange Estates, 217 Burnage Lane, Manchester, M19 1FN
1 to 19 (odd) Firethorn Avenue, Manchester, M19 1FP
191a, Burnage Lane, Manchester, M19 1FE
193a, Burnage Lane, Manchester, M19 1FE
195a, Burnage Lane, Manchester, M19 1FE
217a, Burnage Lane, Manchester, M19 1FN
283 Mauldeth Road, Manchester, M19 1HL
William Hill Bookmakers, 285-287, Mauldeth Road, Manchester, M19 1HL
1 to 11 Avon Road, Manchester, M19 1HP
Boots The Chemists Ltd, 215 Burnage Lane, Manchester, M19 1FN
Late Shop, 180 Burnage Lane, Manchester, M19 1EF
Victoria Inn, 196 Burnage Lane, Manchester, M19 1FL
203a, Burnage Lane, Manchester, M19 1FE
186 Burnage Lane, Manchester, M19 1EF
Flat 1 to 7, Avon House 2a, Avon Road, Manchester, M19 1FW
211a, Burnage Lane, Manchester, M19 1FN
189a, Burnage Lane, Manchester, M19 1FE
Burnage D I Y Supplies, 205 Burnage Lane, Manchester, M19 1FE
Cowen Hairdressers, 185 Burnage Lane, Manchester, M19 1FE
Deal Estate Agents, 191 Burnage Lane, Manchester, M19 1FE

Representations were not received from any third parties:

Relevant Contact Officer : Wayne Johnson
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