**Our Ref: 2012-141**
**Your Ref: 097095/FO/2011/N2**

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15/08/2012

Dear Sir/Madam,

**Re: Application for Variation of Condition (5) of Planning Permission 097095/FO/2011/N2 at Roots Restaurant, 518 Hyde Road, Gorton, Manchester M18 7AA.**

Please find enclosed an application for the Variation of Condition (5) of the above permission. Condition (5) states that:-

*'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 Sunday (including Bank Holidays) 8.00am to 12 midnight.'*

Our client would like to amend Condition (5) to read:-

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

*Sunday to Thursday (including Bank Holiday) 8.00am to 12 midnight*

*Friday and Saturday 8.00am to 3.00am'*

Introduction

The purpose of this application is to apply to extend the opening hours of Roots Restaurant. Since receiving planning consent in November 2011, the building has been converted into a restaurant and it opened for business in April 2012.

The restaurant has now been open for approximately six months and have had repeated requests by customers to open later on the days of Friday and Saturday evenings to allow the customer a formal eating venue within the vicinity of Hyde Road.

The first year of trading for a new business is always the most vital. The Roots Restaurant is currently experiencing a successful turnover of new and existing customers creating a firm customer base, but they have identified a gape in their business, that they can utilise, to make the business more successful and increase the chance of success over the coming years.

The key for a successful business is being able to compete effectively with local businesses. There are currently various restaurants and takeaway's on Hyde Road within 500metres of the restaurant. Spiceland is located at 659 Hyde Road and has the following opening hours:



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Sun - Thu: 18:00 - 03:00
Fri - Sat: 18:00 - 04:00
Bank holidays: 18:00 - 03:00

The Spiceland takeaway restaurant can accommodate a small provision of seated capacity and subsequently are a direct competition to Roots Restaurant. The late opening hours provide an unfair advantage in terms of customer offer, and also show that there is a customer requirement in the area for such opening hours.

Planning Policy

The Decision Notice issued on the 24th November 2011, states the reason for implementing Condition (5) as '*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.*'

The Manchester City Council Core Strategy was formally adopted in July 2012 and is now the key document in terms of the development plan for Manchester. The document has superseded the majority of policies within the Unitary Development Plan. This includes Policy H2.2 (UDP) which has been replaced by Core Strategy Policies SP1, H1 and DM1.

**Policy SP1** is a core spatial principle that reflects the overarching development geography of Manchester. The spatial principles are supported directly or indirectly by more detailed policy throughout the Core Strategy. Due to this, SP1 has little direct influence on the scheme.

**Policy H1** is primarily a Housing Policy that reflects the need for Manchester City Council to deliver 60,000 residential units, in a sustainable location, close to amenity facilities (such as shops, schools, public transport nodes).

**Policy DM1** is a key Development Management policy that outlines criteria that development should have regard to, such as:

- 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.
- Refuse storage and collection.

Policy DM1 reflects the issues that are contained in UDP Policy 26, but being less descriptive. The restaurant currently has full planning permission for is desired use (Use Class A3) this demonstrates the schemes compliance with the Development Management criteria outlined above.

Policy 26 is a '*saved*' policy from the Unitary Development Plan (1995). The policy has been saved (July 2012) until subsequent additional policy documents (LDF) replace them. Policy 26 reflects the Councils desire to control noise in relation to development and is outlined below:

**Manchester UDP Policy 26 – Development and Noise**

Policy DC26 has a number of sections to it that reflects the councils approach to development and noise. The following sections are deemed appropriate to this application:

DC26.1 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 both:

a) the effect of new development proposals which are likely to be generators of noise; and
b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted:

a) in residential areas;
b) near schools, hospitals, nursing homes and similar institutions;
c) near open land used frequently for recreational purposes.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 Exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Policy 26 therefore reflects the Councils requirement to ensure noise pollution does not result from new or existing developments. In considering this policy, the context within which the restaurant is located must be assessed.

The restaurant is neighbouring industrial uses and is not directly next to or adjoining any residential units. To the west of the site is Belle Vue train station that is bounded by a defined tree line, which acts a noise barrier from the train tracks (Figure 1). The north is bounded by the busy, main road of the A57 that forms the key trunk road into the centre of Manchester from the M60 (Photo 1). The eastern boundary is presently utilised as a hand carwash business (Photo 2) and further a field is a part derelict building (Photo 3).

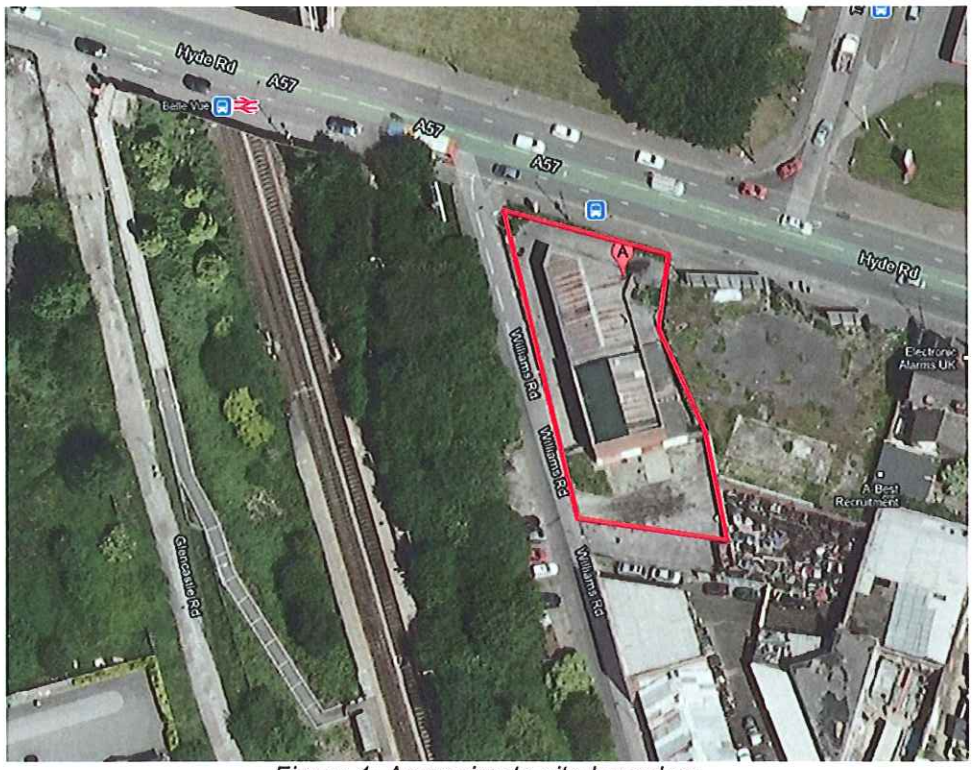



*Figure 1: Approximate site boundary*

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The southern boundary is used for the storage of waste and further on from the restaurant boundary is an industrial building used for car parts (Photo 4). The road to the west of the site (Williams Road) is a quiet B-road that is used for access to the rear of the restaurant and to the industrial units (Photo 5).

It is clear from the photographs that the restaurant is not directly near or opposite residential units and is bounded by industrial uses. It is situated in a 'standalone' location providing a natural buffer to the residential areas that are further to the north and south.

It can therefore be demonstrated that the extended opening hours, solely on Friday and Saturday, will not have a detrimental impact on the amenity of the area due to the restaurants current location within an industrial setting.



Photograph 1: A57




Photograph 2: Gorton Hand Car Wash



Photograph 3: Neighbouring property

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Photograph 4: Rear of Restaurant – Industrial units




Photograph 5: View to Williams Road

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Photograph 4: Williams Road

In light of the information provided, the application for Variation of Condition (5) of Planning Permission 097095/FO/2011/N2 meets the stated policy requirements outlined in the adopted Core Strategy and saved policies of the UDP.

I trust the enclosed information is satisfactory for you to validate the application, if you do require any further information then please do not hesitate to contact me.

Yours sincerely,

**Juan Murray**
**Environmental Planner**

**For and on behalf of NJL Consulting LLP**

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