



RA Design & Project Management Ltd
Suite 4
The White House
42-44 Chorley New Road
Bolton
BL1 4AP

PLANNING AND HERITAGE STATEMENT

440 Wilmslow Road, Manchester, M20 3BW

November 2023

Contents

Section	Page
Introduction	3
Site Location	4
Application Proposals	7
Planning History	9
Relevant Planning Policy	10
Planning Assessment	12
Summary and Conclusions	14

1. Introduction

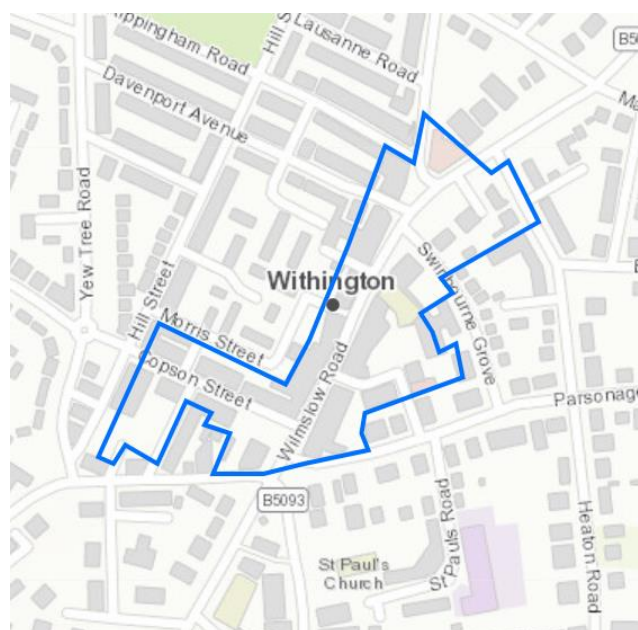
- 1.1 This statement has been prepared to support a planning application to retain the use of 440 Wilmslow Road as a hot food takeaway.
- 1.2 This Statement addresses the relevant planning considerations and in particular the case for development at the site. It considers the proposals in light of national and local planning policy and assesses the scheme's compatibility in planning policy terms.
- 1.3 The proposals are compliant with both local and national planning policy, as this statement sets out.

2. Site Location

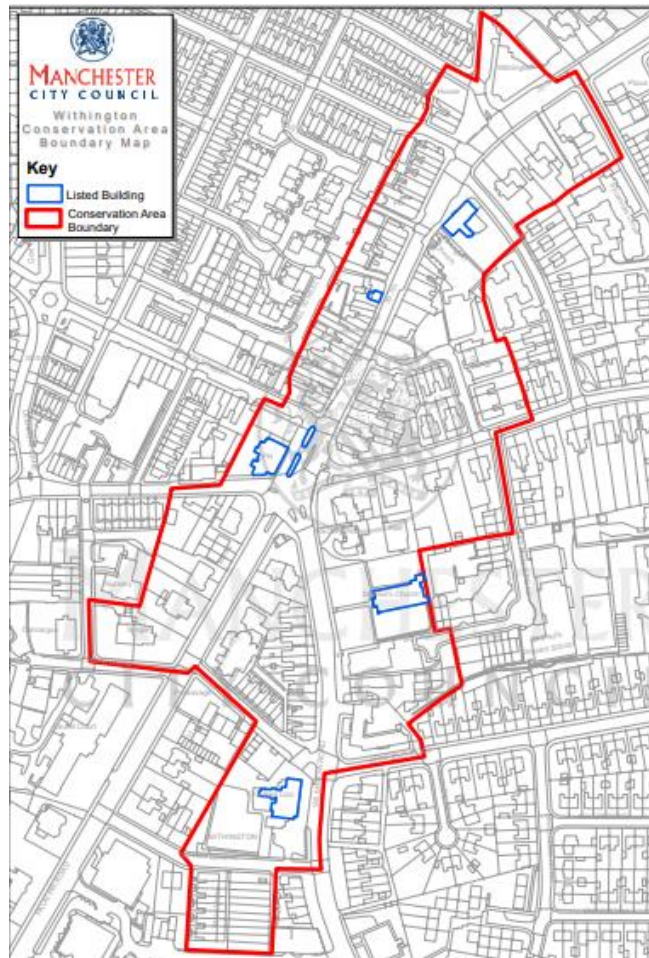
- 2.1 The application site relates to the ground floor unit of 'Burger House', situated at the corner of Wilmslow Road and Queen Street West.
- 2.2 Wilmslow Road forms a major north/south arterial route, which links the area with the city centre to the north and the airport to the south.



- 2.3 The site lies at the northern end of Withington District Centre and is situated within Withington Conservation Area.



Withington District Centre



Withington Conservation Area Map

2.4 The immediate area is characterised by a variety of small-scale retail, office and food and drink uses. The side roads off Wilmslow Road are predominantly residential in nature.





2.5 On the opposite side of Wilmslow Road to the application site is the Withington Methodist Church and a Grade II Listed Building.



3. Application Proposals

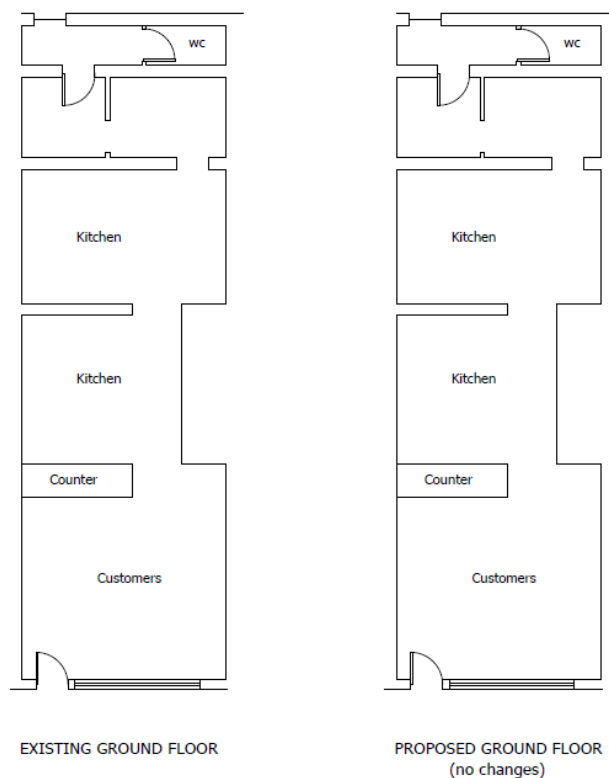
3.1 This statement supports a planning application which seeks to retain the use of 440 Wilmslow Road as a hot food takeaway (Sui Generis).

3.2 Planning application 104105/FO/2013/S1 granted retrospective planning permission for a change of use from (Class A1) Dry Cleaners to (Class A3) café - Now Class E. The current owners of the premises were unaware that the permitted use of the premises was for a café and wish to retain its current hot food take away use.

3.3 The proposed hours of operation are as follows:

- Monday to Sunday - 11:00 - 01:00

3.4 This application is retrospective and as such, no external nor internal alterations are proposed. The existing layout and elevations, subject to retention, are shown in the extracts below:





4. Planning History

4.1 Following a review of Manchester City Council's online planning database, the following planning history is associated with the application site.

Ref:	Description of Development	Decision	Date
135663/JO/2022	Variation of condition 1 attached to planning permission 104105/FO/2013/S1 to allow increase in opening hours to 11.00 to 03.00 hrs daily	Refused	16/05/2023
104105/FO/2013/S1	Retrospective application for change of use from (Class A1) Dry Cleaners to (Class A3) cafe	Approved	20/12/2013
078487/FO/2006/S1	Change of use of building from mixed use comprising laundrette (Class A1) on ground floor and office (Class A2) on first floor to office (Class A2) and retail (Class A1) on ground floor and one flat on first floor	Approved	13/04/2006

5. Relevant Planning Policy

5.1 Planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan comprises the saved policies of the Manchester Unitary Development Plan (UDP) dating back to July 1995, together with policies contained in the Manchester Core Strategy Development Plan Document - adopted on 11 July 2012.

5.2 A revised version of the NPPF was published in September 2023. This replaced previous revisions of the NPPF. It is a material consideration in the determination of planning applications, particularly where policies contained therein conflict with or supersede parts of the Development Plan.

Manchester's Core Strategy 2012 – 2027

5.3 The Manchester Core Strategy Development Plan Document outlines the Council's vision for Manchester in the period to 2027 along with the planning policies which will be used to deliver that vision. Policies contained within the plan that are relevant to this appeal are considered to be:

- **DM1 (Development Management)** which seeks to ensure that development proposals are appropriate in terms of siting, layout, scale, form, massing, materials and detail.
- **SP1 (Spatial Principles)** sets out spatial principles which will guide the strategic development of Manchester to 2027.
- **EN1 (Design Principles and Strategic Character Areas)** relates to design principles in specific strategic character areas.

Saved Policies of the Manchester Unitary Development Plan (UDP)

5.4 The saved policies of the Manchester Unitary Development Plan (UDP) date back to July 1995. The saved policies contained within the plan that are relevant to this appeal are considered to be:

- **Policy DC10 (Food and Drink Uses)** states within the policy narrative that in determining applications involving the sale of food and drink, regard should be had to general location of proposed development, the effect on the amenity of neighbouring residents and the availability of safe arrangements for parking and servicing. The policy states further that the use of conditions may be imposed to protect the amenity of residents, including limitations on the hours of opening.
- **Policy DC26 (Development and Noise)** states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.
- **DC18 (Conservation Areas)** states that the Council will pay attention to the effect of signs and advertisements in Conservation Areas.

Other Material Considerations

Hot Food Takeaway Supplementary Planning Document March 2017

National Planning Policy

National Planning Policy Framework

5.5 The revised NPPF was published in September 2023. It states that the *“purpose of the planning system is to contribute to the achievement of sustainable development.”*

5.6 Paragraph 11 of the NPPF identifies a presumption in favour of sustainable development at the heart of the Framework which, for decision taking, means:

“Approving development proposals that accord with an up-to-date development plan without delay”.

5.7 Sustainable development will be achieved by balancing economic, social and environmental objectives, taking local circumstances into account.

5.8 Paragraph 126 explains that the Government attaches great importance to the design of the built environment, and further that good design is a key aspect of sustainable development. New development should function well and add to the overall quality of the area over its lifetime. Good architecture should be visually attractive, and development should be sympathetic to local character and history, whilst not preventing or discouraging innovation and change.

National Planning Practice Guidance (NPPG)

5.9 On 6th March 2014, the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (NPPG), which seeks to make planning guidance easier and simpler for practitioners and the public and is to be read in conjunction with national policy contained within the NPPF. The guidance is regularly updated, and the guidance in the NPPF is supported by relevant paragraphs in the on-line guidance.

6. Planning Assessment

Principle of Development

- 6.1 The site is located within a defined District Centre, as such the use as a hot food take away is acceptable, subject to meeting other relevant criteria, which are assessed in turn below.

Vitality and Viability

- 6.2 Policy 1 of the SPD states that hot food takeaway uses will not be supported in district and local centres where the cumulative impact of introducing the facility would be detrimental to the vitality and viability of a centre and would affect the balance between the daytime and nighttime economy and the health of the population. A proposal will be considered to be harmful to the vitality and viability of a centre if it increases the concentration of hot food takeaway ground floor frontages in a centre to more than 10% of all non-residential ground floor frontages.
- 6.3 The SPD at figure 5.1 puts the percentage of A5 uses (now Sui Generis) in the Withington District Centre at 6%. This is below the 10% threshold set out within the SPD. The addition of the application premises as a takeaway will not result in the threshold exceeding 10%.
- 6.4 Policy 1 of the SPD also states that hot food takeaway uses will not be supported in district and local centres where the cumulative impact of introducing the facility would be detrimental to the vitality and viability of a centre by creating a cluster of more than two hot food takeaways together.
- 6.5 The proposals do not create a cluster of more than two hot food takeaways together.

Design, Character and Appearance

- 6.6 The site is an existing hot food takeaway premises, and the character and appearance of the site resembles that of the former café use. It is asserted that the proposals to retain the takeaway use will not unduly affect the character and appearance of the immediate and surrounding area.

Amenity

- 6.7 The application site is within a defined District Centre, where hot food takeaways and other uses, such as retail, are acceptable. Policy 2 of the SPD states that the hours of opening of a hot food takeaway will depend on whether it can be demonstrated that there would be no unacceptable impact on residential amenity, there is an established nighttime economy and where it would not adversely affect the character and function of the immediate area, including existing levels of background activity and noise.
- 6.8 The immediate surrounds are predominantly commercial, with pubs and bars located nearby. There is clearly a nighttime economy along this part of Wilmslow Road and the takeaway forms a valuable economic part of it. Being within a District Centre, the takeaway use would not unacceptably impact upon the amenity of any residential occupiers and would not adversely affect the character and function of the immediate area.
- 6.9 The proposals comply with Policy 2 of the SPD.

Highways and Transport

- 6.10 The application site is located within a highly sustainable location, being within a defined District Centre. On-street parking is available on the opposite side of Wilmslow Road which serves well for customer parking and loading/unloading of deliveries. There is also a large car park to the rear of the site, accessed via Barbican Street.
- 6.11 Furthermore, given that the predominant use of this premises will be in the late afternoon-evening time, it is not considered that it will coincide with the general peak daytime activity of the District Centre. The nature of the traffic activity associated to this use will be short-term parking, generally from the local area and so is not considered to be a reason, in itself, to warrant refusal of the application. Indiscriminate parking and existing issues are not reasons to withhold permission.

Disposal of Waste Products and Customer Litter

- 6.12 Bins are located near to the application site that customers can use. A Waste Proforma is submitted with the application.

Hot Food Takeaways and Schools

- 6.13 Policy 3 states that where a hot food take away is proposed within 400 metres of a primary or secondary school, and the proposal meets planning policy in other respects, planning permission will only be permitted subject to the condition that opening hours are restricted.
- 6.14 The nearest school is Old Moat Primary School, Old Moat Lane, Withington. The school is approximately 800m away from the application site and as such there is no conflict with Policy 3 and no requirement can be imposed to limit the opening hours to those prescribed within policy 3.

Heritage

- 6.15 Whilst the application site is within the Withington Conservation Area, it is also within the defined District Centre. It is not considered that the proposals give rise to any heritage impacts that would make the use of the premises as a hot food take away unacceptable.

7. Summary and Conclusions

7.1 The site is located within the Withington District Centre and Withington Conservation Area.

7.2 The premises is currently operating as a hot food takeaway and its continued use is considered to be compliant with both local and national planning policy.

7.3 The Applicant seeks to work proactively with the LPA and looks forward to positive discussions regarding the scheme.