

Planning application for the change of use of the ground floor from a restaurant / café (Use Class E) to a hot food takeaway (sui generis) external plant, ventilation and extraction equipment and minor external alterations.

Unit 33, Harpurhey District Centre, Manchester M9 4DH

On behalf of DPSK Limited

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Contents.

1. Introduction.....	1
2. Site and Surrounding Area.....	2
Site and Surrounding Area	2
Planning History	2
3. The Proposal	4
Change of Use	4
Extraction and Ventilation Equipment.....	4
Other External Alterations.....	4
4. Planning Policy.....	5
The Development Plan	5
Material Considerations	11
National Planning Policy Framework (July 2021).....	11
Supplementary Planning Documents	12
5. Planning Assessment.....	16
Principle of the Proposed Development	16
Impact on Residential Amenity	18
Highways and Parking Considerations.....	18
6. Design and Access.....	20
Design.....	20
Access	20
7. Conclusions	21

1. Introduction

- 1.1. Pegasus Group is instructed by DPSK Limited (the Applicant) to submit an application for planning permission for the change of use of the ground floor of a café (Use Class E) to a hot food takeaway (sui generis) at Unit 33, Harpurhey District Centre, Manchester M9 4DH. The full description of development is:

“Change of use of the ground floor from a restaurant / café (Use Class E) to a hot food takeaway (sui generis), external plant, ventilation and extraction equipment and minor external alterations.”

- 1.2. This Planning, Design and Access Statement provides the background to the application including details of the Site and surrounding area, together with the relevant planning history, policy context and detailed design of the proposal.
- 1.3. The main justification section explores whether the proposal is compliant with the policies in the Development Plan and considers the proposal against other material considerations, including the National Planning Policy Framework (NPPF).
- 1.4. The Statement should be read in conjunction with the other supporting documents, including:
- Plans provided by Hattrell LLP Architects; and
 - Details of the air handling, extraction and ventilation equipment.

2. Site and Surrounding Area

Site and Surrounding Area

- 2.1. The application Site ('Site') extends to the ground floor of an existing commercial unit that is an integral part of a two storey brick built parade within the wider Harpurhey District Centre. The unit was most recently in use as a restaurant / café (Use Class E).
- 2.2. Harpurhey District Centre incorporates a range of retail, commercial and other uses including Asda, Lidl B&M, Iceland and Wilkos. The Site is located fairly centrally within the defined District Centre and is within the northern part of the shopping centre which forms part of the overall District Centre offer. The Site is located 'in-centre' in retail planning terms.
- 2.3. Harpurhey District Centre is located in North Manchester, approximately 4km to the north east of the city centre of Manchester.
- 2.4. There is a large car park for customers of the District Centre located adjacent to the north east of the Site. Parking is unrestricted and free for all.
- 2.5. The Site is not located within a Conservation Area and there are no Statutorily Listed Buildings adjacent, or in close proximity to the Site. Beyond the District Centre, land uses are predominately in residential use although there is a primary school located adjacent to the northern boundary of the District Centre – Holy Trinity C of E School.
- 2.6. The Site is located within Flood Zone 1, an area with the lowest probability of flooding.

Planning History

- 2.7. The planning history for the Site commenced with the grant of full planning permission for the redevelopment of part of the wider District Centre under planning application reference 065925/FO/NORTH1/02 on 05.12.02. The description of that development was:

"The relocation of the existing market hall & police station. The redevelopment to form 21 no units for use within use classes A1, A2 & A3, a new market area & replan & refurbishment of car park & malls"
- 2.8. The planning permission allows uses A1, A2 and A3 across all of the 21 units (now Use Class E).
- 2.9. Condition 11 attached to that planning permission restricts the hours of opening as follow:

"11) The opening hours of all units shall only operate between the hours: 0730 to 1900hrs Monday to Saturdays inclusive unless otherwise agreed in writing."
- 2.10. Of note, planning permission was granted on 22.03.13 for Unit 15 for the variation of Condition 11 to increase the hours of opening from 0800 to 2200 Monday to Saturday and 0900 to 2200 on Sundays (101457/JO/2013/N1).
- 2.11. Whilst that planning permission included the Site as one of the 21 new units, there is no more recent or relevant planning history for the Site according to the Council's online search facility.



- 2.12. There is no other relevant planning history for surrounding premises in terms of hot food takeaways.

3. The Proposal

- 3.1. This Statement supports an application for planning permission for the change of use of the ground floor from a restaurant / café (Use Class E) to hot food takeaway (sui generis), external works including plant and ventilation equipment at Unit 33, Harpurhey District Centre.
- 3.2. The planning application also seeks permission for facilitating works to the shopfront, and to provide extraction and ventilation equipment to serve the proposed use.

Change of Use

- 3.3. It is proposed that the change of use of the ground floor will allow Domino's to occupy the unit. The extent of the proposed change of use to the ground floor is shown on the submitted proposed ground floor plan and extends to 121 sq.m.
- 3.4. The proposed unit will operate between 1100 and 2300 hours daily and will generate a number of full-time and part-time employment opportunities. Employees will be sourced locally.
- 3.5. The submitted plans show the proposed layout for the unit. On the ground floor, the main (existing) entrance will be located on the northern elevation, leading into a customer waiting area. The food preparation area will be located behind this and then beyond this will be located the cold storage, back of house, staff and office facilities.
- 3.6. Servicing will take place from the rear of the building. Refuse will be stored externally in commercial bins stored to the rear in line with current practices and the adjacent units. Bins will be collected from the Site at a frequency to suit the needs of the occupier.

Extraction and Ventilation Equipment

- 3.7. In order to facilitate the operation of the unit as a hot food takeaway, it is proposed to install extraction and ventilation equipment.
- 3.8. An extract duct will be installed above the oven, running horizontally internally, before penetrating the western elevation to the rear of the building. Fine filtration and carbon filters will be installed as set out in the accompanying odour mitigation details supplied.
- 3.9. An air handling system will also be installed which will include a louvred air intake on the side (western) elevation and an internal air handling unit with silencers as required.
- 3.10. Two air conditioning condensers and a cold room condenser will be floor mounted to the rear of the building (on the western elevation).

Other External Alterations

- 3.11. Aside from the installation of louvres associated with the extract and ventilation equipment described above, external alterations are minor in nature and extend to a new aluminium shopfront and entrance to be painted RAL7043.

4. Planning Policy

The Development Plan

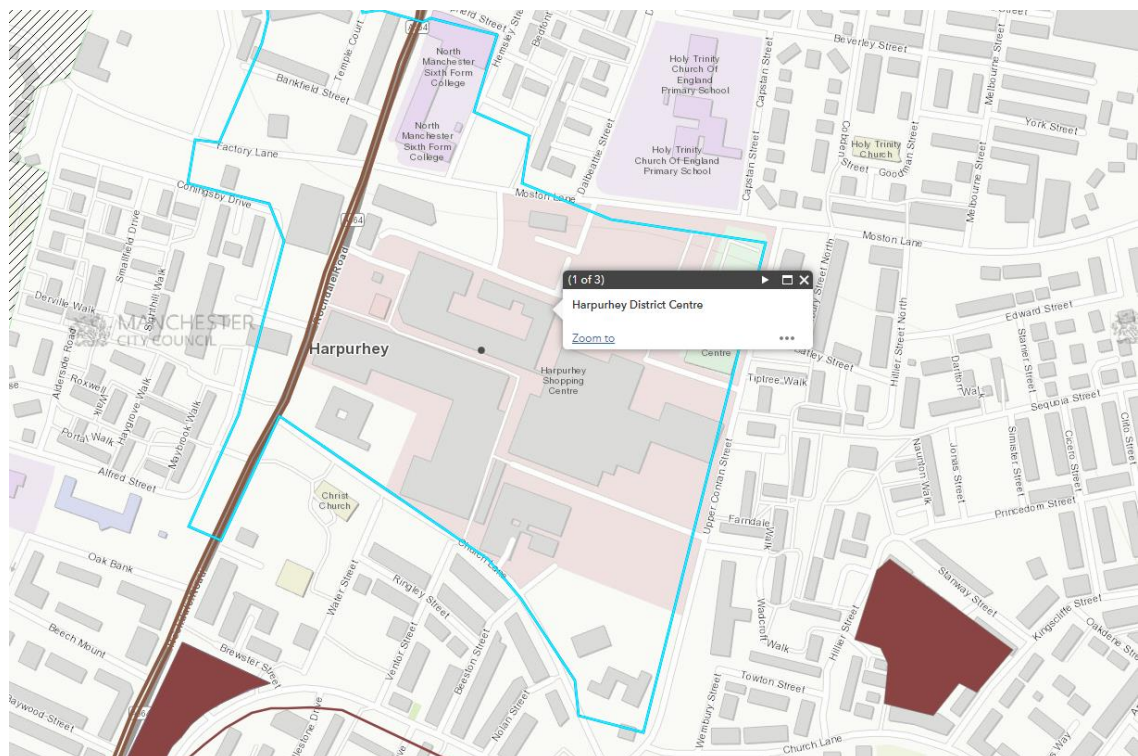
4.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

4.2. The site is located within the Manchester City Council administrative area and the Development Plan for the Site comprises the following:

- Manchester Core Strategy (2012);
- Extant Manchester UDP Policies (1995); and
- The Proposals Map

4.3. The Proposals Map confirms that the Site is located within Harpurhey District Centre. It is located within the wider North Manchester Area and is part of the Inner Area. An excerpt of the Policies Map is included below for reference.



4.4. **Policy C1** of the Core Strategy 'Centre Hierarchy' confirms the centre hierarchy for Manchester and Harpurhey as a District Centre located within North Manchester. It confirms that in relation to District Centres:

“District centres have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. Manchester's 17 district centres are shown below including the newly designated district centre, Baguley (West Wythenshawe). Development in these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres.”

4.5. **Policy C2** of the Core Strategy 'District Centres' confirms that in relation to development within District Centres,

“Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. Housing will also be considered an appropriate use within District Centres, providing it supports the vitality and viability of the centre. In delivering this vision provision will be made by 2027 for approximately:

20,000 square metres net convenience retail floorspace

15,000 square metres net comparison retail floorspace

The delivery of this floorspace should respect the network of centres across the City and in neighbouring districts. Development within this overall capacity which has the potential to impact on the current or future vitality and viability of other centres in Manchester or other districts will only be acceptable if there is no prospect of the affected centres accommodating growth themselves. The Core Strategy sets a framework for the delivery of the identified capacity. The identification of specific sites, particularly those which require an extension to existing District Centre boundaries, will be addressed through a subsequent Development Plan Document.

Development in District Centres should:

Prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink. The Council will ensure that retail remains the principal use in Primary Shopping Areas, but also ensure that provision is made in District Centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres. Subject to impact on overall character and local amenity, the Council will support development which extends the time during which District Centres are active;

- *Promote the development of employment which provides opportunities for local people;*
- *Promote the efficient use of land, particularly through considering options for multi-storey development. New development should positively contribute to the reuse and regeneration of land and premises, together with wider regeneration and investment strategies;*
- *Contribute positively to the diversity and mix of uses within centres without undermining their primary retail function. Development should also promote a range of retailers and shop formats;*

- Promote choice and competition particularly where development will support the independent sector;
- Remedy deficiencies in areas with poor access to facilities.

New development should respect and enhance the character of existing centres.

New development should deliver improvements to the quality and accessibility of the centre environment. Opportunities should be taken to adopt sustainable building design and practises to assist in adapting to climate change (see also Green Infrastructure Policy EN 9).

The subsequent DPD will identify sites for new development within District Centres.”

- 4.6. In relation to Harpurhey in particular (and Cheetham Hill), **Policy C3** of the Core Strategy states that:

“There is capacity for approximately 1,000 square metres convenience and 4,000 square metres comparison retail growth in North Manchester up to 2027. The focus for additional floorspace should be in Harpurhey.

There could be small increases in retail provision in Cheetham Hill, but development for other uses which promote vitality during the daytime will be supported. New development should improve connections between the centre and the existing large foodstore. Development which brings a broader range of commercial and public uses to Cheetham Hill will be supported.

Redevelopment within Harpurhey District Centre has the potential to provide increased retail floorspace alongside additional uses, including food and drink, employment and community facilities. There are opportunities to introduce some new housing into both centres with relatively small scale employment areas also identified in Harpurhey.”

- 4.7. **Policy C10** ‘Leisure and the Evening Economy’ is also relevant because it provides criteria for the assessment of hot food takeaways as follows:

New development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. *Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.*
2. *Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.*
3. *Balance – 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.*
 - *When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also:*

- *The existing number of similar establishments in the immediate area and their proximity to each other;*
- *The type and characteristics of other uses, such as housing, shops and public houses;*
- *The existence of vacant shop units and the condition of the unit;*
- *The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;*
- *The character of the centre and its frontage, and the nature of the use proposed;*
- *The potential impacts of the proposal on the wider community; and*
- *Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.*

4.8. **Policy EC4** 'North Manchester' of the Core Strategy is relevant and states inter alia that

"3. The district centres of Harpurhey and Cheetham offer opportunities for mixed use proposals for small businesses providing local employment opportunities."

4.9. **Policy SP1** 'Spatial Principles' of the Core Strategy states that:

"The key spatial principles which will guide the strategic development of Manchester to 2027 are:

- *The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.*
- *The growth of Manchester Airport will act as a catalyst for the regional economy, and will also provide the impetus for a second hub of economic activity in this part of the City.*
- *Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.*
- *The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.*
- *The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.*
- *New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The*

extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

Development in all parts of the City should:-

- *Make a positive contribution to neighbourhoods of choice including:-*
- *creating well designed places that enhance or create character.*
- *making a positive contribution to the health, safety and wellbeing of residents*
- *considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.*
- *protect and enhance the built and natural environment.*
- *Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.*
- *Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision."*

4.10. **Policy DM1** 'Development Management' of the Core Strategy sets out the general development management considerations for new development as follows:

"All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- *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.*
- *Design for health.*
- *Adequacy of internal accommodation and external amenity space.*
- *Refuse storage and collection.*

- *Vehicular access and car parking.*
- *Effects relating to biodiversity, landscape, archaeological or built heritage.*
- *Green Infrastructure including open space, both public and private.*
- *The use of alternatives to peat-based products in landscaping/gardens within development schemes.*
- *Flood risk and drainage.*
- *Existing or proposed hazardous installations.*
- *Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-*

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;

Year 2013 – Code Level 4;

Year 2016 – Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

4.11. Policy DC10 'Food and Drink Uses' of the UDP states that:

"DC10.1 In determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises (whether or not other activities, such as a nightclub, are included), the Council will have regard to:

- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;*
- b. the effect on the amenity of neighbouring residents;*
- c. the availability of safe and convenient arrangements for car parking and servicing;*
- d. ease of access for all, including disabled people; and*
- e. the storage and collection of refuse and litter.*

DC10.2 The Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

DC10.3 Development will not normally be permitted where:

- a. it is proposed outside the general locations mentioned above, or*
- b. there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.*

DC10.4 Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy."

4.12. Other relevant Core Strategy and UDP policies are as follows:

- UDP **Policy DC26** 'Development and Noise';
- UDP **Policy S1.2** 'Shopping'; and
- Core Strategy **Policy T1** 'Sustainable Transport'

Material Considerations

National Planning Policy Framework (July 2021)

4.13. The National Planning Policy Framework sets out the Government's planning policies for England at a national level and how they are expected to be applied. It is a significant material consideration in the determination of planning applications.

4.14. A new National Planning Policy Framework was published on 20 July 2021 which supersedes the 2019 version and relevant provisions of the new NPPF are summarised below.

4.15. **Paragraph 7** of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In terms of what is meant by 'sustainable development', the NPPF states at **Paragraph 8** that there are three dimensions to sustainable development (economic, social and environmental) and three roles that the planning system needs to perform.

- *"an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

- *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

4.16. **Paragraph 11** states that plans and decisions should apply a presumption in favour of sustainable development.

4.17. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.18. **Paragraph 38** confirms that *“Local planning authorities should approach decisions on proposed development in a positive and creative way”* and that *“...Decision-makers at every level should seek to approve applications for sustainable development where possible”*.

4.19. At **paragraph 81**, the NPPF states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

4.20. **Paragraph 111** states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

4.21. **Paragraph 185** relates to the potential pollution impacts of new development on existing uses. It states that planning policies and decisions should *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*

Supplementary Planning Documents

4.22. The Manchester City Council Hot Food Takeaway SPD (2017) is directly relevant to the proposed development. Policy 1 states that:

“Policy 1

Vitality and Viability

Hot food takeaways (A5) 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 day time and night time 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 (see paragraph 4.4 below). In centres where the proportion of hot food takeaway ground floor frontages is approaching 10%, consideration will also be given to the impact of the proposal on the character of the area surrounding the application site. Applications will not normally be permitted if the proposal would lead to the proportion of hot food takeaway frontages being more than 10% of non-residential ground floor frontages in a particular part of the centre concerned.*
- Creates a cluster of more than two hot food takeaways together.*
- Reduces the number of units between hot food takeaway clusters to less than two non-A5 uses.*

Exceptions to the above are Manchester City Centre and Rusholme District Centre. A key role of these centres is to serve the night time economy. They have become known as locations for food and drink, attracting visitors from across Greater Manchester and beyond. In these centres, hot food takeaway applications will be considered based on an assessment of the impact on the role and character of the surrounding area.

In centres where vacancy levels are more than 10% (or 25% in centres with less than 20 units) the Council will wish to see evidence that effort has been made to fill the unit with a town centre use (other than A5) before hot food takeaways will be permitted. In areas where it can be shown that it would be compatible with surrounding uses, residential use will be considered. Where there is evidence of no demand for a preferable use, hot food takeaways could be considered favourably even if this would increase the proportion of hot food takeaways to above 10% of ground floor frontages.

To prevent any harmful effect on the visual amenity of the street scene, shutters should be up between the hours 9am and 5.30pm.”

4.23. Policy 2 states that:

“Policy 2

Amenity

Hot food takeaways (A5 uses) will be considered against Core Strategy Policy DM1 Development Management and specific considerations include:

Hours of Opening

Unless affected by Policy 3 of this SPD, 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 as set out in DM1 Development Management,*
- *there is an established night time economy*
- *it would not adversely affect the character and function of the immediate area, including existing levels of background activity and noise.*

Extraction of odours and noise abatement

Hot food takeaways must provide appropriate extraction systems to effectively disperse odours and show that they are meeting the minimum guidance in the Department of Environment, Food and Rural Affairs Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2005 and Odour Guidance for Local Authorities 2010. Applications must be accompanied by an Odour Impact Assessment (OIA) and include suitable mitigation measures. They must demonstrate that they have no adverse impacts on visual amenity, including location and external finish.

Hot food takeaways must consider their impact on noise sensitive developments and any proposal that has the potential to cause noise disturbance to existing residential development or noise sensitive properties should be accompanied by a noise survey and assessment and only approved if the impact is shown to be acceptable.

Disposal of Waste Products and Customer Litter

All planning applications should be accompanied by a waste management strategy setting out how a hot food takeaway will deal with its own waste and also the waste generated by customers. All waste generated by the business should be accommodated on site. Consideration should also be given to the need to mitigate for the impact of customer waste on the surrounding area. The Manchester City Council guidance GDO4 Waste Storage and Collection Guidance for New Developments, Environmental Protection should be used in the preparation of a waste strategy.

Highway Safety

Planning permission for hot food takeaways will only be granted where there would not be an adverse impact on highway safety and the amenity of the surrounding area. Proposals should take account of the likely needs of both customers and the operator's delivery requirements. Regard will be given to:

1. *Existing traffic conditions;*
2. *The availability of public parking provision in close proximity to the premises, including suitable on-street parking;*
3. *The availability of an adequate loading and unloading area."*

4.24. Policy 3 states that:

“Policy 3

Hot Food Takeaways and Schools

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 to the following:

- *A primary school: the hot food takeaway is not open to the public between 3 pm to 5.30pm on weekdays.*
- *A secondary school: the hot food takeaway is not open to the public before 5.30pm on weekdays.*

The only exception to this approach will be where the proposal is within a district centre designated in the Local Plan and can demonstrate that the introduction of such a use will meet all other relevant policies.” (our emphasis)

5. Planning Assessment

- 5.1. This section of the Statement sets out the justification for the proposed development when considered against the relevant planning policies and other material considerations.
- 5.2. The key issues arising from this proposal, which this section will cover are as follows:
- Principle of the proposed development;
 - Impact on residential amenity; and
 - Highways and parking considerations.
- 5.3. Design considerations are discussed in the next section of this Statement.

Principle of the Proposed Development

- 5.4. The proposed development is located within Harpurhey District Centre according to the Proposals Map and Policy C1 of the Core Strategy. The proposal represents a main town centre use in accordance with the NPPF.
- 5.5. Policy C2 of the Core Strategy states that whilst retail remains the principal use in Primary Shopping Area other uses which make a positive contribution to their vitality and viability. The proposal for a main town centre use in this location is acceptable in principle. The previous use of the unit was for a restaurant/café and as such, there is no loss of a retail use proposed as part of this proposed development.
- 5.6. The policy goes on to state that development proposals that extend the time which District Centres are active will be supported. In this case, the proposed development seeks permission for hours of opening until 11pm and will provide a number of local employment opportunities. The fact that the unit is currently vacant means that all the jobs will be new.
- 5.7. The proposed development accords with Policies C3 and EC4 of the Core Strategy for the same reasons and because it will extend the mix of additional uses to complement the retail uses within the District Centre.
- 5.8. The proposed development accords with Core Strategy Policies SP1 and C10 for the following reasons:
- There is not a concentration of existing hot food takeaways in Harpurhey District Centre. McDonald's and KFC are located in the centre but have separate standalone units with drive thru facilities. There are no other hot food takeaways in the centre and our assessment is that these account for less than 5% of all the retail / commercial units in the centre. Neither are in close proximity to the Site;
 - Residential amenity is not compromised because the Site is located centrally in the District Centre and within a vacant unit that could be re-used for a variety of retail and / or food and drink uses with a similar impact on amenity as the proposed development;
 - There is an existing large car park and delivery area which is not in proximity to residential uses; and

- The vacant unit will be refitted with Domino's standard shopfront and odours and noise attenuated to ensure no impact on amenity

5.9. Policy DC10 of the UDP is complied with for the reasons set out above and below on residential amenity impacts. In summary, the District Centre location of the Site is an acceptable location in principle for the proposed development and residential amenity impacts will be minimal given the location and the attenuation proposed. There is ample free parking adjacent to the Site.

5.10. A material consideration in relation to the principle of the proposed development is the Manchester City Council Hot Food Takeaway SPD. The proposed development accords with this because:

- The Site is located in the District Centre and is supported in principle;
- The proposal will not result in hot food takeaways comprising 10% of the total non-residential ground floor frontages in the centre. Our assessment following a site visit on 20.04.23 is that the total number of commercial and retail units is 41 with 2 hot food takeaways which is 5% of total. Increasing this to 3, increases it to 7%;
- The McDonald's and KFC are located in standalone units and not in proximity to the Site;
- A number of potentially vacant units were noted at the time of the site visit although not all of these had boards outside and some units may simply have been closed and shuttered at the time of the site survey. It is difficult to be certain as to the overall vacancy rate in the centre. Policy 1 indicates that proposals for A5 uses trigger the need to carry out marketing where more than 10% of units within the centre are vacant. However, the explanatory text indicates that the requirement for 6 months marketing is only engaged when the proposal would result in excess of 10% of total units being in hot food takeaway use. Paragraph 4.8 states that:

*"There may be circumstances where a previously vacant unit has a proposal for a hot food takeaway **and** the threshold of 10% has been reached or exceeded. If it can be demonstrated to the satisfaction of the local planning authority that the only viable option is for a hot food takeaway to occupy a unit, this will be permitted under the policy as an exception. Any application seeking an exception on vacancy grounds will need to be supported by evidence showing that the unit has been marketed for at least 6 months for an alternative use."* **(our emphasis)**

- Because the 10% threshold is not breached, the requirement for 6 months marketing is not engaged;
- Domino's will be open between the hours of 1100 and 2300 and will not have shutters down during this time;
- There will not be an impact on residential amenity, noise, highways impact and odour for the reasons given above and the section below. There is an existing service area and large car park; and
- A Waste Management Strategy has been submitted in support of this planning application confirming the refuse storage arrangements for the proposed

development. Refuse storage will be contained within the delivery and servicing area located to the rear of this parade of units;

- The proposed use is similar to the previous use which served hot food on the premises but also provided a hot food takeaway service too; and
- Policy 3 of the SPD is not relevant because the Site is located within a District Centre and we consider that the proposed development meets all other relevant policies.

5.11. Given the above, the proposed development does not conflict with the requirements of the relevant development plan policies or the relevant policies in the Hot Food Takeaway SPD.

Impact on Residential Amenity

5.12. The Site is located within a defined centre and is adjacent to a number of other commercial uses. Consequently, the character of the area within which the Site is located is a busy location with a level of existing background noise during the day and evening.

5.13. As such, there is a high level of vehicular and commercial activity in the immediate area and background sound levels are generally higher than one would expect in a residential area. As a result, there is unlikely to be any impact on residential amenity as a result of the proposed development.

5.14. Turning to odour impacts, the oven extract is proposed to terminate above ground floor level on the western elevation and fine filtration will be included in the extract system. Given the distance to the nearest sensitive receptor, any remaining cooking odours which are discharged at the Site will have dispersed before reaching any residents and there will be no harm in this respect.

5.15. It should be also noted that the Site would be occupied as a pizza restaurant, once all necessary consents are in place. This would mean that cooking operations at the Site would be limited to oven baking which generally produces a lower level of odour than other similar uses where grilling or frying may take place.

5.16. It has been demonstrated above that there will be no harmful impacts to residential amenity as a result of the proposed change of use. As a result, we consider that the proposed development accord with Core Strategy Policy DM1 and UDP Policies DC10 and DC26.

Highways and Parking Considerations

5.17. The Site is located in a sustainable location within a defined centre which planning policy states should be the focus for main town centre uses such as that proposed under this planning application.

5.18. Deliveries will be taken to the rear of the unit as existing. There is plentiful parking within the adjacent District Centre car park for customers and delivery vehicles.

5.19. It is expected that due to the nature of the use, the majority of meals will be ordered in advance and either collected or, more often, delivered in batches.

- 5.20. As a result, it is considered that the proposed use within the District Centre location is appropriate and will not cause any harmful impacts on highways safety or result in a parking demand that is harmful to the nearby uses within the wider site, or the local area.
- 5.21. The overall parking provision within the District Centre car park is sufficient to serve the proposed use and there is no overarching highways concern in relation to the change of use of the unit. As such, we consider that the proposed development accords with Core Strategy Policies T1, C10, UDP Policy DC10 and the Hot Food Takeaway SPD.

6. Design and Access

Design

- 6.1. The external alterations proposed are minor and principally extend to a replacement shopfront. Signage will be the subject of a separate application for advertisement consent. Other changes proposed to the building are limited to the installation of louvres and plant to serve the ventilation and extraction equipment. These are not proposed to the principal elevation. The new shopfront will be painted in colour RAL 7043.
- 6.2. The minor alterations to the appearance of the building will be in-character with the commercial nature of the District Centre and will not have a harmful impact on the visual amenity of the area. The Site is not located within a sensitive area such as a Conservation Area or in proximity to any Listed Buildings.
- 6.3. Overall, the external changes proposed are very minimal and accord with Core Strategy Policy DM1.

Access

- 6.4. There are no access implications associated with the proposed development because the existing entrance door will be replaced like for like.
- 6.5. There are no other material changes to access to/from or within the Site.

7. Conclusions

- 7.1. This Planning, Design and Access Statement has been prepared in support of an application for planning permission for the change of use of the ground floor of a restaurant / café (Use Class E) to a hot food takeaway (sui generis), along with minor external works including plant and ventilation equipment.
- 7.2. It has been demonstrated that the Site is an appropriate location for the proposed use which is located with the District Centre of Harpurhey where main town centres, including hot food takeaways, are acceptable in principle.
- 7.3. The policy limits for hot food takeaways as set out in the Local Plan and supporting SPD are not breached by the proposed development.
- 7.4. There is no conflict with other relevant policies in relation to residential amenity.
- 7.5. It has also been shown that there will be no harm to highway safety and that the design of the new entrance and extract scheme is appropriate in the local context of the area.
- 7.6. It has therefore been demonstrated that the proposal is in accordance with the development plan.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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