

Planning Support Statement

Planning, Design and Access Statement

Site: Divine Wellness, Withington Road, Manchester, M16 7EW

Date: December 2022



PLAN:8 TOWN PLANNING LTD

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REGISTERED IN ENGLAND COMPANY NO. 06279898

Location

1.0 Introduction

1.1 Plan:8 Town Planning Limited have been appointed Mrs Val Torpey to submit a planning application for the proposed change of use of a former public convenience building to a café / restaurant (Class E), along with the use of the adjacent private forecourt area for ancillary outside eating and drinking purposes, the erection of some covered canopy structures and the siting of a storage container. The development as mentioned is already taking place on the land so therefore this application is Retrospective.

1.2 This Planning Statement comprises an assessment of the proposed development against the requirements of Manchester City Councils Core Strategy which was adopted on 11 July 2012, the Unitary Development Plan that has a number of 'saved policies', the Guide to Development in Manchester Supplementary Planning Document (SPD), and the National Planning Policy Framework which was revised in July 2021.

1.3 The purpose of this statement is to describe the local and national planning policies that are directly relevant to the application and to provide an analysis of those policies and the application site. This statement will put forward our case explaining why we believe the proposal conforms with both local and national planning policy and why planning permission should be granted.

2.0 Site Location, Context and Background

2.1 The application site is located on the corner of Withington Road and Moss Lane West (B5219), and it consists of a detached single storey former public convenience building with private fenced forecourt and servicing areas to the front, side, and rear. It lies at a five-way highway traffic-controlled junction on the far outer edge of Manchester City centre with the middle of Moss Lane West forming the boundary with the neighbouring local authority at Trafford (Old Trafford). The area is known locally as 'Brooks Bar'. The highways at Chorlton Road, Upper Chorlton Road and Shrewsbury Street form part of the five-way junction arrangement.

2.2 The building was historically owned and operated by the Council as public toilets until they sold off the land several years ago. The land has been purchased by the applicant and she has fully renovated the building and converted it into a Vegan café / restaurant called 'Divine Wellness'. The forecourt and servicing areas have also been utilised for outside eating and drinking purposes associated with the business, and some covered canopy structures and a steel storage container have also been sited on the land. This work has been undertaken without the benefit of planning permission. We consider the present use that is taking place at the site falls under the Class E use class designation.

2.3 Prior to the applicant purchasing the site, the former brick built public convenience building had been vacant and not maintained for many years, so it was in a poor condition and very unsightly in the wider street scene. It had attracted anti-social

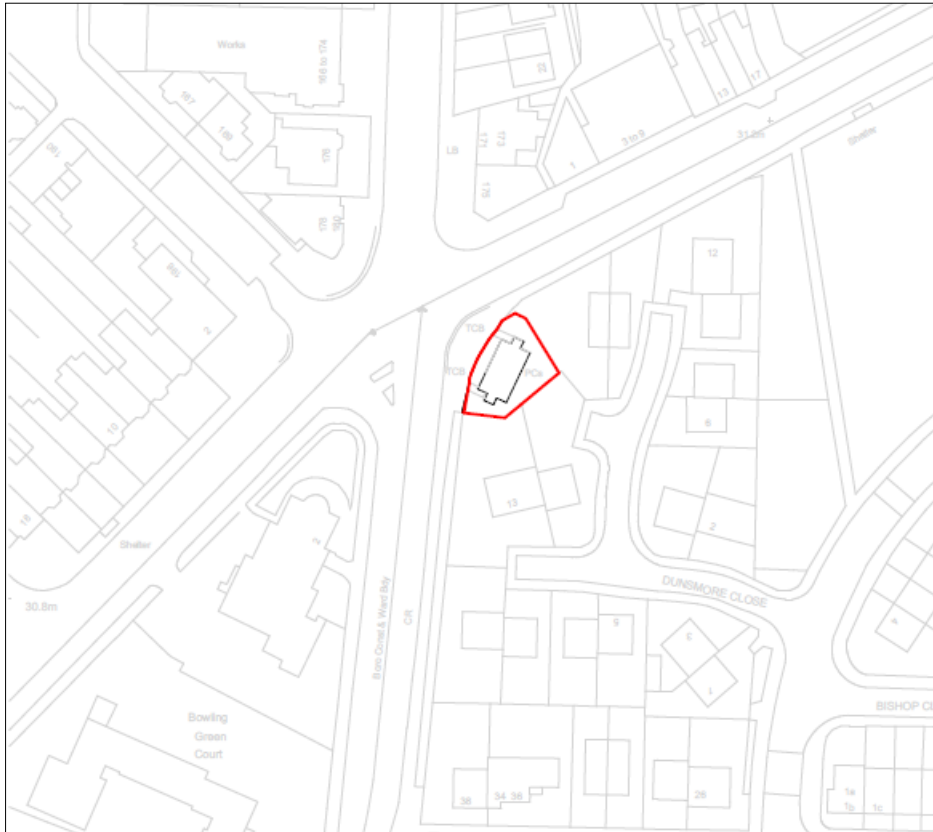
behaviour including vandalism, graffiti, and fly posting. Attached on the following page are some Google Street View photographs from between 2015 to 2019 which clearly show the extremely poor condition and visual appearance of this building at this prominent location.



2.4 The applicant has fully renovated the building both internally and externally and significantly improved its visual appearance in the street scene. The building is now rendered externally and painted pale grey in colour, and it has a new flat roof and new windows and doors installed in the front and side elevations. There is a low metal fence across the frontage of the site and the applicant has built a ramp on the front elevation to allow suitable access for disabled persons into the building.

2.5 There has also recently been some highway junction improvements carried out directly outside the front of the building and there is new dedicated cycle lane with a pedestrian footpath on the outside that runs around the corner of Withington Road and Moss Lane West. This CYCLOPS scheme has been designed to create a protected traffic signal junction separating cyclists from vehicular traffic. This is part of the Greater Manchester's cycling and walking network initiative.

2.6 The neighbouring surrounding area consists of mixture of commercial and residential uses. There is a small cul-de-sac of dwelling houses situated directly behind the site (Dunsmore Close) and opposite across the highway junction there are mixture of retail and other service type uses including a bookmaker, café, hairdresser, convenience store, dentist, timber merchants and some hot food takeaways. These commercial uses are all located in Old Trafford and this local area at Brooks Bar would be considered a neighbourhood shopping area. The exact location of the site is shown on the map in Figure 1, and on the aerial photograph in Figure 2 on the following page.



(Figure 1 – Map showing the location of the application site)



(Figure 2 – Aerial photograph showing the site and surroundings)



(Figure 3 – Photograph showing the existing appearance of the café / restaurant)



(Figure 4 – Photograph showing the frontage of the café / restaurant and the CYCLOPS highway junction scheme works that are taking place directly outside)



(Figure 5 – Photograph showing the frontage of the café / restaurant)



(Figure 6 – Photograph showing the frontage of the café / restaurant)



(Figure 7 – Photograph showing the side of the café / restaurant)



(Figure 8 – Photograph showing the side and rear of the café / restaurant)



(Figure 9 – Photograph showing the rear of the café / restaurant)

3.0 Planning History and site constraints

3.1 Below is a summary of the relevant planning applications that have been lodged in respect of the site address. This information has been obtained via the published on-line records on the Manchester City Council Planning website.

125997/FO/2020 - Change of use of former public convenience to cafe (A3) with elevational alterations – Application Withdrawn 14/04/2020

101424/FO/2013/S1 - Use of former public convenience as a shop including elevational alterations – Refused 19/06/2013

100362/FO/2012/S1 - Change of use of public convenience (Sui Generis) to Kiosk Shop Unit (Use Class A1) including elevation alterations to create shop front with shutters and vehicular crossing to car parking space – Refused 19/10/2012

3.2 Flood Risk

According to the GOV.UK and Environment Agency ‘Check your flood risk’ records, the property is in a Flood Zone 1 and it has a low risk of flooding from Rivers and the Sea and Surface Water.

3.3 Heritage

The application site does not contain a Listed Building, Locally Listed Building and it is not located within a Conservation Area according to the Council and Historic England on-line records.

3.4 Coal Mining Risk

The application site is not located within a Coal Mining Risk Area according to the Coal Authority data records.

3.5 Trees

There are no trees present on the site that are subject to a Tree Preservation Order or are protected as a result of being located within a Conservation Area. There are also no other trees located on or near to the site that would be directly affected by the proposed works.

3.6 Ecology and Biodiversity

There are no known ecology or biodiversity related concerns on the site that are a material consideration in respect of the determination of this proposal.

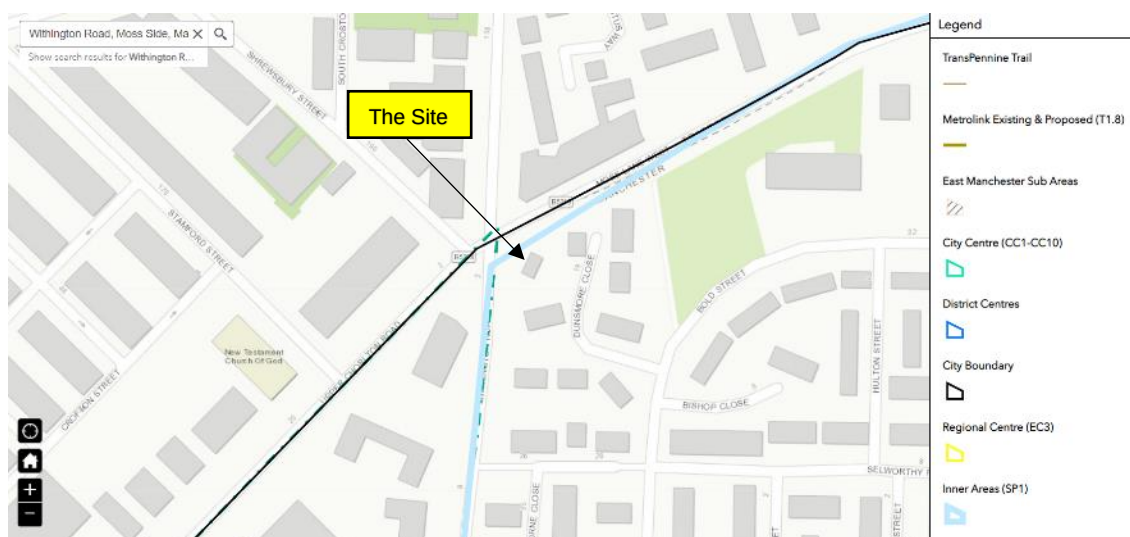
3.7 Local Plan Policy

The Manchester City Council Local Development Framework Area Map Browser below shows the application site designated as being within the following:

Manchester City Boundary

Inner Areas (SP1)

Central Manchester (EC8, H5)



(Figure 10 – Manchester City LDF Area Map Browser)

4.0 The Planning Application

4.1 The application seeks the grant of planning permission for the proposed change of use of a former public convenience building to a café / restaurant (Class E), along with the use of the adjacent private forecourt area for ancillary outside eating and drinking purposes, the erection of some covered canopy structures and the siting of a storage container. The

development is already taking place on the land so therefore this application is Retrospective.

4.2 As previously mentioned in Section 2 of this statement, the building was historically owned and operated by the Council as public toilets until they sold off the land several years ago. The land has been purchased by the applicant and she has fully renovated the building and converted it into a Vegan café / restaurant called 'Divine Wellness'. The business offers plant-based food (Breakfast & Lunch), coffee, tea, and alcohol beverages.

4.3 The former brick building has now been rendered externally and painted pale grey in colour, and it has a new flat roof and new grey UPVC windows and doors installed in the front, side and rear elevations. There is a low metal fence across the frontage of the site and the applicant has built a ramp on the front elevation to allow suitable access for disabled persons into the building.

4.4 The forecourt and servicing areas to the front, side and rear of the building have also been utilised for outside eating and drinking purposes associated with the business, and some covered canopy structures and a steel storage container have also been sited on the land. The provision of these types of outside 'Al Fresco' eating and drinking areas has become common place in our towns and cities over the last few years following the Covid-19 pandemic and they have been actively encouraged by the Government to support businesses and to try and limit the spread of the virus due to the benefits of them having fresh air circulation. The government have recently extended the temporary changes that were brought in on 'Al Fresco' dining during the pandemic and they intend to make them permanent in the Spring via the Levelling Up and Regeneration Bill. They have commented

that they wish to see bustling town centres across the country and making al fresco dining a permanent fixture on our high streets is part of their plan to level up communities and create vibrant places people want to live and work.

4.5 The covered canopy structures at the sides and rear of the building are subservient additions and they provide the necessary coverage and protection of the outside areas from the changeable weather conditions that exist in the UK, and they allow the space to be functional all year round. The canopy to the right-hand side is a fixed structure and it is open sided with a mono pitch polycarbonate roof covering, but the ones on the left-hand side and to the rear can be either covered or uncovered as they have a removable fabric roof covering.

4.6 The steel portacabin is used as an outside bar, and also for ancillary storage purposes as the inside area of the main café building is not large. It contains stock items for the café and some of the outside furniture when the business is closed. The container is painted black in colour, and it is not overly large or prominent in terms of its overall size, height, and location. It fits neatly into the side corner of the site alongside the boundary fencing.

4.7 The current intended hours of operation for the business are Monday to Sunday 08:00 to 21:00, and the business employs 7 members of staff. This includes 3 full time and 4 part time.

4.8 The internal layout of the café / restaurant comprises a counter / food preparation area, dining area and a customer toilet that is DDA compliant. There has also been consideration taken during the design process to ensure that a ramp access has been provided into the building to allow easy access for all customers.

- 4.9** The inside of the café / restaurant can accommodate approximately 20 persons and there is seating for approximately 20 persons in the outside space.
- 4.10** In terms of boundary treatments, there is a 1800mm high close boarded fence in place at the side and rear of the site along the boundary with the neighbouring houses on Dunsmore Close. Along the site frontage, there are some 1100mm high metal bow top railings with gate access.
- 4.11** The site does not benefit from having any in-curtilage vehicle parking provision and most of the customers are local and they come on foot or by bicycle. The applicant actively promotes healthy living choices given the nature of the business and they are providing secure cycle parking on the site to encourage this. The cycle parking facility is shown on the submitted site plan. The business is in a highly sustainable and accessible location with excellent public transport links nearby. For any customers who do choose to visit in a car, there is some on-street parking available in the local area. Due to the highway configuration and the CYCLOPS cycle junction scheme that is now in place, it would be impossible for any vehicles to park directly outside the site. There are also double yellow line highway restrictions in place outside and just beyond the site on Withington Road and Moss Lane West as a further deterrent to prevent parking in the immediate vicinity.
- 4.12** In terms of servicing and deliveries, the applicants carry out all their own collections of food and drink items for the business, so they do not have supplier deliveries to the premises.

- 4.13** The applicants have in curtilage refuse and recycling storage facilities on the site for the business and the location of this is clearly shown on the submitted site plan. They currently take waste and recycling with them at the end of each day but do intend to have a contract in place with a private company who collect the waste and recycling. The company will collect the bins outside of peak hours and they park beyond the site and the highway junction and collect and return the various bins by hand.
- 4.14** There is an attractive circular shaped non-illuminated business advertisement present on the front elevation of the building, and should an advertisement consent application be required for it, the applicant would be happy to provide this at a later stage.
- 4.15** The scheme drawings that are being submitted for the proposal have been prepared by Bradley Clarke of Clarkes Bespoke Design and they include site location, site layout and existing and proposed elevations and floor plans.

5.0 Local Planning Policies

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 On 25 July 1995, Manchester City Council adopted the UDP as their Local Plan. The UDP was subsequently replaced by the Manchester Core Strategy Development Plan Document which was formally adopted on 11 July 2012, and this replaced significant elements of the UDP. There are however a number of the UDP policies that are saved. The Core Strategy sets out the Council's long term planning policies that are used to guide future development within the City, and it is the basis for determining planning applications. It contains planning policies to ensure that new development addresses the economic, environmental, and social needs of the area. Amongst other things, the Local Plan has policies relating to design with objectives that include requiring developments to be well designed to respect the character, identity and context.

5.3 The following policies in the Core Strategy are considered the most relevant for the determination of this application: -

Policy SP1 – Spatial Principles

Policy SP1 sets out the key spatial principles which guide the strategic development of Manchester to 2027, together with Core Development Principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance

the built environment. All development should have regard to the character, issues and strategy for each regeneration area as described in the Strategic Regeneration Framework and the Manchester Strategic Plan.

The policy also states that all development in the City should make a positive contribution to the health, safety and wellbeing of residents, protect and enhance the built and natural environment, seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management)

Policy DM1 states that new development should have regard to more specific issues including:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of design, scale and appearance of the proposed development.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.
- Accessibility, community safety and crime prevention.
- Amenity space and refuse storage/collection.

Policy C9 - Out-of-centre development

A key priority for the Council's approach to retailing is to safeguard and enhance the City's existing centres. Where it is not possible to locate new development within or on the

edge of existing centres, out of centre locations will be considered, subject to impact.

Policy C9 states that development of town centre uses in locations which are outside a centre identified in Policy C1 or a strategic location identified for such uses will be inappropriate unless it can meet the following criteria:

- There are no sequentially preferable sites, or allocated sites, within the area the development is intended to serve those that are available, suitable and viable.
- The proposal would not have unacceptable impacts, either individually or cumulatively with recently completed and approved schemes and having regard to any allocations for town centre uses, on the vitality and viability of the City Centre and designated district and local centres. An assessment of impacts will be required for retail developments of more than local significance; and,
- Development that improves the environment of an existing out-of-centre facility or its relationship with surrounding uses will be supported, providing that it also meets the other criteria in this policy.

The impacts of out-of-centre development clearly varies across the City area and each proposal should be assessed on its individual merits taking into account the site circumstances. Policy C9 also establishes a basis to support out-of-centre development provided it is intended to improve the experience of visitors or neighbours, rather than increase the role of the location. This could include enhanced pedestrian linkages within the scheme or the reorganisation of loading facilities to reduce the impact on adjacent residents.

Policy T1 - Sustainable Transport

The policy aims to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to

support the needs of residents and businesses and to prepare for carbon free modes of transport.

UDP Saved Policies

The following saved policies in the UDP is also relevant to the application.

Policy DC10 – Food and Drink Uses

The policy states that 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.

Policy DC26 - Development and Noise

The policy 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. The Council will carefully consider the effect of new development proposals which are likely to be generators of noise, and the implications of new development being exposed to existing noise sources.

It mentions that developments likely to result in unacceptably high levels of noises will not be permitted in residential areas, near schools, hospitals, nursing homes and similar

institutions, or near open land used frequently for recreational purposes. It further mentions that 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.

- 5.5 There are also other material considerations in respect of policies / guides that are relevant including **‘The Guide to Development in Manchester’** Supplementary Planning Document (SPD) dated 2007.

This SPD provides design advice and outlines the Council's expectations and vision for developments and provides advice for developers on high quality and inclusive design.

6.0 National Planning Policy

- 6.1 Government guidance is set out in the revised National Planning Policy Framework (NPPF) dated July 2021. The NPPF expresses a presumption in favour of sustainable development. The NPPF is a material consideration in the determination of the application. The Planning Practice Guide (PPG) is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalizing and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in this Planning statement, where appropriate.

- 6.2 The following sections of the NPPF are considered of most relevance to the application proposal: -

- Chapter 2: Achieving Sustainable Development (paras. 7-14)
- Chapter 3: Decision Making (para. 38)

- Chapter 6: Building a strong, competitive economy (paras. 81-85)
- Chapter 7: Ensuring the vitality of town centres (paras. 86-91)
- Chapter 8: Promoting healthy and safe communities (paras. 92-103)
- Chapter 9: Promoting sustainable transport (paras. 104-113)
- Chapter 12: Achieving Well-Designed Places (paras. 126-136)

6.3 Central to the NPPF is a presumption in favour of sustainable development and the need for the planning system to support new development. Paragraph 10 states “So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and the application of the policy for decision-making: -

“Plans and decisions should apply a presumption in favour of sustainable development”.

6.4 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.

6.5 Paragraph 38 of Chapter 4 (Decision-making) of the NPPF confirms that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

6.6 The NPPF states that the planning system has three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are; economic, social and environmental as follows: -

Economic – 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;

Social – 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

Environmental – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve

biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.7. Paragraphs 81 – 85 in Chapter 6 (Building a strong, competitive economy) of the revised NPPF advises that 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

6.8 Paragraphs 86 in Chapter 7 (Ensuring the vitality of town centres) advises that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

6.9 Paragraph 92 a) in Chapter 8 (Promoting healthy and safe communities) advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for

easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.

6.10 Paragraph 110 in Chapter 9 (Promoting sustainable transport) states in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; and safe and suitable access to the site can be achieved for all users. Paragraph 11 mentions 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.

6.11 Paragraph 93 d) advises that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

6.12 Paragraphs 126 -136 in Chapter 12 (Achieving well-designed places) advocates a requirement for good design. This is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.13 Paragraph 130 advises that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.14 Paragraph 134 confirms that permission should be refused for development that is not well designed and that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.15 PPG: Town Centres and Retail

6.16 The Planning Practice Guidance on Town Centres and Retail highlights that Local planning authorities can take a leading role in promoting a positive vision for town centres, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in

particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change. A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development.

7.0 Planning considerations

7.1 The key planning issues for consideration in the determination of this application are:

- i) Principle of development.
- ii) Design, character and appearance
- iii) Impact on Amenity
- iv) Impact on the Highway

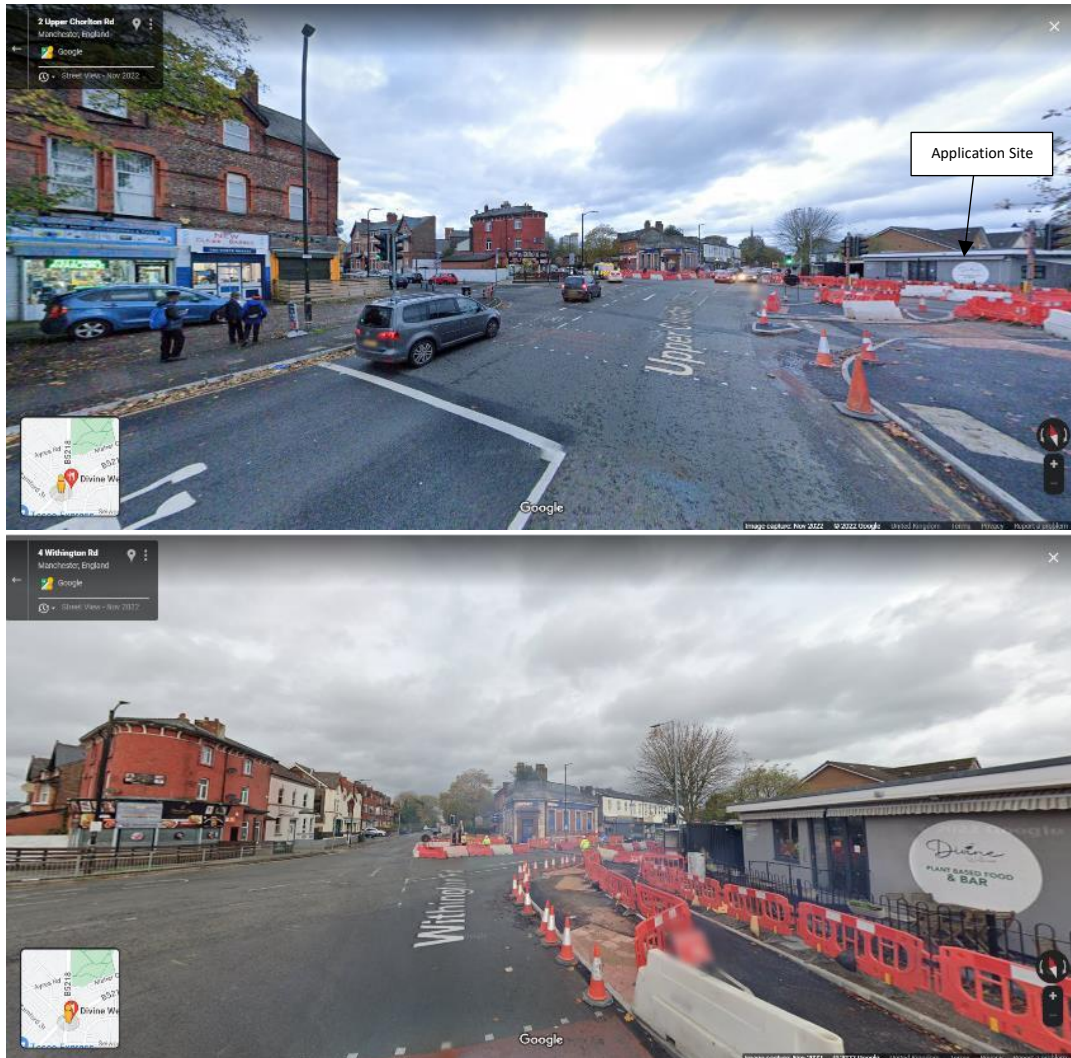
Principle

7.2 The application site is located on the corner of Withington Road and Moss Lane West (B5219), and it consists of a detached single storey former public convenience building with private fenced forecourt and servicing areas to the front, side, and rear. It lies at a five-way highway traffic-controlled junction on the far outer edge of Manchester City centre with the middle of Moss Lane West forming the boundary with the neighbouring local authority at Trafford (Old Trafford). The area is known locally as 'Brooks Bar'. The highways at Chorlton Road, Upper Chorlton Road and Shrewsbury Street form part of the five-way junction arrangement.

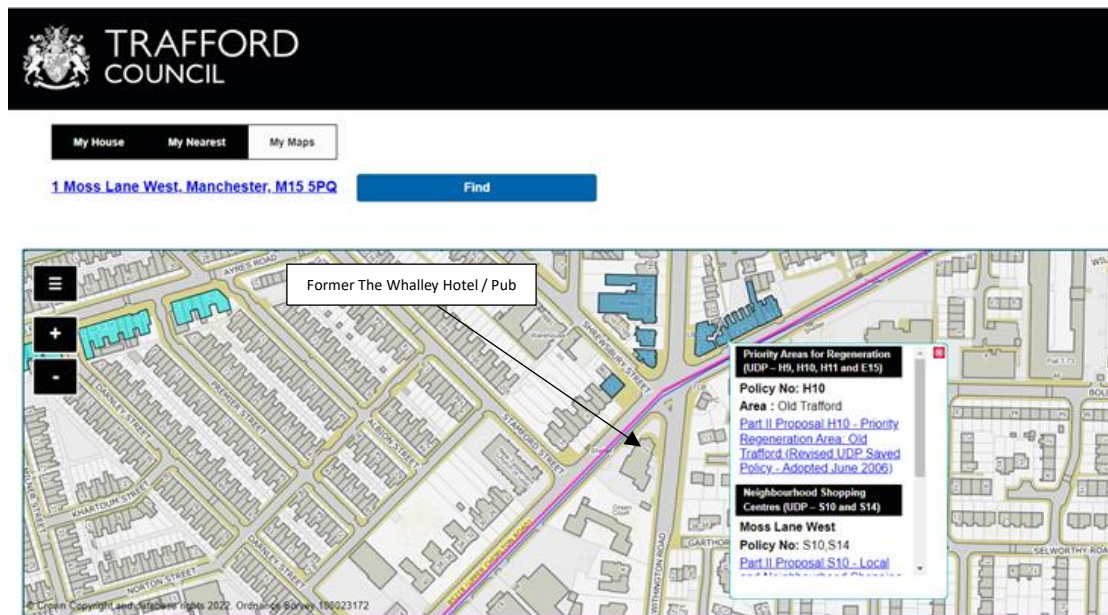
7.3 The applicant has fully renovated the former public convenience building and converted it into a Vegan café / restaurant called 'Divine Wellness'. The forecourt and servicing areas around the building have also been utilised for outside eating and drinking purposes associated with the business, and some covered canopy structures and a steel storage container have also been sited on the land. This work has been undertaken without the benefit of planning permission, so the applicant is seeking to regularise the use via the submission of this application.

7.4 Prior to the applicant purchasing the site, the former brick built public convenience building had been vacant and not maintained for many years, so it was in a poor condition and unsightly in the street scene. It had attracted anti-social behaviour including vandalism, graffiti, and fly posting as shown in the photographs on page 4 of this statement. The applicant has therefore significantly improved its visual appearance in the street scene.

7.4 It would be fair to say that this five-way junction at Brooks Bar has a primarily commercial appearance and feel and anyone passing through would generally consider it to be a neighbourhood shopping centre area due to the prominent commercial premises that are in existence in the street scene as can be seen in the photographs below.



7.5 The residential elements are less noticeable, particularly on the Manchester side, and it is just mainly the side and rear elevations of the houses and their tall timber garden boundary fences that are visible in the street scene. Trafford Council have designated this area as a Neighbourhood Shopping Centre in their Local Plan (see proposals map extract below). The former Whalley Hotel / Pub (now converted to residential) that is sited on the corner of Withington Road would have added further visual prominence to the commercial environment when it was previously in use. The allocation in Trafford UDP as a neighbourhood centre means that the application property is at an edge of centre location.



(Trafford Council Proposals Map showing Neighbourhood Shopping Centre in blue)

7.6 The public conveniences would also likely have been used by the various customers visiting the various businesses and by other general passers-by, and they were often found in shopping area locations such as this where there was a high pedestrian foot fall. The public conveniences were previously considered a necessity and basically served and formed part of the commercial environment. The existence of these types of public toilet facilities have however now disappeared over the last 20 years as Council budgets have been reduced. Many of the sites have been sold at auction by Councils as potential development sites to generate revenue, including the one that the applicant has purchased in this case on Withington Road. It would obviously be unethical and unfair of a Council to sell these sites for development if there was no actual development potential for them. Otherwise, it would be expected that the Council would retain the ownership of them and the associated maintenance responsibilities that go with them in perpetuity. Therefore, based on the assumption that the site has been sold with development potential, there would appear to be some

merit in using these former public conveniences for an alternative type of use. A Class E commercial use for the building would appear to fit in best with the local surroundings and the character of the area given its position and the mainly commercial environment that exists at this junction.

7.7 The applicants have invested significant resources into their business, and they employ local people, which is a positive for the town and ensures that the premises are used and occupied. There is a growing trend nationally of vacant shops and other commercial premises on high streets in town centres due to the number of small and large businesses that have failed in recent years. This decline has a negative effect on the vitality, viability and visual appearance of the town centres, and therefore it is important that businesses are supported where possible to retain them. This is sufficiently highlighted in the NPPF and PPG guidance.

7.8 We do not consider that the proposal should be considered as an out-of-centre development that falls under Policy C9, and the site should be treated as forming part of the wider commercial environment at Brooks Bar, similar to the former public conveniences. The proposed Class E café use is a small-scale operation and there is no scope for it to expand any further given the confines of the site, and overall, it has enhanced the vitality and viability of this local neighbourhood centre to the benefit of both residents of Manchester and Trafford. For these reasons, the general principle of the development would therefore appear to be acceptable, but we appreciate that it also needs to comply with the relevant policies in the development plan. The other main issues with the commercial use would appear to be the design of the scheme, its

impact upon the highway and its impact on the amenity of the adjoining neighbours, and these will be considered as part of the rest of the assessment.

7.9 Design, character and appearance

7.10 The Council and Central Government require all development to be designed to a high standard in order that it makes a positive contribution to the provision of an attractive built environment. This does not mean however that a new development needs to exactly replicate the style and character of the existing building or its locality, but it should ideally be harmonious with what is already there. The character of an area is reflected in the layout, massing, scale, height, style and materials of buildings and the spaces around them.

7.11 We consider that the café / restaurant building along with the attached canopy structures, the storage container and the ancillary outside areas are well designed and visually attractive and this development provides a huge improvement to the street scene environment and the local area beyond the former untidy and derelict looking public conveniences that had been left to deteriorate on the site for many years. As already mentioned in the 'Principle' section, we believe that the café / restaurant assimilates well with the predominant commercial character of the local area and the other commercial uses that are situated at this five way junction point at Brooks Bar.

7.12 The existing building is not of any particular architectural or historic merit and there is a mixture of building types, sizes, styles and construction materials used in the local area. It therefore currently has a mixed character and appearance. The rendered café / restaurant building appears to fit perfectly well into the existing street scene

environment. The site can be easily and safely accessed and serviced by all customers and by business-related personnel and this has been enhanced of late by the construction of the CYCLOPS junction improvement scheme works. The business does not operate at any unsociable hours and only during the daytime and they are fully considerate of the residential neighbours who are located nearby. The applicant is also happy to accept a restrictive condition in respect of opening hours to provide further assurance in this regard. Full details describing the works that have been undertaken to the building and outside areas, and how the business operates are included in Section 4 (Planning Application).

7.13 We consider that proposal complies with the expectations of Policies SP1 and DM1 of the Manchester Core Strategy, and Chapter 12 of the revised NPPF.

7.14 Impact on Amenity

7.15 Being located immediately adjacent to a neighbourhood centre and at a busy traffic light junction, there is inevitably going to be noticeable activity including traffic, noise and disturbance at certain times of the day and evening due to the various businesses that operate there. In relation to food and drink businesses, where necessary, the hours of operation can be adequately controlled via the imposition of hours conditions on a planning permission or licensing application. Each application has to be judged / assessed on its individual merits based on the proposal and its site location. The presence of any residential properties near a food and drink premise would clearly be an understandable concern for the Council.

- 7.16** In this case, the premises are located adjacent to some residential properties on Dunsmore Close (side and the rear of the site), but we would wish to highlight that the applicant does not intend to open and operate their businesses late into the evening. The use is only proposed during the daytime hours only, which would not be unreasonable or cause any significant disturbance to residents. There is a solid close boarded 1800mm high boundary fence in place on the boundary of the site, so there are no potential issues with overlooking or privacy of the residential properties. It is accepted that the residents using their gardens may hear customers voices who are present in the outside areas of the café / restaurant. There would also have been an element of this type of noise when the building was in use as public conveniences. The applicant will ensure that the outside areas are properly managed and monitored as they have complete respect for the neighbours and wish to retain a good relationship with them.
- 7.17** The single storey café building, canopy structures and the container are visually attractive, and low in terms of their height, so they do not cause any significant adverse impacts on the amenities of neighbouring businesses in respect of overlooking or overshadowing due to their location at ground floor level.
- 7.18** We consider that the proposals will have no adverse impact on the living and working environment of the neighbouring residential and nearby commercial properties and it therefore complies with Core Strategy Policies DM1 and SP1, and saved UDP Policies DC10 and DC26.

7.19 Highway Impact

7.20 The site does not benefit from having any in-curtilage vehicle parking provision and most of the customers who visit the café / restaurant are local and they come either on foot or by bicycle. The applicant actively promotes healthy living choices given the nature of the business and they are providing secure cycle parking on the site to encourage this. The cycle parking facility is shown on the submitted site plan. The business is in a highly sustainable and accessible location with excellent public transport links nearby. For any customers who do choose to visit in a car, there is some on-street parking available in the local area. There are pedestrian crossing points located at the five-way junction which allow easy and safe access to the building for customers.

7.21 There has recently been some highway junction improvements carried out directly outside the front of the building and there is new dedicated cycle lane with a pedestrian footpath on the outside that runs around the corner of Withington Road and Moss Lane West. This CYCLOPS scheme has been designed to create a protected traffic signal junction separating cyclists from vehicular traffic. This is part of the Greater Manchester's cycling and walking network initiative. Due to the highway configuration and the CYCLOPS cycle junction scheme that is now in place, it would be impossible for any vehicles to park directly outside the site. There are also double yellow line highway restrictions in place outside and just beyond the site on Withington Road and Moss Lane West as a further deterrent to prevent parking in the immediate vicinity.

7.22 Many of the adjacent commercial shops and other uses that are present within the neighbourhood shopping area at Brooks Bar do not have their own dedicated in-curtilage car park areas and this is common for most local shopping areas. Due to the

location and confines of this site, it would be very difficult to provide any safe vehicular access into and out from the site at this traffic light junction. This will no doubt have been the same when the site was used as public conveniences and the users will have all visited the facilities on foot. The Manchester Council cleaning operatives would also not have been able to park their vehicle at or outside the site whilst they carried out their maintenance and cleaning duties due to the location.

7.23 In terms of servicing and deliveries, the applicants carry out all their own collections of food and drink items for the business, so they do not have supplier deliveries to the premises. The applicants have a refuse and recycling storage facility on the site for the business and the location of this is clearly shown on the submitted site plan. They have a contract in place with a private company who collect the waste and recycling. The company collect the bins outside of peak hours and they park beyond the site and the highway junction and collect and return the various bins by hand to prevent any highway related obstructions.

7.24 The building, canopy structures and container at the site do not impact upon or obstruct the adopted highway as they are completely confined to the private forecourt area. The applicant has also designed the scheme to ensure that it provides level access into the site to allow easy access and enjoyment of the facilities by all customers and this can be clearly shown on the submitted drawings and photographs.

7.21 We consider that the proposals will have no adverse impact on the use of the adopted highway or on highway safety and it therefore complies with Core Strategy Policies SP1, DM1 and T1, and Chapter 9 of the NPPF.

8.0 Planning Balance and Conclusion

- 8.1** At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay and where the development plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 8.2** The proposed change of use and associated works undertaken at this site represent an appropriate development within the context of this being a predominantly commercial environment location at Brooks Bar.
- 8.3** The design of the scheme is of a high standard, and it fully respects and enhances the local area and the adjacent neighbourhood shopping area.
- 8.4** The proposal use will not have any adverse impact on the living and working environment of the neighbouring / adjoining properties in the area.
- 8.5** The proposals will not have any adverse impact on highway safety.
- 8.6** Prior to the applicant renovating the building and utilising the site, the former public convenience building had been vacant for many years and it had an unsightly derelict appearance which was having a negative impact upon the appearance of the street-scene. The café / restaurant business has provided a viable use for the building and regenerated the site, and it has also provided a significant improvement to the visual

appearance of the building and the wider street-scene to the benefit of the local area.

The business also employs local people, promotes healthy living choices being a Vegan café / restaurant, and in turn this has benefitted the local population and the local economy.

- 8.7** For the reasons stated in this report, we believe our application is compliant with the NPPF, and the Manchester City Council Core Strategy. Therefore, we respectfully request that planning permission should be granted for this development.