

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134615/JO/2022

Date registered valid: 5 August 2022

Proposal: Variation of condition no. 3 (opening hours) attached to planning permission 091356/JO/2009/S2 to allow for the premises to open between 8.00am to 2.00am seven days a week

Address: 16A Rowlandsway, Manchester, M22 5RG

Ward(s): Woodhouse Park Ward

Applicant: Mr Mehmet Sukru Tuysuz Akin FC Ltd 16A Rowlandsway, Manchester, M22 5RG

Agent (if any):

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 28 September 2022



Application details

Type of application: Variation or Removal of Condition

Development type: Notifications

Date of site visit: 13 September 2022

Standard consultations:

Printed: 18 August 2022 Expired: 8 September 2022

Neighbour notifications

Printed: 5 September 2022 Expired: 26 September 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Ground floor commercial premises within the Wythenshawe District Centre, a vacant bingo hall and office building are located on the opposite side of Rowlandsway, while drive-thru take-away units are located to the north.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

Variation of condition no. 3 (opening hours) attached to planning permission 091356/JO/2009/S2 to allow for the premises to open between 8.00am to 2.00am seven days a week.

Consultations & Notification Responses

Members of the Public – No comments received.

Environmental Health – Although the applicant has not submitted a noise assessment, it is over 100m from the nearest NSR's on Woodfield that are also shielded from any noise by the building opposite the premises (Alpha House/Centron House). The MacDonald's is 24 hrs and so there will already be some background noise from patrons coming to and from here, as a result it is not considered that the proposal would cause a disamenity.

Greater Manchester Police – GMP recommend that staff must carry out risk assessments relating to opening up and closing of the premises. Lone working at the beginning or end of the day is not recommended. Any existing CCTV and alarms should be reviewed to ensure they are all in working order given the proposed change of closing hours to the premises. It is also

recommended that the alarm system should incorporate personal attack buttons for the use of staff in identified locations, such as behind the counter or in any cash office (which should also contain a telephone and a mobile phone with a clear signal).

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking 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.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial 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 and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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.
- Flood risk and drainage.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

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

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – The KFC Drive-Thru has permission to open until midnight, while the McDonald’s Drive-Thru has permission to open 24 hours a day. Given this, there is no objection in principle to the opening of 16a Rowlandsway until 2.00am. Notwithstanding this, the impact upon existing levels of residential amenity must be assessed.

Residential Amenity – The nearest dwellings to 16a Rowlandsway are located over 100 metres away on Woodfield and they are screened from it by a multi-storey office building. Given this, it is not considered that the proposed opening hours would have a detrimental impact upon the levels of amenity enjoyed by the residents of Woodfield. This has been recognised by Environmental Health.

Pedestrian and Highway Safety – The variation in the opening hours would not have a detrimental impact upon the current levels of pedestrian and highway safety enjoyed along Rowlandsway.

Security – The comments of GMP will be appended to the decision as an *informative*.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person’s home, other land and business assets. In taking account of all material considerations, including

Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved, shall be carried out in accordance with the fume extraction scheme as approved under planning permission 088545/FU/2008/S2. The approved scheme shall be implemented prior to the occupation of the premises and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy DM1 of the Manchester Core Strategy.

2) The premises shall not be open outside the following hours:-

a) 0800hrs to 0200hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved Policy DC26 of the Unitary Development Plan for the City of Manchester and Policies SP1 and DM1 of the Manchester Core Strategy.

3) Deliveries, servicing and collection, including waste collections shall not take place outside the following hours:

a) 07:30 to 20:00 on Monday to Saturday

b) No deliveries/waste collections on Sundays/Bank Holidays

Reason - To safeguard the amenities of the surrounding area, in accordance with saved Policy DC26 of the Unitary Development Plan and Policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) **Security recommendations** - Greater Manchester Police recommend that staff must carry out risk assessments relating to opening up and closing of the premises. Lone working at the beginning or end of the day is not recommended. Any existing CCTV and alarms should be reviewed to ensure they are all in working order given the proposed change of closing hours to the premises. It is also recommended that the alarm system should incorporate personal attack

buttons for the use of staff in identified locations, such as behind the counter or in any cash office (which should also contain a telephone and a mobile phone with a clear signal).

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

2B Hale Top, Manchester, M22 5RN
2A Hale Top, Manchester, M22 5RN
First Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Ground Floor Front, Alpha House, Rowlandsway, Manchester, M22 5RG
Fifth Floor To Seventh Floor, Alpha House, Rowlandsway, Manchester, M22 1PG
Wythenshawe Initiative Partnership, Rowlandsway, Manchester, M22 5RG
Fifth Floor Ness Ltd, Alpha House, Rowlandsway, Manchester, M22 5RG
Seventh Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Second Floor And Third Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Northwest Pioneers, Co-Operative House, The Birtles, Manchester, M22 5RE
KFC, 15 Rowlandsway, Manchester, M22 5RG
Subway Kiosk 2, Hale Top, Manchester, M22 5RN
Unit 5, Alpha House, Rowlandsway, Manchester, M22 5RG
First Floor, Alderman Gatley House, Hale Top, Manchester, M22 5RQ
Second Floor, Alderman Gatley House, Hale Top, Manchester, M22 5RQ
16 Rowlandsway, Manchester, M22 5RG
Sixth Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
2 Hale Top, Manchester, M22 5RN
Alpha House, Rowlandsway, Manchester, M22 5RG
Fourth Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Ground Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Fifth Floor, Alpha House, Rowlandsway, Manchester, M22 5RG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 15M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA