

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133584/FO/2022

Date registered valid: 13 June 2022

Proposal: Change of use of ground floor to hot food takeaway (sui generis)

Address: 1176 Rochdale Road, Manchester, M9 6ER

Ward(s): Charlestown Ward

Applicant: Mr Ali Can Erdogan, Flat 8, 16 Larch Garden, M8 8BJ

Agent (if any):

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 8 Aug 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 6 July 2022.

Standard consultations:

Printed: 14 June 2022 Expired: 5 July 2022

Neighbour notifications

Printed: 14 June 2022 Expired: 5 July 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The property that is the subject of this application is identified as 1176 Rochdale Road. The property is located within a terrace of primarily commercial properties. The block is located close to the junction of Rochdale Road and Victoria Avenue east. The site is set back of the pavement line, and has a yard to the rear accessed off an alleyway that runs down the sides and along the rear. There are a set of external stairs to the rear of the property from which external access is gained to the upper floors. The use of the property is currently a cafe. The yard area is enclosed with a red brick 2 metre high boundary wall. The parade consists of 18 commercial premises including the application site. Five of which including the application site are hot food takeaways.

There is lay by parking provision to the front of the properties for short term parking, and a bus stop is located along the same stretch of highway. The properties at this intersection are commercial in nature with a Tesco Superstore and The Avenue library and learning centre on the opposite side of the junction

Description of development

Change of use of ground floor to hot food takeaway (sui generis). The hours of operation are 11:00 hrs to 23:00 hrs.

Site History

130230/FO/2021 Installation of a external flue to rear of existing cafe: Approved

119158/FO/2018 The retrospective application for the installation of an ATM: Approved

F10846 Alterations and extension to house and shop to form a lock-up shop with separate living quarters on the first floor. Approved.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one objection was received raising concerns that the proposal is retrospective and operating without the appropriate consent/ licence.

Applying for retrospective planning permission is allowed under the regulations and this planning application seeks to formalise the consent.

The Highways Team- were consulted and raised no objection to the proposal subject to secure cycle being provided and the applicant should confirm where delivery vehicles will be expected to park/load. The Highways team commented the property is located in a local centre and is considered suitably accessible by public transport via bus services on Rochdale Road and Victoria.

The proposed use as hot food takeaway is considered unlikely to generate a significant increase in vehicle trips. Highways considers that most people would arrive on foot as the site is located within a residential area and in close proximity to the district centre, is acceptable in principle from a Highways perspective.

Environmental Health-were consulted and requested the proposed flue should be assessed to control fumes, vapours and odours due to the proximity to nearby occupiers. The hours as applied are acceptable: 11:00 to 23:00 Monday to Sunday Inc Bank Hols and delivery hours should also be restricted. Furthermore, should any additional external plant and equipment be required a scheme for acoustic treatment should be provided as part of the consent and the refuse strategy details of food waste containers. The containers size (240l) also seems small for weekly collection so either larger containers or more frequent collection should be scheduled, especially for food waste and recommend a condition be attached to the consent.

Greater Manchester Police-were consulted and recommend security measures be implemented as part of the proposal.

Issues

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th of July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 - Spatial Principles

DM1 - Development Management 1

C1 - Centre Hierarchy

C8 - Local Centres

C10 - Leisure and Evening Economy

The relevant UDP policies for this application are:

DC10 Food and Drink Uses

Hot Food Take Away SPD (March 2017)

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

126. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

130. 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.

134. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or

supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The Principle

The NPPF defines hot food takeaways as town centre uses and Manchester Core Strategy policy C10, Leisure and the Evening Economy, identifies centres as appropriate locations for hot food takeaways in principle. This is further supported by saved UDP policy DC10.2 which seeks to guide food and drink uses to the City Centre, industrial and commercial areas, in shopping centres, and at ground floor level in local shopping parades of more than eight shops or offices.

Rochdale Road is identified as a local centre by the Core Strategy (2012) under policy C1 and contains approximately 18 commercial units.

Core Strategy policy C10 states that there will be a presumption against hot food takeaways and night-time uses where there is already a high concentration of such uses and that 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. Factors taken into account include the existing number of similar establishments in the immediate area, the existence of vacant shop units, the function of the centre and the potential impact on the wider community.

Matters that require consideration are the impacts of approving a hot food take away within the local centre, together with impacts on residential amenity including waste and noise.

Vitality and Viability/Balance of Uses - It is recognised in the Core Strategy that a vibrant evening economy is important, however this needs to be balanced against the other functions of the centre and in particular the need to support the daytime economy.

Local centres perform an important role by ensuring that residents have convenient access to day-to-day shopping needs and are especially important to those who have limited mobility.

In accordance with policy C10 of the Core Strategy and SP1 of the hot food take away SPD, Hot food takeaways 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.

In accordance with SP1, a proposal will be considered to be harmful to the vitality and viability of a centre if it:

- o Increases the concentration of hot food takeaway ground floor frontages in a centre to more than 10% of all non-residential ground floor frontages. 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.

- o 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.

- o Creates a cluster of more than two hot food takeaways together.

o Reduces the number of units between hot food takeaway clusters to less than two non-A5 uses.

A site visit conducted on the 6 July 2022 shows that there are 18 units within the parade (one double unit was counted as one unit), one of which appears to be vacant and the majority of the shops are classified as Class E use class, 4 units are hot food takeaways. Therefore, if approved the proposal would increase the number of hot food takeaway units to 5 and the percentage of hot food takeaways within the centre to 28%.

Therefore, the number of existing hot food takeaways exceeds the limitations set by policy SP1 as the proportion of hot food take away frontages is more than 10%. The proposal is considered to be contrary to C10 and SP1 as it would further harm the vitality and viability of the local centre.

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:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant before and during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The addition of a further hot food takeaway (sui generis) use, would undermine the aim of achieving an appropriate balance of uses in this Local Centre and further erode the retail and daytime function of the parade. The cumulative impact of a further hot food takeaway would in turn be detrimental to the vitality and viability of the centre. The proposed use is therefore contrary to the provisions of Policies C1, C8, C10, SP1 and DM1, of the Manchester Core

Strategy, saved policy DC10 of the Unitary Development Plan for the City of Manchester and policy 1 of the Hot Food Take Away Supplementary Planning Document.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

1184 Rochdale Road, Manchester, M9 6ER
1182 Rochdale Road, Manchester, M9 6ER
1178 Rochdale Road, Manchester, M9 6ER
Top Flat, 1176 Rochdale Road, Manchester, M9 6ER
4 Victoria Avenue East, Manchester, M9 6HB
Top Flat, 1172 Rochdale Road, Manchester, M9 2ER
2 Victoria Avenue East, Manchester, M9 6HB
1180 Rochdale Road, Manchester, M9 6ER
1174 Rochdale Road, Manchester, M9 6ER
1172 Rochdale Road, Manchester, M9 6ER

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH