

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132510/FO/2021

Date registered valid: 18 February 2022

Proposal: Change of use of part of the existing sales building for the sale of Hot food Takeaway together with the installation of roof plant and extraction equipment

Address: Mfg Rusholme Service Station, 10 Wilmslow Road, Manchester, M14 5TQ

Ward(s): Moss Side Ward

Applicant: Motor Fuel Limited, C/o Agent

Agent (if any): Julian Sutton, JMS Planning & Development Ltd, Build Studios, 203 Westminster Bridge Road, London

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22.07.2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Standard consultations:

Printed: 24 February 2022 Expired: 17 March 2022

Neighbour notifications

Printed: 24 February 2022 Expired: 17 March 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

The building is an existing service station sales building in the Rusholme District Centre, which is mixed use in nature and contains a variety of small scale and medium sized businesses with the emphasis principally focussed on food and drink uses and the evening economy.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Change of use of part of the existing sales building for the sale of Hot food Takeaway together with the installation of roof plant and extraction equipment

Consultations & Notification Responses

Local residents / occupiers – No representations received

Environmental Health – Satisfied with the submission of an acoustic assessment of the proposed mechanical services equipment dated 15th June 2022 and compliance with the recommendations within that.

Rusholme Business Association – No comments received

Issues

Policy

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.

The following policies within the Core Strategy are considered relevant in the determination of this application:

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and that all development in 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.

Policy DM1 sets out the development principles for all development in Manchester and that the issues which should be considered are those which will ensure that the detailed aspects of new development complement the Council's broad regeneration priorities, in particular by contributing to Neighbourhoods of Choice. This includes protection of amenity and local character, environmental standards and practical, matters such as access and safety.

Policy EC1 relates to employment and economic growth. Amongst the criteria, it is stated that priorities for ensuring continued economic growth include:

- Improving access to jobs for all via public transport, walking and cycling;
- Demonstrating that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- Improving the portfolio of employment premises, by providing a range of employment sites and premises for small, medium and large businesses;

Policy C10 states that 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.

The below saved policies of the Unitary Development Plan are also considered relevant:

Policy DC10 (Food and Drink Uses) states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, the Council will have regard to, in this instance:

- The general location of the proposed development.
- The effect on the amenity of neighbouring residents.
- The availability of safe and convenient car parking
- Access for all
- The storage and collection of refuse.

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.

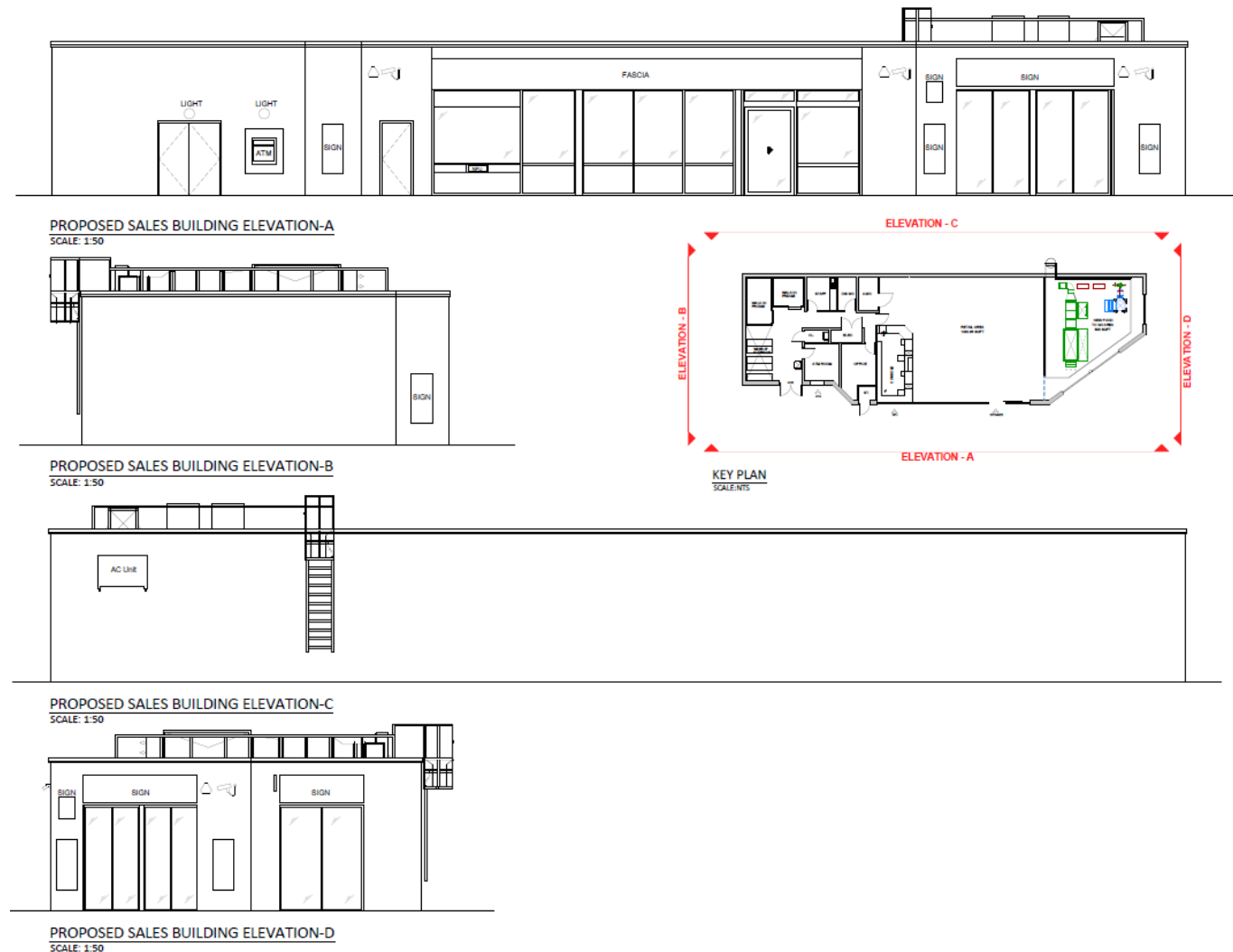
Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing 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.

Hot Food Takeaway Supplementary Planning Document March 2017 - Seeks to build on those priorities and encourage centres and neighbourhoods which are vibrant, and which contribute to the Council's objective of improving the health of people living in Manchester.

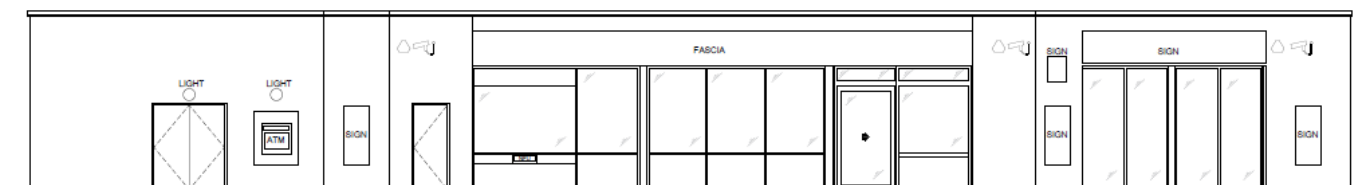
Principle - It is believed that the proposed use is acceptable in this location and would create employment opportunity within the centre without creating any significant detrimental impact. As such, the principle of the proposal is considered acceptable and in accordance with saved policy DC10 of the UDP and policies DM1, SP1, EC1, C10 and H4 of the Manchester Core Strategy and the Hot Food Takeaway SPD.

Residential Amenity - Due to the context of the site within a busy and vibrant district centre along a major arterial route, the expected standards of residential amenity would not be as high as elsewhere. Nevertheless, it is not believed that anticipated level of activity, noise and disturbance would be onerous in this location given the remit of the existing 24 hour use. In order to safeguard nearby and adjoining occupiers from any significant disruption, conditions to secure compliance with the recommendations set out in the acoustic survey submitted have been appended.

Visual Amenity - The proposed physical alterations are not considered to have any significant or adverse impact upon either the character of the host building or the character of the area in which it sits.



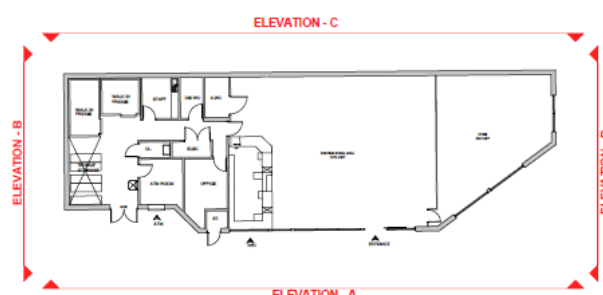
Proposed Plans



EXISTING SALES BUILDING ELEVATION-A
SCALE: 1:50



EXISTING SALES BUILDING ELEVATION-B
SCALE: 1:50



KEY PLAN
SCALE: 1:50



EXISTING SALES BUILDING ELEVATION-C
SCALE: 1:50



EXISTING SALES BUILDING ELEVATION-D
SCALE: 1:50

Existing Plans

Pedestrian and Highway Safety – It is not considered that the traffic movements associated with the proposal would prove detrimental to the existing levels of pedestrian and highway safety.

Refuse Storage

Should take place in accordance with the submitted Waste Management Proforma.

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 based on seeking solutions to problems arising in relation to dealing with the application, particularly in relation to the impact on residential amenity, and the application has been determined in accordance with the policies within the Development Plan.

Condition(s) to be attached to decision for approval

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

Acoustic assessment of the proposed mechanical services equipment dated 15th June 2022 prepared by ACA acoustics.

Planning Statement dated December 2021, prepared by JMS Planning;
Drawings prepared by MBH Design Studio, as follows:

- a. Location Plan (ref: 13871-LP-1);
- b. Block Plan (ref: 13871-BL-1);
- c. Existing Site Plan (ref: 13871-PO1 Rev A);
- d. Existing Site Elevations (ref: 13871-PO2);
- e. Proposed Site Plan (ref: 13871-PO3 Rev A);
- f. Proposed Site Elevations (ref: 13871-PO4);
- g. Existing Sales Building Layout (ref: 13871-PO5 Rev A);
- h. Existing Sales Building Elevations (ref: 13871-PO6);
- i. Proposed Sales Building Plan (ref: 13853-PO7 Rev A); and
- j. Proposed Sales Building Elevations (ref: 13871-PO8 Rev A).

Received

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3. The use hereby authorised relates to the operation of 10 Wilmslow Road, as a hot food take away (sui generis use) and shall not be sub-divided or used for any other purposes following the implementation of the planning permission hereby granted.

Reason - For the avoidance of doubt and in order to safeguard the amenities of the local area, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4. The waste storage arrangements and collection arrangements set out on the submitted plans and in the accompanying waste management proforma shall be implemented upon

first occupation of the development and at all times thereafter whilst the use is in operation.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

5. a. Upon commencement of authorised hot food take away use (sui generis use), the development shall be fully implemented in accordance with the submitted acoustic assessment of the proposed mechanical services equipment dated 15th June 2022 prepared by ACA acoustics.
- b. Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

The approved scheme shall be implemented and in operation upon commencement of the authorised development and maintained in situ at all at all times thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Rusholme Business Association

List of properties notified on Uniform

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 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH