
Application Number	Date of Appln	Committee Date	Ward
094466/FO/2010/S2	9th Nov 2010	17th Feb 2011	Didsbury West Ward

Proposal Change of use from retail (A1) to hot food takeaway (A5) including the installation of new shop front, installation of extract duct and installation of 2no. air conditioning condenser units to the rear of building

Location 684-686 Wilmslow Road, Didsbury, Manchester, M20 2DN

Applicant Dominos Pizza Group, Lasborough Road, Milton Keynes, MK10 0AB

Agent Ms Anne McQueen, Richard Unwin Chartered Surveyors, 10 Greenfold, Abbey Hey, Manchester, M18 8RJ

Description

The application is for the change of use of the former furniture shop (Class A1) to a hot food takeaway (Class A5) including the installation of a new shop front and installation of an extract duct and 2 no. air conditioning condenser units to the rear of the building, on the wall of the passageway adjacent to no. 1 Norgate Street.

The application site is situated on the west side of Wilmslow Road, between Carringtons and adjoining the Station public house, with Norgate Street running to the north of the premises and several bars/restaurants being opposite on the east side of Wilmslow Road. The application site is on the cusp of the formal district centre as outlined in the UDP for the City of Manchester, but is considered to form part of the centre as it is still within a formal parade and directly abuts the centre.

Consultations

Local Residents - There has been 1 individual letter of objection received from a local resident, the points raised are as follows:

- "i) Feel shocked and disturbed by yet another poorly researched and unacceptable set of plans re: 684-690 Wilmslow Road.
- ii) Object to the A5 use of the premises.
- iii) Deterioration of quality of retail premises available in Didsbury and over proliferation of non A1 uses.
- iv) Loss of vitality to Didsbury village, over-saturation of takeaway establishments of what was once an attractive village to live in.
- v) Many other existing low quality take-aways in the immediate vicinity.
- vi) If you continue to saturate the Didsbury village end of the area, with such low-market establishments, you ultimately drive down the appeal of the area for higher end businesses and eatery establishments, once an integral part of the appeal of Didsbury village. Such attractive businesses look elsewhere, leaving property owners and inhabitants of the area such as ourselves in Norgate Street, extremely concerned and frankly incredibly upset at the down-grading of Didsbury and undeniably trying to protect our investments within our homes.
- vii) Object to the inadequate and frankly farcical provisions made for refuse storage and collection for the proposed establishment.

viii) As previously detailed in prior letters of objections, the gated and locked alleyway which runs adjacent to No.1 Norgate Street, is owned and detailed on the land registry maps to belong to the pub brewery and No.1 Norgate Street with a right of way to house numbers 3,5,7, and 9 of Norgate Street. Keys exist for those of the pub, and those of us from Norgate Street. At no time over the last 10 years, has 684-690 used this alleyway for access or egress to their businesses.

ix) Would like to point out to the planning authority that the plans submitted are actually false. There is NO current through-way along the alley, turning left at the side of Carringtons wine shop and back out onto Wilmslow road. In fact there is a fenced area, with extremely mature and well grown bushes and trees, easily older than 10 years of age, the length of time I have been here at No 1 and never once has there been an opening as apparently demonstrated by the broken line on plans submitted.

x) The alleyway, is a lot narrower than what you may imagine. It is only approx 3 metres maximum from the outbuilding of this proposed establishment back wall to the kitchen wall/glassed extension of No.1 Norgate Street.

xi) Requests a site visit to demonstrate the extreme close proximity of my house to this building.

xii) Currently all the bins, including recycling bins for all houses on Norgate Street are housed within the alleyway, let alone excess strewn rubbish from the pub. It is not unusual for broken glass, chairs from the pub, and all sorts of debris to be in the alleyway. It is a constant battle to get all the bins out from the alleyway, which then runs under the main bedroom of our house, where they all congregate outside our house No 1 Norgate Street.

xiii) Provision made for refuse storage on these proposed plans, directly opposite our kitchen/glassed extension dining area, less than 2.5 metres at most, has unacceptable repercussions for any quality of life that my husband and I may try to have in our home, affecting our quality of life in terms of noise pollution, odour pollution and even greater battles with rat infestations.

xiv) The bins regularly block exit and entrance to our house at No 1 as they congregate at the alleyway entrance. To add in large industrial bins into the equation is beyond all comprehension. The problem of rat infestations is well documented with your city council environmental services.

xv) Another problem, well documented with your environmental on-call services is that of our rubbish collection not been carried out by council services. The bin lorries simply cannot back down the cul-de-sac street to collect the bins due to the narrow width of the cul-de sac and the chaotic, thoughtless, crazy parking of non-residents coming in to avail of Didsbury drinking/dining facilities.

xvi) We would also like to point out the completely unacceptable plans made re: odour emissions, staff toilets, two compressors and a fan assisted air intake to the rear elevation that are all within 2.5 metres of our kitchen/dining glassed area in No1 Norgate Street, and less than 2 metres to the garden of our house.

xvii) Appeal to the planning authorities that if there are any queries re: the sheer proximity of the proposed staff toilets, compressors, air ducts and oven vents to the heart of our home, the kitchen/dining area in 1 Norgate Street to visit the site and see for themselves. It really is at the very most 2.5 metre from the kitchen glassed area, and 2 metres at best to the walled back garden. Surely, the noise pollution, odour pollution/ lack of privacy, with subsequent unacceptable impact on our quality of life here at No 1 Norgate Street renders the plans completely intolerable.

xviii) We would also like to point out the impact that these proposed plans would have on parking in Norgate Street. By the nature of what Dominos propose, there will be a considerable amount of car parking traffic of people driving to pick up their pizzas and no provision for this by Dominos establishment."

Norgate Street Residents – "A planning consultant on behalf of all residents objects to the application on the following grounds:

- The proposed rear compressors are outside of the side edged red, and the rear passageway is not detailed as 'blue land' under control of the applicants.
- The proposals for refuse storage and collection are wholly inappropriate and unacceptable and will result in severe impact upon residential amenity for the residents of Norgate Street, in particular the residents of No.1 Norgate Street.
- The proposals will give rise to propensity for the emission of odours in close proximity of residential properties with further unacceptable effect upon conditions of residential amenity.
- The proposed provision of compressors and fan assisted air intake to the rear (western) elevation of the property will result in unacceptable noise emissions which will further harm residential amenity and cause noise nuisance for adjacent occupiers.
- The proposal is once again likely to result in increased propensity for parking upon the adjacent Norgate Street, thus further exacerbating existing on street car parking problems in the vicinity, most particularly during the evening periods and at weekends."

Didsbury Civic Society - object to this application on the following grounds:

"- The takeaway would be situated next door to number one Norgate St which is only separated from it by a narrow alleyway. The UDP for the City of Manchester DC10.3b states - "development will not normally be permitted when....there is a house or flat on the ground floor separated from it by a narrow street or alleyway"

- DC13.1c states the Council shall have regard to the availability of adequate, safe and convenient arrangements for car parking. Dominos pizzas state they primarily deliver their products or they are collected after telephone orders. Any delivery vehicles would be taking the very limited spaces outside the premises that are there for Didsbury shoppers. Aldi car park is not an alternative for delivery vehicles since it is for Didsbury shoppers only. Since customers would also be trying to collect orders they would want to park as close as possible to the premises; this would lead to congestion and further disamenity to the residents of Norgate Street."

Blackburn Park Conservation Society - No comments received.

Highway Services - note the following highways issues with regard to the above application:

"The applicant should clarify the number and type/s of delivery vehicles that would be associated with the proposed outlet;

The applicant should clarify where delivery vehicles will park while waiting for orders. It is noted that there is an on-street lay-by in front of the proposed premises. There is concern that this facility may not be fully available to the general public due to the

continued presence of delivery vehicles parked in this location. This lay-by also incorporates a bus stop, which should not be obstructed by parked vehicles; A No Waiting and No Loading at any time Traffic Regulation Order (TRO) is currently in place along Wilmslow Road in the vicinity of the Norgate Street junction. A further Limited Waiting 7am - 7pm, 1-hour stay TRO is also in place

The applicant should clarify a strategy for ensuring the existing on-street parking facilities are not dominated by the presence of delivery vehicles, for example, delivery drivers only being called to the shop when an order is waiting to be delivered;

The applicant should clarify if a radio system will be used to contact delivery drivers and if so, would a radio/aerial mast be erected on the premises;

The applicant should clarify how they propose to market access to the new premises. For example, will there be a map showing bus stops and local public car parks included on the company website?

The applicant should clarify who will be responsible for moving waste containers from the storage location to the collection point and how often.”

GMP Design for Security – “This proposal is in keeping with the type of establishments already in the vicinity. However, it should be noted that an increase in concentration of such establishments is likely to increase the potential for crime and disorder and the Neighbourhood Policing Team have raised some concerns regarding such a use encouraging people to loiter and congregate in this area.

However, overall, it is felt that this change of use could be acceptable in this location provided an effective management plan is in place as I feel this is crucial for the overall security of the development. This plan should include the management of the whole premises and the external areas immediately around the property. The internal layout of the premises is also important to the security of the scheme and I would be grateful if you could forward this letter to the applicant in order that they are aware of the following points regarding the internal layout that are considered good practice:

- The serving counter should be in full view of the door allowing staff to oversee who is entering the premises.
- The counter should be high and wide to distance staff from any aggressive patrons.
- The tills should ideally face out to the customer area or if the tills face away from the customer, mirrors should be positioned to allow staff to see if there is anyone behind them.
- Customers should not be allowed into the kitchen area, access could be restricted by a lockable worktop and access controls installed to all internal doors.
- Members of the public should not be able to gain access to the upper floors of the property.
- All internal seating/furniture should be securely fixed to the ground to prevent being used as weapons/missiles.
- Any self service fridges or counters should be in full view of the main counter and covered by CCTV cameras.
- The area in front of the counter should be clearly defined to provide an easy queuing system to help prevent against queue jumping, which can lead to conflict.
- Clear views should remain from the shop through to the public highway, e.g. large promotional signs and menus should not obstruct views.

I would also like to point out that the premises should open no later than what is stated on the application forms (midnight) and that the new shop front should incorporate laminated glazing and any new external doors should comply with LPS 1175 SR2.”

Head of Environmental Health - Request appropriate conditions be added to any approval with regards to deliveries, noise, waste management and fume extraction.

Issues

Unitary Development Plan (UDP) for the City of Manchester (Adopted 1995) -

The application site is not allocated within the Unitary Development Plan as being within the Didsbury District Centre, however, the site abuts the District centre and is considered to form part of the centre. The policies which are relevant within the UDP are as follows, H2.1, H2.2, S2.1, E3.5 and DB1 within part one and DC10, DC18 and DC26 within part two.

Policy H2.1 states that the Council will encourage environmental improvements to make residential areas safer and more attractive.

In giving effect to this, policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. Matters which the Council will consider when determining such applications are the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Furthermore, measures will be promoted which will lead to a safer environment for all people living in and using the City (Policy E3.5).

Policy S2.1 states that the Council recognises the importance of good quality local and convenient shopping facilities within easy reach of people's homes and will seek to ensure that all parts of the City are well provided for. New shops to meet local needs will be encouraged where current provision does not adequately meet requirements.

Policy DB1 states that in deciding attitudes to proposals in Didsbury, the Council will have regard to the general policies in part 1 of the Plan in order to:

Protect and nurture the role of Didsbury Village as a local shopping area.

In terms of specific policy which relate specifically to food and drink uses, Policy DC10.1 (Food & Drink Uses) determines that planning applications for development involving the sale of hot food to be consumed off the premises the Council will have regard to, particularly in this instance:

- The general location of the proposed development;
- The effect on the amenity of neighbouring residents;
- The availability of safe and convenient arrangement for car parking and servicing;

- Ease of access for all; and
- The storage and collection of refuse and litter.

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

Policy DC10.3 states that such developments will not be permitted where it is outside of the above locations if there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

Policy DC10.4 states that where the Council considers food and drink premises to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. Such conditions include limitations in terms of the hours of opening and the need to deal adequately with the storage of refuse and collection of litter.

DC18 states the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

- the effect of major changes to the appearance of existing buildings;
- the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);

Policy DC26.1 (Development & Noise) 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 the effect of new development proposals which are likely to be generators of noise.

Policy DC26.3 states that development likely to result in unacceptably high levels of noise will not be permitted in residential, near schools, hospitals, nursing homes and similar institutions and near open land used frequently for recreational purposes.

Other Relevant Policies and Guidance- In considering development proposals, reference is not only made to the UDP, but also other guidance, policies and supplementary planning guidance.

The Guide to Development in Manchester SPD (2007)-

This document provides detailed guidance on the making Manchester a City in which people choose to live, learn, work and relax.

As part of contributing to those objectives, District Centres are an important feature of neighbourhoods and contribute to the image and sense of place of an area (Paragraph 11.24).

Paragraph 11.25 states that whether they play a district or local function, centres

should accommodate a range of facilities and services, not simply shops and hot food premises.

Paragraph 11.27 states that "development proposals will need to help enhance the character and quality of the centres by well designed shop fronts, signage and security, by providing up-to-date refuse and waste minimisation facilities, and by contributing to the upgrading of the public realm"

Furthermore, the provision of on-site car parking will not be an automatic requirement.

North West of England Plan Regional Spatial Strategy (RSS) to 2021

Policy DP1 outlines the key principles which underpin the RSS these include the need to promote sustainable communities and promote sustainable economic development.

Policy W5 states that strategies should promote retail investment where it assists in the regeneration and economic growth of the North West's town and city centres. In considering proposals and schemes any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns.

Planning Policy Statement six

The Government's key objective for town centres is to promote their vitality and viability by:

Planning for the growth and development of existing centres; and
Promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

Principle - The application site comprises an A1 retail unit and is located within a parade of shops directly abutting the Didsbury District Centre along Wilmslow Road between Norgate Street and Barlow Moor Road. The application site is within the Blackburn Park Conservation Area and is adjacent to the Grade II listed Didsbury Library and War Memorial.

The proposal seeks to change the use of the premises into a hot food take-away (Use Class A5). Policy DC10 states that such developments will not be permitted where there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

As such, it is considered that this use is potentially not acceptable in principle at the application site, although part of the premises are separated from the first house by a public house. Hence consideration is required to be given to the criteria outlined within policy DC10, and any other issues, in order to determine that there are no unacceptable impacts or harm as a consequence of the proposal.

Effect on the amenity of nearby by residents

There are residential properties within close proximity to the application site. Policy DC10 requires that consideration is given to the affect of proposals on their amenity.

Norgate Street is situated to the side of part of the application site, with the gable of No. 1 Norgate Street (the end terrace of a block of 5 terraced properties on Norgate Street) being separated by a passageway from the rear of the premises. However, it is the Station Public House, which is directly between the premises and the side of No.1 Norgate Street.

It is considered that the proposals effect on the abovementioned properties will be detrimental due to the very narrow separation of the premises and its associated equipment and the house at No. 1 Norgate Street.

The objections received from local residents suggest that the proposal will generate noise, disturbance, and smells, further parking issues and general activity.

Visual amenity implications

This application would entail the installation of a new shop front and there is a separate application for advertisement consent.

The proposed shop front is considered to be acceptable in terms of the visual amenity of the premises and is considered to be in keeping with the character of the Conservation Area.

Highway/traffic implications

Policy DC10 states that there must be safe and convenient parking and servicing arrangements. There is no dedicated parking associated with this facility.

There is a large car park opposite the premises to the rear of a parade consisting of eating and drinking establishments, and there is also a car park at Aldi, which can be used by people visiting the district centre. This is considered to be adequate.

Crime and Safety - The application due to cumulative impact of this type of use in the district centre has the potential to be a crime generator. However, the Greater Manchester Police Design for Security team recommends that it is possible for this not to be the case, provided an effective management plan is in place for the premises, which could be conditioned.

Impact upon the Conservation Area and Listed Buildings

The application seeks to change the front elevation however; these changes are considered to be minimal. The development would therefore have an acceptable impact on the Blackburn Park Conservation Area and the listed building and memorial previously referred to in this report. The addition of the extraction flue and air conditioning compressors are not considered to be inharmonious with the

character of the area. The development would therefore accord with policy DC18 of the Unitary Development Plan for the City of Manchester.

Waste Management/storage - It would not be acceptable to accommodate any refuse storage in the rear passageway to Norgate Street as this would be detrimental to the amenity of the residents of Norgate Street, and this passageway although adjoining the site, does not form part of the site edged red.

The use would therefore be detrimental to residential amenities, contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester and contrary to guidance set out in Waste Storage and Collection Guidance for New Developments (Manchester City Council), which states that for storage areas and container collection for commercial developments; "Containers should have designated external storage areas, which are sensitively located."

Use of Passageway adjoining No.1 Norgate Street - This land is privately owned and whilst this is not strictly a planning issue, the passageway does fall outside of the site edged red and therefore, use of or access to this passageway cannot be considered as part of this application. The scheme therefore neither has a satisfactory waste management solution, nor does it have a satisfactory air conditioning solution.

Conclusion

The principle of food and drink uses within the centre is acceptable and it is not considered that there is an over concentration of such uses within the centre. However, in this instance the level of comings and goings for the premises and the close proximity to residential properties, in particular with reference to the siting of the bin storage and air conditioning condenser units it is not considered that suitable conditions could mitigate sufficiently against the level of disamenity this premises would cause to the adjacent residential dwellings and it is not considered that an approval with conditions could control the noise and disturbance, smells and odours at the application site.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the refusal of the application is proportionate to the wider

benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

Conditions and/or Reasons

- 1) The proposed use, by reason of its nature and location and the hours of operation proposed, would cause disamenity to the occupiers of nearby residential accommodation, namely nos. 1 to 9 Norgate Street, by reason of the noise which would result from the proposed use and the disturbance associated with the comings and goings of patrons to the premises and from cooking smells. For these reasons, the proposed use is considered to be unacceptable as it would be inconsistent with UDP policies DC10.1 and DC10.3 'Food and Drink Uses' and H2.2 'Housing'.
- 2) The proposed use fails to make satisfactory provision for the storage of refuse, in that waste would be stored off site, on land that is not within the control of the applicant, in a passageway directly adjacent to residential properties. The proposed use is therefore detrimental to residential amenity contrary to the provisions of policies H2.2. It would also be contrary to the Waste Storage and Collection Guidance for New Developments guidance.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 094466/FO/2010/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health
Greater Manchester Police
Blackburn Park Conservation Society
Didsbury Civic Society
Norgate Street Residents Association
Carringtons, 688-690, Wilmslow Road, Manchester, M20 2DN
684-686, Wilmslow Road, Manchester, M20 2DN
Earle & Ginger, 680 Wilmslow Road, Manchester, M20 2DN
Gourmet Kitchen, 651 Wilmslow Road, Manchester, M20 6QZ
Manchester City Council, Didsbury Library, 692 Wilmslow Road, Manchester, M20 2DN
Station Hotel, 682 Wilmslow Road, Manchester, M20 2DN
The Sanctuary Ltd, 653a, Wilmslow Road, Manchester, M20 6QZ
1 Norgate Street, Manchester, M20 2DG

Representations were received from the following third parties:

Highway Services
Environmental Health
Greater Manchester Police
Didsbury Civic Society
Norgate Street Residents Association (Gordon Kenyon on behalf of)
1 Norgate Street, Manchester, M20 2DG

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