

Location: - 38 - 40 Scotland Hall Road M40 2UE

The application site is vacant unit forming the end unit is a double storey building with a 1st floor apartment having an access from Scotland Hall Road.

The unit is bound to its north west and within a row of commercial properties, whilst to its front it faces residential properties. The other units within the row comprise a mixture of A1, with a takeaway within the middle of the block. The property has a large private forecourt to the front, however has no private parking facilities.

The application site is set back from the road with what appears to be associate limited parking to the front of shops. PROPOSAL Planning Certificate of Lawful to Cafe' / Restaurant (Use Class A1) Vacant sandwich shop to (Use Class A3) Restaurant / Café'.

It is proposed to use the unit as a hot food takeaway. The proposed opening hours would be 1100 – 22:00 Monday – Sunday (including Bank Holidays). DEVELOPMENT PLAN

The Development Plan for the purposes of this application comprises: • The Manchester City Council Core Strategy, a Local Development Framework (LDF) development plan documents to be adopted by the Council.

The application site is located within a close proximity of the City Centre of Manchester and Newton Heath and Miles Platting as which well served by bus links to the regional centre from Briscoe Lane as well as Metro Link at Ashton New Road on at the junction A6010.

The site focus will be on convenient A3 facility which would serve to meet local needs'. Whilst the proposed development would result in the loss of an A1 Use, the proposed A3 Use is considered acceptable in that it would bring back into use a vacant unit.

The premises has been used as Restaurant / café' for over 10 years however it has been established that this was not formally registered and the previous owners did not obtain relevant Planning permission.

The (Use Class A3) would not generate vehicular traffic in the area with this area as the restaurant has already been established for over 10 years on Scotland Hall Road. There are no alteration planned to the front elevation of the property and as such this will have no impact on the vitality or character of the row of shops or result in it losing its attraction to shoppers. The proposal is therefore considered acceptable in principle. Design and Street Scene. The only works proposed to the exterior of the existing unit is the introduction of an external flue pipe to the rear elevation of the property.

There would be no views of the flue from Scotland Hall Road. Views on to the flue from other surrounding residential properties while possible, would not be direct views, but instead limited mainly to their garden areas, facing on Scotland Hall Road .

Furthermore views from these garden areas onto the proposed flue, in particular from No 42 Scotland Hall Road which is approx. 12m away from No 40 Scotland Hall Road. It is considered that on balance the proposed works would have a limited impact on the visual amenity of the area and as such are acceptable and in accordance with Policy of the Core Strategy. Residential Amenity Policy Core Strategy states that in relation to matters of amenity protection, development must be compatible with the surrounding area and must not prejudice the amenity of future occupiers of the

development and/or occupants of the adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbances, odour or in any other way. In respect of hot food, the Council's Planning Guidelines, entitled 'Hot Food Takeaway Shops' explains that noise and disturbance for local residents are the most frequent cause of problems associated with such uses, particularly because most such businesses operate into the evening at a time when people can reasonably expect peace and quiet. Issues surround not just activity on the premises, but also the cumulative impact of intermittent and incidental noise outside the premises from comings and goings such as the closing of car doors, revving of engines and conversation from those congregating outside. As such the Planning

Guidelines recommend that where such development is proposed in close proximity to residential properties, permission ought not to be granted or in less intrusive circumstances, a condition restricting hours of operation be imposed. As such it is considered that, in accordance with the Policy, great weight should be attached to protecting the amenity of surrounding residents. The majority of units within the strip operate within daytime hours, with the exception of the new Restaurant & Café (Use Class A3) which will operate from 11:00am to 22:00 Monday to Sunday every day including bank holidays.

It is acknowledged that the hours for the proposed Restaurant extend into the 'late evening/night-time', and that changing the use of the premises from a daytime business to a use that will attract the majority of its trade in the evening-time.

The operation hours of the proposed Restaurant are Monday-Sunday (including Bank Holidays) 11:00 – 22:00,

These hours are considered reasonable within a mixed use area and are not considered to result in significant harm to residential amenity through noise and disturbance.

As part of the proposal, it is proposed to install an external flue to the rear elevation of the unit. The submitted plans show it would terminate at just over 1m above eaves level. As mentioned above, the nearest sensitive receptors to the proposed hot food (A3) are adjacent dwelling No 42 Scotland Hall Road to its west.

The operation of external flue to ensure that any resulting odours or noise be of an acceptable level so as not to be of detriment to the residential amenity of neighbouring properties. It is considered that the cumulative effect would not be so great to cause *significant* harm or that the impact of the proposed use on these surrounding properties is likely to be significant to equate to a reason for refusal of planning permission.

Conclusion:-

The client is willing to work with the Planning Authority and adhere to any recommendation should the Planning Authority approve this application.

