

ITEM 1

Application Reference	DC/077463
Location:	461 Buxton Road, Great Moor SK2 7HE
PROPOSAL:	Change of use of ground floor retail unit (Use Class A1/E) to a hot food takeaway (A5/Sui Generis Use), including bin storage and associated external alterations, and the installation of two externally mounted fume extraction flues.
Type Of Application:	Full Application
Registration Date:	29.07.2020
Target Date:	Extension of time
Case Officer:	Helen Hodgett
Applicant:	Mr. Andrew Eleftheriou
Agent:	Mr. P. Garner, Garner Town Planning Ltd.

DELEGATION/COMMITTEE STATUS

This application is before Stepping Hill Area Committee, as Councillor Baynham and Cllr. Meikle have called the application up to Committee, and as objections have been received from the occupiers of more than 4 properties.

Stepping Hill Area Committee can make a decision upon this planning application.

SITE AND SURROUNDINGS

This application relates to an existing vacant former florist shop (Use Class A1/E), within 461 Buxton Road, Great Moor, which is located on the corner of Buxton Road/A6 and Bonis Crescent; the end premises within a parade of 8 commercial properties.

The application premises are located within the Great Moor Large Local Shopping Centre, within a Secondary Shopping Frontage, as regards allocation within Stockport MBC's development plan. Houses within Bonis Crescent to the rear of the site, along with properties on the opposite side of Buxton Road, including the locally listed Crown Inn, are located within a Predominantly Residential Area in the development plan.

The parade of 8 premises, within which the vacant florist shop is located, includes a number of different uses, including a convenience shop, dress making shop, hair dressers, dog grooming parlour, computer repair shop, hot food takeaway and a solicitors. Residential units are typically located at first floor above the commercial units.

From the submitted application details and from visits to the site, 461 Buxton Road is currently comprised of a vacant florist unit within the majority of the ground floor, with a vacant cellar; the rear ground floor and the first floor of 461 Buxton Road comprise self-contained residential accommodation, with ancillary storage in the roof space. There is a soft landscaped rear garden curtilage to provide amenity space for the

residential use of 461 Buxton Road. A detached garage and a parking space, which is accessible from Bonis Crescent, associated with the residential use of 461 Buxton Road, is also located within the rear curtilage of 461 Buxton Road, adjacent to the access road running between the rear of the curtilage of the parade and semi-detached house 2 Bonis Crescent.

It should be noted that this application relates to the ground floor commercial unit within 461 Buxton Road only.

On the opposite side of the junction of the A6 with Bonis Crescent to the application site, there are located further commercial uses, including a barber shop, beauty salon and a car dealership.

To the frontage of the parade of 8 units, there is provided a pedestrian footway. A layby for parking and servicing is located adjacent to the footway, running adjacent to the florists within 461 Buxton Road to the dog groomers within 469 Buxton Road. There is a further area of layby outside the solicitors at 477 Buxton Road.

The layby is served by a one-way access running parallel to the layby, with a further pedestrian footway between the layby access route and the carriageway of the A6/Buxton Road. The layby serving the parade has a Traffic Regulation Order (TRO) in place, which restricts parking to 1 hour (no return within 1 hour) Monday to Friday 7:30am to 18:30pm and Saturday 7:30am to 12:30pm. A Sheffield type cycle stand is provided adjacent to the layby outside the computer repair shop and outside the beauty salon.

The site is located within an accessible location, immediately accessible by the adjacent residential population; there are public cycle stands, and also bus stops with shelters immediately adjacent to the site on both sides of the A6; Woodsmoor Railway Station is the nearest railway station.

The site is located within an Air Quality Management Area (AQMA). The application site is located within an area affected by noise from traffic and commercial sources. In terms of the Environment Agency's (EA's) mapping system, the site is located within flood zone 1 (low risk).

DESCRIPTION OF DEVELOPMENT

Planning permission is sought within this application for the change of use of the vacant ground floor retail unit, (Use Class A1/E) to a hot food takeaway (Sui Generis Use), including bin storage within the associated side curtilage, and external alterations, including the installation of two externally mounted fume extraction flues.

No other change of use or external alterations, including signage/advertisements, are included within this application. This application relates to the ground floor commercial unit within 461 Buxton Road only.

The hours of operation of the proposed hot food takeaway are proposed to be 11:00am to 21:30pm Monday to Friday, Saturday & Bank Holidays. The hot food takeaway is proposed to be closed on a Sunday.

Two externally mounted fume extraction flues are proposed to be sited against the two-storey side elevation of the application premises, above the flat roofed side extension, to provide fume extraction for the proposed hot food takeaway use. A Noise Impact Assessment has been submitted to consider the potential noise impact arising from the operation of the two commercial kitchen extraction ducts and any required mitigation. A Risk Assessment for Odour has also been submitted to inform the odour mitigation required for fume extraction.

A parking survey was conducted and has been submitted to provide information regarding the availability of 18 parking spaces identified within the report, which are located along Bonis Crescent and within the layby in front of the parade of 8 units. The survey recording the occupation of the 18 spaces was carried out on Thursday 17/9/20 and Friday 18/9/20, at 15 minute intervals between 19:00 and 22:00.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications/appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan includes:-

Policies set out in the Stockport Unitary Development Plan Review (SUDP) adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &

Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (CS) adopted 17th March 2011.

N.B. Due weight should be given to relevant SUDP and CS policies according to their degree of consistency with the National Planning Policy Framework ('NPPF') (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given); and how the policies are expected to be applied is outlined within the Planning Practice Guidance ('PPG') launched on 6th March 2014.

Saved policies of the SUDP Review

PSD2.2 – Services Uses in the Town Centre, District and Large Local Centres
MW1.5 – Control of waste from development

LDF Core Strategy/Development Management policies

Core Policy CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT
– ADDRESSING INEQUALITIES AND CLIMATE CHANGE
SD-1: Creating Sustainable Communities

Core Policy CS5: ACCESS TO SERVICES

Core Policy CS6: SAFEGUARDING AND STRENGTHENING THE SERVICE
CENTRE HIERARCHY

AS-1: The Vitality and Viability of Stockport's Service Centres
AS-3: Main Town Centre Uses, Hot Food Take Aways and Prison Development Outside Existing Centres

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

Relevant guidance is as follows:

Sustainable Transport SPD

National Planning Policy Framework (NPPF)

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 (updated 19th June 2019) replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Extracts from the National Planning Policy Framework (NPPF) – link to full document - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

1. Introduction

Para 1. 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.

Para 2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

2. Achieving sustainable development

Para 7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Para 8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Para 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

The presumption in favour of sustainable development

Para 11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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.

Para 12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4. Decision-making

Para 38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 54. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Para 55. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Para 56. Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

6. Building a strong, competitive economy

Para 80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

7. Ensuring the vitality of town centres

Para 85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

8. Promoting healthy and safe communities

Para 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly

where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

9. Promoting sustainable transport

Para 108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 110. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

12. Achieving well-designed places

Para 124. 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.

Para 127. 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.

Ground conditions and pollution:

Para 180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;

Para 213. existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

PLANNING HISTORY

Reference: J/14139; Type: XHS; Address: 461, Buxton Road, Great Moor, Stockport.; Proposal: Car showroom.; Decision Date: ; Decision: DNPW

Reference: J/25717; Type: XHS; Address: Clarkes Flowers, 461 Buxton Road, Stockport.; Proposal: Extension to existing shop to form additional retail space and a staff toilet.; Decision Date: 22-JUN-82; Decision: GTD

Reference: DC/052986; Type: FUL; Address: Natwest Bank, 473-475 Buxton Road, Great Moor SK2 7BZ; Proposal: Change of use from a bank (Use Class A2) to a Hot Food Takeaway (Use Class A5) and erection of an extraction flue to rear and installation of 2 no. condenser units to replace existing; Decision Date: 22.10.2013; Decision: GTD (Papa Johns).

CONSULTATION RESPONSES

NEIGHBOURING PROPERTIES

The occupiers of neighbouring properties were notified of this planning application by letter and were then notified by letter of amendments to this planning application. A site notice has also been displayed adjacent to the site for public consultation.

Contributors at a total of 3 addresses have advised they support the application. (It should be noted that the addresses given for representations of support are not local to the application site).

The individual representations in support of the scheme can be summarised and reported as follows:

- Advocate that this is just what the area needs.
- This will enhance the area and provide an excellent facility for residents and staff /visitors to Stepping Hill.
- From the plans and design it looks like a top quality business and will complement the other businesses in the parade of shops.

Contributors at a total of 7 addresses have advised they object to the application.

The individual representations in objection to the scheme as originally received can be summarised and reported as follows:

Parking and Highways:

- The extra delivery drivers and customers of the takeaway will add to the already nightmare parking situation. Just Eat, Deliveroo etc coming and going at all times.
- There is no dedicated parking for the proposed takeaway.
- Surrounding residential streets are already severely congested 24 hours a day (hospital workers, residents, employees of neighbouring businesses, delivery drivers from Papa Johns).
- This area is overwhelmed with overspill cars from Stepping Hill Hospital, there is very limited space to park on the parade in front to the shops at the moment and on Bonis Crescent.

- There is already a need for extra parking to be available due to the staff at Stepping Hill Hospital parking on Bonis Crescent. Also, anybody visiting the shops on the Buxton Road front tend to park either on the pavement or blocking driveways to the houses on Bonis Crescent and frequently have to be asked to move their vehicles to allow access in and out of residential premises.
- The road junction of Bonis Crescent with the A6 is complicated and dangerous.
- Combining as it does, a pull-in in front of the shops between 461 and 477 Buxton Rd that means cars turning into the pull-in from either the northbound or southbound A6 have to cross the path of cars trying to exit Bonis Crescent - a manoeuvre that is already made additionally dangerous because of the southbound bus stop - which means buses parked at the bus-stop mask any vision of southbound A6 traffic. In summary it is an inherently difficult junction to access & exit.
- The difficult junction is compounded by hospital users using kerbsides as an alternative to onsite parking space at the hospital, as advocated by the Council.
- There is also a Royal Mail post-box at the A6 end of Bonis Crescent at the side of 461 Buxton Rd. Access is needed there for the Royal Mail Van to park and make local deliveries and collections from the Post Box. There is also a Northbound bus stop on the A6 opposite Bonis Crescent which frequently squeezes traffic from four lanes to a single lane when the 4-minute bus service causes buses to be parked at both northbound and southbound stops and cars are waiting to turn across the A6 from the Northbound A6 into Bonis Crescent.
- All this and maxed-out resident parking plus the traffic generated by the current local businesses in addition to two car supermarkets and their occupation of the kerbsides make the area incompatible with a takeaway food business.
- The road junction at the end of Bonis Crescent is already very congested at peak times, having a food outlet on the corner will cause grid lock. This will have a knock on effect for the junction to the hospital, especially as the A&E dept there is going to be expanded. Ambulances struggle already.
- A food takeaway would seriously hinder parking for visitors to attend the hairdressers, take dogs to the groomers and visit the local convenience store and park outside their own houses.
- The effect of increased traffic on Bonis Crescent, including more illegal parking or stopping at the junction due to lack of parking options, making it very dangerous to turn out of the road and on to the A6, particularly with the position of the bus stop.
- When traffic turns into Bonis Crescent it generally has to do a very tight 3 point turn amongst parked cars or they race down to the end to do a U-turn to come back out.
- The previous occupants of the shop moved in part due to lack of parking facilities and difficulties caused by deliveries in large vehicles.
- It is already dangerous for people crossing Bonis Crescent. Adding extra traffic visiting a fast food premises with the likelihood of this being late at night

can only make matters worse and possibly end in injury or death of a pedestrian.

- Not willing to let the children, frail and elderly in my neighbourhood be put in harm's way because of a desire to fill up empty shop units.
- Object on the grounds of road safety. Customers of the existing retail units park illegally on the double yellow lines from about midday, well into the night. The Papa John's pizza delivery drivers already park up, sometimes illegally / in a hazardous way, and delivery drivers from yet another takeaway will add even more congestion to an area you already know is over crowded (see Stepping Hill Parking consultation).
- If you compare the findings of the traffic survey with previous years, you will see very different results, when comparing with Q2 and Q3 of 2020. That is because staff and visitor parking for the hospital is greatly reduced due to the provision of free of charge parking on the hospital site, and restriction of activities in the hospital. If you were under the impression there is adequate parking around this parade of shops, you are mistaken. There is not.
- The parking survey is not representative of the situation, due to Covid affecting normal patterns of travel and demand. The survey doesn't take into account people parking for short stays of less than 15 minutes, such as the Papa Johns delivery drivers. The hours during which the survey were undertaken are not representative.

Amenity:

- The smells from the present takeaway shops is noticeable and not pleasant.
- There would be an increase in air and noise pollution. Odours arising from a chip shop directly affecting neighbouring gardens, which are in very close proximity. Property directly behind the takeaway has a back door and 2 windows opening parallel to the external extractor fumes, and in line of sight.
- Fat, grease and smell would prevent residents from opening windows and using their outdoor space.
- We already have 17 takeaway shops on the A6 in the Great Moor residential area. The development is neither required nor sustainable.
- The increase in litter and rodents, as bins unable to accommodate level of rubbish. Litter is already a problem as bins provided cannot accommodate large trays or boxes due to their design (Pizza boxes, litter from Select and Save). Residents regularly have to clear rubbish from their front gardens and along the top section of the road.
- Increased noise pollution would result from the development, including deliveries.
- Increased wear and tear on the shared boundary between residential houses and shops increases costs of repairs to the owner.
- Increase in anti-social behaviour as opposite a pub and encouraging groups of youths to gather, as the park is at the end of the crescent. The link between anti social behaviour and late night takeaways is well documented and supported by police incident reports in Stockport.
- Concerns regarding an increase in anti social behaviour are heightened due to the area directly behind the take away and bordering the first residential property not being well maintained and is openly accessible from the main

road both by car and on foot. This already occurs behind Papa Johns regularly.

- The business will by its nature attract a large turnover of customers throughout the day and night, introducing customer noise, increased traffic movements, the sound of cars arriving and departing, car doors slamming, littering and cooking odours over the adjacent residential neighbourhoods' gardens and houses.
- The proposed flues are on a residential street, they should be built within the property or clad in brick to lower the unsightly impact.
- The rubbish skips are proposed to be sited behind the fence which is on Bonis Crescent, why should commercial waste be sited on a residential street, with smells, vermin attraction and associated litter.
- Bonis Crescent is a residential street, full of family homes. A commercial property should not be permitted to impinge on this.
- Whilst it is acknowledged that that accompanying specification for the extraction system claims to be 'almost' odourless, it does concede that some grease still makes it through the various filters. If this was the only takeaway in close vicinity, then the effect of this may be small; however, it is the cumulative effect of this on top of the strong odours already emitted from Papa Johns and the nearest Indian restaurant/takeaway that concerns me as any additional odour would unbearably affect amenity.

Health:

- The government is trying to combat the rising problem of obesity. Stockport should be promoting health shops and reducing the amount of takeaway shops, especially adjacent to Stepping Hill Hospital, which has to deal with the aftermath of the issue.
- Another takeaway is contrary to public health messages tackling obesity in the current climate, and encouraging people to get outdoors which neighbours would be unable to do pleasantly due to odour, traffic fumes and general downturn of the environment.
- Constant bombardment with poor food options is harmful to the many young people who pass this and other parades of shops, on their way to and from school.

CONSULTEE RESPONSES

SMBC Highways – Proposal is for change of use from A1 retail to A5 fast food.

This change of use is likely to result in slightly increased demand for short term parking for customers, and over extended hours compared to previous florist use. I would not expect there to be any significant change in volume or nature of delivery vehicles servicing the site.

The development fronts onto A6 Buxton Rd near its junction with Bonis Crescent Immediately fronting the parade of shops/food outlets within which the proposed development sits is a through lay by parallel to the A6, accessed from Bonis Crescent and operating one way eastwards. Peak time waiting restrictions are in place on the lay by and on the initial section of Bonis Crescent. There are no wider

restrictions in place along Bonis Crescent though it is noted that some driveways are protected by H bar markings.

There is a Sheffield type cycle stand close to the site. No waiting at any time restrictions and zig zags connected to pedestrian crossing facility extend along Buxton Road fronting the site. The site is accessible on foot and by public transport.

A parking occupancy survey was carried out which demonstrated that there was capacity for additional parked vehicles likely to be generated by the proposed takeaway, whilst accepting that any traffic counts in the current Covid situation might not be a true reflection of the normal situation, I am satisfied that parking survey is representative; I note that currently restricted hospital visiting, and changes in hospital parking charges might potentially reduce demand for on street parking but this could be balanced at least partially by furlough and home working by residents. My judgement on this matter can only be based on the information available.

In terms of the overall traffic flows on the A6, additional traffic generated by the development will have no noticeable impact. Given this and the likely short duration of parking for each customer, I am satisfied that the proposal will not result in any significant detrimental impact on the safety or operation of the local highway network and therefore raise no objection.

Recommendation: No objection

SMBC Environmental Health – Noise –

DOCUMENTS ASSESSED:

- NIA, AEC, 06 January 2021, AEC REPORT: P4289/R1a/DMT
- Plasmaclean, 11/01/21, DEFRA Risk Assessment & Plasmaclean, Combined Electrostatic with UV-C data sheet.

NOISE IMPACT ASSESSMENT (NIA):

AEC, 06 January 2021, AEC REPORT: P4289/R1a/DMT

Assessment of potential noise impact arising from the two commercial kitchen extraction ducts proposed at first floor level on the external elevation at Bonis Crescent, located between the bedroom and living room windows of the 1st floor flat.

The impact of the noise from the proposed development upon noise sensitive receptors:

- 1st floor accommodation above the proposed takeaway;
- Ground floor accommodation to the rear of the proposed takeaway, and
- No.1 Bonis Crescent, directly opposite the proposed external plant

The Noise Impact Assessment (NIA) relates to Figure 2 – Proposed External Building Services Plant Location (page 10 of the NIA). Any amendments to the planning layout must comply with the NIA or the NIA may require review.

The impact of noise from the proposed development has been assessed in accordance with: BS4142:2014 *Methods for rating and assessing industrial and commercial sound*. An agreed methodology for the assessment of the noise source.

The noise assessment predicts that plant noise, would be controlled to at least 5dB below the existing background noise level, at the nearest noise sensitive receptor (first floor flat). The assessment is based on fans at full duty as per manufacturer data.

The outcome of the assessment, is that the introduction of new plant at this location, is predicted not to increase the existing background noise. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.

Proposed Site Layout – Plans revised 03/11/20

Ground Floor accommodation - the lobby and stairwell affords a sound buffer to the proposed groundfloor takeway.

First Floor Flat – habitable rooms are not stacked above the food preparation area at the single storey side extension. The frying range with extract hood) will be located below the bedroom/ kitchen/ living room of Flat 416B (see details: *2.6 There is an extract system for the frying area. This is ducted from the extract hood, out of the roof of the single storey side extension and up the external wall of the main building, terminating at roof level above the eaves*). By controlling the terminal hour of operation of the chip shop at this location – which the applicant states is 21:30 –will significantly reduce the impact of the takeaway upon the first floor occupiers; as 21:30 is 1.5 hours before what is considered night-time (23:00 – 07:00). Therefore, controlling the hours that the hot food takeaway operates is important.

For absolute confidence, is upgraded sound insulation required to address transmission or flanking noise transfer from commercial unit to residential? Are the sound insulation properties of the floor/ceiling construction, separating the commercial and residential elements, sufficient to comply with BS8233:2014.

It is expected that the first floor occupiers are entitled to enjoy a reasonable level of residential amenity. The previous ground floor commercial use was a florist - a quieter commercial use to that of a takeaway. It is requested that the applicant investigates the ground floor commercial units ceiling, to establish if the sound insulation scheme is required to be upgraded in order to comply with BS8233:2014. In order to protect the first floor occupants from the takeaways operation noise impact: fryer noise (banging fryer cages to remove excess oil) and extraction fan noise – proposed to be located below the floor of the upstairs flat.

An addendum to the NIA will be accepted, for this purpose:

Acoustic Design Criteria

Any mitigation shown as part of the report must achieve the acoustic design criteria:

- BS8233:2014, Guidance on sound insulation and noise reduction for buildings - Internal ambient noise levels for dwellings and
- WHO 1999, Guidelines for Community Noise
 - (i) 45 dB LAmax for inside bedrooms.

Recommended condition in relation to External Plant & Equipment:

The rating level from all fixed plant and machinery associated with the proposed development (when operating simultaneously), shall be 5dB below background, at any time when measured at the nearest noise sensitive premises.

Reason: *To prevent an increase in background noise levels and for the preservation of residential amenity and quality of life. In accordance with paragraph 180a) of the National Planning Policy Framework, February 2019: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.*

COMMERCIAL KITCHEN ODOUR ASSESSMENT:

Due to proximity of residents, further information was required from the applicant concerning the commercial kitchen extraction system/ odour abatement. A site specific commercial kitchen 'schematic diagram', detailing measures to control noise and the discharge of odours arising from the handling, preparation and cooking of food; shall be submitted to and approved by the LPA.

To protect from undue noise and disturbance (including fumes, odours and vibration) that would cause demonstrable harm to residential amenity and to preserve the quality of the local environment.

Information Required to Support Planning Applications for Commercial Kitchens. EMAQ, Control of Odour and Noise from Commercial Kitchen Exhaust Systems, Update to the 2004 report prepared by NETCEN for Defra, 5-9-18

- Plasmaclean, 11/01/21, DEFRA Risk Assessment &
- Plasmaclean, Combined Electrostatic with UV-C data sheet

The agents email date 12 January 2021 16:12, details the outcome of the EMAQ odour control risk assessment - as a high level impact, a high level of odour control is required. Odour arrestment plant performance as detailed in the 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems for high level odour control may include:

1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time).
2. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

The intention for this development is to follow point 2 which includes ESP and UV ozone system.

RECOMMENDED CONDITION:

Odour control – impact assessment submitted:

A scheme of odour abatement control has been submitted with the application to ensure that odours associated with the use of the development do not cause a significant loss of amenity to occupiers of properties within the locality.

- Prior to first use, the odour control scheme as detailed in the agents email date 12 January 2021 16:12 shall be implemented in full

Reason: In accordance with paragraph 170e of the National Planning Policy Framework to ensure that residential amenity is not significantly impacted due to the proposed use.

RECOMMENDED CONDITION:

Hours of Use:

The opening hours shall be restricted to within the following hours:

Monday – Friday, Saturday & Bank Holidays -	11:00 hrs - 21:30 hrs
Sunday -	closed

Reason: In accordance with paragraph 180a of the National Planning Policy Framework to avoid noise from giving rise to significant adverse impacts on health, quality of life and amenity

SMBC Environmental Health – Air Quality – No objections.

ANALYSIS

Principle of development

The National Planning Policy Framework (NPPF), together with the Council’s development plan policies, seek to safeguard and strengthen centres, such as Great Moor Large Local Shopping Centre, in order to provide viable and sustainable centres, providing a mix of accessible uses.

The proposal is for a hot food takeaway use within the Secondary Shopping Frontage of the Large Local Centre of Great Moor, as regards the Council’s development plan. The proposed use is acceptable in this location in principle, including in terms of criterion C of saved UDP policy PSD2.2, which provides that a variety of uses are permitted within secondary shopping frontages of large local centres, including appropriate non-retail uses.

One measure identified within policy PSD2.2, as to whether the non-retail use would be appropriate, is the extent to which the non-retail use would complement the retail uses. It is considered in this case, where there is a mix of uses within the parade, that the takeaway use would maintain pedestrian flow, could encourage linked trips to the use and other uses within the parade, and would provide a convenient provision that would not detract from the centre.

Policy CS5 ‘Access to Services’ provides that the individual and cumulative scale, level, clustering and mix of uses in the centres will be controlled to safeguard and enhance vitality and viability. The parade within which the takeaway is proposed contains a real mix of shops and services for the local population, including a convenience shop, dress making shop, hair dressers, dog grooming parlour, computer repair shop, hot food takeaway and a solicitors, served by a layby for parking and servicing.

The commercial units located on the opposite side of the junction with Bonis Crescent to 461 Buxton Road, include a further mix of provision, including a barbers,

beauty parlour and car sales garage. It is considered that the introduction of one additional hot food takeaway within this context would accordingly, as advocated by policy CS5, facilitate a diversity of economic development uses in a secondary frontage, whilst not detracting from the vitality and viability of this mixed and otherwise occupied parade.

The Council's development plan does include provision to encourage children to make healthy food choices through the creation of a supportive environment. Within centres, a mix and greater availability of shops and services is supported, which provides choices. Development Management Policy AS-3 relates to the location of hot food takeaways outside of centres and provides that "Outside the service centres, proposals for hot food takeaways and fast food restaurants (Sui Generis/A5 Use) will be required to be located over 300 metres away from schools and parks."

Policy AS-3 is not engaged regarding the proposed use, as, whilst the takeaway use would be within the vicinity of Boothby Street Park and Great Moor Park, the proposal is within a 'service centre,' where such uses are permitted in principle, as part of the mix of uses available within a centre.

Parking and highway safety

Policy CS9 of the core strategy states that the Council will require that development is located in locations that are accessible by walking, cycling and public transport. Policy T1 reiterates this accessibility requirement, with this policy setting out that development will be focused in existing centres, with minimum cycle parking and disabled parking standards.

Policy T2 of the core strategy states that developments shall provide car parking in accordance with maximum parking standards for each type of development, as set out in the existing adopted parking standards, stating that developers will need to demonstrate that developments will avoid resulting in inappropriate on street parking that has a detrimental impact upon highway safety or a negative impact upon the availability of public car parking.

Policy T3 of the core strategy states that development which will have an adverse impact on the safety and/or capacity of the highway network will only be permitted if mitigation measures are provided to sufficiently address such issues. It also advises that new developments should be of a safe and practical design, with safe and well-designed access arrangements, internal layouts, parking and servicing facilities.

Para 109. of the National Planning Policy Framework (NPPF) states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

It is assessed that this change of use is likely to result in slightly increased demand for short term parking for customers, and over extended hours compared to previous florist use. It is not considered that there would be any significant change in volume or nature of delivery vehicles servicing the site.

The development fronts onto the A6 Buxton Road near its junction with Bonis Crescent. Immediately fronting the parade within which the proposed development sits is a through lay by parallel to the A6, accessed from Bonis Crescent, and operating one way eastwards. Peak time waiting restrictions are in place on the layby. The layby serving the parade has a Traffic Regulation Order (TRO) in place, which restricts parking to 1 hour (no return within 1 hour) Monday to Friday 7:30am to 18:30pm and Saturday 7:30am to 12:30pm.

There is a TRO in force on the initial section of Bonis Crescent, with parking prohibited by double yellow lines, and loading prohibited 7:00am to 9:30am and 15:30pm to 18:30pm Monday to Friday. There are no wider restrictions in place along Bonis Crescent, which leads through to Boothby Street, though driveways on Bonis Crescent are protected by 'H bar' markings. No waiting at any time restrictions and zig zags connected to the pedestrian crossing facility extend along Buxton Road fronting the site.

The site is accessible on foot and by public transport. A Sheffield type cycle stand is provided adjacent to the layby outside the computer repair shop and outside the beauty salon. The site is located within an accessible location, immediately accessible by the adjacent residential population; there are public cycle stands, and also bus stops with shelters immediately adjacent to the site on both sides of the A6; Woodsmoor Railway Station is the nearest railway station.

A parking occupancy survey was carried out that demonstrates capacity for additional parked vehicles likely to be generated by the proposed takeaway. The parking survey provides information regarding the availability of 18 parking spaces identified within the report, which are located along Bonis Crescent and within the layby in front of the parade of 8 units. The survey recording the occupation of the 18 spaces was carried out on Thursday 17/9/20 and Friday 18/9/20, at 15 minute intervals between 19:00 and 22:00.

Of the 7 vehicle parking spaces identified within the layby in front of the length of the parade of 8 units, it is reported in the survey that on average, 2 of the 7 spaces were occupied between 19:00 and 22:00 on Thursday 17/9/20, and on average, 4 of the 7 spaces were occupied between 19:00 and 22:00 on Friday 17/9/20.

The Council's Highways Engineer advises that whilst accepting that traffic counts in the current Covid situation might not be a true reflection of the normal situation, they are satisfied that the parking survey is representative; currently restricted hospital visiting, and changes in hospital parking charges might potentially reduce demand for on-street parking, but this could be balanced at least partially by furlough and home working by residents.

It should also be noted that the premises has an extant retail use, which will generate parking and servicing demand; the premises are in an accessible location and there are travel choices to access the takeaway; the adjacent layby parking is restricted to 1 hour (no return) Monday to Friday 7:30am to 18:30pm and Saturday 7:30am to 12:30pm, therefore, people cannot park long-term in the layby during peak times; on average, during the parking survey times, 5 spaces (Thursday) and 3 spaces (Friday), were available within the layby; the parking survey records layby

parking demand increasing on the Friday from the Thursday, which would be an expected demand trend for the end of the week; and hospital parking demand would generally peak during the day, rather than evenings.

It is assessed that in terms of the overall traffic flows on the A6, additional traffic generated by the development will have no noticeable impact. Given this and the likely short duration of parking for each customer, the Highways Engineer is satisfied that the proposal will not result in any significant detrimental impact on the safety or operation of the local highway network and therefore, raises no objection.

It is not considered that the proposal would lead to an unacceptable impact on highway safety, or severe impact on the road network. It is assessed that the proposal could sustainably operate in terms of travel. The proposal is considered to be in accordance with policies CS9, T1, T2 and T3 of the Stockport Core Strategy, and the National Planning Policy Framework (NPPF), including paragraphs 109 and 110.

Amenity

The NPPF advises Councils to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 127).

The NPPF also states that “para. 180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Saved UDP and Core Strategy policies, including MW1.5 – Control of waste from development, SIE-3: Protecting, Safeguarding and Enhancing the Environment, and Policy SIE-1 Quality Places, include requirements to ensure high quality design and development, which would not have unduly detrimental impacts upon the occupiers of residential properties.

Policy SIE-1 seeks to achieve quality places, and states that new development should have specific account of: the site's context in relation to surrounding buildings and spaces (particularly with regard to the height, density and massing of buildings); Ensuring the safety and security of users whilst not causing harm to the wider

environment, the character of the building or accessibility; Provision, maintenance and enhancement (where suitable) of satisfactory levels of access, privacy and amenity for future, existing and neighbouring users and residents; the potential for enhancement of the public realm; the potential to incorporate appropriate landscaping and nature conservation features.

Policy CS5 regarding access to services, provides that the individual and cumulative scale, level, clustering and mix of uses in centres will be controlled for various reasons, including to safeguard vitality and viability and safeguard residential amenity.

As set out within the introductory paragraphs of this report, the proposed hot food takeaway would be located within the commercial ground floor space of 461 Buxton Road, which is located within a parade of 8 commercial units, with layby, fronting the A6/Buxton Road. The parade is located within the Great Moor large local shopping centre, which is a commercial allocation in the Council's development plan. Houses within Bonis Crescent, located to the rear of the premises, are located within a Predominantly Residential Area as regards the Council's development plan. The consideration of the proposed hot food takeaway has to take into account impacts of the proposed use upon the amenities of the occupiers of the residential accommodation within the adjacent commercial units and within the residential properties within Bonis Crescent, in accordance with the above planning policies.

In terms of the impacts of the operation of the proposed takeaway upon the residential amenities of the occupiers of adjacent residential accommodation, it is assessed that the proposed use would be appropriate to the location, subject to the imposition of appropriate mitigation through conditions of planning permission, and would accordingly not result in undue adverse impacts upon residential amenities, including, as regards noise, activity, disturbance, odour and vibration, pursuant to the above amenity policies.

It is proposed that customers of the takeaway would access the takeaway through the front door, which is located within the front elevation of the property upon the A6/Buxton Road. It is considered that the proposal would maintain the separation of the commercial use from residential properties on Bonis Crescent, by retaining the footfall and activity of customers predominantly to the front elevation, which is within a main arterial road route, with commensurate back ground noise levels.

The hours of operation of the proposed hot food takeaway are proposed to be 11:00am to 21:30pm Monday to Friday, Saturday & Bank Holidays. The hot food takeaway is proposed to be closed on a Sunday. It is accordingly proposed that subject to the restriction of the hours of operation through condition, the use would not be a night-time use, and therefore, would be closed when people might reasonably expect to be asleep, and when background noise levels are quieter. Due to the proposed hours of use not extending until late at night, it is also assessed that the proposed use would not be of cause for concern as regards attracting anti-social behaviour.

Bins for segregated refuse and recycling would be located to the side elevation of the premises, accessed through a doorway within the rear-side elevation of the

building. There would accordingly be some activity within the rear side curtilage during the hours of operation, however, it is assessed that there would remain separation between the bin storage and residential properties, and the bins could be conditioned to be sited as proposed, to avoid bins nearer to residential properties or elsewhere.

In terms of impacts upon residential amenity from customer and staff travel associated with the use of the takeaway, subject to availability, vehicles, including delivery vehicles, may park within the layby to the frontage of the parade, or may park at the kerbsides within Bonis Crescent where there are not TRO/H-Bar restrictions. Servicing could be carried out from the layby or within Bonis Crescent, subject to compliance with the TRO in place on Bonis Crescent for servicing. It is not considered that the proposal would result in an unacceptable level of noise, activity and disturbance from servicing or from people parking upon Bonis Crescent to access the takeaway. For example, the parking survey shows that there was often space to park within the layby in front of the parade; customers and staff may walk, cycle or travel by bus; and the use would close by 21:30pm.

Two externally mounted fume extraction flues are proposed to be sited against the two-storey side elevation of the application premises, above the flat roofed side extension, to provide fume extraction for the proposed hot food takeaway use.

It is considered that the appearance of the two fume extraction flues would not have an unacceptable impact upon the visual character and appearance of the street scenes of Buxton Road or Bonis Crescent, or upon residential amenity in terms of outlook from residential properties. The proposed fume extraction flues would be sited against the proposed two-storey side elevation of the commercial parade; would be viewed within the context of the commercial parade; there would be separation between the flues and residential properties; and the flues are necessary to manage fumes and odour associated with the use. The powder coating of the flues in for example, colour black, could be explored as an option to improve the appearance. Concealing them would not be an option, as access for maintenance would be required.

A Noise Impact Assessment has been submitted to consider the potential noise impact arising from the operation of the two commercial kitchen extraction ducts upon residential properties, and any required mitigation.

The Council's Environmental Health Officer advises that the impact of noise from the proposed development has been assessed in accordance with: BS4142:2014 Methods for rating and assessing industrial and commercial sound. An agreed methodology for the assessment of the noise source.

The noise assessment predicts that plant noise, would be controlled to at least 5dB below the existing background noise level, at the nearest noise sensitive receptors/residential accommodation. The assessment is based on fans at full duty as per manufacturer data.

The outcome of the assessment is that the introduction of the new plant at this location, is predicted not to increase the existing background noise. Where the

rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context. A condition is required to be imposed to ensure that the fume extraction system would operate at 5dB below background noise levels, at any time when measured at the nearest noise sensitive premises, in order to avoid noise giving rise to significant adverse impacts on health and quality of life.

An addendum to the NIA will be required in order to ensure that the sound insulation properties of the floor/ceiling construction, separating the commercial and residential elements within 461 Buxton Road, are sufficient to comply with BS8233:2014.

A condition is required to ensure that the use operates for the hours as applied for 11am to 21:30pm Monday to Saturday only, in order to protect residential amenity.

A Risk Assessment for Odour has also been submitted to inform the odour mitigation required for fume extraction, which has been assessed as appropriate by the Council's Environmental Health Officer. A scheme of proposed high-level odour abatement control has been submitted with the application to ensure that odours associated with the use of the development do not cause a significant loss of amenity to occupiers of properties within the locality. A condition would be required to be imposed to ensure that this high level odour abatement scheme is implemented and maintained in full.

Conclusion

Overall, the proposal is considered to comply with the development plan and the NPPF, for the reasons set out within the report and therefore, the NPPF requires the development to be approved without delay.

RECOMMENDATION

The recommendation is to Grant Planning Permission, subject to conditions.