

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131669/LP/2021

Date registered valid:

Proposal: Certificate of lawful development for existing restaurant at ground floor
Class E(b)

Address: 805 Stockport Road, Manchester, M19 3BS

Ward(s): Levenshulme Ward

Applicant: Noman Ahmed 805 Stockport Road, Manchester, M19 3BS

Agent (if any): Mr Hassan Naqvi Alphan Planning & Design Burnage Lane,
Manchester, M19

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6th December 2021

Application details

Type of application: Certificate Lawful Development

Development type:

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application relates to a 2-storey building with roof space accommodation located on the eastern side of Stockport Road close to its junction with Carrill Grove East. The site is located within a parade of shops and is with Levenshulme District Centre. A medical centre is located immediately to the north of the site.

Description of development

This CLEUD application seeks to establish the implemented ground floor restaurant / café use is lawful.

Consultations & Notification Responses

Local Residents and Businesses – No comments received

Issues

As the supporting information is limited it has been necessary to review the planning history and other sources.

The planning history indicates that the ground floor was previously used as a licensed bookmakers and this confirmed by planning permission 071005/FO/2004/N2 granted 7 April 2004.

A contemporaneous site photograph is shown below.

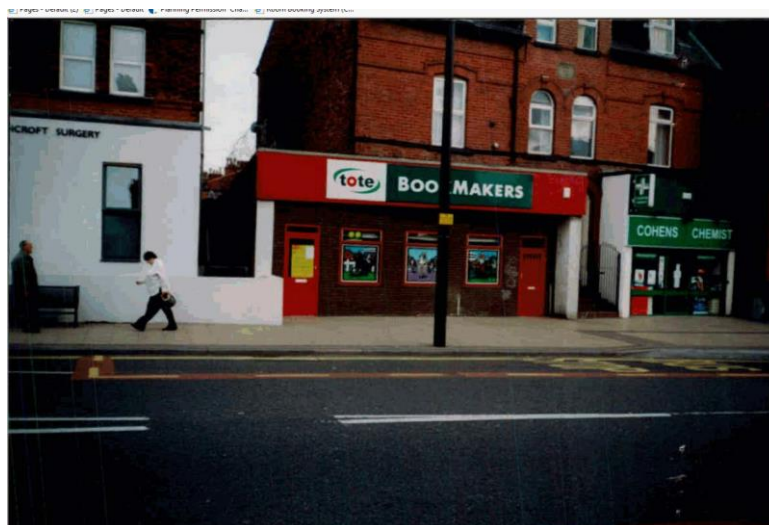


Fig. 1 – Site of 805 Stockport Road - 071005/FO/2004/N2

The following internet images have been sourced.

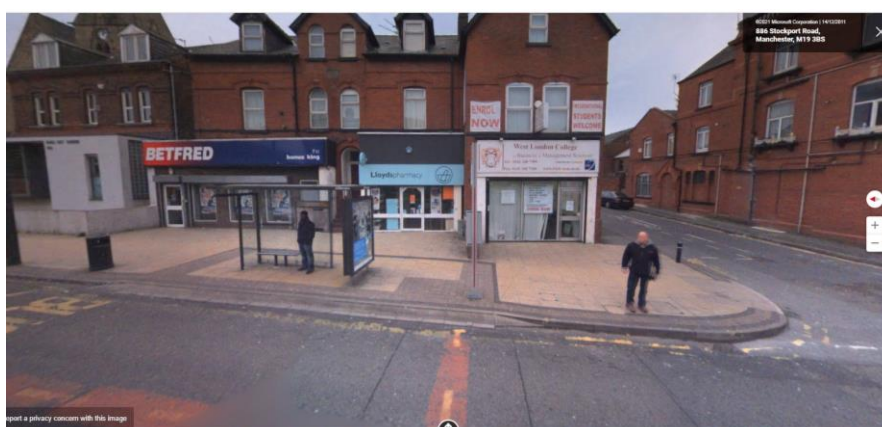


Fig. 2 - Bing Street view image 14 December 2011

Fig. 2 shows the former Class A2 use in operation in 2011.



Fig.3 – Google Streetview image November 2020

Fig.3 dated November 2020 shows the property vacant but formerly used for the sale and consumption of drinks and cold food falling under the former Class A1 (retail) and benefiting from a permitted change of use for Class A2 (Professional and Financial Services).

Fig. 4 (below) Shows signage relating to an implemented restaurant use. The submitted internal layout drawings indicate that the public area is laid out with seating consistent with a restaurant use.



Fig. 4 - 805 Stockport Road – 7 October 2021

Conclusion

- i. A food and drink use constituent with a Class A1 (Retail) use was established through a permitted change from a Class A2 use;
- ii. The permitted Class A1 use fell within Class E as a result of changes to the Use Classes Order initially introduced on 1 September 2020 and confirmed on 1 August 2021. The 'Streetview' image confirms the Class A1 use in place and the time of the legislative change.
- iii. As a restaurant / café falls within Class E such a use would be a permitted within the same use class.

The authorised use is therefore as a restaurant / café (Class E)

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights

posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

Approved on the basis that the existing premises has a Class E (Commercial, Business and Service) shop use, as prescribed by the Town and Country Planning (Use Classes) Order 1987 (England) (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the proposed use, as detailed within the submitted application form and drawings ref: Location plan P1 and Floor Plans & Elevations P2 stamped as received by the City Council as Local Planning Authority on 16 September 2021 and 28 October 2021 would fall within the same use class. As result the proposal does not constitute a material change of use and it therefore does not constitute development under Section 55 of the Town and Country Planning Act 1990 (as amended).

Appendix 1 – List of consultees & neighbours notified

N/A

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: NORTH2