

Planning**Growth & Development****Delegated officer report for planning application**

Application no. 130997/FO/2021

Date registered valid: 27 July 2021

Proposal: Installation of new shopfront, and external plant equipment to the rear

Address: 70 Bury Old Road, Manchester, M8 5BN

Ward(s): Cheetham Ward

Applicant: Mr Shuaib Ishaq

Agent (if any): Mr Russell Adams, The Oaks, Oaks Drive, Bowness-on-Windermere, LA23 3JA

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20.09.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 3 August 2021 Expired: 24 August 2021

Neighbour notifications

Printed: : 3 August 2021 Expired: 24 August 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

This application relates to a two storey commercial unit that is located on the north western corner of Bury Old Road and Sandy Bank Road, in the Cheetham Ward of North Manchester. The property fronts on to a busy highway with the surrounding area forming part of the busy Cheetham Hill district centre. The 2 other adjoining units are both commercial, with the frontages, eaves and fascia levels all differing in height.

The unit was formerly a TSB store and therefore will remain in the same class of use.

Description of Development

The submitted application seeks a full application consent, the applicant wants to transform this now vacant site into a 34 seat restaurant that acts as a casual dining

experience for passing customers. Oodles is one of the UK's leading fast-causal chains serving Indo-Chinese food. The applicant is seeking planning consent for installation of new shop frontage through consolidating the entrance door in the same position with toughened glass, removing the existing cash machine and dark grey brick frontage replacing this with a modern glazed frontage. Additionally, public disability-compliant unisex toilet and washroom facility will be inserted at the rear of the premises and food preparation being undertaken at the first floor of the premises. .

Furthermore, the applicant seeks consent for installation of ancillary facilities including the insertion of 4 ventilation plants erected at the rear of the property. The kitchen ventilation ducting for the fume extraction is raised internally from the first to second floors, with the external flume at the rear of the premise at 1 metre above the eaves height to accord with regulations. The internal configuration of the ventilation ensures that there will not be any adverse noise or visual impacts from the units.

Planning History

130998/AO/2021- Installation of internally illuminated fascia and projecting box sign. PCO- Application Pending Decision. 27.08.2021

100441/AO/2012/S1- Replacement internally illuminated fascia panel, projecting sign and ATM surround/header. Approved 22.10.2012

Consultations

Local residents were notified however no responses were received.

Greater Manchester Police- no objection to the application

Salford City Council- no objection to the application.

Environmental Health- No objection in principle however did set the following pre-commencement condition;

- I. Approved kitchen fume strategy report and details of acoustic insulation of plant.

Policies

National Planning Policy Framework

The National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester and states that, outside the City Centre and the Airport, the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles,

Creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy DM1 seeks to ensure that new development contributes to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities and particularly by contributing to neighbourhoods of choice.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan - There are no site-specific policies relating to the application site. However, the following city-wide policies are relevant to this proposal:

Policy DC14 - Shopfronts and related signs - States that in determining applications relating to these premises for shop fronts, security grilles, advertisement signs, canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shop fronts, where appropriate, and of the area within which the premises are located.

Policy DC26 Development and Noise -States that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. Conditions will be used to control the impacts of developments.

Principle

The proposal is the installation of a new shopfront in association with the reconfiguration of the internal space. The use will remain within Class E change of use system, with the reconfiguration providing a more active frontage enhancing the vitality of the area, and thus considered acceptable. Alongside the upgraded frontage the proposed signage will be altered.

Furthermore, installation of rear ventilation plants are proposed and required to handle the operational change. Environmental Health have rigorously and carefully implemented several conditions which must be attached to any approval.

Visual Amenity

It is not considered that the shop front alteration would have any adverse impact on the design or appearance of the unit in the Cheetham Hill district centre. There is currently no coherent approach to the shop front design with each of the surrounding commercial units having a different frontages, eaves and fascia levels. The current shop frontage is brick and cladding representing a very shabby and run-down unit. As the frontage is viewed quite prominently from within the street scene, the upgraded modern glazed frontage will present much more aesthetically pleasing elevations within the area, with the comprehensive dark grey brick matching the new glazed frontage. The proposed shopfront will present a positive impact on the visual amenity of the property itself and the area within which it is located. This is consistent with directives established in UDP14.1 relating to appropriate signage and frontage in regards to the wider street scene.

The application states the one air intake sits on the flat roof at the front of the premises at a height that sits behind the existing dwarf wall which obscures the plant from streetview and/or third party viewpoints. Therefore, limiting the visual amenity of the plant from the pedestrian flow of Bury Old Road.

As a safeguard Environmental Health have recommended several conditions to tackle and address the external noise levels associated with this form of development and ventilation system. Environmental health require an approved acoustic in order to comply with DC26 of the Manchester Core Strategy.

Residential Amenity

There are no residential properties surrounding the proposal site, and it is not considered that the changes would have a detrimental impact upon the level of amenity currently enjoyed by nearby properties. Suffice to say that visual improvements show investment in an area which can have a positive impact upon residential amenity, making the area more pleasant to live and shop in.

It is therefore considered that the application will not have a detrimental impact on residential and visual amenity as a result of its position, size or design. It is therefore considered to accord with the principles for residential extensions set out in saved UDP Policy DC15 and policies SP1 and DM1 of the Core Strategy.

Materials

A condition will be attached to any consent granted to ensure that the materials used will be of a quality to withstand weathering. The render would be a colour through render to ensure that should the surface ever be damaged, that the colour to show through would be the same, and would not have a detrimental visual impact on the appearance of the property or the area within which it is located.

Design

The design is considered acceptable in this location. The colour palette is similar in appearance to that of the fast food restaurant and the bank on the adjoining block.

Fume/Odour Discharge

Environmental Health have reviewed the information submitted and recommended that prior to commencement of the use confirmation shall be sought for the approved fumes, vapours and odours scheme is implemented accurately. Additionally, Environmental Health seek more information in relation to kitchen fume extract strategy. Details need to be provided in regards to include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018.

An appropriate condition relating to the above matters has been included.

Noise

Given the nature of the proposed externally mounted ancillary plant and servicing equipment, Environmental Health has recommended a prior to occupation condition is required to test and reduce the level of noise emanating from the site in accordance with the Council's noise criteria.

Human Rights Act 1998 considerations

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

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

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents received by the City Council as Local Planning Authority on 8 July 2021 and 17 September 2021:

Drawing Number: 009- Floor Plans and Elevations
Drawing Number: 01- Layout Plan
Drawing Number: 02- Layout Plan
Drawing Number: 03- Layout Plan
Ventilation System Report

3) Notwithstanding the details relation to the dark grey render shown on application form received 8 July 2021 and existing and proposed elevations and street scene received 8 July 2021 the render shall be a colour through render and not a painted surface render, and once applied shall thereafter be maintained for as long as this remains the finished surface.

Reason- To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) (a) Notwithstanding details submitted, prior to commencement of the use hereby permitted a scheme of fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented.

(b) Prior to the first use of the fume extraction system, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the fume criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

5) (a) Prior to the first use of the development, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 db (L_{aeq}) below the typical background (L_{a90}) level at the nearest noise sensitive location.

(b) Prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter retained and maintained in situ.

Reason - To minimise the impact of pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 List of Consultees & Neighbours

Environmental Health

Greater Manchester Police

Salford City Council

62 Bury Old Road, Manchester M8 5BN

2 Sandy Bank Road, Manchester M8 5EN

72 Bury Old Road, Manchester M8 5BN

17 King Edward Buildings Bury Old Road M7 4QJ

18 King Edward Buildings Bury Old Road M7 4QJ

19 King Edward Buildings Bury Old Road M7 4QJ

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH1