

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131234/LP/2021

Date registered valid: 6 August 2021

Proposal: Certificate of proposed lawful development for the use of ground floor retail premises to cafe restaurant.

Address: 821 Stockport Road, Manchester, M19 3PL

Ward(s): Levenshulme Ward

Applicant: Mr M Azeem Nadeem Halal Meat Ltd 821 Stockport Road, Manchester, M19 3PL

Agent (if any): Mr V ALYAS Architek 916 Stockport Road, Manchester, M19 3AB

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

Recommendation: Approve

Date of recommendation: 13 August 2021

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: N/A

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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application relates to the ground floor of a former bank located at the north-east junction of Stockport Road and Cromwell Grove. The site is within Levenshulme District Centre. The property was the subject of the following unimplemented planning permission:

119428/FO/2018 – Change of use of former Nat West Bank to 3 Class A1 retail units at ground floor, two apartments at first floor level and two apartments at second floor level (four apartments in total).

The retail use was established through a formerly permitted change from Class A2 (Financial and professional services) to A1 (Retail). It is understood that the ground floor of the property is currently vacant following the relocation of the business to Farmside Place.

Description of development

The applicant seeks to establish that the proposed café / restaurant use would be permitted under Class E (Commercial, Business and Services) and would not constitute development.

Consultations & Notification Responses

N/A

Issues

The applicant has provided a business rates invoice confirms the undertaking of a Class E retail use between 1 April 2021 to 31 March 2021.

From the information that is available, the local planning authority is satisfied that the existing premises has operated as a Class E (Commercial, Business and Services) retail shop without interruption prior to the submission of the application. The proposed café / restaurant use would thereby be permitted 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) as the proposed use, as detailed within the submitted application form and supporting information received by the City Council as Local Planning Authority on 2 August 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).

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

1) Approved on the basis that the existing premises has a Class E retail 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 supporting information, received by the City Council as Local Planning Authority on 2 August 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

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH2