MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127673/JO/2020
Date registered valid:	10 August 2020
Proposal:	Variation of condition no. 4 attached to planning permission 093482/FU/2010/S2 to allow the take-away element (deliveries only) to operate 7am - 11pm seven days a week
Address:	Sharston Industrial Estate, Lilys Cafe Adjacent Unit 71 , Shentonfield Road, Manchester, M22 4RW
Ward(s):	Sharston Ward
Applicant:	Mr Khalid Saleem K S Properties 7 Park Avenue, Stocport, SK9 2JG
Agent (if any):	Mr Laurence Jay Laurence Jay Limited Beeston Park Lodge Ridge End Fold, Marple, Stockport, SK6 7EX
Case officer:	David Lawless Tel: 0161 234 4543 Email: d.lawless@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	23 September 2020



Application details

Type of application: Variation or Removal of Condition

Development type: Change of use

Standard consultations:
Printed: 13 August 2020 Expired: 3 September 2020

Neighbour notifications
Printed: 13 August 2020 Expired: 3 September 2020

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/area

Single storey commercial building located within the Sharston Industrial Estate, currently in mixed use as a café, with associated food preparation business and a motor garage/mot testing station.

Listed building: no
Conservation area: no
Tree Preservation Order: no

Description of development

The applicant is applying to vary the hours of operation condition in order to allow the café element to undertake deliveries during COVID19 lockdown. The proposed condition is as follows with the additional element highlighted:

> *The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-*
>
> *MOT and Linen Store:*
> *Monday to Sunday - 0700hrs to 1800hrs*
>
> *Cafe:*
> *Monday to Saturday - 0700hrs to 1800hrs*
> *Sundays - 0700hrs to 1200hrs*
> *Seven days a week - Take-away element (deliveries only) between 0700hrs to 2300hrs*

Food preparation:
Seven days a week - 0700hrs to 1200hrs

Consultations & Notification Responses

Local Businesses – No comments received.

Environmental Health – No objections to the hours proposed.

Policies

The National Planning Policy Framework (February 2019) – The National Planning Policy Framework (NPPF) 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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

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

b) 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.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which are:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Issues

Principle of the Proposal – The principle of varying the hours to enable the business to continue to trade during the COVID19 lockdown is considered acceptable.

Residential Amenity – Given the site's location within the Sharston Industrial Estate the additional hours required to allow for take-away deliveries will not have a detrimental impact on the amenities enjoyed by the occupants of the nearest dwellings.

Pedestrian and Highway Safety – The variation of condition will not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed in this part of the Sharston Industrial Estate.

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 polices 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 in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

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

1) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

MOT and Linen Store:
Monday to Sunday - 0700hrs to 1800hrs

Cafe:
Monday to Saturday - 0700hrs to 1800hrs
Sundays - 0700hrs to 1200hrs
Seven days a week - Take-away element (deliveries only) between 0700hrs to 2300hrs

Food preparation:
Seven days a week - 0700hrs to 1200hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policy DM1 in the Manchester Core Strategy.

2) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied, pursuant to Policy DM1 in the Manchester Core Strategy.

3) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment/building.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy.

4) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties, pursuant to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Building 5, Leestone Road, Manchester, M22 4RN
E C L Chemicals Ltd, Leestone Road, Manchester, M22 4RN
Access Storage Solutions Ltd, Leestone Road, Manchester, M22 4RW
Manchester Print Ltd, Shentonfield Road, Manchester, M22 4RW
Unit 71, Sharston Industrial Estate, Shentonfield Road, Manchester, M22 4RW
Gibson Controls Ltd, Shentonfield Road, Manchester, M22 4RW

Appendix 2 – Planning constraints

Article 4 Direction - Wythenshawe PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - Wythenshawe PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 45M
Area Team Boundary - Name: SOUTH