



MANCHESTER
CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127406/FU/2020
Date registered valid: 16 July 2020
Proposal: Change of use of part of ground floor reception/offices to cafe (Class A3)
Address: Block B Ground Floor South Court Business Centre , 22G Sharston Road, Sharston Industrial Area, Wythenshawe, M22 4SN
Ward(s): Northenden Ward
Applicant: Ms Janine Lennon, Cafe Jarista Limited, 518 Broadway, Oldham, OL9 9NJ
Agent (if any):
Case officer: David Lawless
Tel: 0161 234 4543
Email: d.lawless@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 20 August 2020

Application details

Type of application: Change of use Consent

Development type: Change of use

Standard consultations:

Printed: 22 July 2020 Expired: 12 August 2020

Neighbour notifications

Printed: 22 July 2020 Expired: 12 August 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

Four storey office development within Sharston Industrial Estate at the junction of Altrincham Road and Sharston Road. To the front of the site, adjoining Altrincham Road there is a landscaped strip which is the subject of this application. To the side and rear there are parking facilities associated with the office property.

Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

Change of use of part of ground floor reception/offices to cafe (Class A3)

Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Environmental Health – No objections, recommends the inclusion of hours and refuse storage conditions should the application be approved.

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:

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

Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. The policy continues stating that in doing so Councils should 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.

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 – This sets out the key spatial principles which will guide the strategic development of Manchester to 2027, of relevance to this application are:

- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.
- Core Development Principles, Development in all parts of the City should:-
- Make a positive contribution to neighbourhoods of choice including:-
 - i) Creating well designed places that enhance or create character.
 - ii) Making a positive contribution to the health, safety and wellbeing of residents

- iii) Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- iv) Protect and enhance the built and natural environment.

- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM1, Development Management – This policy states that all development should have regard to the following specific issues (of relevance to this application) for which more detailed guidance may be given within a supplementary planning document:-

- 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.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Saved UDP Policy DC10, Food and Drink Uses – This policy states under DC10.1 that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to:

- a) the general location of the proposed development, including any reference to the area in other policies in the Plan;
- b) the effect on the amenity of neighbouring residents;
- c) the availability of safe and convenient arrangements for car parking and servicing;
- d) ease of access for all, including disabled people; and
- e) the storage and collection of refuse and litter.

Under section DC10.2 the policy states that the Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

Under section DC10.3 the policy states that this form of development will not normally be permitted where:

- a) it is proposed outside the general locations mentioned above, or
- b) there is a house or flat on the ground floor next to the proposed business, or only separated from it by a narrow street or alleyway.

Issues

Principle of the Proposal – Given the office use that exists within the building the use of an element of it as a café to serve the occupants of the building is considered acceptable.

Residential Amenity – There are no residential properties within close proximity of the site and as a result it is not anticipated that the levels of residential amenity currently enjoyed by the occupants of the nearest dwellings on the Altrincham Road would be unduly impact upon.

Fumes and Odours – It has been recognised by Environmental Health that no commercial kitchen extraction system is required.

Visual Amenity – The proposal will not have an impact upon the existing levels of visual amenity enjoyed close to the site.

Pedestrian and Highway Safety – It is not considered that the proposal will generate significant vehicular trips to the site as the majority of customers would be based in the offices. Given the above, it is not considered that the proposal will have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Waste and Recycling – Food waste is to be stored separately in an appropriate 240 litre food waste bin, which will be housed alongside the other recycling and mains waste at the site. This will be collected on a weekly basis by an external commercial waste contractor. Environmental Health have confirmed that this is acceptable.

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 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 development must be 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 stamped as received on 9, 13 and 16 July 2020.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The premises shall not be open outside the following hours:-

Mondays to Fridays - 0800hrs to 1500hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) The approved scheme for the storage and disposal of refuse, detailed in the application form, stamped as received on 9th July 2020, shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Block C Third Floor, South Court, Sharston Road, Manchester, M22 4SN
Block A Second Floor, South Court, Sharston Road, Manchester, M22 4SN
Block A Second Floor Rear, South Court, Sharston Road, Manchester, M22 4SN
Block A Second Floor Middle, South Court, Sharston Road, Manchester, M22 4SN
Block C First Floor, South Court, Sharston Road, Manchester, M22 4SN
Block C Ground Floor, South Court, Sharston Road, Manchester, M22 4SN
Block A First Floor, South Court, Sharston Road, Manchester, M22 4SN
Block B First Floor, South Court, Sharston Road, Manchester, M22 4SN
Block B Second Floor, South Court, Sharston Road, Manchester, M22 4SN
Block B Third Floor, South Court, Sharston Road, Manchester, M22 4SN
Block C Second Floor, South Court, Sharston Road, Manchester, M22 4SN
Ground Floor Block A, South Court, Sharston Road, Manchester, M22 4RE
CARRS FOODS INTERNATIONAL LTD, Block B Ground Floor, South Court, Sharston Road, Manchester, M22 4BB
South Court, Sharston Road, Manchester, M22 4BB
Leestone Park, Leestone Road, Manchester, M22 4RB
Sharston Post Office, 240 Altrincham Road, Manchester, M22 9SB
Sonex House, Sharston Road, Manchester, M22 4RX
Wythenshawe District Sorting Office, Altrincham Road, Manchester, M22 9AA

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