

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142585/FO/2025

Date registered valid: 19 May 2025

Proposal: Change of use from sui generis (Hot Food Takeaway) at ground floor to 1no. residential flat; and associated elevational alterations

Address: 101 Constable Street, Manchester, M18 8GY

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mrs Tracey Illingworth

Agent (if any): Mr Robert Adam, Lloyd d2 Architects

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 July 2025

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 19 June 2025

Standard consultations:

Printed: 5 June 2025 Expired: 26 June 2025

Neighbour notifications

Printed: 5 June 2025 Expired: 26 June 2025

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

The application site relates to 101 Constable Street within the north Manchester ward of Gorton & Abbey Hey. The application site relates to an end terraced, two storey brick property painted in a grey colouration to the primary elevation, and red to the side and rear. At the time of the site visit, the property was vacant but included signage and roller shutters to the primary elevation, commensurate with its previous use as a takeaway (fish and chip shop) (as confirmed by images on Google Maps). The property sits to the junction of Constable Street and Brightman Street and benefits from an extension to the rear of the property. Amenity space to the front of the property relates to an extremely small forecourt and amenity space to the rear consists of a small courtyard. A gated alleyway is sited to the rear of the property.

As existing, the first floor relates to a residential flat. The entrance to the flat is accessible from the side of the property off Brightman Street.

Description of area

The surrounding area is residential in context, with a mixture of residential properties and some commercial uses to the ground floor of terraced properties and some commercial uses to the east of the site. Gorton railway is sited to the north east of the site.

Description of development

The current planning application seeks consent for the change of use from sui generis (Hot Food Takeaway) at ground floor to 1no. residential flat; and associated elevational alterations.

The existing fish and chip shop (use class sui generis) stopped operating on 26/07/2024.

The change of use would involve the creation of 1B1P flat on the ground floor with an internal volume of 42.5 square metres.

The internal floor space would comprise of a living room, bedroom, shower room and kitchen. The flat would be accessed from Constable Street and a kitchen door would lead out onto the rear courtyard. Each room, except the shower room would benefit from a window. The plans show the courtyard would accommodate a bin storage area.

A small window within the two storey outrigger would be blocked up as a result of the proposal.

Negotiations during the Course of the Application

During the course of the application, the agent was asked to confirm the number of residents to reside in the flat and to confirm the internal floor space.

Inaccuracies with the plans were overcome by supply of a new scheme.

Discussion took place with the agent to review and confirm acceptance to pre-commencement conditions.

Planning History

021361-Two-storey rear extension to house and shop to form preparation room on ground floor with a new kitchen over.

Approved 19.04.1984.

Consultations & Notification Responses

Local Residents

Local residents were consulted but no responses were received.

Highway Services

The following comments were received from colleagues in Highway Services:

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

The site is accessed by sustainable modes of transport. Regular bus services are available within walking distance from the site along Ogden Lane and Chapman Street. Gorton Railway Station is located within a short walking distance to the north of the site, providing connections to destinations including Manchester Piccadilly and Rose Hill Marple.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

Access to the proposed ground floor apartment is to be from the existing entrance door from Constable Street.

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

Refuse bins are to be stored in the rear courtyard of the site with kerbside collection noted from Brightman Street via the rear alleyway. This is acceptable in principle.

Detail should be sought from the applicant in relation to any proposed construction or fitout arrangements, where there is an impact on the highway.

The applicant is required to discuss and agree any requirements for licensing, hoarding / scaffolding, and skips with MCC's Highways Licensing Team via Email to: highwaylicences@manchester.gov.uk

The applicant is required to discuss and agree any requirements for temporary traffic and pedestrian management with MCC's Event and Traffic Management Team via Email to highwaynetworkmanagement@manchester.gov.uk

Environmental Health

Environmental Health requested the following conditions be attached to any approval granted:

- Demolition/ construction hours condition
- NSE4(a) Residential sound insulation condition
- Refuse condition- The information submitted is insufficient to address this condition. The applicant has filled out two sections of the proforma, including 'high rise developments' which is not applicable in this case. There is no indication of the location of the bin store and the route to the collection point. The above points in red must be addressed.

Greater Manchester Police

Greater Manchester Police were consulted; however no comments were received by the preparation of this report.

Issues

POLICY

Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012, updated April 2024 following Adoption of Places for Everyone.

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.

The following policies contained within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development management) states that amongst the criteria, new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space, refuse storage/collection, vehicular access and car parking.

Policy H4 (East Manchester) East Manchester will accommodate around 30% of new residential development over the lifetime of the Core Strategy.

Policy EN19 (Waste) requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

Policy T1 (Sustainable transport) relates to the delivery of sustainable, high quality, integrated transport systems, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. In this case that development does not incorporate in curtilage car parking. However, given the nature of the development traffic generation and demand for car parking would be related to staff and visitors rather than residents. It is considered in this case that any impact would be predictable and capable of being managed through a travel plan condition thereby securing compliance with policy T1.

Policy T2 (Accessible areas of opportunity and need) states that the Council will actively manage the pattern of development to ensure that new development is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. Policy T2 requires that appropriate car parking and cycle storage is provided. The application site is in a sustainable location, in terms of access to public transport. Some on-site car parking and cycle storage would be provided. It is considered that the development would be suitably related to policy T2, particularly as a staff travel plan has been recommended.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

DC5: Flat Conversions

DC26: Development and Noise:

Places for Everyone (Joint Development Plan)

The Places for Everyone Plan is a strategic plan for nine of the 10 boroughs in Greater Manchester and forms part of the city's development plan. The Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs.

Relevant policies of PfE in this instance are:

JP-S1: Sustainable development

National Planning Policy Framework (December 2024)

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

ISSUES

Principle of Development

The submitted development application is for the change of use from sui generis (Hot Food Takeaway) at ground floor to 1no. residential flat; and associated elevational alterations.

The existing fish and chip shop (use class sui generis) stopped operating on 26/07/2024. Google Maps historic images show that the ground floor has been consistently used as a hot food takeaway as early as 2008. The Google Map images show periods where the fish shop was vacant.

The proposal would result in the loss of the hot food takeaway. Google Maps show the takeaway was open until the hours of 9pm daily.

The proposal involves the loss of such commercial use and change to a residential purpose. This would be the same as the first floor residential use.

Properties to the rear of the site along Brightman Street are residential in nature. Properties to the south of the site sit in a similar parade to the applicant site. This parade also contains a

mixture of commercial and residential uses. Historic Google Maps images show the parade to the south has always had a mixture of commercial properties on ground floor alongside ground floor residential uses.

As such, the change of the site to a residential purpose would not be out of keeping with the development in the immediate area. Whilst the loss of the business and economic opportunities to the immediate area is regrettable, given the precedence of residential uses in the vicinity, such loss given the existing property is vacant is considered acceptable in principle.

The change of use would create a new dwellinghouse for a single person. This is considered acceptable to help contribute to overcome the current housing shortage across Manchester and would be pursuant to Policy H1 and H4 within the Core Strategy (2012). Given the rest of the building is used for a C3 purpose, the precedent for residential dwellings is already established within 101 Constable Street and the proposal would therefore be commensurate with the current use of the property. As such, the proposed use is considered acceptable for this location.

However, consideration must be given to the impact on the neighbouring properties' residential amenity, impact on the visual amenity of the area, the proposal's appearance, highways considerations and environmental considerations.

Residential Amenity

The proposed accommodation would afford future residents a decent quality of living accommodation. Future residents would be provided with a good level of amenity with all habitable rooms served by windows.

Whilst the accommodation would be sited at ground floor level, and some level of overlooking from passerby's to the living room sited off Constable Street, any level of adverse privacy implications is not considered different to other situations where a living space is sited on ground floor level close to a highway (i.e. terraced properties with no front amenity space). It is unknown as to where neighbours on the first floor store their bins. However, given the use of the area for bins, any level of overlooking into the proposed bedroom window is thought to be minimal. No issues in terms of overbearing or loss of light would be experienced by the proposed residents.

It is noted that the ground floor flat would not be afforded with a significant amount of external rear amenity space. However, this would be in keeping with the existing provision for other surrounding properties and so given the accommodation would be for a single person in a flat this is considered acceptable.

The flat would be accessed from the main entrance to the site as existing, accessed off Constable Street. This would be considered an appropriate entrance with natural surveillance and is considered acceptable in terms of residential amenity.

The change of use would involve the creation of 1B1P flat on the ground floor with an internal volume of 42.5 square metres. The application has been assessed against Manchester's Emerging Space Standards which states that single storey accommodation for 1B1P must have an internal floor space of at least 37 square metres (39 square metres for a bath). As the current flat would offer 42.5 square metres, the proposal would comply with Manchester's Emerging Space Standards and is such considered to provide a decent amount of space to the future residents.

The proposed residential accommodation is compatible with neighbouring uses and would not have any adverse impact on the amenity of the surrounding land-uses, pursuant to Policy SP1 and EN1 of the Core Strategy, and UDP saved policy DC5.

Visual Amenity

There would be no adverse visual implications as a result of the change of use to the neighbouring properties. The takeaway has been vacant since July 2024 so the change to a residential flat would create a more active role in the streetscene. In comparison to the previous use, noise and comings and goings would be reduced as a result of a single resident living in the property.

On the basis of the above, the proposed development would not give rise to any adverse residential or visual amenity impacts and is consistent with Core Strategy policies SP1, DM1 and EN1, the Guide to Development in Manchester SPD, and provisions of the NPPF relating to achieving a good standard of amenity.

Design

The only external alteration to the site as a result of the change of use would involve the blocking up of a small window within the rear outrigger. Such alteration would be minimal and would not be visible from the streetscene.

Based on the above, the application proposal would comply with Core Strategy policies SP1, DM1 and EN1, the Guide to Development in Manchester SPD, and relevant provisions of the NPPF relating to design.

Highways Considerations

Highway Services were consulted on the application and in comparison, to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

Highways were happy that the site is accessed by sustainable modes of transport.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. This was not raised as a concern by Highways colleagues.

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit. A condition to this effect would be attached to any approval granted.

Refuse bins are to be stored in the rear courtyard of the site with kerbside collection noted from Brightman Street via the rear alleyway. This is acceptable in principle.

No objections to the scheme were received by colleagues in Highway Services and so the scheme is considered acceptable to policy T1, EN19 and DM1 of the Core Strategy.

Environmental Considerations

Environmental Health were consulted on the application and requested several conditions be placed on any approval granted.

The Team requested demolition/ construction hours be conditioned. However, given the application is only for a change of use with minor external works, this is considered onerous and would not be attached to any approval granted.

A residential sound insulation condition would be placed on any approval granted and the agent confirmed agreement to this condition via email.

A waste condition was requested by Environmental Health and confirmed by the agent. The applicant has filled out two sections of the proforma, including 'high rise developments' which is not applicable in this case. The above point could be addressed through the discharge of the waste management condition.

With the use of conditions, the proposal is considered acceptable on environmental grounds, pursuant to Core Strategy policies DM1, EN19 and UDP policy DC26.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a proactive and positive manner, and appropriate conditions would be attached to any approval granted.

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:

-Application Form, stamped as received on the 31 March 2025.

-Drawing- Location Plan (as part of existing drawings), numbered PL-01, stamped as received on the 31 March 2025.

-Drawing- Proposed- Plans and Elevations, numbered PL-02 REV A, stamped as received on the 25 June 2025.

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) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to cycle storage. The approved scheme shall be implemented upon first occupation of the development and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity and highway safety pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

4a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from nearby roads and railway line shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied. Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary.

Due to the proximity of the development to the railway line it will be necessary for vibration criteria to apply which can be found in BS 6472: 2008 "Guide to evaluation of human exposure to vibration in buildings". Groundborne noise/re-radiated noise shall also be factored into the assessment and design.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the

recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the verification report shall be detailed along with any measures required to be undertaken prior to first occupation of the residential units to ensure compliance with the internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme 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 policies EN19 and DM1 of the Manchester Core Strategy.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the residential units shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a) not precluding occupation by two unrelated people sharing a property.

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1)The applicant is required to discuss and agree any requirements for licensing, hoarding / scaffolding, and skips with MCC's Highways Licensing Team via Email to: highwaylicences@manchester.gov.uk

2)The applicant is required to discuss and agree any requirements for temporary traffic and pedestrian management with MCC's Event and Traffic Management Team via Email to highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

48 Constable Street, Manchester, M18 8QJ
105 Constable Street, Manchester, M18 8GY
103 Constable Street, Manchester, M18 8GY
Flat Above, 101 Constable Street, Manchester, M18 8GY
79 Constable Street, Manchester, M18 8GY
41 Brightman Street, Manchester, M18 8GN
34 Brightman Street, Manchester, M18 8GN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 50m Buffer -
Area Team Boundary - Name: NORTH AREA