

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138991/FO/2024

Date registered valid: 9 February 2024

Proposal: The use of the ground floors of the buildings as a single business retail unit (Use class E) comprising a mini-market (Use Class E(a) and cafe (Use class E(b)) together with a new shop front and the creation of an L shaped dormer to each property, a rear flue, rear staircase to first floor of 307 and single storey extension to form a store and w/c for the mini market following demolition of existing single storey outrigger.

Address: 305-307 Great Western Street, Manchester, M14 4BZ

Ward(s): Moss Side Ward

Applicant: Mr Alsayed Hassan

Agent (if any):

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30 January 2025

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 1 March 2024

Standard consultations:

Printed: 19 February 2024 Expired: 11 March 2024

Neighbour notifications

Printed: 19 February 2024 Expired: 11 March 2024

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 and area

The properties that are the subject of this application is are a part 3 part 2 storey brick built terraced properties, within a small parade of commercial units, some of which have residential to the upper floors, and some are in use as storage for the commercial unit s below. The ground floor of number305 and 307 have previously been commercial, with the first floor and loft providing residential accommodation. There is a small yard area to the rear, this accessed through a gated alleyway which runs along the rear of the property. To the front of the property, the commercial use sits to the back of the pavement with a forecourt frontage.

The area is predominantly residential with small pockets of commercial along this stretch and on the opposite side of the road, with the side streets being residential terraces too.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking planning permission to allow the use of the ground floors of the buildings as a single business retail unit (Use class E) comprising a mini-market (Use Class E(a) and cafe (Use class E(b)) together with a new shop front and the creation of an L shaped dormer to each property, a rear flue, rear staircase to first floor of 307 and single storey extension to form a store and w/c for the mini market following demolition of existing single storey outrigger.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – Four representations have been received objecting to the proposal. Concerns raised are as follows:

- Concerned that the area suffers from Anti-Social behaviour and women do not feel safe walking in this area.
- Concerned that works have commenced and continued.
- 10pm closing time should be enforced to help with discouraging anti – social behaviour.
- There is an existing issue with vermin, fly typing and bin storage.
- Additional flat in the building will add to existing pressures on car parking, bin storage etc
- More shops/café's are not what the area wants.
- Concerns have been raised regarding loss of light into properties and gardens and it has impacted CCTV surveillance areas by creating dark areas.

Platt Claremont Residents Association - Objected to the proposal, with concerns relating to waste both residential and commercial. The resident's association are concerned that the applicant has underestimated how many bins are required to service 3 flats.

The area has suffered recently from problems associated with vermin and are concerned that inadequate bin storage location and arrangements would result in this issue returning.

Concerned that the applicant has labelled the rear alley was a "Private Bin Area" when it is not the case. Commercial waste should be stored within the curtilage and the residents do not want to see issues repeating here with the storage of bins in alleyways as seen elsewhere within the City.

The resident's association agree with the 10pm proposed closing time, and that any late night opening should not become a feature of the area. Customers who use the existing cafes park on the nearby residential streets and therefore do not want residents to experience any additional noise and disturbance associated with late night uses.

Lastly, the resident's association are concerned with the proposed rear elevation in that it will not be in keeping with the character of the property and would have a negative impact on the area as it can easily be seen from the street.

Highway Services – No objection to the proposal, requested cycle parking provision for one cycle per unit.

Environmental Health – No objection to the proposal, recommended conditions relating to hours of use, delivery and servicing hours, acoustic insulation, fumes and odours and waste.

Issues

Planning History

There has been a total of five previous planning applications at this address, of relevance to the proposal are the following including a still pending application for advertisement consent.

Application reference: 124425/FO/2019

Address: 307 Great Western Street

Proposal: Retrospective application for the retention of the ground floor as a Cafe (Use Class A3)

Status/Decision: Approved 15.10.2019

Application reference: 119572/FO/2018

Address: 307 Great Western Street

Proposal: Change of use of a vacant ground floor from shop (Class A1) to Cafe (Class A3)

Status/Decision: Refused 25.07.2018

Application reference: 092352/FU/2010/S1

Address: 305 Great Western Street

Proposal: Change of use of ground floor from shop (Class A1) to restaurant (Class A3)

Status/Decision: Approved 22.04.2010

Application reference: 085515/AO/2008/S1

Proposal: Installation of externally illuminated fascia sign

Status/Decision: Approved 21.02.2008

Legislative Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The relevant **Core Strategy** policies for this application are as follows:

Policy SP 1 (Spatial Principles)

Policy EN1 (Design Principles and Strategic Character Areas)

Policy C8 (Local Centres)

Policy DM1 (Development Management)

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The following saved UDP policies is also considered to be relevant:

Policy DC14. Shop fronts and related signs

Policy DC26. Development And Noise

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-P1 (Sustainable Places)

Policy JP-Strat9 (Southern Areas)
National Policy

National Planning Policy Framework (NPPF)

This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and again in September 2023. It sets out the Government's planning policies for England and how these are expected to be applied

The Framework has been related to the proposed development, with particular emphasis given to the following:

- Chapter 12: Achieving well-designed places.

Principle - The proposed development seeks to allow the use of the ground floors of the buildings as a single business retail unit (Use class E) comprising a mini-market (Use Class E(a) and cafe (Use class E(b)) together with a new shop front and the creation of an L shaped dormer to each property, a rear flue, rear staircase to first floor of 307 and single storey extension to form a store and w/c for the mini market following demolition of existing single storey outrigger.

The properties are located on a shopping parade on Great Western Street with residential accommodation in the form of two flats on the floors above, the principal is considered to be acceptable.

Notwithstanding this, the impact of the proposal upon the existing levels of residential and visual amenity, along with pedestrian and highway safety, must be assessed

Ground Floor Use and Extension

Planning history of the site reveals that both units were recently in use as a restaurant, which would fall within class E of the use classes order, the applicant seeks to use the ground floors of the buildings as a single business retail unit comprising of a mini-market (Use Class E(a) and cafe (Use class E(b)).

As the proposal is located within a parade of shops the use is considered to be appropriate.

At the rear the applicant has demolished the previous single storey outrigger and is seeking to replace with one single storey extension to form a store and w/c for the mini market. The first-floor residential accommodation will have separate yard and bin store area to ensure that bins are within the application site and not in the rear alleyway.

Flue - Fumes / Odour Extraction

The plans submitted show a new mechanical ventilation system and flue at the side of the premises and rising above the dormer to terminate above the dormers. As this has the potential to cause disamenity from noise and odours on the residents of flats above the parade of shops and the residential properties at the rear, Environmental Health have recommended that the proposed flue is acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

This part of the scheme together with a management scheme for the extraction of fumes will need to be submitted to ensure compliance with the guidance in the interests of residential amenity of the neighbouring residential properties.

Hours of Use

The proposed hours of use for both the mini market and café are as follows:

Monday to Sunday 08:00 – 22:00

However, the retail shop would not be open on Bank Holidays whereas the café will be.

Environmental Health have requested hours from the applicant however, the hours requested appear to be responsible and in line with other opening hours in the area and therefore appended to the end of this report.

These hours are less than those granted under planning permission 124425/FO/2019 and it should be noted that Platt Claremont Residents Association and a resident have not objected to the 10pm closing time.

Servicing/Delivery Hours

Usual delivery / service hours are recommended by Environmental Health and consistent across the city, restricted to the following:

Monday to Saturday 07:30 to 20:00

No deliveries/waste collections on Sundays/Bank Holidays

A condition for the servicing and delivery hours to comply with these recommendations is therefore appended at the end of this report.

Residential Accommodation

The proposal originally sought to create an additional flat (three in total) but following concerns regarding the proposals external size and internal layout of the proposed flats, the proposed third flat has been removed from the proposal with the dormer and first floor rear extensions to allow additional living accommodation to the existing two flats.

The proposal for additional living accommodation comprises of an L shape dormer to both properties and follows the footprint of the existing property being within the main roof and outrigger roof, and similar to that approved at neighbour and adjoining property 309 Great Western Street as well as others in the immediate area. The dormers are a relatively simple design that have flat roofs and compliments the rear of the building which has very little architectural interest. The dormers would sit lower than the ridge of the main roof and therefore not be visually obtrusive or visible within the street scene.

The dormers would provide additional living accommodation for the two existing flats and thus improve the residential amenity for existing and future occupiers of the two flats.

All windows will face towards the rear and serve three bedrooms and a kitchen. Being at the rear there is no detrimental impact upon the level amenity currently enjoyed by the neighbouring properties.

A fire escape in form of a staircase will also be provided to allow easy access to the rear of the building should there be an event which meant that residents could not escape through the front of the building.

Environmental Health have requested conditions relating to acoustic insulating both the commercial and residential properties, however the proposal is not creating any new planning units and thus it would be unreasonable to add such conditions to existing units which without planning permission could operate without said conditions being imposed.

From a proposal such as this the construction once begun should be relatively short term, therefore it would not be reasonable to impose a construction hours as a condition, however an informative has been attached to ensure that the applicant is aware of noisy construction hour restrictions imposed by the Council under separate legislation to planning.

Shop Front

At the front two new shop front will be installed, one with front entrance to the flats above. The fascia levels will match that of the existing fascia level.

Disabled Access

The development plan policies in particular DM1 of the Core Strategy and saved policy DC14 of the UDP that shop front should be accessible, the submitted drawings show that there is level access and thus meets the requirements of policy DM1 and saved policy DC14 there are concerns as discussed above regarding its appearance.

Highway Safety

It is not considered that the proposal will give rise to unacceptable rise in traffic movements to and from the site. Accordingly, it is not considered that the proposal would have an unduly detrimental impact on the existing levels of pedestrian or highway safety.

Waste – The refuse storage areas have two separate locations for residential and commercial waste, a condition has been requested by Environmental Health to ensure that the proposed waste provision is acceptable for the site.

Conclusion - The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area by bringing back into use two retail units and two flats. It is therefore considered to be a sustainable development.

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 Local Planning Authority worked positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings No.s 10G, 11B, 12D, 13D, 14D and 15

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.

2) The external materials of the development hereby permitted shall match those used in the existing building.

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.

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

Mini Market (Use Class E(a))

Monday to Sunday excluding Bank Holidays 08:00 - 22:00

Café (Use Class E(b))

Monday to Sunday including Bank Holidays 08:00 - 22:00

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) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

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.

5) a) Prior to the first use of the ground floor commercial units hereby approved, 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. The scheme shall include space for the storage of segregated waste collection and recycling, both internally and externally.

b) The details of the approved scheme shall be implemented prior to commencement of the use and shall remain in situ whilst the use is in operation.

Reason - In the interests of amenity and public health, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) Prior to the first use of the ground floor commercial units hereby approved, the flue shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The flue shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy DC26; of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) a) Prior to the installation of the flue hereby approved a scheme shall be submitted that demonstrates an achievement rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location; or a method to acoustically treat the flue in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

b) Prior to the first operation of the flue, a verification report, which will include post-completion testing, shall be submitted to the City Council as local planning authority to validate that they achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

c) In the event of non-conformity with a rating level of 5dB (LAeq) below the typical background (LA90), then any measures/changes required to achieve conformity shall be carried out within a further one-month period.

d) Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the City Council as local planning authority, before operation of the flue can commence.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site. Pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the UDP.

8) Prior to the first use of the ground floor commercial units hereby approved the cycle rack in accordance with drawing no. 10G for bicycles to be parked and that bicycle rack at the front of properties shall thereafter be kept available for the parking of bicycles

Reason - To ensure there is sufficient cycles stand provision at the property in order to support modal shift measures and air quality pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Informative

1) The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should 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. Details should also be provided in relation to replacement air.

2) The proforma/ Waste Management Strategy must include the following information:

- Estimated volumes and types of waste produced by the development;
- Details of internal and external stores for both waste and recycling, including any plans and designs;
- Location of the proposed collection point and details of the route the collection vehicle will take; Details of how waste will be transferred between stores and to the collection location; and
- Details of number and capacity of bins proposed and collection frequency.
- Other details as per 'Waste Proforma v1.0' - refer to guidance at: http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

3) Noisy work associated with construction should normally only take place between:

Monday to Friday: 7.30am to 6pm

Saturday: 8.30am to 2pm

No noisy work should be done on Sundays or Bank holidays.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

346 Great Western Street, Manchester, M14 4DS
Flat Over, 319 Great Western Street, Manchester, M14 4BZ
Massawa Cafe, 356 Great Western Street, Manchester, M14 4BY
Flat, 10 Playfair Street, Manchester, M14 4DD
Top Flat, 311 Great Western Street, Manchester, M14 4BZ
303A Great Western Street, Manchester, M14 4BZ
352A Great Western Street, Manchester, M14 4BY
Flat Above, 305 Great Western Street, Manchester, M14 4BZ
3 Roberts Avenue, Manchester, M14 4DB
319 Great Western Street, Manchester, M14 4BZ
313 Great Western Street, Manchester, M14 4BZ
366 Great Western Street, Manchester, M14 4BY
10 Playfair Street, Manchester, M14 4DD
Flat Above, 362 Great Western Street, Manchester, M14 4BY
Flat Above, 360 Great Western Street, Manchester, M14 4BY
360 Great Western Street, Manchester, M14 4BY
Top Flat, 358 Great Western Street, Manchester, M14 4BY
358 Great Western Street, Manchester, M14 4BY
Flat Above, 317 Great Western Street, Manchester, M14 4BZ
Flat Above, 313 Great Western Street, Manchester, M14 4BZ
Flat Above, 309 Great Western Street, Manchester, M14 4BZ
Flat 2, 354A Great Western Street, Manchester, M14 4BY
Flat 1, 354A Great Western Street, Manchester, M14 4BY
1 Roberts Avenue, Manchester, M14 4DB
350 Great Western Street, Manchester, M14 4DS
348 Great Western Street, Manchester, M14 4DS
317 Great Western Street, Manchester, M14 4BZ
315 Great Western Street, Manchester, M14 4BZ
311 Great Western Street, Manchester, M14 4BZ
309 Great Western Street, Manchester, M14 4BZ
305 Great Western Street, Manchester, M14 4BZ
303 Great Western Street, Manchester, M14 4BZ
364 Great Western Street, Manchester, M14 4BY
352 Great Western Street, Manchester, M14 4BY
362 Great Western Street, Manchester, M14 4BY
8 Playfair Street, Manchester, M14 4DD
33 Playfair Street, Manchester, M14 4DD
31 Playfair Street, Manchester, M14 4DD
354 Great Western Street, Manchester, M14 4BY

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
Area Team Boundary - Name: SOUTH AREA