

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141282/FO/2024	
Date registered valid:	21 February 2025	
Proposal:	Use of the property as a fast food restaurant and takeaway (Sui Generis use).	
Address:	16 Oldham Street, Manchester, M1 1JQ	
Ward(s):	Piccadilly	Ward
Applicant:	Mr Ali Raza	
Agent (if any):	Mr Soreen Billbas Barcx Ltd	
Case officer:	James Tel: 0161 219 Email: james.bridgman@manchester.gov.uk	Bridgman 6202
Recommendation:	Approve	
Date of recommendation:	11 April 2025	

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 5 March 2025

Standard consultations:

Printed: 28 February 2025 Expired: 21 March 2025

Neighbour notifications

Printed: 28 February 2025 Expired: 21 March 2025

Site notice

Posted: 5 March 2025 Expired: 5 March 2025

Press advert

Published: 4 March 2025 Expired: 25 March 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application site relates to No.16 Oldham Street. The property is currently occupied by a convenience store

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

This application site relates to No.16 Oldham Street. The property is currently occupied by a convenience store. The site is located within the Northern Quarter of Manchester City Centre and is also within the Stevenson Square Conservation Area.

Description of development

Permission is sought for the change of use to restaurant and takeaway (Suis Generis Use).

The site is currently used as a retail shop/newsagent. There are no external alterations accommodated to facilitate the development.

The proposed operating hours of operation are confirmed in the noise assessment as follows:

Monday – Friday: 8:00 – 20:00

Saturday: 9:00 – 23:00

Sunday: 10:00 – 18:00

Planning History

N/A

Consultations & Notification Responses

Highway Services – No objection

Environmental Health – No objection subject to conditions relating to hours, fumes, waste management, noise and plant noise.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy CC10 - A Place for Everyone
- Policy EN14 – Flood Risk
- Policy EN16 – Air Quality
- Policy EN19 – Waste

Saved Unitary Development Plan for Manchester - The following saved UDP Policies are of relevance to this application:

- Policy DC10 – Food and Drink Uses
- Policy DC26 – Development and Noise

-Places for Everyone Joint Development Plan;

- | | | | | | |
|---|-----------------------------------|-----------|---|------|--------|
| - | Policy | JP-Strat2 | – | City | Centre |
| - | Policy JP-P1 - Sustainable Places | | | | |

-Hot Food Take-Away Supplementary Planning Document (SPD);

National Planning Policy Framework (NPPF)

- Chapter 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Issues

Principle

Policy DC10.2 advises the Council will normally accept the principle of developments of takeaways in the City Centre.

The site is located in City Centre, on Oldham Street and within the Northern Quarter. The principle of the use subject to a further assessment within this report, the use is unlikely to impact upon residential amenity as the site is situated within a busy area of the City Centre and complies with Policy DC10.2.

In determining the principle of development, consideration should be made against the 'Hot Food Takeaway Supplementary Planning Document' (SPD). Given the development is located within the City Centre is it exempt from Policy 1.

Policy 2 of the SPD advises consideration should be made to impact on amenity including hours of opening, extraction of odours and noise abatement, disposal of waste products and customer, highway safety. This is assessed within the sections below.

The site is not within 400m of any schools and complies with Policy 3 of the SPD.

Visual amenity

There are no external alterations proposed to facilitate the change of use. For this reason, there will be no impact on the visual appearance or character of the building, street scene or conservation area.

Residential Amenity

The operating hours have been reviewed by the Council's Environmental Health Officer (EHO), and they have advised they are acceptable. A compliance condition will be attached in relation to the proposed hours.

The applicant has provided an Odour Impact Assessment and a completed Odour Impact Assessment. The supporting information concludes the use falls within the 'high' odour impact risk level.

The applicant has provided the product specification of the purified air extraction system and this will incorporate a filtration and recirculation unit which uses sequential filtration to remove grease, particulates, smoke and odour (double carbon) and returns cleaned air to the kitchen. The Council's EHO has advised this strategy is acceptable subject to the maintenance scheduled as detailed in the supporting information being adhered to.

Fume/Odours

The applicant has provided an Odour Impact Assessment and a completed Odour Impact Assessment. The supporting information concludes the use falls within the 'high' odour impact risk level.

The applicant has provided the product specification of the purified air extraction system and this will incorporate a filtration and recirculation unit which uses sequential filtration to remove grease, particulates, smoke and odour (double carbon) and returns cleaned air to the kitchen. The Council's EHO has advised this strategy is acceptable subject to the maintenance scheduled as detailed in the supporting information being adhered to.

A condition will be attached requiring the scheme to be implemented prior to the first use of the site. There will be a verification element of the condition for a report to be submitted and approved in writing by the LPA.

Noise Impact

A Noise Impact Assessment by Professional Consult and an attended baseline noise survey was undertaken and submitted in support of the application. The EHO has reviewed this assessment and advised that any impact on the nearest noise sensitive receptor would not exceed the maximum criteria/noise levels. The details within the Noise Impact Assessment establish the use

and any internal equipment will not result in any impact on the amenity of residential occupiers. In the interest of amenity, the details within this report have been condition to be carried out in accordance.

It is therefore considered that the proposed new use of the site would not result in any unacceptable harm to the amenity of nearby residents. The opening hours will be conditioned.

The Nosie Impact Assessment does not include the assessment of any external plant as the applicant confirmed there will be no external plant proposed and therefore no consideration or assessment is required.

If the applicant requires any external plant, they will need to submit a new application for consideration.

Highway Impact

The site is bound by Oldham Street to the north west and Spear Street to the south east. There are traffic restrictions such as no waiting at anytime and no loading at any time surrounding the site. Additionally, there is a 20mph speed restriction surrounding the site.

Highway Services anticipates the new use will not generate any additional level of trips in comparison to the existing convenience store. The site is also noted to be located within a sustainable location with regular bus, tram and train services available within walking distance of the site.

The unit will operate a take-away service and the applicant has advised there will be 5 take-aways per day. The drivers and cyclists will utilise the limited waiting bay which is acceptable in principle.

In summary, it is considered that occupation of the unit for use as a hot food takeaway would not result in a material different or detectable impact in terms of coming and goings and vehicle movement. Highway Services who were consulted during the processing of the application are satisfied that the proposed change of use would not result in any significant adverse effects to the highway.

Waste Management

The bins are located in the rear of the site and will be taken to Spear Street for collection. The submitted Waste Strategy has been reviewed by the Council's Highways and Environmental Health Officers and is acceptable.

Access

There are no external alterations proposed. The existing level access to the site will be retained.

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 complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay.

Condition(s) to be attached to decision for approval

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, received by the City Council as Local Planning Authority on 21 February 2025:

- Proposed Ground Floor Plan

All received by the City Council, as Local Planning Authority on 5 February 2025:

- Odour Impact Assessment: RP01-24646-R0
- Noise Impact Statement: 24.309.1.R1
- Waste Proforma
- Waste Collection Site Plan

All received by the City Council, as Local Planning Authority on 12 December 2025:

- Oldham Street Servicing Plan
- Oldham Street Waste Plan

All received by the City Council, as Local Planning Authority on 10 December 2025:

- Recirculation and Filtration Systems Specification (Purified Air)
- Recirculation Tower Operating and Maintenance Manual
- Daikin Product Specification

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

3) a) Prior to the commencement of the use hereby approved, fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the approved scheme (Odour Impact Assessment by Cass Allen dated 3rd January 2025, received by the City Council as Local Planning Authority on 5th February 2025). The scheme shall be implemented in full before the use commences.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties.

4) a) The development shall be carried out in accordance with the approved Noise Impact Assessment reference: 24.309.1.R1, received by the City Council as Local Planning Authority on 5 February 2025. The scheme shall be implemented in full before the use commences.

b) Prior to occupation of the development 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 acceptable 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 occupation of the development to ensure compliance with the internal noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

5) The use hereby approved shall not be operate outside the following hours:

Monday – Friday: 8:00 – 20:00

Saturday: 9:00 – 23:00

Sunday: 10:00 – 18:00

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.

6) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00, Monday to Saturday,

10:00 to 18:00 on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

7) The development hereby approved, shall store and collect waste and recycling in accordance with the following documents for the lifetime of the development:

- Waste Management Strategy Proforma (Received 05/02/2025)
- 2030-003-Waste Strategy

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester

BOOKWORM TRANSLATIONS LIMITED, Second Floor Suite C2, 21 - 31 Oldham Street, Manchester, M1 1JG
3 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
First Floor, Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
2 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
Second Floor, Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
1 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
First Floor And Third Floor, 21 - 31 Oldham Street, Manchester, M1 1JG
Second Floor Suite C3, 21 - 31 Oldham Street, Manchester, M1 1JG
Second Floor Office A, 21 - 31 Oldham Street, Manchester, M1 1JG
Manchester Jewellers, 14 Oldham Street, Manchester, M1 1JQ
First Floor, North Square, 11 - 13 Spear Street, Manchester, M1 1JU
Second Floor, North Square, 11 - 13 Spear Street, Manchester, M1 1JU
Second Floor, 21 - 31 Oldham Street, Manchester, M1 1JG
33 Oldham Street, Manchester, M1 1JG
21 - 23 Oldham Street, Manchester, M1 1JG
North Square, 11 - 13 Spear Street, Manchester, M1 1JU
Rother House, 11 - 13 Spear Street, Manchester, M1 1JU
Third Floor, Rother House, 11 - 13 Spear Street, Manchester, M1 1JU
12 Oldham Street, Manchester, M1 1JQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL