

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142229/FO/2025
Date registered valid: 24 February 2025
Proposal: Retention of food kiosk and the erection of front elevation canopy
Address: 581 Stockport Road, Manchester, M13 0RX
Ward(s): Longsight Ward

Applicant: Mr Muhammad Shafiq, Burger Bee
Agent (if any): Ms Sadaf Malik, Plan & Design Consultancy
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 17 April 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16 April 2025

Standard consultations:

Printed: 5 March 2025 Expired: 26 March 2025

Neighbour notifications

Printed: 5 March 2025 Expired: 26 March 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

Description of area

The application property is located on the eastern side of Stockport Road and lies within Longsight District Centre. The applicant property forms part of a three unit section of a wider parade that is set back from the edge of the public pavement allowing the formation of a private and demarcated forecourt. The ground floor is used as a hot-food take away (HFTA). The first floor has previously been used as a beauty salon. However, its current use is unknown. The application property is close to a light controlled pedestrian crossing. Diagonal parking restrictions demarcate the adjacent section of the highways.



Fig.1 – Views of the application site from Stockport Road

Description of development

The development comprises:

- i. The retention of a kiosk used to sell food pre-prepared in the HFTA.
- ii. The kiosk has been constructed using white timber effect cladding panels with fascia signage beneath the eaves and vinyl signage incorporated into the lower sections of the elevations.
- iii. The southern elevation incorporates a serving hatch with a secondary window to the western elevation.
- iv. The submitted drawings indicated that a lean-to roof with a very shallow pitched has been formed to the kiosk (with a maximum height of 2 metres). The kiosk is shown as being 1.6 metres wide with a depth of 2.3 metres.
- v. The proposed canopy has not been erected and would consist of a metal framed structure with a lean-to roof (with a maximum height of 3.1 metres falling to 2.3 metres). It would project from the western elevation and over the demarcated forecourt by 3.1 metres.
- vi. The opening hours of 11.00 am to 11.00 pm Monday to Sunday (Including bank holidays) have been indicated.



Fig.2 - Elevations

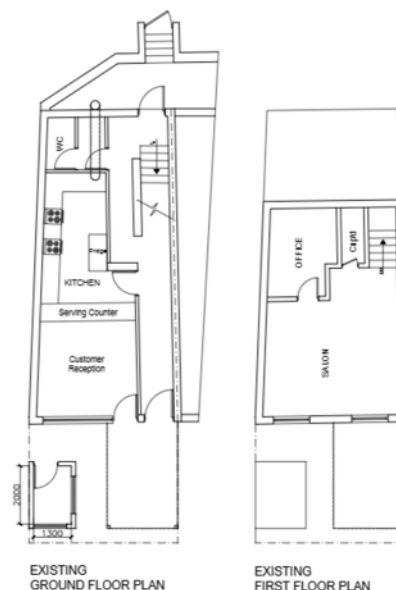


Fig.4 – Layout

Site history

- i. 091903/FO/2009/N2 - Approved - 26.04.2010
581 Stockport Road, Longsight, Manchester, M13 0RX.
Change of use of ground floor from hairdressers (A1) to hot food takeaway and cafe (A5) with outside seating area, together with the installation of a new shop front and an externally mounted extraction flue. Hairdressers (A1) to be retained at first floor
- ii. 055811/FU/CENTL2/98 - Application Approved - 18.03.1999
581, Stockport Road, Longsight.
Change of use from a hair salon to a hot food take-away

Consultations & Notification Responses

Local residents and businesses – Two emails of objection have been received and are summarised below:

- i. The existing operation generates litter to the detriment of the area.
- ii. The quality of [kiosk] design is poor and its siting creates visual clutter. The kiosk is visually obtrusive and poorly related to the character of the streetscene.
- iii. The operation of the kiosk will generate, not only additional footfall but also, traffic generation and congestion. There is concern that on-street car parking associated with the development will undermine the implementation of existing traffic controls and the operation of a light controlled crossing. The development thereby present highway safety issues.
- iv. The development has resulted in an undue expansion of trading space.
- v. Concern is expressed regarding the management of the kiosk particularly with regard to waste management.
- vi. The siting of the kiosk will result in loss of space within the forecourt reduce capacity for customers to queue within the site. Queueing outside the site will result in congestion on the adjacent street.

Highway Services – The following comments have been received:

- i. The food kiosk appears to be located within the forecourt adjacent to the unit. The applicant should confirm the forecourt falls within the applicant's land ownership.
- ii. Clarification is sought regarding how the kiosk would be used for the sale of hot food.
- iii. The applicant should confirm that the proposed canopy would not encroach on to the public highways and that satisfactory headroom clearance would be achieved.
- iv. The arrangements for waste management should be confirmed.

Environmental Health – The following comments have been received:

- i. No objection to the operation of the kiosk subject to its use being restricted to food sales without associated cooking.
- ii. The applicant should confirm that waste generated by the kiosk would be incorporated into the existing arrangements.
- iii. No objection to the proposed opening hours.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in December 2024. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The

document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development' (paragraph 7). The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. The NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually (as set out in paragraph 8):

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (paragraph 2). The statutory status of the development plan remains as the starting point for decision making (paragraph 12). The following aspects of the Framework are relevant.

- i. Section 6: Building a strong, competitive economy - States that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 85). In this case, the application property incorporates proportionate trading space, and it is not apparent that the extension is required to sustain the viable operation of the business. The overall development would have an incongruous relationship to the existing building and the resulting harm to the character and amenities of the surrounding area would be significant.
- ii. Section 8: Promoting healthy and safe communities - States that planning decisions should aim to promote social interaction and achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion (paragraph 96). The kiosk has caused harm to the amenities of the area by virtue of its appearance and relationship to the surrounding context. This harm would be exacerbated by the proposed introduction of a highly visible canopy. The proposed kiosk would increase activity with the forecourt and increase the likely of people congregating around the site, which may impact upon pedestrian movement. The resulting harm to amenity would be contrary to the objectives of section 8.
- iii. Section 12: Achieving well-designed places - States that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 131). It also states that development should function well in the long term and add to the overall quality of the area and lead to the formation of places that are safe, inclusive and accessible and promote health and well-being (paragraph 135). The design and appearance of the canopy has not been appropriately related to the existing building and its context. The kiosk is visually obstructive and creates visual clutter within the forecourt. The development would cause harm to amenity and would thereby fail to accord with section 12.
- iv. Section 14: Meeting the challenge of climate change, flooding and coastal change - The site is in flood zone 1 and it is not apparent that the development would result in an increased risk of flooding.

Planning Policy Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the PPG:

- i. Consultation and pre-decision matters - The PPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. All necessary local consultation has been undertaken.
- ii. Design - Good quality design is an integral part of sustainable development. It is considered that the development presents a contemporary building with a configuration that balances the functional requirements of the proposed mix of uses within a coherent design. The design of the development is not considered to be appropriate for the reasons set out in this report. The above objectives would not, therefore, be accorded with.
- iii. Flood Risk Planning and Flood Risk - As stated the development is in flood zone 1 and would present an apparent increased risk of flooding or additional drainage requirements.
- iv. Health and well-being - States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making. In this case, harm to the amenities of the area, be attributable to the appearance of the development and its relationship to the surrounding context, would be significant. The above objectives would therefore not be accorded with.

Places for Everyone - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The plan was considered at the Full Council meeting in Manchester on 20 March 2024 and was subsequently approved on 21st March 2024. Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance. The following policies are relevant:

Policy JP-P1 - Sustainable places - Discusses amongst other things, the need to ensure that development responds to the needs of all parts of society. In this case, significant emphasis has been placed upon the harmful visual impact of the development. Given these concerns, it is not considered that policy JP-P1 would be accorded with.

Policy JP-P6 – Health – States that development should maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts. The above objectives would not be accorded with due to the identified harm associated with the development.

Policy JP-S4 - Flood risk and the water environment - States that in locating and designing development to minimise the impacts of current and future flood risk. The site is in flood zone 1 and would present an apparent increased risk of flooding or additional drainage requirements.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.' The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for the City. In this case, the relevant principles relate to the extent the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. 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.

It is not considered that the development makes a positive contribution to the character of the adjacent retail parade or the surrounding residential area or the amenities of its residents. Policy SP1 would not be accorded with.

Policy C 2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. It promotes the efficient use of land and housing where it supports the vitality and viability of the district centre. The development would harm the appearance and amenities of Longsight District Centre and would not therefore accord with policy C2.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester should meet high standards of urban design and opportunities for good design, which enhance the overall image of the City should be fully realised. It is not considered that the design of the kiosk and canopy relates appropriately to the building or the surrounding context. Policy EN1 has not, therefore, been accorded with.

Policy EN 14 (Flood Risk) - States that in line with the risk-based sequential approach, development should be directed away from sites at the greatest risk of flooding and towards sites with little or no risk of flooding. The application sites located in Flood Zone 1 and it is not apparent that the development would presents additional risk of flooding.

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.

The impact of construction waste would be minimal and manageable. It is anticipated that waste and recycling associated with the operation of the kiosk would be incorporated into the operation of the hot food take away.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- i. Appropriate siting, layout, scale, form, massing, materials and detail;
- ii. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- iii. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- iv. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- v. Community safety and crime prevention;
- vi. Design for health;
- vii. Refuse storage and collection.

It is not considered that the development accords with policy DM1, due to its inappropriate siting, design and appearance and harm to the amenities of the area.

Policy E3.3 (Environmental Improvement and Protection) - States that all development in Manchester should meet high standards of urban design and opportunities for good design, which enhance the overall image of the city should be fully realised, particularly along major radial roads, such as Stockport Road. A satisfactory quality of elevational design would not be achieved. Therefore, policy E3.3 would not be accorded with.

Policy DC10 (Food and Drink Uses) – The following sections of the policy are relevant:

Policy DC10.1 - Requires that consideration is given to the effect of related development the amenity of neighbouring residents. It is considered that the development would introduce a new aspect to the operation of the site that would be harmful to the amenities of the area and would thereby be contrary to policy DC10.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires the local planning authority demonstrates how it has engaged with the applicant prior to the determination of the planning application. In this case, the application has been determined within the statutory timescale. In this instance the principle of the application proposals is contrary to the adopted development plan and would not improve the social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make the development acceptable. The applicant's agent was informed of these concerns prior to the determination of the application

Principle of the development - It is acknowledged that businesses may seek to expand floorspace to in response to changing operational needs. However, such aspirations need to be balanced against any potential harm attributable to the development. In this case, the prominent siting of the kiosk, the projection and configuration of the proposed canopy and the coverage of the forecourt with new structures have materially affected the relationship of the application property to the streetscene and wider Longsight District Centre. It is not considered that the quality of the elevational design would be appropriate in the context of a radial route to and from the city centre. The principle of the development is therefore considered to be unacceptable.

Siting – The siting of the kiosk and the canopy would compromise the space within the forecourt. This space characterises the relationship of the application site to Stockport Road

and its loss harmfully affects the streetscene. The impact of the positioning of the kiosk on the streetscene is exacerbated by its positioning in front of the principal elevation and adjacent to the edge of the forecourt. The siting of both structures would add visual clutter to the forecourt further adding to the streetscene.

Design – The kiosk has been formed using white cladding panels that contrast sharply with the materials forming the application property. The kiosk therefore has an incongruous relationship with existing built form. The resulting harm is exacerbated by the incorporation of extensive advertising to the elevations of the kiosk. The formation of a metal frame canopy would adversely affect the composition of the building frontage. The development would thereby fail to achieve an appropriate quality of design within a highly prominent district centre location. Given the above concerns, the design of the development is not acceptable

Impact of the streetscene (Longsight District Centre) - As discussed, it is considered that the development has caused significant harm to residential amenity, due to its visual prominence and departure from the character of the application property and neighbouring built form.

Crime and security - The formation of a fixed projecting canopy presents opportunities for loitering beneath it. The operation of the kiosk would also encourage the congregation of people around the front of the site. Therefore, the development may increase the risk of the site becoming a focal point for anti-social behaviour, and disturbance during and outside trading hours.

Authorised opening hours – The applicant has related the development to the following indicated that the following opening hours of 11.00 am to 11.00 pm Monday to Sunday (including bank holidays) have been indicated. However, the application property is related to planning permission ref: 091903/FO/2009/N2 relates the authorised food and drink use to: Mondays to Fridays - 10.00 am to 8.00 pm, Saturday 8.00 am to 6.00 pm, closed Sundays and Bank Holidays. The applicant will be contacted regarding the existing operation of the HFTA to ensure the appropriate operation of the application property.

Shopfront advertising – The displayed illuminated shopfront signage has not been authorised and this matter will need to be addressed separately.

Conclusion – The retention of the kiosk and introduction of a canopy would be unacceptable due to the harm caused to residential and visual amenity attributable to the associated design, appearance and siting.

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: Refuse

Article 35 Declaration

The application has been determined within the statutory timescale. In this instance the principle of the application proposals is contrary to the adopted development plan and would not improve the social or environmental conditions of the area. It is not considered, in this instance, that amendments could be made that would make the development acceptable. The applicant's agent was informed of these concerns prior to the determination of the application.

Reasons for recommendation to refuse

1) The development comprising a front canopy extension and forecourt kiosk, by reason of its design, appearance, siting and scale forms an unduly prominent, incongruous, and obtrusive additions to the application property and its setting. The development therefore has a negative impact upon the character and composition of the host building and detrimentally affects its relationship to Stockport Road (as a radial route to and from the city centre and through Longsight District Centre). The development is thereby considered to be harmful to the amenities of the area and contrary to policies DM1, EN1 and SP1 of the Core Strategy for the City of Manchester, saved policy E3.3 of the Unitary Development Plan and policies JP-P1 and Policy JP-S1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Ground Floor, 590 Stockport Road, Manchester, M13 0RQ
577 Stockport Road, Manchester, M13 0RG
579A Stockport Road, Manchester, M13 0RQ
Flat Above, 600 Stockport Road, Manchester, M13 0RQ
Top Flat, 604 Stockport Road, Manchester, M13 0RQ
588A Stockport Road, Manchester, M13 0RQ
596 - 598 Stockport Road, Manchester, M13 0RQ
604 Stockport Road, Manchester, M13 0RQ
602A Stockport Road, Manchester, M13 0RQ
606A Stockport Road, Manchester, M13 0RQ
590 Stockport Road, Manchester, M13 0RQ
First Floor And Second Floor, 590 Stockport Road, Manchester, M13 0RQ
587 Stockport Road, Manchester, M13 0RX
585 Stockport Road, Manchester, M13 0RX
588 Stockport Road, Manchester, M13 0RQ
606 Stockport Road, Manchester, M13 0RQ
583 Stockport Road, Manchester, M13 0RX
594 Stockport Road, Manchester, M13 0RQ
592 Stockport Road, Manchester, M13 0RQ
579B Stockport Road, Manchester, M13 0RG
602 Stockport Road, Manchester, M13 0RQ
600 Stockport Road, Manchester, M13 0RQ

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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA