MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141335/FO/2024
Date registered valid:	8 November 2024
Proposal:	Change of use of sports and social club (Class F2) to commercial retail (Class E(a) and single storey side extension to form new entrance with alterations to the existing elevation
Address:	18 Kenyon Lane, Manchester, M40 9JQ
Ward(s):	Moston Ward
Applicant:	Mr Qasim Najimi
Agent (if any):	Mr Subhan Saleem
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	13 January 2025

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 27 December 2024

Standard consultations:
Printed: 4 December 2024 Expired: 18 December 2024

Neighbour notifications
Printed: 4 December 2024 Expired: 18 December 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

The application site relates to a single storey building presently occupied by a social club (Lightbowne Club). The site is bounded by Kenyon Lane to the east, Penn Street to the north, Ebsworth Street to the west and a vehicle repair/MOT garage, alongside a small area of informal open space to the south.



View of application site from Moston Lane

The building which has been extended to both its eastern and western sides, is of predominantly masonry construction, incorporating a part flat, part pitched roof. A series of entrances and associated metal roller shutters/housing face directly onto Penn Street.



View from Penn Street looking towards Moston Lane

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site lies within an area mixed use in character, just to the south of Moston Lane local centre, which accommodates a range of small-scale local shops and amenities.

Directly opposite the site to the north and to the opposite side of Penn Street, is a free, surface level, public car park. To the west, are two storey, terraced dwellinghouses, to the east and the opposite side of Kenyon Lane are further two storey, terraced dwellinghouse, along with a row of local shops/restaurants. To the south is a vehicle repair/MOT garage, beyond which is a hand car wash and further still, Tulketh Industrial Estate, home to several of industrial units/ workshops. The wider area is largely residential in character.

Description of development

Planning permission is sought for the change of use of the existing sports and social club (Class F2) to form a retail shop (Class E(a), together with the erection of a single storey side extension to form a new entrance and associated elevational alterations. It is proposed that the shop operates between the hours of 09.00 and 19.00 hrs daily. A rear yard serves as a bin storage area.

Consultations & Notification Responses

Local Residents/Occupiers

20 representations have been received objecting to the application.

Following the receipt of revised drawing and a further period of neighbour notification, 2 further objections have been received. Comments are summarised below:

-The proposal would exacerbate existing on-street parking, congestion and access difficulties.

-The proposed shop does not include sufficient parking or servicing provision in an area that already suffers from parking problems and traffic congestion. The proposal would result in extra traffic.

-No more shops are needed in the area. The proposal would duplicate existing provision.

-The application removes one of the few premises in the area that is designated as a Sports and Social Club.

-The proposal would worsen waste and anti-social behaviour issues in the area.

-The proposal is incompatible with a residential area.

Local Ward Members

Councillors Paula Appleby and Sherita Mandongwe object to the application due to the lack of parking facilities, concerns around traffic congestion, the detrimental impact to residential amenity, due to increase noise and disturbance, the unnecessary duplication of services and incompatibility with the character of the local area.

Environmental Health

Conditions are advised in relation to hours of use, servicing hours, the use of external equipment, waste management and the control of fumes/odours.

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.
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.

It is requested that information on the existing parking arrangements at the existing/extant site are provided and justification of the lack of off-street parking provided.

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. Given the use class of the building, this should accommodate a minimum of 2 cycles

It is noted that there is a dropped kerb that is understood to form an extant vehicle access to the development site. This access is no longer in use and therefore as part of the proposals it is requested that the dropped kerb is reinstated to footway. This will need to be done via a S278 agreement and at the cost of the applicant

A refuse storage area is noted within the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway. Kerbside collection will be via Ebsworth Street via a private contractor. It is understood that this is in keeping with the extant development.

It is requested that further details in relation to loading / unloading / servicing arrangements are provided. Clarification is sought on the anticipated collection days / regularity. It is also

requested that the waste and servicing is managed as part of a Waste and Service Management Strategy.

Greater Manchester Police (Design for Security)

It is recommended that any new windows, doors or shutters are security-certified to Secure by Design (SBD) compliant standards and any new glazing is laminated.

The rear yard should be enclosed with 2100-2400mm high rigid panel, welded-wire mesh fencing and gates to prevent unauthorised access.

Cadent

No objection. An 'informative' is advised in relation to their gas infrastructure and assets.

Relevant Planning History

053595/FO/NORTH2/98

Single storey extension to form snooker room after demolition of existing lounge. *Approved 14 April 1998.*

032251

Installation of a barbed wire security fence on roof. *Approved 10 November 1988.*

F07824

Single storey extension to club to form new committee room. *Approved 8 May 1978*

Policy

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

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 T2 (Accessible Areas of Opportunity and Need) - looks to manage the pattern of development to ensure that new development is located in accessible locations. Particular emphasis is given to the need to ensure residents are able to live in locations accessible to employment health, education, open space and leisure opportunities. The policy also states that all new development should provide appropriate car parking facilities.

Places for Everyone Greater Manchester Joint Development Plan (March 2024)

Places for Everyone Joint Development Plan was published in March 2024 and has been produced by Greater Manchester Combined Authority to provide a long-term plan for jobs, new homes, and sustainable growth for nine of Greater Manchester's districts.

The Plan forms part of the Development Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

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. Policies JP-P1 (Sustainable Development) and JP-C8 (Transport Requirements of New Development) are considered relevant in this case.

Moston Lane Development Framework (October 2023)

This document sets out a vision-led framework for the regeneration of Moston Lane, on behalf of Manchester City Council. It identifies potential interventions and areas of focus to help secure and promote the future growth and sustainability of Moston Lane over the next 10+ years.

The framework is intended to provide the basis for future opportunities for investment, growth and delivery from both the public and private sectors.

National Planning Policy Framework - 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.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 48 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that as no dedicated car parking forms part of the proposal and given the nature of the proposed use and amount of floorspace proposed, the proposal would lead to increased competition for on-street parking on surrounding roads, which in turn would lead to local traffic flow, vehicular congestion and manoeuvrability difficulties and would generate an unsustainable demand for on-street parking. Further, the amount of increased traffic that would be attracted to the immediate area and the associated increased in levels of activity would have a harmful impact to nearby residential occupiers as a result of increased noise and disturbance and the demand of on-street parking.

On this basis, the proposal is considered contrary to policies DM1, T2 and SP1 of the Manchester Core Strategy, the Moston Development Framework and the National Planning Policy Framework (NPPF).

The specific issues of concern are outlined further below.

Highway Impact

Policy DM1 requires that adequate parking should be provided for all new development and consideration should be given to traffic generation and road safety.

Policy T2 of the Core Strategy states that all new developments should provide appropriate car parking facilities and also that the circumstances of each proposal should be taken into account to establish what level of parking is appropriate.

The more strategic policy SP1 goes on to state that new developments should 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.

JP-C8 (Transport Requirements of New Development) of Place for Everyone requires new development to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency

Paragraph 7 refers to the need for new development to make adequate car parking provision, including for disabled drivers and passengers.

In this case, the proposal does not include any dedicated off-road parking. The intention would be for customers and staff to make use of on-street, car parking locally or for customers to park in the free, public car park on the opposite side of Penn Street.

The Council maintains that the applicant cannot rely on parking outside of their ownership or control. The car park opposite is heavily used by shoppers of Moston Lane local centre and by nearby places of worship. It is therefore unlikely that the car park could support further demand and would inevitably lead to an increase in on-street car parking demand.

On-street parking and vehicular congestion is already an issue in the area, arising from existing residential occupiers of neighbouring terraced properties, parking associated with the nearby shops and restaurants/takeaways to the south along Kenyon Lane, overspill parking arising for visitors to Moston Lane centre and notably, from the use of the vehicular repair garage and hand car wash also to the south along Kenyon Lane. These businesses frequently lead to pavement parking and parking around the junction of Kenyon Lane and Penn Street which causes hazardous highway conditions and vehicular congestion and manoeuvrability problems.

Whilst it is acknowledged that the existing social club similarly does not include any dedicated, off-road provision, such a use is markedly different in its function to that of the proposed retail uses. Retail uses tend to result in a higher frequency and turnover of vehicles throughout the entire day, rather than the periodic or evening use of the social club. Parking is also in higher demand for retail uses, as many customers like the ease of travel with a car, particularly if they need to carry goods, such as shopping bags. Moreover, patrons of social clubs are more likely to drink alcohol and therefore less likely to drive. It is therefore considered that parking demand would be much higher and more likely to lead to on-street parking demand.

Allied to the above, account should also be taken of the recently approved Moston Lane Development Framework – a City Council document approved by the Council's Executive sets out a vision for the regeneration of Moston Lane and identifies potential interventions and areas of focus to help secure and promote the future growth and sustainability of Moston Lane over the next 10+ years.

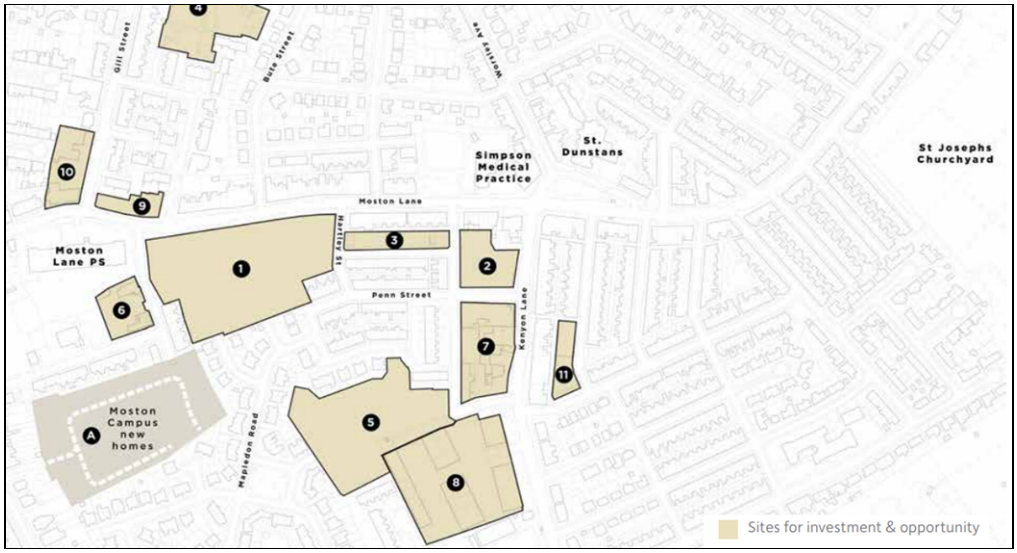
Moston Lane is a local centre, situated a short distance to the north of the site and forms an important local centre for shopping and amenities for the local community.

The Framework notes that the provision of car parking across Moston local centre is uncoordinated and there is a lack of formal parking. Currently, cleared sites for future residential development to the south of Moston Lane are being used for car parking and are large, poorly laid out and by night they are less desirable parking places. A reluctance for residents to use these spaces, for fear of crime or vandalism, then puts greater parking demands on local residential streets, creating tensions and issues where driveways are obstructed and access to ginnels/alleyways are restricted for refuse collection/servicing.

The Framework also identifies that parking provision across Moston is provided in an unstructured way. A key objective of the Framework is therefore to create impactful change to the local neighbourhood by reviewing how parking can be improved as part of regeneration proposals. Indeed a number of sites have been identified for improvement and for potential residential development sites such the public car park to the opposite side of Penn Street, known as Ebsworth Street Car Park.

Linked to unlocking a new local centre is the redevelopment of Ebsworth Street Car Park. It is considered that this site could provide potential re-provision of existing uses elsewhere within the area in order to deliver a new local centre. Development on this site could create a new

frontage onto Kenyon Lane, whilst still providing formal car parking for shops and improved parking for future uses on the site.



Extract from Moston Lane Development Framework, with the car park opposite the site identified as a development opportunity (labelled 2)

The above underlines that the use of the car park opposite cannot be relied upon to cater for parking demand for the proposed retail use. In the medium to long term, the car park may not be in situ and given the car park is outside the control of the applicant, it must be anticipated that there could be insufficient provision locally to cater for the retail floorspace proposed and would inevitably exacerbate existing on-street parking demand.

On this basis, it is considered that the proposal is contrary to the aforementioned policy and guidance.

Residential Amenity

Policy DM1 of the Core Strategy states that all development should have regard to the character of the surrounding area and amongst other matters, consider the effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise. Regard should also be had to vehicular access and car parking.

Policy SP1 states that development should make a positive contribution to neighbourhoods of choice, including amongst other criteria, make a positive contribution to the health, safety and wellbeing of residents.

JP-P1 (Sustainable Development) of Places for Everyone states amongst its criteria at paragraph 15 that new development should offer a high level of amenity that minimises exposure to pollution.

Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

As outlined in the previous section, it is considered that the proposed use would exacerbate existing highway problems locally and give rise to an increase in vehicular trips and an increased demand for on-street parking. The anticipated number of customers and staff

associated with the proposed retail use would have a detrimental impact upon local traffic flow and would generate an unsustainable demand for on-street parking.

The increase competition for on-street parking would make it more difficult and inconvenient for existing residential occupiers to park outside their homes, particularly given the absence of off-road parking provision associated with neighbouring properties.

The proposed use would attract additional and more frequent traffic into the area and coupled with the increased demand for on-street parking spaces, would lead to vehicles circulating around neighbouring roads, as occupants search for a parking space and could cause increased manoeuvrability problems, especially along Kenyon Lane, where pavement parking is a problem. Together with the increased noise and disturbance that would arise from increased vehicular and pedestrian movements in the area, it is believed that the living conditions of nearby residential occupiers would be significantly and unreasonably compromised.

On this basis, it is considered that the proposal would fail to comply with Development Plan policy which, amongst other things, seek to ensure that development does not harm amenity, provides adequate car parking provision and makes a positive contribution to the safety of residents.

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 polices 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

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed use would attract additional vehicles into the immediate area and fails to provide any dedicated off-road parking provision. This in turn would lead to increased demand for on-street spaces and exacerbate vehicular congestion and manoeuvrability difficulties, detrimental to the operation of the highway. On this basis, the proposal is contrary to policies DM1, T2 and SP1 of the Manchester Core Strategy, policy JP-C8 of Places for Everyone Joint Development Plan and the National Planning Policy Framework.

2) The proposed use would also undermine the amenity of existing residential occupiers as a consequence of increased competition for on-street parking spaces and cause an in increase in the levels of activity associated with the proposed use, resulting in undue noise and disturbance. On this basis, the proposal is contrary to policies DM1 and SP1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Environmental Health
Highway Services
Greater Manchester Police

47 Kenyon Lane, Manchester, M40 9JG
4 Ebsworth Street, Manchester, M40 9NE
Flat 1, 43 - 47 Kenyon Lane, Manchester, M40 9JG
49A Kenyon Lane, Manchester, M40 9JG
Flat Above, 31 Kenyon Lane, Manchester, M40 9JG
43 Kenyon Lane, Manchester, M40 9JG
45 Kenyon Lane, Manchester, M40 9JG
51 Kenyon Lane, Manchester, M40 9JG
33 Kenyon Lane, Manchester, M40 9JG
29 Kenyon Lane, Manchester, M40 9JG
21 Kenyon Lane, Manchester, M40 9JG
6 Ebsworth Street, Manchester, M40 9NE
48 Ebsworth Street, Manchester, M40 9NE
42 Ebsworth Street, Manchester, M40 9NE
38 Ebsworth Street, Manchester, M40 9NE
32 Ebsworth Street, Manchester, M40 9NE
26 Ebsworth Street, Manchester, M40 9NE
20 Ebsworth Street, Manchester, M40 9NE
Recycle Shop Ltd, 41 Kenyon Lane, Manchester, M40 9JG
Vehicle Repair Workshop Next To 20, Kenyon Lane, Manchester, M40 9JQ
39 Kenyon Lane, Manchester, M40 9JG
37 Kenyon Lane, Manchester, M40 9JG
35 Kenyon Lane, Manchester, M40 9JG
19 Kenyon Lane, Manchester, M40 9JG
15 Kenyon Lane, Manchester, M40 9JG
13 Kenyon Lane, Manchester, M40 9JG
11 Kenyon Lane, Manchester, M40 9JG
17 Kenyon Lane, Manchester, M40 9JG
20 - 22 Kenyon Lane, Manchester, M40 9JQ
49 Kenyon Lane, Manchester, M40 9JG
31 Kenyon Lane, Manchester, M40 9JG
27 Kenyon Lane, Manchester, M40 9JG
25 Kenyon Lane, Manchester, M40 9JG
23 Kenyon Lane, Manchester, M40 9JG
49 Ebsworth Street, Manchester, M40 9WD
51A Kenyon Lane, Manchester, M40 9JG
43 Penn Street, Manchester, M40 9NF
53 Ebsworth Street, Manchester, M40 9WD
51 Ebsworth Street, Manchester, M40 9WD
47 Ebsworth Street, Manchester, M40 9WD
52 Ebsworth Street, Manchester, M40 9NE
50 Ebsworth Street, Manchester, M40 9NE
46 Ebsworth Street, Manchester, M40 9NE
9 Kenyon Lane, Manchester, M40 9JG
44 Ebsworth Street, Manchester, M40 9NE

40 Ebsworth Street, Manchester, M40 9NE
36 Ebsworth Street, Manchester, M40 9NE
34 Ebsworth Street, Manchester, M40 9NE
30 Ebsworth Street, Manchester, M40 9NE
28 Ebsworth Street, Manchester, M40 9NE
24 Ebsworth Street, Manchester, M40 9NE
22 Ebsworth Street, Manchester, M40 9NE
18 Ebsworth Street, Manchester, M40 9NE
16 Ebsworth Street, Manchester, M40 9NE
41 Penn Street, Manchester, M40 9NF
8 Ebsworth Street, Manchester, M40 9NE
2 Ebsworth Street, Manchester, M40 9NE
14 Ebsworth Street, Manchester, M40 9NE
12 Ebsworth Street, Manchester, M40 9NE
10 Ebsworth Street, Manchester, M40 9NE

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA