

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 141206/FO/2024

**Date registered valid:** 11 October 2024

**Proposal:** Change of use of part of existing sales building to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, associated elevational alterations and installation of fume extraction flue and external plant equipment

**Address:** Shell UK Ltd, 1081 Stockport Road, Manchester, M19 2RE

**Ward(s):** Levenshulme Ward

**Applicant:** Motor Fuel Group

**Agent (if any):** JMS Planning & Development Ltd

**Case officer:** Carl Glennon  
Tel: 0161 234 4530  
Email: [carl.glennon@manchester.gov.uk](mailto:carl.glennon@manchester.gov.uk)

**Recommendation:** Refuse

**Date of recommendation:** 4 November 2024

## Application details

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 8 November 2024

## Standard consultations:

Printed: 22 October 2024 Expired: 12 November 2024

## Neighbour notifications

Printed: 22 October 2024 Expired: 12 November 2024

## Site notice

Posted: 8 November 2024 Expired: 29 November 2024

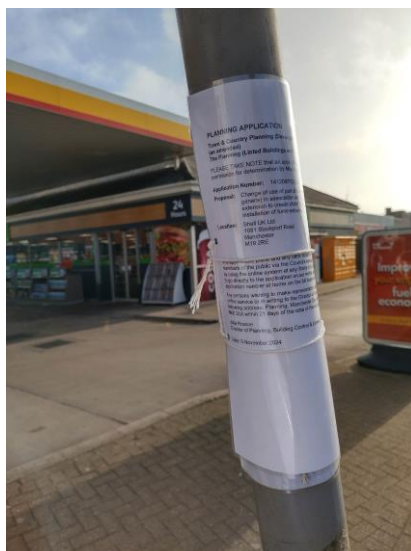


Fig.1 – Displayed site notice

## Press advert

Published: 29 October 2024 Expired: 19 November 2024

**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 site has a linear configuration and lies approximately 48 metres from the north-west boundary of Levenshulme District Centre. It is situated on the eastern side of Stockport Road at its intersection with Cringle Road. Housing is located to the east the site along Cringle Road and Kirk Road. A number of commercial premises are located to the south of the site, including a fitness centre and various Class E uses. Further along the A6 (as it meets the boundary with Stockport MBC) two drive through take away units are located at the junction of Wellington Road North and Lloyd Road. Residential uses and the Grade II listed St Andrews Church are located on the [opposite] western side of Stockport Road.



Fig.2 – Views of the application site.

The application site comprises:

- i. A single storey, pitched roof retail unit
- ii. Fuel pumps and related canopy
- iii. Electric vehicle charging points
- iv. Jet wash
- v. Totem signage
- vi. In and out vehicular access and egress from Stockport Road.

## Description of development

The development involves the sub-division of the existing public sales area to allow the formation of a hot food take away (HFTA) covering 71 sq. metres of internal floor space. The majority of the retail floorspace would be retained. The hot food sales area would be accessed

[illegible]

A related extension would be formed to accommodate a chiller and freezer unit. The extension would have a maximum height of 2.5 metres, width of 4.2 metres and projection of 2.4 metres from the western elevation (and over a hardstanding area). Brickwork elevations have been indicated. An extraction flue would be incorporated into the roof the main building. Air condition units and ventilation arrangements have been indicated on the southern elevation.



Fig.5 - Building elevations

## Site history

- i. 140158/FO/2024: Withdrawn – 23.08.2024  
Introduction of a hot food takeaway (Sui Generis) within the existing sales building, erection of a side extension to accommodate ancillary equipment and associated works
- ii. 136176/FO/2023: Withdrawn - 02.06.2023  
Change of use of part of existing floorspace to create hot food takeaway (sui generis) in association with existing operation, together with single storey extension to create chiller compound, fume extraction flue and external plant equipment.
- iii. 131344/FO/2021: Approved - 01.06.2022  
Installation of 7 x electric vehicle charging points, and 2 jet wash bays , together with related canopies, electricity sub station and associated infrastructure
- iv. 125753/FO/2019: Approved - 12.06.2020  
Installation of new jet wash to forecourt
- v. 110161/AO/2015/N2: Approved - 23.11.2015  
Installation of 2 no. internally illuminated fascia signs, 1 no. non-illuminated fascia sign, window graphics, totem vinyls (replacing existing) and various poster frames
- vi. 112202/FO/2016/N2: Approved - 07.07.2016  
External alterations comprising of new window and door arrangements and re-cladding of building and re-laying of parking area
- vii. 113504/AO/2016: Approved - 28.09.2016  
Retention of internally illuminated ATM fascia signage and LED halo sign
- viii. 113503/FO/2016: Approved - 28.09.2016  
Retention of ATM and associated Anti Ram Bollards
- ix. 072045/AO/2004/N2: Approved - 27.07.2004  
Replacement of various illuminated signs

- x. 065011/FO/NORTH2/02: Approved - 07.10.2002  
Redevelopment of petrol station involving erection of kiosk/convenience store, 8 parking spaces, new canopy and repositioning of jet wash, and LPG vessels
- xi. 044554/AO/CENTL3/93: Approved - 21.12.1993  
Various illuminated signs including fascia, name and information signs and a free-standing double-sided monolith sign
- xii. 051417/FO/CENTL2/97: Approved - 20.03.1997  
Installation of additional diesel pump with associated alterations to forecourt canopy and extension of existing crossover
- xiii. 051639/AO/CENTL2/97: Approved - 20.03.1997  
Illuminated fuel pump signage
- xiv. 055392/FO/CENTL2/98: Approved - 17.12.1998  
Rear of "Shell Levenshulme" petrol filling station, Stockport Road, Levenshulme  
Installation of 2 tanks for the storage and retailing of liquified petroleum gas and new dispenser island.
- xv. 056869/FO/CENTL2/99: Approved - 14.07.1999  
Installation of an automatic teller machine
- xvi. F02805: Refused - 08.09.1975  
New vehicular access on Stockport Road frontage of existing service station.
- xvii. 043049: Approved - 25.03.1993  
Free standing illuminated information sign
- xviii. 023138: Approved - 06.02.1985  
Change of use from office to a twenty four hour private car hire office
- xix. 034434: Approved - 08.09.1989  
Use of part of the existing site for the display and sale of up to 8 vehicles
- xx. 041577: Approved - 08.09.1992  
Erection of new petrol filling station, shop and jetwash
- xxi. F/AD00536: Refused - 30.05.1975  
Illuminated double sided poster unit fixed to existing petrol identification pole sign on forecourt of petrol filling station.
- xxii. F16932: Refused - 03.03.1982  
Redevelopment of existing petrol filling station, including new sales building and canopy, and provision of new vehicular access from Stockport Road.

## **Consultations & Notification Responses**

Local residents – Nine individuals have submitted objections to the development. One individual has submitted a total of 3 separate objections. The grounds for objection are summarised below.

- i. The development would add to an over proliferation of hot food take aways in close proximity to the site. The development would thereby be detrimental to the vitality and viability of the local shopping offer and harmful to the character of the local area.
- ii. The development would exacerbate crime and anti-social behaviour and thereby be harmful to the amenities of the area, particularly if the related risks are made more likely in the late night and early morning periods.
- iii. Additional noise associated with the operation of the HFTA, and the use of the proposed extension would increase and exacerbate disturbance currently experienced by neighbouring residents and be harmful to their amenity. This disturbance would be exacerbated by noise from the existing uses and the operation of new external plant and equipment. Customer noise disturbance, in the late night periods, is identified as a particular concern.

- iv. The development would increase vehicular activity in and around the site thereby compromising pedestrian and highway safety. There is concern that increase servicing requirements would lead to traffic congestion on Stockport Road and increase accident risks. There is limited car parking for customers visiting the HFTA and waiting to collect food orders. Such circumstances would result in congestion within the site or the displacement of car parking into neighbouring streets adding to further noise and disturbance to residents.
- v. The operation of external plant (associated with the HFTA use) would result in the harmful transmission of odours and vapours, potentially on a 24 hour basis. Odours from bin storage also identified as an issue.
- vi. The related generation of litter would be harmful to the character and amenities of the area. It would also increase the risk of vermin infestation and odour from bins if appropriate waste management is not provided. Litter generated by the HFTA would also undermine local efforts to improve the local environment.

Highways – The following comments have been received:

- i. Highways are satisfied that the proposals would not lead to operational or safety concerns in relation to traffic movements.
- ii. The submission identifies seven car-parking bays (including one accessible), including the provision of three extra customer parking bays at the building frontage. Six pump bays and seven EV bays would be retained. It is not apparent how the customer parking bays would be accessed should all of the pumps be in use.
- iii. The parking bays would also obstruct pedestrian access to the building entrance from the forecourt. This should be addressed through an appropriately positioned and demarcated hatched clearance with the forecourt to secure pedestrian access.
- iv. The applicant should confirm that the proposed parking spaces would not affect vehicles accessing / egressing the pump bays, oil-tanker or other delivery / refuse vehicle manoeuvres.
- v. Previous Highways comments made in relation to withdrawn application ref: 140158/FO/2024 and concerning additional parking demand associated HFTA use have not been addressed.
- vi. The transport (TS ) states that based on the applicant's data/experience, the food-to-go outlet would likely increase traffic generation (and associated parking demand) by 6%. However, no evidence/data to support this has been provided.
- vii. The proposal includes parking for 6 bicycles by provision of 3no. 'Sheffield' stands for customer or fast-food delivery use. The provision of sheltered and secure cycle parking staff is recommended.
- viii. The proposal appears to utilise the existing bin store to the rear of the building. However, the impact of the development on existing collection arrangements has not been demonstrated.
- ix. If planning permission is granted the development should be related to a construction management plan.

Environmental Health - It is understood that the existing bin store is to be utilised for the proposed hot food takeaway. This storage area appears to be situated approximately 10m from the facade of the nearest residential dwelling at 12 Cringle Road. The 'Site Management Plan for Food-To-Go Use' document contains no noise mitigation proposals related to staff activities in this regard; emptying waste into bins etc. If the bins in this store are to be used in the late evenings and/or after the HFTA closing time of 12 midnight this potential noise source should have been included in the noise impact assessment.

Electricity North West – Have provided an informative relating to its requirements when undertaking construction work close to its infrastructure.

## 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 2023. 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. 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. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- 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. The statutory status of the development plan remains as the starting point for decision making. 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. In this case, it is noted that the existing petrol filling station has taken opportunities to adapt through its retail offer and provision of car wash and electric vehicle charging points. It is not apparent the proposed development is necessary to maintain the viable operation of the site. Any economic benefits attributable to the development would be outweighed by the identified potential harm to residential amenity and pedestrian and highway safety.
- ii. Section 8: Promoting healthy and safe communities – States that planning decisions should aim to 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. The additional activity associated with the operation of a hot food takeaway would be potentially harmful to residential amenity and thereby be contrary to the objectives of section 8.
- iii. Section 12: Achieving well-designed and beautiful 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. 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. The design the proposed extension would not be appropriately related to the existing building and its context. It would also facilitate the expanded operation of the site and introduce a new use that would be harmful to residential amenity. The development 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.

v. Section 15: Conserving and enhancing the natural environment – Regarding potential land contamination, chapter 15 states that development proposals should take account of ground conditions, and the delivery of any required remediation based on appropriate site investigations. In this the development has not been supported with related grounding condition surveys related to the construction of the proposed extension. Should an appropriate development be brought forward these issues could potentially be addressed through condition.

vi. Section 16: Conserving and enhancing the historic environment – Requires that consideration is given to the impact of development of heritage assets, in this case the Grade II St Andrews Church. In this case, the proposed side extension has been considered in relation to any potential harm to the listed church. It is considered that proposed extension would be related to the composition of existing buildings within the site. The streetscene and associated setting of the listed building would be impacted upon by the proposed installation of an extraction flue. However, as the flue would be attached to a low rise building with minimal screening it would have a harmful visual impact on the streetscene, which includes the listed church. The development would not, therefore, be satisfactorily related to section 16.

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, the operation of the development would not be appropriately related to neighbouring residential uses. The above objectives would therefore not be accorded with.

v. Land affected by contamination – A comprehensive contaminated land remediation scheme would need to be submitted as part of any more appropriate development proposal.

vi. Noise - Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. The development has been related to a noise impact assessment. However, it is considered that the development

would introduce additional external activity that would be difficult to attenuate. The resulting disturbance would be potentially harmful to residential amenity.

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 need to safeguard neighbouring residents from undue noise and disturbance. As these issues have not been satisfactorily addressed, for the reasons outlined in this report, 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 of new development. It is considered that the development would expand the operation of the site and generate levels of activity, noise and disturbance that would be harmful to the character and amenities of the area. Policy JP-P6 would not thereby be accorded with.

Policy JP-S1 - Sustainable development - States that, to address climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. It has not been demonstrated that the development could be delivered without harm to the character and amenities of the surrounding area.

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 as stated, clarification regarding the potential impact of the implementation of the development on below ground watercourses would need to be addressed should a more appropriate proposal be brought forward.

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 parts of the City. In this case the relevant principles relate to the extent to which 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 and services and to reduce the need to travel and provide good access to sustainable transport provision.

The development would change the characteristics of the operation of the site through the introduction of an HFTA use that would potentially increase activity in and around the site until midnight. This activity may be attributable, not only additional pedestrian vehicular movements but also, cycle couriers collecting deliveries from the site. The resulting activity, noise and disturbance would therefore be harmful to the amenity and well-being of residents and be contrary to policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that opportunities for good design to enhance the overall image of the City should be fully realised to reinforce and enhance the local character and context of the development site. In this case, it is not considered that the composition of the proposed extension would be appropriately related to be existing building and its context. Policy EN1 would not be accorded with.

Policy EN 3 (Heritage) – Has been related to the assessment of the proposed extension and extraction flue in relation to its impact on the neighbouring listed Grade II listed St Andrews Church. The development itself and the siting of the proposed extension would cause undue harm to this listed building. The development would thereby be contrary to policy EN3.

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.

It is considered that waste during construction could be managed and there is scope to accommodate additional waste and recycling within the existing bin enclosure.

Policy T1 (Sustainable transport) – Has been related to the assessment of the traffic impacts of the development, including vehicle movement and customer car parking. Significant negative impacts on pedestrian and highway safety have been identified and it is not considered that policy T1 would be accorded with.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- a. Impact on the surrounding areas;
- b. Effects on amenity;
- c. Community safety and crime prevention;
- d. Design for health.

It is considered that the proposed operation of an HFTA would cause undue noise and disturbance and increase the risk of crime and anti-social behaviour. The submitted site management arrangements have not satisfactorily addressed concerns regarding the impact of the operation of the HFTA. There is also concern that the design of the proposed extension would be harmful to the visual amenities of the area. Given these concerns, policy DM1 would not be accorded with.

Unitary Development Plan (UDP) saved policy - The following policies are relevant:

#### Part 1 policies

Policy E3.3 (Upgrade the appearance of radial and orbital routes) - This policy (E3.3) is relevant given the views of the site from Stockport Road, which is a major radial route to the City Centre. The proposed extension has not been satisfactorily related to the existing building and its context. It is policy has been related to the design and appearance of the proposed extension and extraction flue. The development would also introduce a highly visible extraction flue that would detract from the character and appearance of the streetscene. These aspects of the development would be contrary to policy E3.3.

#### Part 2 policies

Policy DC 19 (Listed buildings) – Is relevant to the assessment of the proposal as it requires consideration of, amongst other things, the impact of development on the setting of listed buildings. As stated, the positioning of the proposed extension and flue associated with the operation of the HFTA would have a harmful impact on the streetscene, including the listed St Andrews Church. The development would not therefore be satisfactorily related to policy DC19.

Policy DC 23 Petrol Filling Stations – The development relates to an existing facility and the assessment of the development has therefore been related to the impact of the introduction of a hot food take away and related extension.

Policy DC26 Development and noise - The following elements of policy DC26 are relevant to the consideration of the development:

Policy DC26.1- The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. The effect of new development proposals which are likely to be generators of noise and
- b. The implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.5 - The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Consideration has been given to the noise potentially generated by the HFTA, including the undertaking of deliveries from the site. It is not apparent that related external noise impacts could be attenuated due to the operation of the site and potential for late night / early morning disturbance. Policy DC26 would not, therefore, be complied with.

Hot Food Takeaway Supplementary Planning Document March 2017 – Seeks to build on those priorities and encourage centres and neighbourhoods which are vibrant and contribute to the Council's objective of improving the health of people living in Manchester

Policy 1 (Vitality and viability) – Is not relevant as the application site is not within a district centre.

Policy 2 (Amenity) – States that HFTA uses should be related to Core Strategy Policy DM1 and specific considerations include:

- i. Hours of Opening – Notwithstanding the unrestricted opening hours of the petrol filling station, the HFTA would be limited to opening hours of 6.00 am to 12 midnight (Monday to Sunday (incl.)). However, it is considered that the characteristics of the HFTA operation would introduce activity into the late evening period, which would be harmful to residential amenity (particularly if deliveries were undertaken from the site).
- ii. Extraction of odours and noise abatement – The development could be potentially related to and appropriate fume extraction system. However, on the basis of the submitted details it is considered that the extraction flue would have harmful visual impact on the streetscene. Policy 2 would not be accorded with.
- iii. Disposal of Waste Products and Customer Litter – The development site has the capacity to accommodate necessary bins for waste and recycling. However, the operation has the potential to generate additional off-site litter, which has been identified as a concern in local representations.
- iv. Highway Safety – As discussed in this report, the introduction of an HFTA would present significant pedestrian and highways concerns.

For the above reasons policy 2 would not be accorded with.

Policy 3 (Hot Food Takeaways and Schools) – Does not apply as the site is more than 400 metres of a primary or secondary school.

Positive and proactive engagement with the applicant – An amendment to the Development Management Order, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters applications include an explanation as to how the local planning authority have engaged with the applicant. 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 – The proposed HFTA represents a sui generis use, which would depart from the characteristic operation of the existing on-site retail unit. It is not, therefore, considered to be ancillary to the operation of the existing retail unit. Given the nature of the proposal and the characteristics of the local area, the development has been related to the requirements for HFTA uses as set out in policy DC10. This includes an assessment of the location of new HFTA uses and the potential harm to residential amenity. The eastern side of Stockport Road between the junctions of Cringle Road and Kirk Road lies outside Levenshulme District Centre but has a commercial character comprising the application site), five Class E uses and two HFTA / drive through restaurants (which are related to purpose built development with appropriate facilities and trading space). However, the area immediately to the east of the site is residential along with the opposite (western) section Stockport Road (albeit separated by a busy section of highway). The potential additional levels of activity arising from the introduction of a HFTA would affect the operational characteristics of the application site and lead to additional noise and disturbance, particularly at more sensitive times. The resulting harm

to neighbouring residents, particularly to the east of the site would be unacceptable. Given the above concerns, the principle of the development cannot be supported.

Consultation – Local consultation has been undertaken in accordance with statutory requirements as set out in planning legislation. This included distribution of neighbour notification letters, the display of a site notice and the publication of a press notice.

Residential amenity – The application proposal would generate additional and intense activity that would exacerbate the impact upon of the primary function of the site as a PFS with an associated retail unit. The application has been supported with a site management plan to address concerns regarding anti-social behaviour. There is concern that the proposed on-site management arrangements will be reliant upon intervention by staff. If these measures were not effectively enacted there is potential for additional for the site to become a focus for anti-social behaviour with consequential harm to residential amenity. The referenced intervention by police would draw upon its resources and it appears that such circumstances could be avoided through the omission of the proposed HFTA. As the site management arrangements would be difficult to implement it is considered that the potential for anti-social behaviour, noise and disturbance would remain high. In addition, to potential customer congregation within and around the site, additional noise and disturbance may be caused by delivery staff returning to the site and waiting to collect deliveries within the forecourt. The applicant has not demonstrated that satisfactory arrangements to safeguard the amenities and well-being of residents would be delivered as part of the development.

Expansion of the retail offer – The applicant has argued that the operation of the HFTA should be considered as an ancillary operation linked to the existing retail use. This is framed around the interdependence of the HFTA on the shared access door to the retail unit. However, further subdivision of the internal layout and the insertion of a new doorway could be delivered the independent operation of the HFTA. The characteristics of the HFTA differ from the existing use, including the need to support the development with visually obtrusive external equipment, including an extraction flue. The development represents sui generis use that would materially affect the operation of the site. It therefore cannot be regarded as an ancillary facility.

Opening and Servicing hours – There are three nearby units that serve hot food. The relation opening hours are set out below:

- i. Greggs (1085 Stockport Road) – The unit was formed through the implementation of planning permission ref: 116040/FO/2017 that allowed the sub-division of 1083 – 1085 Stockport Road into a gym and separate retail unit, The opening and servicing hours continue to be restricted to the following:  
Monday to Saturday – 9.00 am to 6.00 pm  
Sunday and bank holidays – 10.00 am to 4.00 pm
- ii. KFC (1091 Stockport Road) – Open to the public 7.00 am to midnight. No servicing hours condition (planning permission ref: 060475/FO/NORTH2/00)
- iii. McDonalds (1093 Stockport Road) – All work and other activity to be undertaken between 6.00 am to midnight (planning permission ref: 120838/JO/2018).

There is concern that the proposed HFTA, even with reduce opening hours, may attract additional customers and thereby generate activity at times when residents can reasonably expect to be safeguarded from noise and disturbance. In these circumstances and the absence of effective site management mechanisms the refusal of planning permission of the HFTA use would be necessary and reasonable.

Car parking and highways issues – The applicant was advised of highways concerns during the consideration of withdrawn application ref 140158/FO/2024 of the concern of Highways regarding trip generation and additional demands for car parking. However, it is not considered that these issues have been satisfactorily addressed as part of the current submission. Concerns remain regarding potential pedestrian and vehicular conflict within the site as customers attempt to access the proposed HFTA. These circumstances would be potentially exacerbated by the undertaking of deliveries from the site and congregation of cyclists and the drivers of other delivery vehicles within the forecourt. It is not considered that the submitted traffic analysis has considered the impact of the undertaking of deliveries from the site. This includes potential conflict between (delivery) cyclists and cars when accessing and regressing the site.

Siting, scale and massing of the proposed extension – The proposed extension would be appropriately related to the proportions of the existing and would have limited visual impact. An appropriate demarcation between the extension and the back of footpath would be maintained.

Design of extension – The extension would have a simple elevational form and coherent relationship to the existing building could be achieved using matching materials.

Regarding additional built form, the proposed extension to the retail building would represent a highly prominent and disproportionate addition and its visual impact could be satisfactorily managed using appropriate materials. Proposed siting and appearance of an extension would have a harmful effect on visual and residential amenity.

Crime reduction and site security – The application has provided a site management plan to address concerns regarding anti-social behaviour. There is concern that the proposed on-site management arrangements will be reliant upon intervention by staff. If these measures were not effectively enacted there is potential for additional for the site to become a focus for anti-social behaviour with consequential harm to residential amenity. The referenced intervention by Police would draw upon its resources and it appears that such circumstances could be avoided through the omission of the proposed HFTA. As the site management arrangements would be difficult to implement it is considered that the potential for anti-social behaviour, noise and disturbance remain high. Satisfactory arrangements to safeguard the amenities and well-being of residents have not therefore been proposed.

Waste and recycling management – The existing bin enclosure has the capacity to accommodate additional bins required in support of the development. However, the dispersal of litter associated with the proposed HFTA use, in and around the site, would be more difficult to manage.

External plant and equipment - It is acknowledged that the final specification of external flues and plant, including associated noise attenuation, could be addressed through condition. Concern remains regarding the visual appearance of the extraction flue. The configuration of built form in relation to the nearby KFC and McDonald allows screening to extraction equipment. By contrast the application property, would be served by an extraction flue in a highly prominent position on the side of a low rise building, which is visible from Stockport Road (A6). It would thereby be harmful to the appearance of a streetscene, which forms part of a major radial route to and from the city centre. The positioning and design of the flue would therefore be visually incongruous and unacceptable.

Impact on the siting of listed building – Given the prominence of the proposed extension, the character of the proposed development would adversely affect the character of the area and the consequential relationship of the site to the Grade II listed St Andrews Church. However, as

discussed, the prominent position of the extraction flue would also be harmful to the quality of the streetscene and would thereby be harmful to the setting of the listed building.

Flood risk – The site is in Flood Zone 1, and the development would present any apparent undue additional flood risk.

Conclusion – The proposed development would materially and adversely affect the operation of the application site and would therefore be unacceptable due to its harm to residential amenity, pedestrian and highway safety and the character of the streetscene.

## **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 operation of the proposed hot food take-away in conjunction with the existing petrol filling station and ancillary, would lead to the overly intensive use of the application site. The proposed use would thereby potentially increase pedestrian and vehicular activity in and around

the site resulting undue noise, disturbance and increased risk of crime and anti-social behaviour, particularly in the later evening and early night-time period. It would thereby cause unacceptable harm to residential amenity and be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policies DC10 and DC26 of the Unitary Development Plan, policy 2 of Hot Food Takeaway Supplementary Planning Document March 2017 and policies JP-P1 and JP-P6 of Sustainable Development Joint Development Plan Document - Places for Everyone.

2) The development proposal has not demonstrated that additional traffic generated by the proposed hot food take away use could be accommodated within the site without compromising the operation of the existing petrol filling station and retail unit. The related adverse impacts relate to potential pedestrian and vehicular conflict associated with additional customer activity within the site, the undertaking of off-site deliveries and the insufficient provision of customer car parking. The development would thereby be detrimental to pedestrian and highway safety and unduly harmful to residential amenity contrary to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC10 of the Unitary Development Plan, Policy 2 of the Hot Food Takeaway Supplementary Planning Document March 2017 and policies JP-P1 and JP-P6 of Sustainable Development Joint Development Plan Document - Places for Everyone.

3) The proposed extension and roof top extraction flue, associated with the operation of the proposed hot food take away, would have an incongruous and overbearing impact on the streetscene and undermine the quality of the existing built environment presented to Stockport Road. It would therefore be harmful to the visual and residential amenities of the area, including the setting of the Grade II listed St Andrews Church. The installation of the proposed flue would thereby be contrary to policies SP1, EN3 and DM1 of the Core Strategy for the City of Manchester and saved policy DC19 of the Unitary Development Plan and the Hot Food Takeaway Supplementary Planning Document March 2017 and policies and policies JP-P1 and JP-P6 of Sustainable Development Joint Development Plan Document - Places for Everyone.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health  
Electricity Northwest

Flat 3, 1 Cringle Road, Manchester, M19 2RW  
Flat 1, 1 Cringle Road, Manchester, M19 2RW  
Flat 2, 3 Cringle Road, Manchester, M19 2RW  
1146 Stockport Road, Manchester, M19 2TJ  
1182 Stockport Road, Manchester, M19 2RA  
Flat 2, 1172 Stockport Road, Manchester, M19 2RA  
Flat 1, 1172 Stockport Road, Manchester, M19 2RA  
Apartment 2, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Apartment 4, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
1160 Stockport Road, Manchester, M19 2TJ  
Flat 1, 1158 Stockport Road, Manchester, M19 2TJ  
3 Nall Street, Manchester, M19 2UQ  
Flat 2, 1158 Stockport Road, Manchester, M19 2TJ  
1154 Stockport Road, Manchester, M19 2TJ  
Flat 2, 1150 Stockport Road, Manchester, M19 2TJ  
18 Cringle Road, Manchester, M19 2RN  
Land Fronting 1083 To 1087, Stockport Road, Manchester, M19 2SU  
31 Cringle Road, Manchester, M19 2RP

Flat 2, 21 Cringle Road, Manchester, M19 2RW  
Flat 3, 21 Cringle Road, Manchester, M19 2RW  
19 Cringle Road, Manchester, M19 2RW  
Flat 4, 1 Cringle Road, Manchester, M19 2RW  
1144 Stockport Road, Manchester, M19 2TJ  
1140 Stockport Road, Manchester, M19 2TJ  
Flat 3, 1172 Stockport Road, Manchester, M19 2RA  
Apartment 1, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Apartment 12, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Flat 5, 1162 Stockport Road, Manchester, M19 2TJ  
Flat 1, 1150 Stockport Road, Manchester, M19 2TJ  
24 Cringle Road, Manchester, M19 2RN  
Jetts Fitness, 1083 Stockport Road, Manchester, M19 2RE  
17 Cringle Road, Manchester, M19 2RW  
25 Cringle Road, Manchester, M19 2RW  
8 Cringle Road, Manchester, M19 2RN  
26 Cringle Road, Manchester, M19 2RN  
Flat 3, 3 Cringle Road, Manchester, M19 2RW  
Flat 5, 1172 Stockport Road, Manchester, M19 2RA  
Apartment 3, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Flat 1, 1162 Stockport Road, Manchester, M19 2TJ  
14 Cringle Road, Manchester, M19 2RN  
Flat 2, 9 Cringle Road, Manchester, M19 2RW  
Flat 4, 3 Cringle Road, Manchester, M19 2RW  
1180 Stockport Road, Manchester, M19 2RA  
7 Cringle Road, Manchester, M19 2RW  
Flat 7, 1162 Stockport Road, Manchester, M19 2TJ  
Flat 4, 1158 Stockport Road, Manchester, M19 2TJ  
1152 Stockport Road, Manchester, M19 2TJ  
Flat 3, 1150 Stockport Road, Manchester, M19 2TJ  
1083A Stockport Road, Manchester, M19 2RE  
Flat 1, 9 Cringle Road, Manchester, M19 2RW  
29 Cringle Road, Manchester, M19 2RP  
Flat 2, 1 Cringle Road, Manchester, M19 2RW  
Flat 1, 3 Cringle Road, Manchester, M19 2RW  
1142 Stockport Road, Manchester, M19 2TJ  
1176 Stockport Road, Manchester, M19 2RA  
1174 Stockport Road, Manchester, M19 2RA  
Apartment 8, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Flat 3, 1162 Stockport Road, Manchester, M19 2TJ  
Flat 8, 1162 Stockport Road, Manchester, M19 2TJ  
1162 Stockport Road, Manchester, M19 2TJ  
20 Cringle Road, Manchester, M19 2RN  
22 Cringle Road, Manchester, M19 2RN  
23 Cringle Road, Manchester, M19 2RW  
3 Cringle Road, Manchester, M19 2RW  
1184 Stockport Road, Manchester, M19 2RA  
Apartment 11, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Apartment 6, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Apartment 9, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
1 Nall Street, Manchester, M19 2UQ  
Flat 3, 1158 Stockport Road, Manchester, M19 2TJ  
15 Cringle Road, Manchester, M19 2RW  
13 Cringle Road, Manchester, M19 2RW

Flat 4, 9 Cringle Road, Manchester, M19 2RW  
27 Cringle Road, Manchester, M19 2RW  
Flat 1, 21 Cringle Road, Manchester, M19 2RW  
1138 Stockport Road, Manchester, M19 2TJ  
1178 Stockport Road, Manchester, M19 2RA  
Flat 4, 1172 Stockport Road, Manchester, M19 2RA  
Apartment 10, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
5 Cringle Road, Manchester, M19 2RW  
5 Nall Street, Manchester, M19 2UQ  
1148 Stockport Road, Manchester, M19 2TJ  
16 Cringle Road, Manchester, M19 2RN  
11 Cringle Road, Manchester, M19 2RW  
Flat 4, 21 Cringle Road, Manchester, M19 2RW  
1 Cringle Road, Manchester, M19 2RW  
Flat 5, 3 Cringle Road, Manchester, M19 2RW  
1186 Stockport Road, Manchester, M19 2RA  
1172 Stockport Road, Manchester, M19 2RA  
Apartment 7, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Apartment 5, St Andrew's Apartments, 2 Hardicker Street, Manchester, M19 2RB  
Flat 9, 1162 Stockport Road, Manchester, M19 2TJ  
Flat 2, 1162 Stockport Road, Manchester, M19 2TJ  
Flat 4, 1162 Stockport Road, Manchester, M19 2TJ  
Flat 6, 1162 Stockport Road, Manchester, M19 2TJ  
1156 Stockport Road, Manchester, M19 2TJ  
12 Cringle Road, Manchester, M19 2RN  
Flat 3, 9 Cringle Road, Manchester, M19 2RW  
9 Cringle Road, Manchester, M19 2RW  
10 Cringle Road, Manchester, M19 2RN  
2 Kirk Road, Manchester, M19 2RH  
4 Kirk Road, Manchester, M19 2RH  
1081 Stockport Road Manchester, M19 2RE

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Historic Landfill Site 250m Buffer -  
Area Team Boundary - Name: NORTH AREA