

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138064/FO/2023

Date registered valid: 11 September 2023

Proposal: Application to amend the opening hours of the premises from:
12.00pm to 11.00pm Monday to Thursdays, 12.00pm to 11.30pm
Fridays, 5.00pm to 11.00pm Saturdays and 5.00pm to 10.00pm on
Sundays to allow the premises to open during the following hours:
11am to 11pm Sunday to Thursday and 11am to 11.30pm on Friday
and Saturday

Address: 5 Meldon Road, Manchester, M13 0TZ

Ward(s): Rusholme Ward

Applicant: Tayyab Akhlaq, Fast Food Operations Ltd

Agent (if any): Mr Russell Adams, Adams Planning + Development Ltd

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 18.10.2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13/10/2023

Standard consultations:

Printed: 19 September 2023 Expired: 10 October 2023

Neighbour notifications

Printed: 19 September 2023 Expired: 10 October 2023

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

Proposal relates to a vacant ground floor hot food takeaway in a semi-detached property with a flat above. The property features a two-storey outrigger with hardstanding to the side and rear. The property faces directly onto pavement.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. Street Scene



Figure 2. Rear of property

Description of area

The property is in a small parade of local shops both opposite and adjacent. The area is in a predominantly residential part of the Rusholme ward of Manchester.



Description of development

The applicant is proposing to allow the premises to open during the following hours:

11am to 11pm Sunday to Thursday

11am to 11.30pm on Friday and Saturday

Planning History

137624/FO/2023

Description: Erection of single storey rear extension to form enlarged kitchen

Decision: Pending consideration

061585/EUC/NORTH2/01

Description: CERTIFICATE OF LAWFULNESS

Use of premises as a take-away hot food shop with opening times 12.00pm to 11pm Monday to Thursdays, 12.00pm to 11.30 pm Fridays, and 5.00pm to 11.00pm Saturdays and 5.00pm to 10.00pm on Sundays.

Decision: Approve 23/05/2001

Consultations & Notification Responses

Consultations

Manchester City Council Environmental Health

Manchester City Council Environmental Health were consulted on this application.

EH are happy with the following times as requested:

11am to 11pm Sunday to Thursday; and 11am to 11.30pm on Friday and Saturday

Notifications

Local Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

No comments, objections, or representations in respect of this application was received.

Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The following policies are considered relevant in the consideration of this application.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#) ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key document in the Manchester Local Plan. It sets the out the long-term strategic policies for Manchester's future development and forms the framework that planning applications are assessed against. The following Core Strategy Policies are considered relevant to this proposal:
 - DM 1 - Development Management
 - SP 1 - Spatial Principles
 - EC 2 – Existing Employment Space
 - EC 8 – Central Manchester
 - C 10 – Leisure and the Evening Economy
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 16 - Air Quality
 - EN 19 - Waste

[Places for Everyone Plan](#)

- The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.
- [Extant Unitary Development Plan \(UDP\)](#) - The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy are still considered relevant to this proposal.
 - DC10 - Food and Drink Uses
 - DC26 - Development and Noise
- [The National Planning Policy Framework \(The NPPF\)](#) - The National Planning Policy Framework (NPPF) was first published on 27 March 2012 with the latest version published 05 September 2023. This sets out the government's planning policies for England and how these are expected to be applied. The following sections are considered relevant to this proposal:
 - Section 4 – Decision-making
 - Section 6 – Building a strong, competitive economy
 - Section 12 – Achieving well-designed places

Principle of development

In this instance the principle of the proposal is considered acceptable, and it is not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposed development is deemed to accord with all relevant policy of the Manchester Core Strategy, Extant UDP and the NPPF as assessed in the following sections of this report.

The Manchester Core Strategy Development Plan (2012-2027)

The proposal has been assessed against the following policies of the Core Strategy:

DM 1 – Development Management

All new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The proposal has been assessed against the following issues:

Appropriate siting, layout, scale, form, massing, materials, and detail

The applicant is seeking to amend the opening hours of the premises from: 12.00pm to 11.00pm Monday to Thursdays, 12.00pm to 11.30pm Fridays, 5.00pm to 11.00pm Saturdays and 5.00pm to 10.00p on Sundays to allow the premises to open during the following hours: 11am to 11pm Sunday to Thursday and 11am to 11.30pm on Friday and Saturday.

An extension to the property is being considered under the application 137624/FO/2023

This proposal does not alter the siting, layout, form, massing, materials and details of the property.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development. Development should have regard to the character of the surrounding area.

An extension to the property is being considered under the application 137624/FO/2023

This proposal to alter the opening times would have a negligible effect on the character of the area from a design, scale, and appearance viewpoint.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The proposal does not alter the privacy effects of the property.

The proposal is expected to have a negligible effect on Air Quality.

The proposal in of itself has a negligible effect on local noise levels.

The proposal has negligible on road safety and traffic generation and is therefore in accordance with this development management principle.

On balance the proposal has negligible effect on privacy, local light, noise, vibration, air quality, odours, litter, vermin, and birds and is therefore in accordance this development management principle.

Adequacy of internal accommodation and external amenity space.

The proposal has no effect on internal vs external accommodation.

Refuse storage and collection.

The proposal in of itself has a negligible effect on waste from the site, using existing refuse storage and collection on site.

The proposal is in accordance with this development management principle.

Vehicular access and car parking

The proposal has minimal on the existing vehicle access and car parking at the property.

The proposal is in accordance with this development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

No ground contamination, groundwater contamination and/or ground gas relevant to the site or ground stability issues have been identified.

The proposal does not sit within a Conservation Area or near a designated heritage asset.

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Green Infrastructure including open space, both public and private

The proposal has no impact on green infrastructure and balances development with existing green space.

The proposal is therefore in accordance with this development management principle.

Flood risk and drainage.

The site does not sit in a flood risk area and therefore no flood statement or assessment was required.

The proposal has a negligible impact on drainage using the existing drainage on site.

The proposal is therefore in accordance with this development management principle.

SP 1 - Spatial Principles

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should 'make a positive contribution to neighbourhoods of choice'.

This proposal is considered to accord with the principles of this policy.

EC 2 – Existing Employment Space

This policy outlines the key principles to retain and enhance existing employment space and sites.

This proposal is considered to accord with the principles of this policy.

EC 8 – Central Manchester

This policy outlines the principles for employment opportunities in Central Manchester.

This proposal is considered to accord with the principles of this policy.

C 10 – Leisure and the Evening Economy

This policy outlines the key principles around development management of proposals pertaining to Leisure and the Evening Economy. In particular development that supports the evening economy, contributes to the vitality of district centres, and supports a balanced and socially inclusive evening/night-time economy.

This proposal is considered to accord with the principles of this policy.

EN 1 – Design Principles and Strategic Character Areas

This policy outlines key design principles for development in Manchester most notably that all development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the 'Central Character Area'.

This proposal is considered to accord with the principles of this policy.

EN 16 – Air Quality

This policy sets out the key principles of air quality management in the city. The policy seeks to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport.

The proposed development would not give rise to air quality issues when the development is operational.

This proposal is considered to accord with the principles of this policy.

EN 19 – Waste

This policy sets out the key principle of waste management in the city. In a district such as Manchester with a significant existing population and a vision for a growing economy and population a key issue is that of ensuring that this does not automatically lead to a proportionate increase in waste arisings.

Existing waste management arrangements would be retained.

The proposal is considered to accord with the principles of this policy.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced much of the UDP, but some UDP policies are extant (remain) and are relevant to this proposal.

DC10 - Food and Drink Uses

This policy outlines the key issues when considering proposed Food and Drink uses.

This proposal is considered to accord with the principles of this policy.

DC26 - Development and Noise

This policy outlines the key issues to reduce the impact of noise on people living and working in, or visiting, the City.

This proposal is considered to accord with the principles of this policy.

Places for Everyone Plan

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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 significant weight in the planning balance.

This proposal is considered to accord with the aspirations of the Places for Everyone Plan.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.

The NPPF has been adhered to and considered at all stages of the application.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal. .

Section 6 - Building a strong, competitive economy

Section 6. of the NPPF outlines the development management principles to help create the conditions in which businesses can invest, expand, and adapt.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- [Guide to Development in Manchester Supplementary Planning Document and Planning Guidance \(April 2007\)](#)
- [Manchester Residential Quality Guide \(July 2016\) \(MRQG\)](#)
- [Manchester, Salford, and Trafford Strategic Flood Risk Assessment](#)
- [Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems](#)
- [Manchester City Council Planning and Noise Technical Guidance \(2022\)](#)
- [Air Quality & Planning Technical Guidance \(2022\)](#)
- [Planning and Contaminated Land Technical Guidance \(2021\)](#)
- [Greater Manchester Joint Waste Development Plan Document \(GMJWDPD\)](#)
- [Waste Storage and Collection Guidance for New Developments \(2017\)](#)
- [Hot Food Takeaway Supplementary Planning Document \(2017\)](#)
- [Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards \(2020\)](#)
- [Manual for Streets \(2007\)](#)
- [National design guide](#) & [National Model Design Code](#) (2021)
- [Outdoor advertisements and signs: a guide for advertisers \(2007\)](#)

Relevant policy and guidance have been considered within policies of the Core Strategy and Extant UDP.

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.

Conclusion

The proposed change in opening hours would have a negligible effect to the local amenity of the area especially when considered in context with the existing opening hours and other retail units

in the locale. For the above reasons, the proposal is unlikely to have any detrimental impact and therefore accords with the relevant Core Strategy, Extant UDP, NPPF policies and other material considerations.

Recommendation: Approve

Article 35 Declaration

Officers have collaborated with the applicant in a positive and proactive manner. The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, and other material considerations. No significant problems have arisen during the consideration of this application.

Condition(s) to be attached to decision for approval

1. 3-year time limit

The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Opening hours

The premises shall not be open outside the following hours:

- a. 11am to 11pm Sunday to Thursday
- b. 11am to 11.30pm on Friday and Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM 1, SP 1, C 10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Flat At, 9 - 11 Meldon Road, Manchester, M13 0TZ
1A Meldon Road, Manchester, M13 0TZ
6 Meldon Road, Manchester, M13 0TZ
Floor Above, 6 Meldon Road, Manchester, M13 0TZ
2 Meldon Road, Manchester, M13 0TZ
Top Flat, 7 Meldon Road, Manchester, M13 0TZ
1A Copthorne Crescent, Manchester, M13 0RA
10 Meldon Road, Manchester, M13 0TZ
5A Meldon Road, Manchester, M13 0TZ
Flat 3, 12 Meldon Road, Manchester, M13 0TZ
Flat 2, 12 Meldon Road, Manchester, M13 0TZ
Flat 1, 12 Meldon Road, Manchester, M13 0TZ
3 Meldon Road, Manchester, M13 0TZ
1B Copthorne Crescent, Manchester, M13 0RA
9 - 11 Meldon Road, Manchester, M13 0TZ
1 Meldon Road, Manchester, M13 0TZ
8 Meldon Road, Manchester, M13 0TZ
2A Meldon Road, Manchester, M13 0TZ
4 Meldon Road, Manchester, M13 0TZ
7 Meldon Road, Manchester, M13 0TZ
77 Birchfields Road, Manchester, M13 0XX
75 Birchfields Road, Manchester, M13 0XX

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA