MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138824/FO/2023
Date registered valid:	19 December 2023
Proposal:	Erection of single storey extension to form stonemasons workshop (Class B2)
Address:	1200 Rochdale Road, Manchester, M9 6FR
Ward(s):	Charlestown Ward
Applicant:	Mr Carl Moriatry
Agent (if any):	Mr Joe Jennings, Extensions NW Ltd
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	7 February 2024

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit:
17 October 2023

Standard consultations:
Printed: 20 December 2023 Expired: 13 January 2024

Neighbour notifications
Printed: 20 December 2023 Expired: 13 January 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

Listed building: Not applicable.

Conservation area: No

Tree Preservation Order: No

This application relates to a vacant, former hot food takeaway premises, that is located in a local shopping centre, centred around the junction of Victoria Avenue East and Rochdale Road. It is located on the north side of Victoria Avenue and is an end property in a block of a mixture of uses. Access to the Tesco service area and car park lies to the rear of the site.

There is a service road off Rochdale Road that provides access to the rear of the block 1190 - 1200 Rochdale Road. There is a reasonably sized yard to the rear of the property where deliveries can take place. Three parking spaces and spaces for storage of bins is shown in the yard. The proposal will create 3 full time jobs.

Permission is sought for the erection of a single storey rear extension to the premises facing Rochdale Road which is to be used a retail unit selling memorial stones direct to the public. The single storey extension would be used as a stonemason workshop.

Site History

122503/AO/2019 Installation of 1 x 48 sheet sequential digital screen to replace existing static hoarding. Refused.

093326/JO/2010/N1 Variation of condition no.2 (specified plans) attached to planning permission ref 090939/FO/2009/N1 to enable elevational changes to front elevation Approve

093142/AO/2010/N1 Installation of one internally illuminated fascia sign to front elevation Approve

090939/FO/2009/N1Change of use from B1 office to hot food takeaway (A5 Use Class) and new shop front Approve

085370/FO/2007/N1Retention of a 20-metre-high telecommunications column with 3 no. antennas, 1 no. transmission dish and 4 equipment cabins Approve

F17149 Erection of garage rear of Building Society Office, after demolition of existing garage. Approve

F/AD01674Alterations to shop premises to form a new shop front. Approve

F06452 Use of shop as a fish and chip shop. Approve

F06357Use of ground floor shop as a Building Society Office. Approve

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and no representations were received.

Environmental Health - Were consulted and recommended a noise attenuation condition be added to the consent. They also recommended that should external plant and equipment be required, a noise condition would be required to effectively attenuation the equipment.

The Highways Team- Commented that swept path details and car parking layout details be provided and conditioned as part of then consent.

Issues

Policy

The below policies are considered relevant in the determination of this application.

Core Strategy

Policy SP1 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 states that 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 and refuse storage/collection.

Policy C8 local shopping and service provision in local centres should be retained where it remains viable and provides an important service to the local community. The provision of new small scale retail facilities will be encouraged where they would provide for local every day needs and would not be harmful to the vitality and diversity of nearby centres. Careful consideration will be given to the impacts of new commercial development on residential amenity, which is particularly an issue for food and drink uses.

Policy T2 requires that adequate car parking is provided for new developments. The Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.

Unitary Development Plan (Saved Policies)

Policy DC1 provides criteria to be considered in determining applications for extensions to residential properties.

The policy states that in determining planning applications for extensions to residential properties, the Council will have regard to:

a. the general character of the property;
b. the effect upon the amenity of neighbouring occupiers;
c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
d. the overall appearance of the proposal in the street-scene;
e. the effect of the loss of any on-site car parking.

The policy states further that extensions to residential properties will be allowed subject to compliance with other relevant policies of the UDP and the following criteria;

a. they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);
b. they do not create an undue loss of sunlight, daylight or privacy;
c. they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;
d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing.

Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

The Guide to Development in Manchester (SPD) (2007) - The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

National Planning Policy Framework - The central theme to the 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.

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Issues

Principle

The principle of the proposed uses along a busy frontage in the heart of a local neighbourhood shopping centre is generally considered acceptable, provided that there would be no overriding negative impact upon residential amenity, the highway or upon the character of the area.

Residential Amenity

Due to the existing, commercial context of the immediate area, the commercial nature of other neighbouring operations and the relationship of the premises to the nearest residential properties, it is not believed that there would be a significant impact in terms of background noise levels and levels of activity.

The nature of the use and the increase in floorspace is unlikely to create any significant, undue impact upon adjoining living conditions as a consequence of any increased noise and disturbance. As such, the impact upon residential amenity is deemed acceptable.

It is further considered that the due to the size and position and design of the proposed single storey rear extension and its relationship with adjoining properties, there would be no significant, adverse impact upon adjoining occupiers as a result of any overlooking, overshadowing or over-dominance.

In order to safeguard any potential impact upon nearby occupiers, conditions have been imposed with respect to construction hours and hours of operation and car park/ servicing layouts including swept path details.

Impact upon the Highway

Additional information has been provided by the applicant.

The proposed site plan provided indicates that the existing gates to the rear of the site is to be retained for vehicle access. Highways requested vehicle swept path analysis demonstrating vehicles accessing / egressing in a forward gear and a condition has been added to the consent.

The parking area to the rear is for both employee and visitors. As stated above, this is subject to swept path drawings being submitted.
The dimensions of the parking bays are 2.4m x 4.8m. As stated above, this is subject to swept path drawings being submitted.

The applicant has confirmed there is an existing car parking area to the north of the site for visitors which includes disabled parking.
A proposed 5no. secure and sheltered cycle store will be provided to the rear of the site as seen in the proposed site plan which is considered to be acceptable.

The existing boundary treatment is to remain.

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: Approve

Article 35 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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

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

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

3304-01, 3304-02, the Location Plan and the Waste Management Proforma, stamped as received on the 14 December 2023.

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

3) Prior to the above ground works hereby approved, samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy

4) The car parking layout, as indicated on drawing number 3304-01, stamped as received on the 14 December 2023, by the City Council as Local Planning Authority shall be retained and maintained for as long as the development remains in use.

Reason - To ensure sufficient car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

5) a) The premises shall be acoustically insulated and treated to limit the breakout of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

6) a) Any externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

7) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Saturday 09:00 to 17:00

Reason- In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

8) The waste management arrangements shall be carried out in accordance with Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on the 14 December 2023. The approved scheme shall be implemented prior to the first occupation of the building and shall remain in situ whilst the use or development is in operation.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

9) The permission hereby granted is for the use of the single storey extension at the application site as a stonemason workshop (Use Class B2) and for no other purpose (including any other purpose within Use Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - Other uses within the same use class may have a detrimental effect on the neighbourhood and the restriction of the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, pursuant to policy H2.2 of the City of Manchester Unitary Development Plan.

10) The cycle storage arrangements, shall be carried out in accordance drawing number 3304-01, stamped as received by the City Council, as Local Planning Authority, on the 14 December 2023. The approved scheme shall be implemented prior to the first occupation of the building and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Pharmacy, Tesco Superstore, 3 Victoria Avenue East, Manchester, M9 6HW
1192A Rochdale Road, Manchester, M9 6FR
1192 Rochdale Road, Manchester, M9 6FR
1190A Rochdale Road, Manchester, M9 6FR
Chambers And Perkins, 1196 Rochdale Road, Manchester, M9 6FR
Tesco Superstore, 3 Victoria Avenue East, Manchester, M9 6HW
1198 - 1198A Rochdale Road, Manchester, M9 6FR
1198A Rochdale Road, Manchester, M9 6FR
Jct 20 Dental Clinic, 1190 Rochdale Road, Manchester, M9 6FR

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 - Not Affected
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) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA