

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139272/FO/2024
Date registered valid: 15 February 2024
Proposal: Retrospective applicant for change of use from (Sui Generis) Hot Food Takeaway to (Class E) Retail unit
Address: 157 Mount Road, Manchester, M18 7QT
Ward(s): Longsight Ward

Applicant: Mr Sarkaw Azizi
Agent (if any): Mr Ahmed Choudhry, NADA Architects
Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 17 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Standard consultations:

Printed: 26 February 2024 Expired: 18 March 2024

Neighbour notifications

Printed: 26 February 2024 Expired: 18 March 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: Not applicable

Tree Preservation Order: Not applicable

This application relates to an end terraced shop unit in a local shopping centre. The premises were formerly used as a hot food takeaway (sui generis use), allowed by the following permission:

028547 - Sub-division of shop to form a fish and chip shop at 157 Mount Road and a shop at 100 Heathcote Road, Gorton - Approved 30-4-1987.

The site sits in one of 3 blocks, that make up the local centre, and it appears to have residential accommodation above.

In December 2023, the applicant changed the ground floor use into a Class E retail use. At around the same time canopies were also erected, to the front and side of the building, at ground floor level, and the applicant now stores/displays fruit and vegetables under these canopies. No other external alterations have been carried out. The windows are protected with security shutters, although these were installed in relation to the previous use of the premises.

Retrospective permission is therefore sought to retain the use and the canopies.

The hours of operation are:

8.00 am to 10.00 pm, 7 days.

Consultations & Notification Responses

Local residents/adjoining occupiers - Two identical objections were received, from the operators of the same adjoining business. They objected to the application for the following reasons:

- This would have a negative impact on all the businesses on the same block as the applicants shop.
- The plan for the front side elevation of the shop will mean that the other shops will be at a huge unfair disadvantage, as they will be on the blindside of passing trade and will not have a chance of being seen by passing public until they have gone past the applicants shop, which will as a result have a massive negative impact on the other businesses as it will be too late for potential passing trade customers to maybe stop and use their services as it's a busy main road.

A further comment was also received, but this related to issues that they were personally having with the applicant and they neither supported, nor objected to, the application.

Highways Services - Makes the following comments:

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Upon review there is available car parking to the frontage on Mount Road.

Bin stores are indicated on the site plan attached and located at the rear yard of the premises.

A canopy shelter has been erected along the front and side elevation of the property for fruits and vegetable display. This is within the site boundary.

Strategic Area and Citywide Support Manager - Recommends that conditions are attached, to any permission, in relation to refuse and approval of the hours applied for.

Issues

National Planning Policy Framework (December 2023) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 126).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity

- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 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:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved development Control policy DC14.1 sets out the considerations that the City Council will take into account in determining applications relating to shop fronts, security grilles, advertisement signs, canopies and awnings. It states, "The Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shop fronts, where appropriate, and of the area within which the premises are located".

DC14.2 states that shopfronts should allow full access for people whose mobility is impaired. The only exceptions, which the council will normally permit, are where the cost is unreasonably

high or where there are particularly difficult physical architectural constraints, or where the architectural character of a listed building would be damaged.

DC14.3 states that externally mounted security grilles or shutters will not normally be permitted if they are of solid construction.

DC14.4 states that, in cases where externally mounted security grilles or shutters are considered acceptable, the boxes housing the grille or shutter should wherever possible be located behind the fascia.

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance was formally adopted in April 2007. This guidance aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABE as being those urban design characteristics which create successful places, that is character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability.

The guidance advises that high quality design is a vital attribute of successful neighbourhoods, the design of streets should promote neighbourliness and design should respect and be informed by location. Also, it requires that the design of new development incorporates a cohesive relationship with the street scene, aids natural surveillance through the demarcation of public and private spaces and the retention of strong building lines and appropriate elevational detailing and strong design particularly to corner plots.

Principle of change of use - The premises lie in a local shopping centre, with a mixture of uses including other hot food takeaway and retail uses. The proposed Class E use is fully compatible with the other uses, in the centre, and is considered to be acceptable.

Appearance - Canopies have been erected, on the front and side elevations of the building. These are considered to be of a poor design, consisting of metal poles and a form of polycarbonate roof covering. Underneath the canopies there are multiple shelves of fruit and vegetables on display. No other shops, in the centre, have such features and it is considered that this arrangement is out of character with the centre, and surrounding area, and has a detrimental visual impact upon the locality, drawing attention to itself and projecting onto the highway, beyond the other shops. The applicant was advised that this arrangement could not be supported, and that for approval of the application, for the change of use, to be supported, the canopies would need to be removed. The applicant has therefore accepted that any planning permission granted would be subject to a condition requiring the removal of the canopies, within one month of any such permission.

Residential amenity - The indicated hours of operation are in line with other uses, in this busy local centre, and are acceptable to Environmental Health. It is also expected that the use would generate less night time activity, than the previous hot food take-away use, and it is not therefore considered that the use has an adverse impact upon the amenity of surrounding residents.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality

Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved 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: Approve

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance the change of use is considered to be in accordance with City Council policy and agreement was reached with regards to the removal of the unauthorised external works.

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

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

The internal ground floor layout plan as shown on the Existing GA Ground Floor Plan (i.e excluding the indicated external canopies)

Site location plan

stamped as received by the City Council, as Local Planning Authority, on 15 February 2024.

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

2) The premises shall not be open outside the following hours:
8am to 10pm

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Manchester Core Strategy.

3) The development hereby permitted relates to the change of use of the premises, to Class E, only and does not allow for the retention of the external canopies.

Reason: For the avoidance of doubt and in the interests of visual amenity, pursuant to policies DM1, EN1 and SP1 of the Manchester Core Strategy and saved policy DC14.1 of the Unitary Development Plan for the City of Manchester.

4) Within one month of the date of this permission, the unauthorised external canopies, and associated support structure, are required to be removed and the building reinstated to its former appearance prior to the canopies being erected.

Reason - The canopies, by virtue of their position and use of materials, create unduly intrusive and unattractive features harmful to the character and appearance of the area, to the detriment of visual amenity, and their removal is necessary in order to maintain the ongoing attractiveness of this local centre, pursuant to policies DM1, EN1 and SP1 of the Manchester Core Strategy and saved policy DC14.1 of the Unitary Development Plan for the City of Manchester.

5) Notwithstanding the details indicated, on the approved drawings, within 1 month of the date of this permission a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented within one month of the approved details being agreed and thereafter retained and maintained for as long as the development remains in use.

Reason - In the interests of amenity and public health, pursuant to policies DM1, EN19 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

103 Heathcote Road, Manchester, M18 7QL
Advertising Right Clear Channel Site 0203 3022 Gable On 155, Mount Road, Manchester, M18 7QT
157E Mount Road, Manchester, M18 7QT
100 Heathcote Road, Manchester, M18 7GL
105 Heathcote Road, Manchester, M18 7QL
157D Mount Road, Manchester, M18 7QT
159 - 161 Mount Road, Manchester, M18 7QT
140 Mount Road, Manchester, M18 7GS
138 Mount Road, Manchester, M18 7GS
136 Mount Road, Manchester, M18 7GS
134 Mount Road, Manchester, M18 7GS
132 Mount Road, Manchester, M18 7GS
106 Heathcote Road, Manchester, M18 7GL
104 Heathcote Road, Manchester, M18 7GL
102 Heathcote Road, Manchester, M18 7GL
105 Craig Road, Manchester, M18 7QW
103 Craig Road, Manchester, M18 7QW
101 Heathcote Road, Manchester, M18 7QL
157A Mount Road, Manchester, M18 7QT
157C Mount Road, Manchester, M18 7QT
157B Mount Road, Manchester, M18 7QT
155 Mount Road, Manchester, M18 7QT
101 Craig Road, Manchester, M18 7QW

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA