Planning

Growth & Development

Delegated officer report for planning application

Application no.	139457/FO/2024
Date registered valid:	15 March 2024
Proposal:	Installation of new shop front and erection of fume extraction unit to rear
Address:	62 Bury Old Road, Manchester, M8 5BN
Ward(s):	Crumpsall Ward
Applicant:	Mr Ifraz Nabi
Agent (if any):	Mr Ahmed Choudhry NADA Architects
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	8 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 April 2024

Standard consultations:
Printed: 20 March 2024 Expired: 12 April 2024

Neighbour notifications
Printed: 20 March 2024 Expired: 12 April 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**

The property that is the subject of this application is identified as 62 Bury Old Road. The property lies within a parade of commercial properties within the Cheetham Hill District Centre. The application seeks consent for the installation of new shop front and erection of fume extraction unit to rear.

The site is set back of the pavement line, adjacent to the adopted highway. Bury Old Road has a Limited Waiting bays (1 Hour, No Return Within 1 Hour Mon-Sat 7am-7pm Except for loading/unloading), No Waiting at Any Time and No Loading at Any Time.

The parade consists of 18 commercial premises including the application site. Five of which including the application site are hot food takeaways.

Site History

There is current application under consideration ref:139611/LP/2024 Use of property as a Use Class E(b)

138419/FO/2023 Change of use from retail (Class E) to hot food takeaway (Sui Generis) with new shop front and erection of extraction flue to rear. Refused.

F09329 Alterations to shop front of existing Gas Showroom and Service Centre. 1. The development must be begun not later than the expiration of five years beginning with the date of this permission. Approve

F/AD01894Illuminated individual letter fascia sign on front elevation of gas showroom. Approve

F/AD01846Illuminated double sided box sign on front elevation of gas showroom, projecting over highway. Approve

Consultations & Notification Responses

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

Environmental Health were consulted and requested a fumes, construction hours, operational hours, delivery hours, plant and equipment, hours noise attenuation, refuse and air quality conditions be attached to the application.

The construction hours have been added to the consent as an informative. However, the request from environmental health for conditions relating to noise outbreak, hours of operation, refuse and air quality to be attached to the consent do not relate to the proposed scheme for the a new shop front and fume extraction. Such conditions relate to the use of the property. The retail use is being formalised under a lawful use certificate which is currently under consideration.

Issues

Policies

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

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:
- Policy DC14 - Shop front and related signs

The Manchester Core Strategy - Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EN1 - Design Principles and Strategic Character Areas

The National Planning Policy Framework (NPPF, 2021)
- Chapter 7 - Ensuring the Vitality of Town Centres
- Chapter 12 - Achieving Well-Designed Places

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

Issues

Principle - installing a new shopfront and a rear fume extraction flue to 62 Bury Old Road to the is acceptable in principle. Notwithstanding this, consideration must be given to the proposed development's design and appearance, and its impact upon existing levels of amenity.

Appearance and visual amenity - the shopfront alterations would be installed on the Bury Old Road frontage of the application property and would consist of planar glazed. The frameless glass would replace an aluminium sub frame and glass shopfront.

Given that the proposed new shopfront would replace the existing currently present on site, it is believed that the proposed works would not cause substantial harm to the visual amenity of the area as it would be in-keeping with the area's existing commercial character and would be sited away from residential properties. The proposal would be visible within the street scene and public realm, however, is not believed to form a prominent feature due to the existing commercial precedent in this locale.

The proposal therefore accords with policies SP1 and DM1 of the Core Strategy and chapter 12 of the NPPF.

Residential amenity - the new shopfront would be sited a reasonable distance away from the nearest residential properties. It is therefore understood that the proposal would have a minimal effect upon the residential amenity of the area, with limited impacts on outlook, light, and privacy.

Fume Extraction

The proposed use involves a fume extraction flue and associated equipment to the rear.

Due to its position at the rear of a commercial parade and as the position of the flue is not situated within a visually sensitive location, with only limited views of the flue from neighbouring properties. it is not considered that there would be any significant visually harmful impact.

In terms of fumes/odours, a condition has been included which requires more comprehensive details, as well as the need for a verification report to demonstrate that the equipment is installed in accordance with measures to be agreed. With such measures in place, the impact of any fumes/odours is anticipated to be satisfactory.

The proposal requires a roller shutter, and the applicant has not provided details of the shutter. Therefore, an approximately worded condition has been attached to control the appearance of the roller shutter.

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 with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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:

(02) 001 PL0, Location Plan, Site Plan (04) 001 PL0, and the Design and Access Statement, stamped as received on the 6 March 2024. The Technical Data from DBA Technical Services Limited, Mechanical Fume Specification Details, Data Sheet Gas Filtration, Technical Data from Northern Fan Suppliers Limited, stamped as received on the 15 March 2024.

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) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved plans.

Reason - To ensure the appearance of the site to be developed is not adversely affected by the materials to be used in the construction of the development, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) a) Notwithstanding the details received for the fume extraction, fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - To safeguard amenity, pursuant to saved policy DC10 of the Unitary Development for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

5) a) 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 existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

6) Prior to the installation of any roller shutters, full details of the proposed roller shutter specification, including colour, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

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

Informatives

1) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Appendix 1 – List of consultees & neighbours notified

Environmental Health

First Floor, 58A Bury Old Road, Manchester, M8 5BL
Recording Studio Rear Of 62, Bury Old Road, Manchester, M8 5BN
64 - 68 Bury Old Road, Manchester, M8 5EL
58A Bury Old Road, Manchester, M8 5BL
2 Sandy Bank Road, Manchester, M8 5EN
60A Bury Old Road, Manchester, M8 5BN
58 Bury Old Road, Manchester, M8 5BN
60 Bury Old Road, Manchester, M8 5BN
34-52 Bury Old Road, Manchester, M8 5BN
King Edward Buildings Bury Old Road, Salford, M7 4QJ
6 Post Office, King Edward Buildings Salford, M7 4QJ
13 Bury Old Road Manchester, Salford, M7 4QJ
15 Bury Old Road, Manchester, Salford, M7 4QJ
6 King Edward Buildings, 16 Bury Old Road, Manchester, Salford, M7 4QJ
King Edward's Buildings, 17 Bury Old Road, Manchester, Salford, Lancashire, M7 4QJ

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
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
Area Team Boundary - Name: NORTH AREA