MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 138478/FO/2023 |
| **Date registered valid:** | 3 November 2023 |
| **Proposal:** | Erection of single storey rear extension to form enlarged kitchen |
| **Address:** | 820 Stockport Road, Manchester, M19 3AW |
| **Ward(s):** | Levenshulme Ward |
| **Applicant:** | Mr Nafiseh Brojerdian |
| **Agent (if any):** | Mr Zeeshan Aziz Xiontech |
| **Case officer:** | Carl Glennon<br>Tel: 0161 234 4530<br>Email: carl.glennon@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | **21.12.2023** |

**Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 29 November 2023

**Standard consultations:**
Printed: 13 November 2023 Expired: 4 December 2023

**Neighbour notifications**
Printed: 13 November 2023 Expired: 4 December 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**

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

**Description of area**

The application relates to a 2-storey white rendered building situated at the south-west corner of Stockport Road and Park Grove and within the northern section of the Levenshulme District Centre. The property is part of a 3 unit terrace that is separated from a neighbouring restaurant by a vacant house. The adjacent Park Grove comprises of a mix of uses but remains predominantly residential. A raised platform has been installed covering the entirety of the forecourt area presented to Stockport Road and Park Grove. It is understood that the premises benefits from and historic permitted use as a restaurant with ancillary take away facilities.



Fig.1 – Views of the application site from Stockport Road and Park Grove

**Description of development**

The proposed extension would be attached to the northern elevation to an existing lean-to extension. It would for a lean-to roof with a maximum height of 3.2 metres, depth of 3.3 metres and width of 2 metres. The northern elevation would be constructed in brickwork with rendered blockwork to the west elevation. The development would form an enlarged kitchen.




Fig. 2 – Proposed elevations and layout

**Site history**

128814/FO/2020
Application Approved - 10.05.2021
Creation of external seating area to the front and side of the building involving new decked area and associated balustrade

F16264
Application Approved - 02.09.1981
Use of vacant shop as take-away hot food shop with living accommodation over.

029935
Application Refused - 08.10.1987
Removal of hours condition from F16264 for use of the former shop as a take-away hot food shop

F/AD03552
Application Approved - 25.01.1982
Illuminated fascia sign on front elevation of shop.

F09988
Application Refused - 07.03.1979
Use of shop portion of house and shop as a hot food take away.

F13034
Application Approved - 02.07.1980
Use of part of ground floor of shop for the manufacture of Curry Paste and Sauce.

**Consultations & Notification Responses**

Local residents and businesses – No comments received.

Highways – The following comments have been received:

i. The proposed extension is contained within the curtilage of the site and would encroach onto the adopted highway.
ii. The development would increase internal floorspace by 4.5 sq. metres and the resulting increase operational capacity would not present concerns regarding traffic generation and servicing.
iii. It is expected that refuse servicing will continue as present, with bins being stored within the sites curtilage and presented to the highway on waste collection days.
iv. Given the magnitude of the development, construction management measures would not be required form a highways perspective.
v. Any requirements for scaffolding or hoardings should be agreed with Council as highways authority.

Environmental Health – Conditions are requested in relation to schemes to secure appropriate:

i. Fume extraction;
ii. Noise insulation of any external equipment required in support of the development.

**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 September 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 considered to be relevant.

The Framework has been related to the proposed development, with emphasis given to the following:

i. Chapter 7 Ensuring the vitality of town centres
ii. Chapter 8: Promoting healthy and safe communities

It is considered that the development would relate satisfactorily to the above policies regarding the visual impact of the proposed development on the streetscene and measures to provide appropriate security could be delivered as part of the development.

Planning Practice Guidance (PPG) - 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 the following assessment of the proposed development has been given to the following aspects of the PPG:

i. Consultation and pre-decision matters
ii. Health and well-being
iii. Noise

On balance, it is considered that the development would accord with the above guidance.

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. 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.

It is considered that the development would result in the formation of an appropriately composed addition to the building. Given the magnitude of the development, residential amenity would not be significantly affected by the development. The development would also help to e secure the sustainable use of the property.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are relevant to the consideration of this application:

a. Appropriate siting, layout, scale, form, massing, materials and detail;
b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
e. Community safety and crime prevention;
f. Design for health;
g. Adequacy of internal accommodation and external amenity space;
h. Refuse storage and collection.

The site is located in Levenshulme District Centre and it is considered the development would be related to the characteristic levels of noise and activity associated with the existing restaurant use without undue harm to residential well-being and amenity. The development would thereby be appropriately related to policy DM1.

Waste management – A condition has been included to ensure that bins supporting the development are contained within a suitably design enclosure with the site curtilage. These measures are included in the interests of residential amenity.

Unitary Development Plan (UDP) Saved Policies -The following saved UDP policies are also considered to be relevant:

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 development would not affect the streetscene to Stockport Road due to its position and would thereby accord with policy E3.3.

Policy DC10 Food and Drink Uses - This policy (DC10) is relevant to the proposed development and consideration has been given to the following:

a. The general location of the proposed development, including any reference to the area in other policies in the development plan;
b. The effect on the amenity of neighbouring residents;
c. The availability of safe and convenient arrangements for car parking and servicing;
d. Ease of access for all, including disabled people;
e. The storage and collection of refuse and litter.

As stated, the development would be related to an established restaurant with activity that characterises the character of the district centre. Sufficient space would be retained to facilitate waste storage. Thers would be no apparent harm to residential amenity presented by the proposed development. On balance, the development would accord with policy DC10.

Policy DC26 Development and Noise

Policy DC26.1 - Has been related to the proposal potential contribution to the local noise environment, in relation to the additional activity that may be generated by the marginal extended operation of the site. It is considered that the development would not significantly change the relationship of the existing use to neighbouring houses as result additional noise activity and disturbance. A condition has been included to address potential nose disturbance from any require external plant and equipment. The development would thereby accord with policy DC26.1.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

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. In this case, discussions were undertaken regarding the materials to be use in the construction of the extension and arrangements for waste management. Based on the submitted details and the outcome of these discussions, it is considered that sufficient information was available to allow the appropriate assessment of the development.

Principle and design of the development - It is considered that the small scale extension would be appropriate On balance, it is considered that extension would be acceptable

Visual impact - It is considered, in visual terms, that the extension would represent a proportionate addition the building that would be appropriately related to both Stockport Road and Park Grove and the composition of the host building

Crime and Security – An informative has been included recommending measures to reduce the risk of crime and improve site security.

Waste and recycling storage – The applicant has confirmed waste will be stored on site, an appropriate condition is appended.

Conclusion - The development would be appropriately related to the application property and its context. The proposal would have no adverse impact on residential amenity subject to the attachment of appropriate conditions.

**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. Discussions were undertaken regarding the materials to be use in the construction of the extension and arrangements for waste management. Based on the submitted details and the outcome of these discussions, it is considered that sufficient information was available to allow the appropriate assessment of the development.

**Condition(s) to be attached to decision for approval**

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:

101 GROUND FLOOR PLAN
102 ELEVATIONS
103 ELEVATIONS
106 THE LOCATION PLAN
104 EXISTING SITE PLAN
105 PROPOSED SITE PLAN

Received 03.11.2023

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 for the City of Manchester.

3) The materials to be used in the construction of the extension hereby approved, including bricks and roof tiles, together with the method of coursing and pointing and application of render to the western elevation, shall match the existing building in terms of colour, texture and appearance as confirmed the submitted application forms and Xiontech email dated 12 December 2023

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

4) Before the occupation of the development, a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall include details of the siting and appearance of a bin enclosure within the curtilage of the application site. The details of the approved scheme shall be implemented upon occupation of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

5) Before the occupation of the development, a scheme shall be submitted to and approve in writing by the City Council as local planning authority relating to the extraction and discharged of fumes, vapours and odours from the premises. The approve details shall be implemented before the occupation of the development and retained in situ thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with for the City of Manchester and policies SP1 and DM1 of the Core Strategy of the City of Manchester and saved policy DC10 of the Unitary Development Plan.

6) Before first occupation of the authorised buildings, any externally mounted ancillary equipment that may be required as part of the development shall be acoustically insulated in accordance with a scheme 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 equipment.

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 for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

**Informatives**

1) Guidance for developers can be found via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk

3) The applicant should consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled ‘Control of Odour and Noise from Commercial Kitchen Exhaust Systems’ dated May 2022. Details should also be provided in relation to replacement air.

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

Highway Services
Environmental Health
Greater Manchester Police

818 Stockport Road, Manchester, M19 3AW
7 Park Grove, Manchester, M19 3AQ
2 - 6 Park Grove, Manchester, M19 3AQ
822 Stockport Road, Manchester, M19 3AW
1 Park Grove, Manchester, M19 3AQ
Nimrah Education And Community Centre, 2 Park Grove Manchester, M19 3AQ
4-6 Park Grove, Mancheter, M19 3AQ
Akbars Hair Cut, 814 Stockport Road, Manchester, M12 4QL

**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: NORTH AREA