

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138296/FO/2023

Date registered valid: 23 October 2023

Proposal: Erection of single storey side extensions to form enlarged restaurant (Class E).

Address: 96 Bury Old Road, Manchester, M8 5BW

Ward(s): Crumpsall Ward

Applicant: Mr Khaser Ahmed

Agent (if any): Core Architectural Studio

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14 December 2023

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 29 November 2023

Standard consultations:

Printed: 25 October 2023 Expired: 15 November 2023

Neighbour notifications

Printed: 25 October 2023 Expired: 15 November 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 Site/Area

This application relates to a commercial property in use as a restaurant located at 96 Bury Old Road in the Cheetham area of North Manchester. The existing property appears to have an existing unauthorised extension to the rear which the proposed side extension would be attached.

The host premises fronts onto Bury Old Road - a main north/south arterial route leading into and away from Manchester city centre.

The site is situated at the heart of Cheetham Hill district centre, in area dominated by various commercial uses, including retail, food and drink, office uses.

Description of Development

Planning permission is sought for the erection of an erection of single storey side extensions to form enlarged restaurant (Class E). The original proposal included a first-floor extension. However, this element has been removed from the scheme. Therefore, the proposal marginally increases the floor space to allow the business to increase the amount covers.

Consultations & Notification Responses

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

Environmental Heath were consulted - and requested fume extraction and external plant and equipment conditions be attached to the consent only if the kitchen area is changing. The kitchen area remains in the same place. Therefore, the condition is not required in this instance. However, a refuse condition is necessary as details regarding the refuse arrangement are missing from the waste proforma. Environmental Health also requested an air quality and contaminated land conditioned attached to the consent.

The Highways Team were consulted and supported the proposal as the alternative car parking, pedestrian safety and cycle provision arrangements are acceptable. A construction management plan condition has been added to the consent.

Greater Manchester Police- raised no objection to the proposal subject to security measures to be incorporated into the development, which, shall be to secured by design specification and a condition has been added to the consent.

The City of Salford Council -Raised no objection.

Issues

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, SP1, C2, C3, EC1-EC4, T2, EN14-EN19 of the Core Strategy;
- Saved Policy DC26 of the UDP;
- The Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF).

Issues

Principle

The principle of an extension to an existing restaurant business within the context of a district centre is considered acceptable in this location.

Development plan policy recognises the site as being within Cheetham Hill district centre and therefore further businesses which support economic growth in the area are generally welcomed.

Given the overarching policy context, it is considered that the general principle of the proposed use would be acceptable in this location. Further planning issues relevant to this proposal are outlined further below.

Residential Amenity

This part of Cheetham Hill is dominated by commercial operations and is identified within policy as being suitable for such businesses.

Due to the detached position of the nearest residential neighbourhood and the context of the site's immediate surroundings, it is not believed that there would be any significant, adverse effect upon the living conditions of nearby occupiers in terms of increased levels of activity and any associated noise and disturbance. Any impact can be mitigated though the use of planning

conditions to control waste management and construction management. Conditions have therefore been included in this regard.

Design, Scale and Appearance

The proposed extension is single storey in nature and lesser in scale than the immediate surroundings. Given the nature of the extension, and its position on a highly visible location that rationalises the existing ad hoc extensions that are visible on a corner position. The current situation results in a collection of roof types which are of a low quality in appearance. 96 Bury Old Road is a different architectural type, untypical within the area. However, due to its relationship with the neighbouring commercial row of properties being considerably set back does not detract from the commercial row on which it sits. The extension due to its appearance and use of modern materials would allow the extension to assimilate into the existing properties and surrounding area without any significant, adverse impact as a consequence of its siting, scale or design.

The roof which is flat and incorporates a composite cladding system and render. It is believed that given the relationship with the proposed design and appearance is satisfactory. A condition has been included which requires details of external material to be submitted and agreed.

Waste Management

The waste arrangement involves a store within the rear yard, with waste collected twice weekly by a private waste contractor via the rear of the building. This arrangement remains as existing, but with the addition of a further container. As such, the arrangement is considered satisfactory. Highways consider the arrangement acceptable. Environmental health require further details regarding recycling.

Impact on the Highway

Policies DM1, T2 and SP1 of the Core Strategy, as well as the NPPF all seek to ensure that new development proposals provide adequate parking space and ensure adequate servicing arrangements.

The proposals will provide an additional floor area at the existing restaurant and submitted plans indicate that the seating capacity will not significantly increase. As such, Highways are satisfied that the proposed extension would not give rise to a significant increase in vehicle trips.

The area is well served by sustainable modes with regular bus services operating along both Bury Old Road and Seymour Road. The site is also located within walking distance of numerous residential areas.

Plans show that the existing on-site parking provision of 5no. car parking spaces will be retained together with the vehicular access at Seymour Road.

Highways accept that the increase in floor area would not generate a significant level of additional parking demand and so the retained level of provision is considered acceptable.

Submitted plans appear to align with the parking demarcation currently provided within the car park where echelon provision currently provides easier manoeuvrability.

The applicant has demonstrated the car parking demarcation/layout would remain accessible in consideration of the proposed extension build-out.

The proposals to the side of the property will extend a proportion of the building line towards Seymour Road. This would be constructed upon an existing area of private hardstanding which currently attracts car parking, some of which is observed to encroach onto the Seymour Road

footway. The applicant has provided bollards within the site boundary (in the vicinity of the existing skip) in order to further discourage parking in this area which will not impact upon the adjacent footway. This would also ensure clearance in the vicinity of the kitchen exit doorway and fire exit which is acceptable to highway.

The applicant has provided details of any existing or proposed customer or staff cycle parking provision which is acceptable to highways.

Refuse and servicing details have been provided and highways confirmed they are acceptable.

Security

GMP advised the proposal subject to security measures to be incorporated into the development, which, shall be to be secured by design specification and a condition has been added to the consent.

Climate Change

Given the modest increase in floorspace proposed, and the associated level of vehicular trips which is expected to remain the similar to the existing use, it not considered that there would be significant change in air quality as a consequence of vehicular emissions, given the busy, commercial context of the site and existing, authorised operations. However, environmental Health requested an EV charging point to help contribute to carbon reduction methods.

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:

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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:

01 Rev A, 02 Rev A, 03 Rev A, 04 Rev A and the Location Plan, stamped as received on the 11 December 2023 and the Waste Management Proforma, stamped as received on the 23 October 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 commencement of above ground works, samples and specifications of all materials to be used on all external elevations of the development, including the bollards shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall be constructed only using the approved materials.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant policy DM1 of the Manchester Core Strategy (2012).

4) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to EN18 of the Unitary Development Plan for the City of Manchester.

5) a) Prior to occupation of the development, a scheme for electric vehicle charging and any other considerations, shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy

6) Notwithstanding details submitted, no above ground development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

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

7) The development hereby approved shall be carried out in accordance with drawing number 01 Rev A, stamped as received by the city council as local planning authority, on the 11 December 2023 showing the cycle provision arrangements.

Reason - To assist promoting the use of sustainable forms of travel for residents and ensure pedestrian safety, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

8) The development hereby approved shall be carried out in accordance with car parking and pedestrian safety drawing numbered 01 Rev A, stamped as received by the city council as local planning authority, on the 11 December 2023.

Reason - To assist promoting the use of sustainable forms of travel for residents and ensure pedestrian safety, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

9) Prior to first use of the premises, details of the security measures to be incorporated into the development, which, shall be to secured by design specification, shall be submitted for approval in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details and shall be implemented prior to first use.

Reason - To reduce the risk of crime and safeguard the security of residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of part (g)(i) of Class E (restaurant use) 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 - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without prior agreement, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

11) Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Parking of construction vehicles;
- Wheel washing facilities; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved Construction Management Plan.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

12) The premises shall not be open outside the following hours: -

Monday to Friday 16:00 till 23:00 hrs

Saturday and Sunday, including Bank Holidays 14:00 till 23:00 hrs.

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.

Informatives

1) Construction 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 wor

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Salford City Council

Nursery, King David High School, Eaton Road, Manchester, M8 5DY
2D Seymour Road, Manchester, M8 6BG
2B Seymour Road, Manchester, M8 6BG
94 Bury Old Road, Manchester, M8 5BW
2C Seymour Road, Manchester, M8 6BG
King David Primary School, Wilton Polygon, Manchester, M8 5DJ
2A Seymour Road, Manchester, M8 6BG
2 Seymour Road, Manchester, M8 6BG
1 Seymour Court, Bury Old Road, Salford, M7 4PX
2 Seymour Court, Bury Old Road, M7 4PX
3 Seymour Court, Bury Old Road, M7 4PX
4 Seymour Court, Bury Old Road, M7 4PX
5 Seymour Court, Bury Old Road, M7 4PX
6 Seymour Court, Bury Old Road, M7 4PX
7 Seymour Court, Bury Old Road, M7 4PX
8 Seymour Court, Bury Old Road, M7 4PX
9 Seymour Court, Bury Old Road, M7 4PX
10 Seymour Court, Bury Old Road, M7 4PX
11 Seymour Court, Bury Old Road, M7 4PX
12 Seymour Court, Bury Old Road, M7 4PX
13 Seymour Court, Bury Old Road, M7 4PX
14 Seymour Court, Bury Old Road, M7 4PX
15 Seymour Court, Bury Old Road, M7 4PX
16 Seymour Court, Bury Old Road, M7 4PX
17 Seymour Court, Bury Old Road, M7 4PX

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA