

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137363/FO/2023

Date registered valid: 21 June 2023

Proposal: Erection of single storey side extension in association with existing restaurant (Class E)

Address: 32 Hamilton Road, Manchester, M13 0PE

Ward(s): Longsight Ward

Applicant: Mr Naeem Parvez

Agent (if any): Mr Sohail Musa, SMS Architecture

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 September 2023

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 14 July 2023

Standard consultations:

Printed: 29 June 2023 Expired: 20 July 2023

Neighbour notifications

Printed: 29 June 2023 Expired: 20 July 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 planning application relates to an historically converted 2-storey house that is situated at the south-east junction of Hamilton Road and Stamford Road. The adjacent section of Hamilton Road is residential. However, a mosque is located immediately to the west of the site. Manufacturing units are located on the opposite north side of Stamford Road and Longsight Industrial Park to the north west. The property has a forecourt to each street and former walled garden area to Stamford Road that currently accommodates a portable container. The hipped pitched roof is punctuated by flues A further flue adjoins the Stamford Road elevation and extends beyond the eaves. Rollers shutters, projecting boxes and fascia signage is related to each ground floor elevation. Double yellow lines are located at the adjacent junction of Hamilton Road and Stamford Road. The applicant has confirmed that the upper floor is not in residential use.



Fig.1 – Views of the application site from junction of Stamford Road and Hamilton Road

Description of development

The proposed development involves:

- i. The formation of a single storey flat roof side extension that would cover the full extent of the yard area and sited along the boundary at the back of pavement to Stamford Road. The siting of the extension would necessitate the removal of an existing shipping containers and boundary walls and railings.
- ii. The side extension would respond to the angled configuration of the site producing a width of between 2.5 metres and 2.95 metres and overall length of 11.1 metres.
- iii. The extension would have two components, each incorporating a flat roof. The first component would relate to the elevational characteristics of the existing shopfront as it would comprise of vertical columns and display windows. The second component would have a flat roof that relates to the eaves of an adjoining lean to extension with a brick elevation treatment. It would also align with the rear building line of the existing extension. The development would allow the maintenance of a yard area with a depth of 2.3 metres.
- iv. Internally, the development would facilitate an enlarged public service area, counter, food preparation area, kitchen, storage, bin stores and WC.

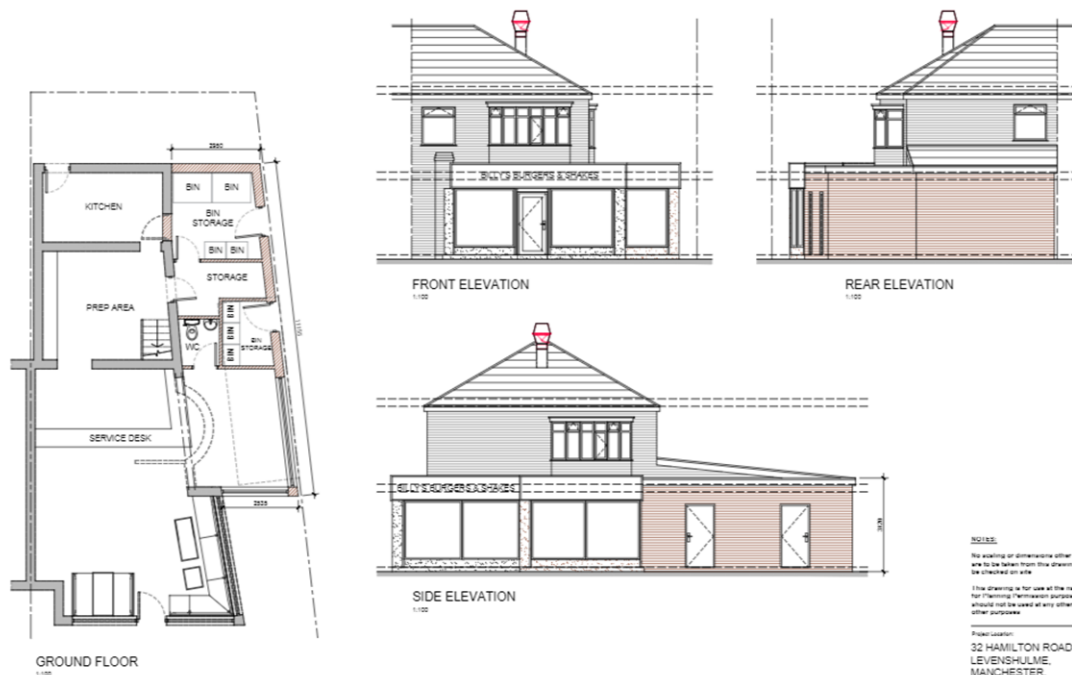


Fig.2 – Proposed layout and elevation drawings

Consultations & Notification Responses

Local residents – No comments received.

Highway Services – No objection on the basis of the following comments:

- i. The development would not encroach on to the adopted highway.
- ii. The development would secure the removal of a storage container to facilitate the development.
- iii. As the development would only in an increase of 33 sq. metres of additional storage, it is not considered that that the development present highways capacity concerns and waste collection arrangements are unlikely to change.
- iv. Given the scale of the development it is not considered that a construction management plan would be required.
- v. Any requirement for scaffolding, highways licensing etc should be agreed with the Council as local highways authority.

Environmental Health – A condition has been requested to ensure that any additional or relocated external plant and equipment is related to a noise attenuation condition.

Greater Manchester Police – Recommend that fixtures, fittings and security measures accord with Secured by Design specifications.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated 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.

Section 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- i. The potential impact of development on transport networks can be addressed;
- ii. Provide opportunities for walking, cycling and public transport use (Paragraph 104).

It is not considered that the magnitude of the development would substantially increase the operational capacity of the property or increase the related generation customer and delivery traffic. There would be no provision of cycle storage. However, there would be no change to the existing circumstances as the current siting to the storage container limits the potential for in curtilage cycle storage. On balance, the development would be appropriately related to Chapter 9.

Section 12: Achieving well-designed places - States, amongst other things, that planning decisions should ensure that developments:

- i. Function well and add to the overall quality of the area over the lifetime of the development;
- ii. Are visually attractive as a result of good architecture and layout;
- iii. Are sympathetic to local character whilst not preventing or discouraging appropriate innovation or change;
- iv. Establish or maintain a strong sense of place;
- v. Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- vi. 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.

The development would facilitate the removal of a visually obtrusive storage container and its replacement with a suitably designed extension. The siting and height of the extension would secure an appropriate relationship to the streetscene. Existing access arrangements would be maintained. On balance, the development would be appropriately related to Chapter 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

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

It is considered that the development would not be appropriately related to the above objectives for the reasons set out in the report.

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

The development would be appropriately related to policy SP1 due to the limited impact attributable to the increased intensity of the expanded restaurant use and the positive benefits of the reorganisation of the operational space within the site.

Policy C10 Leisure and the Evening Economy - States that new development that supports the evening economy should contribute to the vitality of district centres and support a balanced and socially inclusive evening/night-time economy; taking account of:

- i. Cumulative impact;
- ii. Residential amenity;
- iii. Balance.

Although the development is located outside a district centre or shopping parade, it relates to an historically established food and drink use. The proposed operational expansion would have a limited additional impact on residential amenity.

Policy T1 Sustainable Transport - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport.

Policy T2 (Accessible areas of opportunity and need) - Discusses the relationship of development to transportation routes and the utilisation of sustainable transport modes. It states, amongst other things, that the Council will take account of the circumstances of each proposal to establish what level of parking is appropriate and whether proposals are likely to be access or transport issues.

As stated, that development would not produce significant additional traffic impacts and therefore the existing relationship to the surrounding context would be maintained.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues, which are considered to be 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;
- c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: in respect of inclusive access for people with disabilities and access via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- h. Refuse storage and collection.

It is considered that on the basis of the submitted information and the characteristics of the application site, the development (for the reasons set out below) would accord with policy DM1 for reasons set out below.

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

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

Policy DC10.1 - States that, in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to:

- 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.

Policy DC10.4 - Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

Notwithstanding, the locational requirements of policy DC10, the development relates to an established food and drink use. It is not considered that the development would depart from the existing circumstances in terms of its impact on residential amenity. Appropriate waste and recycling facilities would be provided. A condition would ensure attenuation to any changes to fume extraction and / or noise attenuation to new or relocated external equipment. On this basis, it is considered that the development would be appropriately related to policy DC10.

Policy DC26 Development and Noise - Is relevant to the proposed development due to its potential to generate noise and disturbance through the operation of the proposed use and any

external associated equipment. The following aspects of this policy (DC26) are considered to be relevant to the proposed development.

Policy DC26.1 - Has been related to the proposal potential contribution to the local noise environment, in relation to the operation of associated external equipment and the additional activity that may be generated by customers and traffic movements and the undertaking of servicing and deliveries, particularly with regard to the residents of neighbouring residential accommodation.

A condition has been included to ensure noise attenuation of new and / or repositioned external equipment. The potential for noise disturbance would not depart from the existing circumstances with regard to the adjoining residential use. The development would thereby relate appropriately to policy DC26.

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. In this case, officers have engaged in discussions with the applicant's agent to secure agreement to the operational capacity of the premises to ensure that there would not be a significant change in the existing circumstances regarding harm to residential amenity. Sufficient information has been provided with the application to facilitate its satisfactory assessment.

Principle of the development – The use of the application property would not usually be considered to be appropriate for a food and drink use. However, the uses of the premises as hot food take away pre-dates 1989. It appears over time that the use evolved to a restaurant with ancillary hot food take away facilities and this use appears to have been continually undertaken. The proposed development is considered to be consistent with the established use of the premises. The development would not be substantial in terms of its magnitude and expansion of operational capacity to affect the established relationship to neighbouring housing. Moreover, the new built form would be related to Stamford Road, which is characterised by non- residential uses, i.e., a mosque and factory building. The removal of storage container to facilitate the siting of the development would positively benefit the streetscene. On balance, the principle of the development is considered to be acceptable.

Capacity – A condition has been included limiting the operational capacity of the restaurant to 16 seated customers as confirmed by the applicant.

Opening and servicing hours – The established use of the property is not related to conditions relating to opening and / or servicing hours. As the development would only add 33 sq. metres of additional floorspace and the operation of the premises would not substantially change, the inclusion of opening and servicing hours conditions would be an onerous requirement.

Waste and recycling management – Given the capacity of the waste and recycling enclosures, it is considered that the satisfactory related storage would be delivered by the development. These details are conditioned to the development. A separate condition has been included to ensure that the bin enclosures are maintained with inward opening doors, as shown of the submitted drawings, to avoid potential obstruction of the adjacent foot path.

Noise insulation – A condition has been included to ensure that any new or repositioned externally mounted equipment is related to a noise attenuation scheme to ensure that its operation does not unduly impact upon residential amenity.

Fume extraction – A separate condition has been included to ensure that the specification to of fume extraction equipment required in support of the development is approved prior to its installation.

Scale and massing – The development would be limited to a single storey and the brickwork presented to Stamford Road would be relieved by the extent of cladding and glazing to the proposed integrated shopfronts. Further articulation would be secured with the brickwork through the formation of door opening to bin enclosures.

Siting – The neighbouring mosque incorporates a single storey front lean-to extension that project to the back of pavement and informs the configuration of the proposed extension. The maintenance of a recess to the front elevation, alignment of the extension to the existing rear wall and retention of the rear yard would ensure that the development has an appropriate setting.

Design – The incorporation of a flat roof reflects the characteristics of the existing shopfront. The height and arrangement of the proposed display windows would also reflect the characteristic of the existing shopfront thereby securing continuity between the existing and new additions. Further visual cohesion would be secured through the use of matching materials secured by condition.

Inclusive access – The existing stepped access via the Stamford Road elevation would be maintained. This arrangement is considered to be acceptable as there would be no change in the existing circumstances and the proposed layout would not facilitate the formation of alternative access arrangements.

Cycle storage – The configuration of the proposed extension and limited space within the retained yard would not facilitate cycle storage.

Boundary treatment – A condition has been included to ensure the approval of details of the boundary treatment to the retained yard and its implementation prior to the occupation of the development.

Advertisements – A condition has been included that confirms that the planning permission does not confer consent for the advertisement signage indicated on the approved drawings.

Crime and Security – An informative is included that recommends that all new locks, fixtures, fittings and glazing meets 'Secured by Design' standards.

Conclusion – On balance, it is considered that, given the historic use of the application property, and the associated improvements to the appearance of the site, the proposed development would be acceptable. Any harm to residential amenity would be capable of mitigated through the attached 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 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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, officers have engaged in discussions with the applicant's agent to secure agreement to the operational capacity of the premises to ensure that there would not be a significant change in the existing circumstances regarding harm to residential amenity. Sufficient information has been provided with the application to facilitate its satisfactory assessment.

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 as stamped as approve by the City Council as local planning authority on: 21 June 2023 and 11 September 2023:

Planning application forms
00 Site location plan Rev B
02 Proposed Building Rev C.

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) Before the commencement of above ground construction works, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to

and approve in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, which shall be maintained in situ at all times thereafter.

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 for the City of Manchester.

4) The development hereby approved shall only be used in conjunction with the operation of the premises as restaurant with a seating capacity for 16 customers (as confirmed in an email dated 11 September 2023 from SMS Architecture) with ancillary hot food take away facilities.

Reason – In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policies DC10 and DC26 of the Unitary Development Plan.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than a restaurant with ancillary hot food take away facilities.

Reason - To safeguard the amenities of the occupiers of nearby residential properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan.

6) a) Before its installation any externally mounted ancillary plant, equipment and servicing required in support of the development shall be related to a scheme to 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. Approved scheme shall include an acoustic report and be implemented in accordance with the approved details to a timescale agreed with 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. Measure required as part of the agreed verification report shall be implemented to a timescale agreed with the City Council as local planning authority and maintained in situ at all times thereafter.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan.

7) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by,

the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

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

8) Upon occupation of the development, the arrangements for waste and recycling storage management as shown on drawing referenced 02 Proposed Building Rev C shall be implemented and maintained in situ at all times thereafter.

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.

9) Before occupation of the development, bin storage enclosure doors as shown on drawing referenced 02 Proposed Building Rev C shall be fitted with an inward opening mechanisms which shall be maintained in situ at all times thereafter.

Reason - In the interests of residential amenity and to avoid undue obstruction to pedestrian movement along the adjacent highway policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informative

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

2) 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

3) It is recommended that all new locks, fixtures, fittings and glazing meet 'Secured by Design' standards.

4) Notwithstanding the detail of drawings referenced 02 Proposed Building Rev C, the planning permission hereby granted does not confer consent for the display of advertisements.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

73 Hamilton Road, Manchester, M13 0AE
20A Stamford Road, Manchester, M13 0SN
Unit 1, 20A Stamford Road, Manchester, M13 0SN
Unit 2, 20A Stamford Road, Manchester, M13 0SN
Unit 4, 20A Stamford Road, Manchester, M13 0SN
Unit 3, 20A Stamford Road, Manchester, M13 0SN

1 Hawkhurst Road, Manchester, M13 0ST
71 Hamilton Road, Manchester, M13 0AE
34 Hamilton Road, Manchester, M13 0PE

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