

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135694/FO/2022

Date registered valid: 9 January 2023

Proposal: Change of use of ground floor from retail (Class E) to hot food takeaway (sui generis) together with rear canopy and fume extraction flue to rear

Address: 814 Hyde Road, Manchester, M18 7JD

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Hashim Haroon

Agent (if any): Mr V Alyas Architek

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Withdrawn

Date of recommendation: 3 April 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 20 January 2023 Expired: 10 February 2023

Neighbour notifications

Printed: 20 January 2023 Expired: 10 February 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:

Tree Preservation Order:

Withdrawn by email dated 20-3-23

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: Withdrawn

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

8 Abbeywood Avenue, Manchester, M18 7JZ
6 Abbeywood Avenue, Manchester, M18 7JZ
4 Abbeywood Avenue, Manchester, M18 7JZ
5 Abbeywood Avenue, Manchester, M18 7JZ
3 Abbeywood Avenue, Manchester, M18 7JZ
Top Flat, 810 Hyde Road, Manchester, M18 7JD
818 Hyde Road, Manchester, M18 7JD
2 Abbeywood Avenue, Manchester, M18 7JZ
812 Hyde Road, Manchester, M18 7JD
816 Hyde Road, Manchester, M18 7JD
810 Hyde Road, Manchester, M18 7JD
10 Abbeywood Avenue, Manchester, M18 7JZ
1 Abbeywood Avenue, Manchester, M18 7JZ

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 -
Area Team Boundary - Name: NORTH AREA