

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135822/FO/2022

Date registered valid: 23 February 2023

Proposal: Change of use from a retail unit (Class E) and self contained flat (Class C3) to a restaurant/takeaway (Sui Generis) and installation of a new shop front

Address: 1 Grandale Street, Manchester, M14 5WS

Ward(s): Moss Side Ward

Applicant: Mr Yaseen Sulayman

Agent (if any): Mrs Doonyia Ismail Resolve Claims Ltd

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20 April 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16 March 2023

Standard consultations:

Printed: 3 March 2023 Expired: 24 March 2023

Neighbour notifications

Printed: 3 March 2023 Expired: 24 March 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 and area



Photograph 1 Application Site as viewed from Grandale Street

The application site relates to an end-terraced two storey property that has two principal rooms at each floor level, and a rear yard with access to an alleyway where the refuse bins are stored. Both neighbouring properties have a Class E uses at ground floor level. The property is in a short terrace of five properties; the other three properties also having ground floor Class E uses. The terrace is to the west of and close to Wilmslow Road, a main road where commercial and retail uses predominate. To the west of the terrace, beyond its junction with Ravensdale Street, Grandale Street is predominantly residential.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking planning permission to a change of use from a retail unit (Class E) and self contained flat (Class C3) to a restaurant/takeaway (Sui Generis) and installation of a new shop front.

Consultations & Notification Responses – No objection

Local residents/public opinion – No objection

Highway Services – No Objection

Environmental Health – No Objection, recommended conditions on waste hours, noise and odours.

Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

C5 – Central Manchester District Centres – Hulme, Longsight and Rusholme

C10 'Leisure and the Evening Economy'

H5 – Central Manchester

The relevant saved **UDP** policies for this application are:

The Guide to Development in Manchester Supplementary Planning Document

Hot Food Takeaway Supplementary Planning Document March 2017

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

The Principle – Saved policy DC10.2 states that the principle of food and drink uses is acceptable where they sit within a parade of 30 or more shops in a local centre as designated by policy C8 of the Core Strategy. The local centre provides a variety of different services/facilities for the local community it serves. In terms of food and drink uses policy C8 urges that careful consideration is given to new food and drink uses on residential amenity.

Policy C10 of the Core Strategy requires that new development, and redevelopment that supports the evening economy, contributing to the vitality of district centres and supporting a balanced and socially inclusive evening/night-time economy will be permitted, subject to impacts on residential amenity, any cumulative impact or concentration of hot food take-aways and bars, and maintaining a balance between day-time and night-time economies.

Matters that will require consideration, in order to assess the acceptability of any proposal are impacts on residential amenity, hours of use, fume extraction, parking, servicing and refuse.

Planning History

There have been a total of 4 previous applications at this address a summary of the applications are provided below:

Application Reference and Status	Description
F11650 Recv: 15.08.1979 Application Approved	Single-storey extension to form Reception Room to Doctors Surgery.
076084/FU/2005/N2 Recv: 26.07.2005 Application Approved - 17.10.2005	Change of use from former doctors surgery to A1 retail unit at ground floor with self contained flat above, with elevational alterations including new shop front
130574/FO/2021 Recv: 28.05.2021 Application Approved - 12.08.2021	Erection of a single storey rear extension following removal of existing flue.,
131635/FO/2021 Recv: 05.10.2021	Installation of extraction ducting to rear of property

The Use

The applicant seeks to change the use of a currently vacant former retail use (Class E) into a restaurant use and take away (sui generis use) within Rusholme District Centre.

Policy C5 of the Core Strategy make is clear that additional retail will be supported in Rusholme, but this should complement the distinct commercial character of the District Centre and the improvement to the quality of the environment in Rusholme is a priority to help retain and attract shoppers and visitors.

The Hot Food Take Away SPD policy 1 (SPD) advises that Hot food takeaways (formerly A5 use now sui generis) will not be supported in district and local centres where the cumulative impact of introducing the facility would be detrimental to the vitality and viability of a centre and would affect the balance between the day time and night time economy and the health of the population.

However, there are exceptions to this policy in the case of both the City Centre and Rusholme District Centre. This is due to the key role of these centres to the serve the night time economy and they have become known as locations for food and drink, attracting visitors from across Greater Manchester and beyond.

Policy 1 of the SPD advises that in these centres, hot food takeaway applications will be considered based on an assessment of the impact on the role and character of the surrounding area.

The planning history of the Grandale Street reveals that previous permissions granted for the other properties in the terrace have resulted in the creation of a cluster of retail/ commercial uses on Grandale Street close to Wilmslow Road. Had the proposal no included a take away use, a restaurant use would be consider a Class E and therefore would not have required planning permission and quite possible offered an element of take away option for customers. Therefore, given the proximity to Wilmslow Road, the core of the district centre it is considered on balance that a mixed use of restaurant and take away is acceptable in this location.

The proposed use is considered to be in general accordance with the criteria set out in Policy C5 and 10 of the Core Strategy, saved policy DC10 of the UDP and Take Away Policy 1 of the Take Away SPD.

Loss of Residential Accommodation – The proposal would also result in the loss of the first floor residential accommodation, and policy H5 advises that priority will be given to family housing and other high value, high quality development where this can be sustained.

The existing floor plan shows that the property is a 1 bedroom 2-person property with a separate living room, small kitchen and bathroom. The Housing Needs Assessment 2007 (Fordhams) stated that 50% of housing consists of 2-bedroom houses or apartments and 65% is privately rented or socially rented property. Therefore, given that this is unlikely to be used as a family dwellinghouse and that 50% of the housing in the area consists of 2 bedroom houses or apartments, its loss on this occasion would be considered acceptable.

Flue – Planning permission for a flue was granted in 2021 under planning reference 131635/FO/2021 and has since been installed as can be seen in photograph 2.



Photograph 2 Rear of 1 Grandale Street including flue (planning permission reference: 131635/FO/2021)

At the time officers considered that the proposed flue which is attached to the rear elevation of the building and discharges above the eaves level is acceptable to Environmental Protection.

They have asked for a noise condition in respect of external plant and this is included together with the requested validation report.

Hours of Use – The proposed hours of use are as follows:

Monday to Sundays and Bank Holidays: 11:00 - 23:30

Environmental Health have not objected to the proposed hours and have requested a condition to protect residents from servicing and deliveries.

In comparison with the other Class E uses within the centre these hours are considered to be in line with those times of opening. The hours of use are therefore in accordance with Policy C10 and DM1 of the Core Strategy, saved policy DC10 of the UDP and policy 2 of the Hot Food Takeaway SPD.

Residential Amenity – The residential properties to the rear on Eva Street are separated by the rear alley and the rear face of the property is approximately 11 metres away. Whilst there are windows in the rear elevations of the houses it is considered that at 11 metres it is sufficiently far not to have a detrimental impact on residential amenity. Activity will be mostly from the front of the property and it is recommended that the hours proposed are subject to a condition of any approval on this site.

On balance it is considered that the proposed use would not have a significant impact on residential amenity.

Car Parking/Traffic Implications – Highway Services have not objected to the proposal and considered that the proposals is located within a sustainable location in an established commercial/residential area and not likely to generate a significant increase in on-street car parking.

Refuse Storage – Highways have raised no concerns regarding waste management and its collection. Environmental Health have found the amended waste management proforma acceptable/ .

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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:

0360(L)103 Proposed Building Plans received on the 07th February 2023

0360(L)113 Proposed Building Elevations received on the 22nd December 2022

Waste Management Proforma date submitted 30th March 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) The premises shall not be open outside the following hours:-

1100 - 2330 Monday to Sunday (inc Bank holidays)

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.

4) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

9 Eva Street, Manchester, M14 5NX
7 Eva Street, Manchester, M14 5NX
3 Eva Street, Manchester, M14 5NX
13 Eva Street, Manchester, M14 5NX
11 Eva Street, Manchester, M14 5NX
1 Eva Street, Manchester, M14 5NX
104A Wilmslow Road, Manchester, M14 5AJ
112A Wilmslow Road, Manchester, M14 5AJ
Flat Above, 7 Grandale Street, Manchester, M14 5WS
7A Grandale Street, Manchester, M14 5WS
108A Wilmslow Road, Manchester, M14 5AJ
102B Wilmslow Road, Manchester, M14 5AJ
102A Wilmslow Road, Manchester, M14 5AJ
1A Grandale Street, Manchester, M14 5WS
Top Flat, 9 Grandale Street, Manchester, M14 5WS
112 Wilmslow Road, Manchester, M14 5AJ
110 Wilmslow Road, Manchester, M14 5AJ
Ground Floor, 100 Wilmslow Road, Manchester, M14 5AJ
First Floor And Second Floor, 100 Wilmslow Road, Manchester, M14 5AJ
Basement, 100 Wilmslow Road, Manchester, M14 5AJ
98 Wilmslow Road, Manchester, M14 5AL
104 Wilmslow Road, Manchester, M14 5AJ
100 Wilmslow Road, Manchester, M14 5AJ
102 - 104 Wilmslow Road, Manchester, M14 5SU
First Floor, 102 - 104 Wilmslow Road, Manchester, M14 5AJ
108 Wilmslow Road, Manchester, M14 5AJ
Ground Floor, 106 Wilmslow Road, Manchester, M14 5AJ
7 Grandale Street, Manchester, M14 5WS
5 Eva Street, Manchester, M14 5NX
9 Grandale Street, Manchester, M14 5WS
5 Grandale Street, Manchester, M14 5WS
3 Grandale Street, Manchester, M14 5WS

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) -
Area Team Boundary - Name: SOUTH AREA