

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134734/FO/2022

Date registered valid: 5 September 2022

Proposal: Erection of extraction flue to the rear and elevational alterations to shop front

Address: 827 Stockport Road, Manchester, M19 3PN

Ward(s): Levenshulme Ward

Applicant: Noreen Aslam, 827 Stockport Road, Manchester, M19 3PN

Agent (if any): Mr Ahmed Choudhry, NADA Architects, 169 Kingsway, Burnage, Manchester, M19 2ND

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

Recommendation: Approve

Date of recommendation: 5 December 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 4 October 2022 and 3 November 2022

Standard consultations:

Printed: 9 November 2022 Expired: 16 November 2022

Neighbour notifications

Printed: 9 November 2022 Expired: 16 November 2022

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 development

The application site is located on the eastern side of Stockport Road and centrally positioned with Levenshulme District Centre. The application relates to a vacant ground floor opticians forms part of a parade of 3 shops and adjoined to the north by a restaurant / delicatessen and money exchange. Levenshulme Village Green is located to the immediate south of the site and comprises of formal and hard and soft landscaping. The application property comprises of 3-storeys with an ornated parapeted principal elevation with elongated windows to the first and second floors. The existing ground floor shopfront incorporates roller shutters with the housing box concealed behind fascia signage. The southern elevation incorporate and advertisement hoarding at first and second floor and planting frames at ground floor level and adjacent seating. The application building comprises of a 2-storey outrigger and single storey 'wrap around' extension. The rear elevation has rear metal staircase providing access to upper floor flats. The property does not have an enclosed yard area but is serviced via a car park with access from Cromwell Grove.



Fig.1 – Views of the front and side of the application property



Fig.2 – Views to the rear of the application property

Description of area

The application property was used as an optician shop and thereby an established Class E use. The development would facilitate a permitted change to a restaurant (within Class E). The development therefore relates to the installation of a new flue and elevational alterations only. Issues relating to the operation of the use, including opening hours are outside the consideration of the planning application. The proposal comprises:

Elevational alterations – Amendments to the development have been submitted during the consideration of the application and limit external alteration to the the Stockport Road elevation. The existing fascia signage would be retained as exiting. A new shopfront would be inserted into the existing opening. It would comprise of a new, double panel display window above a brick riser and a single leaf door. The application property is situated at the back of pavement and the existing stepped entrance would be maintained. The applicant has not indicated the installation of new roller shutters. It appears that the existing perforated roller shutters would be retained. The related roller shutter boxes are screened by the fascia signage board.

Extraction flue – The proposes flue would punctuate the roof of the single storey flat roof extension. It would be attached to the eastern elevation of the adjoining two storey outrigger and positioned adjacent to the doorway of the upper floor flats. The flue would have a vertical

configuration with a height of 4.5 metres (including the cowl terminal) and main dimensions of 400 mm (with the width increasing to 585 mm at the point of the anti-vibration brackets).

Consultations & Notification Responses

Local residents – No comments received.

Environmental Health – The following comments has been received:

- i. The development should be conditioned to ensure implementation of the development with submitted kitchen fume extraction scheme. The condition should ensure that the implementation of the scheme is verified.
- ii. The development should also be conditioned to ensure implementation in accordance with the submitted noise abatement for the flue/kitchen extraction scheme.
- iii. Conditions have been recommended to restrict:

Opening hours to:

Sunday to Thursday	10:00 to 22:00
Friday and Saturday	10:00 to 00:00

Deliveries, servicing and collections, including waste collections to be limited to: 07:30 to 20:00, Monday to Saturday with no deliveries/waste collections on Sundays/Bank Holidays.

Issues

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

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. It states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted. The Framework has been related to the proposed development, with particular emphasis given to the following:

- i. Chapter 7 Ensuring the vitality of town centres - States that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The development would facilitate a permitted change of use. The related use appropriate in the context of a district centre and would be accessible via public transport. The development would

make a positive contribution to both day and night-time economy it is considered that the development would enhance the retail offer within Levenshulme District Centre.

ii. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to:

- Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other;
- Achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion;
- Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, including the provision of local shops, access to healthier food and layouts that encourage walking and cycling.

It also encourages social, recreational and cultural facilities and services the community needs and other local services to enhance the sustainability of communities and residential environments and improve health, social and cultural well-being for all sections of the community.

It is considered that the development responds positively to chapter 8, through providing opportunities for social and community interaction through the provision of additional recreational facilities. It would also provide an active, sustainable and secure use for vacant buildings.

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

- a) Appropriate opportunities to promote sustainable transport modes in relation to the proposed type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (or on highway safety, can be effectively mitigated to an acceptable degree (paragraph 108).

Notwithstanding the above, chapter 9 also states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' .

The site is located in district centre that is readily accessed by public transport (buses and trains). Furthermore, traffic generated by the use could be accommodated through public parking provision within Levenshulme District Centre. Servicing can be achieved via the service yard to Cromwell Grove. The proposed development would thereby positively respond to chapter 9.

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 - The PPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application.
- ii. Health and well-being - States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making;

iii. Noise - Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. The PPG sets out the potential approaches to responding to noise and appropriate mitigation, which have been applied in the consideration of the proposed development and the intensification of the residential use.

It is considered that the development accord with the above guidance as any harmful impact would be capable of being managed through the operational conditions set out below.

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 accord with policy SP1 due to its contribution to the retail / commercial offer within Levenshulme District Centre through the re-uses of and existing and currently vacant building. The development would thereby contribute to the sustainability of the property and district centre.

Policy C 1 Centre Hierarchy – States that district centres, such as Levenshulme, have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. It is considered that the development would facilitate a use would be positively related to the established character of the district centre and supportive of its vitality and viability. It would thereby accord with policy C1.

Policy C2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. The delivery of this floor space should respect the network of centres across the City and in neighbouring districts. It is considered that the proposed development would accord with the following key aspects of policy C2:

- i. The delivery of key 'visitor' services, including retail, public and commercial services and food and drink;
- ii. The promotion of development that provides employment opportunities for local people;
- iii. The promotion of the efficient use of land;

- iv. The positive contribution of development to the diversity and mix of uses within centres without undermining their primary retail function;
- v. Ensuring new development respects and enhances the character of existing centres.

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. The following requirement of policy C10 is relevant:

- i. Residential amenity - The proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance;

It is considered that the development would facilitate the introduction of a use that would positively contribute to Levenshulme District Centre and its day and night time economies. the development would thereby be positively related to policy C10.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

Although the development does not require consideration of waste storage, the applicant has demonstrated that the site . Policy EN19 would thereby be accorded with.

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. It is considered that as the application site is in a sustainable transportation location, the objectives of policy T1 would be accorded with.

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.

The application site is located on a radial within access to the public transport links (bus and rail) and cycle routes. As it is in district centre is in a sustainable location and likely to be accessed on foot. Policies T1 and T2 would thereby be accorded with in terms its accessibility via multiple transportation modes.

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:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- Effects on amenity;
- Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- Community safety and crime prevention;
- Design for health;
- Refuse storage and collection.

It is considered that the development would result in proportionate and acceptable changes to the shopfront and the flue has been designed to minimise its impact of the streetscene. The position of the flue has been reviewed to ensure that it would not unduly impact on windows to upper floor flat. The development is considered would acceptable in the context of the district centre. It would also accord with relevant parts of policy DM1.

Unitary Development Plan (UDP) saved policies -The following saved 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. It requires that new development contributes to the improvement of the appearance of such routes. It is considered that the proposed development would bring a vacant unit back into active use. The proposed shopfront would be appropriately related to the character of the application property and the streetscene. Views of the proposed flue would be screened by the trees within the neighbouring open space.

Policy DC10 (Food and Drink Uses) – Whilst the proposed use has not been assessed, policy DC10 has been to the arrangements for fume extraction and related impact on residential amenity. Policy DC10.4 is relevant to this assessment and has been accorded with through the submission of an appropriate fume extraction scheme.

Policy DC 14 – Shop fronts and related signs

Policy DC14.1 – Is relevant as the proposal involves the installation of a new shop fronts. It requires assessment to ensure that proposals are compatible with the character of the application property and adjoining buildings and shopfronts.

DC14.2 - Shopfronts should incorporate inclusive access. However, the Council may permit exceptions where the cost is unreasonably high or there are particularly difficult physical constraints.

DC14.3 Externally mounted security grilles or shutters will not normally be permitted if they are of solid construction.

DC14.4 In cases where externally mounted security grilles or shutters are considered acceptable, the boxes housing the grille or shutter should wherever possible be located behind the fascia.

Policy DC26 (Development and Noise) - The following aspects of this policy (DC26) are considered to be relevant to the proposed development.

Policy DC26.5 – Noise generated by the permitted change of use is beyond the scope of the development. Necessary consideration has been given to the noise from externally mounted equipment and its potential contribution to the local noise environment. On the basis of the comments of Environmental Health, it is considered that noise issues are capable of being addressed through the noise attenuation scheme and the conditioned requirement for the submission and agreement of a verification statement. It is considered that compliance with policy DC26 can be achieved subject to the implementation of agreed measures.

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, amendments to the ground floor shopfront were sought and agreed to reduce the impact of the development on the character and appearance of the application building. Additional details have also been submitted to demonstrate that the proposed extraction flue and related acoustic attenuation can operate with appropriate safeguards for residential amenity. On this basis, it is considered that sufficient information was provided to facilitate the assessment of the proposed development.

Principle of the development - The development would facilitate a permitted use that would be appropriate in the context of Levenshulme District Centre. The design and appearance the shopfront and flue is considered to be acceptable.

Residential amenity - The impact of the proposed use on residential amenity has been assessed in relation to the operation and appearance of the external flue. As stated, issues relating to the permitted change of use cannot be assessed. The position and operation of the flue has been considered to reduce its impact on residential amenity and appropriate mitigation put in place. It is considered that any harm to amenity associated with the development can be appropriately managed.

Fume extraction – The applicant has demonstrated that the developemet would be supported with a fume extraction system that, with appropriate management, would be capable of operating without undue harm to residential amenity. The extraction flue has been suitably sited to secure an appropriate relationship to upper floor windows. The submitted details and requirement for validation of the implementation of the approved scheme have been conditioned.

Noise - The applicant has also demonstrated that the development would be supported with noise attenuation as part of the fume extraction system and that, with appropriate management, would prevent to residential amenity. The submitted details and requirement for validation of the implementation of the approved scheme have been conditioned.

Crime and Disorder - The application site is in a prominent location that benefits form natural Surveillance from both Stockport Road and Cromwell Grove. It is understood the existing roller shutters would be retained. It is not apparent that the development would introduce any new issues or harmful changes to the existing circumstances.

Highway and servicing issues – The development would be relate to a use that would generate activity that would be appropriate within a district centre. Servicing can be accommodated via a rear yard accessed from Cromwell Grove. Double yellow lines along the adjacent section of Stockport Road would help to manage related traffic, which can be accommodated elsewhere within the district centre.

Waste Management – Appropriate provision relating to the ground floor Class E use and upper floor apartments (Class C3) is capable of being accommodated in the rear yard.

Design and impact on the streetscene – The new shopfront would be related to the existing window and doorway opening. The shopfront design would involving a contemporary arrangement of glazing to the windows and door in a frameless fitting. The appearance of the shopfront is considered to be acceptable. The extension flue is consistent with the design of other flues in the locality and its visual impact would be reduced by its offsetting from the boundary, limited diameter and screening afforded by adjacent existing tree planting. On balance the development would relate appropriately to its context.

Accessibility – The existing stepped access would be retained and there would be no change to the existing circumstances.

Opening and servicing hours –. The existing ground floor Class E use has been historically established and is not subject to conditions restricting opening and servicing hours. The development is related to a permitted change of use, it would be unreasonable to include opening and servicing hours condition in this case.

Conclusion – The development would facilitate a permitted use that would be appropriate in the context of Levenshulme District Centre. The design and appearance the shopfront and flue is considered to be acceptable. Any potential impact associated with the operation of the flue can be effectively managed through the the related conditions.

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, amendments to the ground floor shopfront were sought and agreed to reduce the impact of the development on the character and appearance of the application building. Additional details have also been submitted to demonstrate that the proposed extraction flue and related acoustic attenuation can operate with appropriate safeguards for residential amenity. On this basis, it is considered that sufficient information was provided to facilitate the assessment of the proposed 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 stamped as received by the City Council as local planning authority on: 18 August 2022, 2 September 2022, 25 November 2022 and 28 November 2022:

Planning application forms

Location plan with a red edge

Existing & proposed GA floor plans Ref: (02)001 Rev PL3

Proposed GA site plan and elevations Ref: (03)001 Rev. PL6

Design & Access Statement (96)001 PL0 for 827 Stockport Road Manchester M19 3PN (13.05.22) by NADA Architects.

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 development shall be implemented in accordance with the materials specified on the planning application forms and drawings referenced Existing & proposed GA floor plans Ref: (02)001 Rev PL3 and Proposed GA site plan and elevations Ref: (03)001 Rev. PL6 stamped as received by the City Council and local planning authority on 2 September 2022 and 28 November 2022. The implemented materials 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) a) The development shall be implemented in accordance with the scheme relating to the kitchen fume extraction system comprising the document and drawings referenced:

- i. Odour Control Report, Cater Safe Limited Ventilation Report, 24 October 2022;
- ii. Schematic drawing attached to email from NADA Architects dated 28 November 2022;
- iii. Proposed GA site plan and elevations Ref: (03)001 Rev. PL6.

b) Prior to commencement of the operation of the scheme, confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties, 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) The development shall be implemented in accordance with the details of the scheme relating to noise abatement of the kitchen fume extraction system comprising the document and drawings referenced:

- i. Acoustic Assessment for Proposed development at 827 Stockport Road, Martin Environmental Solutions Ltd, November 2022;
- ii. Schematic drawing attached to email from NADA Architects dated 28 November 2022;
- iii. Proposed GA site plan and elevations Ref: (03)001 Rev. PL6.

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 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 policies DC10 and DC26 of the Unitary Development Plan.

6) The planning permission hereby granted does not confer planning permission for the installation of new rollers shutters and related housing boxes and fittings.

Reason – For the avoidance of doubt and in the interests of residential and visual amenities of the area, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) Information for developers downloaded using the following link:

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

Appendix 1 – List of consultees & neighbours notified

Environmental Health

916 Stockport Road, Manchester, M19 3AB
3B Chapel Street, Levenshulme, Manchester, M19 3QB
Intime Private Hire, 3A Chapel Street, Levenshulme, Manchester, M19 3QB
First Floor, 823 Stockport Road, Manchester, M19 3PN
Top Flat, 910 Stockport Road, Manchester, M19 3AD
Flat 2, 827 Stockport Road, Manchester, M19 3PN
823 Stockport Road, Manchester, M19 3PN
912 - 914 Stockport Road, Manchester, M19 3AD
825A Stockport Road, Manchester, M19 3PN
Flat 1, 827 Stockport Road, Manchester, M19 3PN
825 Stockport Road, Manchester, M19 3PN
910 Stockport Road, Manchester, M19 3AD
908 Stockport Road, Manchester, M19 3AD
2-4 Cromwell Grove, Manchester, M19 3GB

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