

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131643/FO/2021
Date registered valid: 13 June 2022
Proposal: Installation of a temporary building for the sale of hot food (sui generis)
Address: Longsight Market , Dickenson Road, Manchester, M13 0WG
Ward(s): Longsight Ward

Applicant: Sarish Aslam 79 Stamford Road, Manchester, M13 0SW
Agent (if any): Artur Szymonik Adrawings Ltd 51 Pinfold Street, Birmingham, B2 4AY
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 17 August 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 7 August 2022

Standard consultations:

Printed: 27 June 2022 Expired: 18 July 2022

Neighbour notifications

Printed: 27 June 2022 Expired: 18 July 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 area



Fig. 1 – The application site viewed from car park

Longsight Market is situated within Longsight District Centre and on the north side of Dickenson Road close to its east junction with Stockport Road. The market comprises two sections. The northern section consists of a car parking area access from St John's Road. The southern

section comprises of a series of market stalls separated by pedestrian routes. Between the stalls and the car park are blocks two separate blocks of prefabricated flat roof buildings used for retail purposes and the market managers office. The application site is located adjacent the western block adjacent to the central access route. The site is located within the footpath running adjacent the car park. The site currently accommodates three cycles racks.

Description of development

The proposed development would comprise of a rectangular structure fabricated from a converted storage container. The structure would involve exposed black painted metal relieved by horizontal timber cladding. The serving hatch would face towards the car park with an outward opening door to its western elevation.

The applicant has indicated that the development would sell deserts but have indicated that electric cooking equipment would be utilised. On this basis, the use of the development is considered to be consistent with a hot food take away.

Details of associated fume extraction equipment have not been provided. It is proposed that the existing waste collection facilities associated the market would be utilised. Proposed opening times have been conformed as Tuesday – Sunday: 10.00 am to 6.00 pm.

Site history

Various planning application have been historically submitted in relation to the operation of the market but have not been related to the current application site.

Consultations & Notification Responses

Local residents and businesses – No comments received.

Highway Services – The following comments have been received:

- i. The development would be contained with the market boundaries without encroachment on to the highway;
- ii. The development structure would be located in close proximity to the car park and clarification is south regarding impact on the operation of adjacent parking bays;
- iii. There is concern that pedestrians and wheelchair/buggy users may not be able to pass the structure without conflict with vehicles using the car parking bays;
- iv. Waste management would be linked in with the existing on-site waste arrangements. It is recommended that waste management needs are monitored.

Environmental Health – The following comments have been received:

- i. Operating hours should be agreed and conditioned;
- ii. Any external plant and equipment, including an electric generator, should be related to a condition to ensure appropriate noise insulation related to the findings of a noise report;
- iii. The development should be related to a waste management plan that confirms:
 - The sizes of waste and recycling bins;
 - Evidence of a commercial waste contract;
 - Details of how recyclable waste will be separated from the proposed smaller waste bins and deposited into the larger bins at the end of each day.

Manchester Markets – Have advised that, notwithstanding the outcome of the planning application, the consent of Manchester Market will be required in relation to the siting and operation of the proposed temporary building.

Corporate Property – No comments received.

Strategic Development Team – No comments received.

Greater Manchester Police Design for Security – No objection but the following recommendations are made:

- i. Temporary CCTV should be installed to cover all aspects of the stall.
- ii. The market stall should be positioned to avoid visual barriers and maintenance of sight line;
- iii. Lighting should be installed to sufficiently cover the stall and adjacent pathways.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, 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. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that 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. 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.

In this case, the development site is situated in Longsight District Centre and involves activity that might be expected to be found in a market context. However, the siting of the development would be inappropriate and presents concerns regarding the operation of the immediate section of the market, including harm to pedestrian movement. The development would therefore fail to accord with Chapter 7.

- 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.

The development would undermine inclusive access due to its obstructive siting and would thereby fail to accord with this aspect of Chapter 8.

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.

The development would result in the loss of existing cycle storage facilities. It would therefore undermine the continued delivery of measures to encourage the adopted of sustainable transportation modes. For the reason discussed below, the development would undermine inclusive access within the site. Chapter 9 would not, therefore, be accorded with.

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
- ii. Noise

Appropriate consultation and engagement with the developer has been undertaken. As details of ancillary equipment has not been submitted, the impact of noise has not been assessed.

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; 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 not accord with policy SP1 due to its harmful impact on inclusive access and the loss of cycle storage.

Policy C 1 Centre Hierarchy - States that the development of town centre uses (as defined in national planning policy) will be prioritised in the centres identified in this policy, taking account of the different roles of the City Centre, District Centres and Local Centres. In order to maintain the vitality and viability of its centres, provide services as locally as possible and minimise the need to travel by car Manchester's centre hierarchy is:

- i. Manchester City Centre;
- ii. District Centres;
- iii. Local Centres.

Policy C1 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. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. It further states that these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres. Notwithstanding the limited magnitude of the development, it would contribute to hot food take away provision in a district centre, where such uses are already overly represented.

Policy C 2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services. The delivery of this floor space should respect the network of centres across the City and in neighbouring districts. Development within this overall capacity which has the potential to impact on the current or future vitality and viability of other centres in Manchester or other districts will only be acceptable if there is no prospect of the affected centres accommodating growth themselves. Given the magnitude of the development, it is not considered there would be a harmful impact on the viability and vitality of the district centre.

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.

The applicant has indicated the waste and recycling generated by the development would be absorbed into the wider waste management arrangements for the market. Given the magnitude of the development it is likely that this could be achieved, However, the storage of waste during the operation period have not been specified. In the absences of a details waste management plan, it is not apparent that the development would accord with policy EN19.

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. The associated loss of the cycle storage would undermine these objectives and policy T1 would not, therefore, be accorded with.

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:

- o Appropriate siting, layout, scale, form, massing, materials and detail;

- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- o Effects on amenity, road safety and traffic generation;
- o Accessibility;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection.

As previously discussed , the development would fail to accord with policy DM1, due to its failure to be appropriately related to its context and harm to inclusive access and the safe movement of pedestrians.

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.

For the reasons previously outlined, the development would fail to accord with policy DC10.1.

Policy DC10.2 -States that the Council will normally accept the principle of developments of this kind (food and drinks uses) in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local shopping parades of more than 8 shops or offices.

The development would accord with the locational requirements of policy DC10.2.

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. Noise generated by customer visits would be absorbed into the existing noise climate associated with the operation of the market. The applicant has not specified any requirements of the operation of development beyond the use of electrical cooking equipment. Details of other equipment including generators have not been submitted for assessment. These details could be potentially conditions to secure compliance with policy DC26.

Hot Food Takeaway Supplementary Planning Document March 2017 - Seeks to build on those priorities and encourage centres and neighbourhoods which are vibrant, and which contribute to the Council's objective of improving the health of people living in Manchester.

The following SPD policies are relevant to the development:

- i. Policy 1 - Vitality and Viability - States that hot food takeaways (HFTA) 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. A proposal will be considered to be harmful to the vitality and viability of a centre if it: increases the concentration of hot food takeaway ground floor frontages in a centre to more than 10% of all non-residential ground floor frontages. Longsight District Centre has a HFTA provision that exceeds 10%. Whilst the development would not present a shopfront to streets within the district centre, the use would contribute to an over proliferation of HFTA uses and would undermine the delivery of diversity within the retail offer.
- ii. Policy 2 Amenity - Reiterates Council policies that seek to safeguard amenity and suitably manage the impact of the hot food take aways, including fume extraction waste management and operating hours. Whilst some aspects of the operational development are capable of being managed by conditions, it is not considered that issues related to harm to the movement and safety of pedestrians cannot be appropriately addressed.

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.

Officers have engaged with the applicant and advised that the siting of temporary building was not supported as it would necessitate the removal cycle storage stands, obstruct pedestrian access and movement and undermine the operation of the adjacent section of the market. As the applicant did not confirm the withdrawal of the application, it has been necessary to determine the application in its submitted form.

Principle of the development – The development would harm the existing market operation and hinder pedestrian movement as a result of its obtrusive siting. It would also lead the introduction of a use that is already overly represented in Longsight District Centre and would not, therefore, positively contribute to its wider offer. Given these significant concerns the development is not considered to be acceptable.

Sting - The siting of the proposed temporary building would obstruct a section of a pedestrian footpath adjacent to the southern section of the car park. Its siting would thereby unduly restrict the safe movement of pedestrians when traveling along the footpath, which would be particularly harmful to wheelchair and pushchair movement. Given the lack of physical demarcation at the perimeter of the car parking area, there is also potential for pedestrian and vehicular conflict, particularly if pedestrians are forced closer to manoeuvring vehicles due restricted space within the footpath. The available space may also be affected by queueing customers. The proposed siting would potentially affect access to the neighbouring business particularly with regard to its servicing arrangements. The development would have significant and harmful impact on the operation of a localised section of the market.

Loss of cycle storage – The proposed siting the temporary building would necessitate the removal of three cycle storage racks without arrangements for reprovion or relocation. It is therefore considered that the development would result in the loss an important existing facility and thereby be detrimental to the continued delivery of measures to encourage cycling and the adoption of sustainable modes of transportation.

Waste and recycling storage – It is acknowledged that the development has the capacity to accommodate waste and recycling as part of the existing storage and collection arrangements .

There is concern that the development has not been supported with appropriate operational arrangements and waste may be stored in adjacent external areas, during the operational period, thereby causing further obstructions to pedestrians. There is also concern that the development may generated litter to the detriment of the area.

Opening hours – The market has the following operational hours:

Tuesday and Thursday: 9.00 am to 3.00 pm;

Wednesday and Friday: 9.00 am to 4.30 pm

Saturday : 9.00 am to 5.00 pm.

The proposed opening hours of Tuesday to Sunday: 10.00 am to 6.00 pm, would exceed the markets general opening hours and be more consistent with operational activity in the district centre, which already has an over provision of food and drink uses.

Noise and external equipment – Details of equipment in support of the development not been provided and this aspect of the development has therefore not been assessed.

Design – The temporary building would be formed through the refabrication of a container unit with external timber cladding. It is not considered that the quality of the design would enhance the appearance of the market or the quality of built form within it.

Conclusion – The development would fail to comply with Council policy as it would not secure appropriate and safe arrangements for pedestrian movement or the maintenance of appropriate arrangements for cycle storage. The development would also contribute to an over proliferation of food takeaways in Longsight District Centre.

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 polices 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: Refuse

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. Officers have engaged with the applicant and advised that the siting of temporary building was not supported

as it would necessitate the removal cycle storage stands, obstruct pedestrian access and movement and undermine the operation of the adjacent section of the market. As the applicant did not confirm the withdrawal of the application, it has been necessary to determine the application in its submitted form.

Reasons for recommendation to refuse

1) The siting of the proposed temporary building and associated activity would obstruct the section of a pedestrian footpath adjacent to a car parking area and would thereby be detrimental to the safe movement of pedestrian and wheelchair and pushchair movement, and increase the risk of pedestrian and vehicular conflict and inhibit the operation of neighbouring car parking spaces and access to neighbouring businesses. The development would thereby be contrary to policy SP1, DM1 and T1 of the Core Strategy for the City of Manchester and saved policy DC10.1 of the Unitary Development Plan.

2) The siting of the proposed development would result in the loss of three cycle storage racks, which would be detrimental to the continued delivery of measures to encourage cycling and the adoption of sustainable modes of transportation. The development would thereby be contrary to policy DM1, SP1 and T1 of the Core Strategy for the City of Manchester.

3) The development, in conjunction with other existing hot food takeaways (sui generis) in Longsight District Centre, would have a harmful, adverse and cumulative impact on the residential and visual amenities of the area due to the additional dispersal of litter, localised noise and activity and appearance of the temporary building. The proposed use would thereby be contrary to Core Strategy policies SP1 and DM1, saved Unitary Development Plan policies DC10 and DC26, the adopted Hot Food Takeaway Supplementary Planning Document and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Corporate Property
Strategic Development Team
Greater Manchester Police

MANCHESTER CITY COLLEGE LTD, First Floor, 372 - 374 Dickenson Road, Manchester, M13 0WQ

Offices, 568 Stockport Road, Manchester, M19 3AD

Flat Above, 554 Stockport Road, Manchester, M12 4JJ

Shop Rear Of 554, Stockport Road, Manchester, M12 4JJ

Dickenson Road Medical Centre, 357 - 359 Dickenson Road, Manchester, M13 0WQ

562 - 564 Stockport Road, Manchester, M12 4JJ

556 Stockport Road, Manchester, M12 4JJ

568 Stockport Road, Manchester, M12 4JJ

372 - 374 Dickenson Road, Manchester, M13 0WQ

Dreamland Flooring, 382 - 388A Dickenson Road, Manchester, M13 0WQ

380 Dickenson Road, Manchester, M13 0WQ

376 - 378 Dickenson Road, Manchester, M13 0WQ

393 Dickenson Road, Manchester, M13 0WG

Dr I Saleem And Colleagues Dental Practice, 566 Stockport Road, Manchester, M12 4JJ

560 Stockport Road, Manchester, M12 4JJ

558 Stockport Road, Manchester, M12 4JJ

554 Stockport Road, Manchester, M12 4JJ

19 Mitre Road, Manchester, M13 0NU

572 Stockport Road, Manchester, M12 4JJ
395 Dickenson Road, Manchester, M13 0WG
570A Stockport Road, Manchester, M12 4JJ
570 Stockport Road, Manchester, M12 4JJ
Stall A17, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A16, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A15, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A14, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A13, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A12, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A11, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stalls A9-A10, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A8, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A7, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A6, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A5, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A4, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A3, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A2, Longsight Market, Dickenson Road, Manchester, M13 0WG
Stall A1, Longsight Market, Dickenson Road, Manchester, M13 0WG
550 - 552 Stockport Road, Manchester, M12 4JJ
First Floor, 388C Dickenson Road, Manchester, M13 0WQ
Shoebox, 388C Dickenson Road, Manchester, M13 0WQ
Fabric Ideas, 388B Dickenson Road, Manchester, M13 0WQ
Shee Trends, 388 Dickenson Road, Manchester, M13 0WQ

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: NORTH