

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133569/FO/2022

Date registered valid: 11 May 2022

Proposal: Elevational alterations including the installation of a fume extraction flue to rear, new emergency exit door, additional guarding to fire exit route at first floor rear and changes to first floor rear windows

Address: 14 Broadway, Manchester, M40 3LN

Ward(s): Moston Ward

Applicant: Mr Amayo Waze Ltd, 39 Farm Croft Drive, Warrington, WA3 3YJ

Agent (if any): Mr Nick Goodchild, Goodchild Design Partnership (GDP), 132-134 Great Ancoats Street, Manchester, M4 6DE

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 June 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 9 June 2022

Standard consultations:

Printed: 17 May 2022 Expired: 7 June 2022

Neighbour notifications

Printed: 17 May 2022 Expired: 7 June 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

The application site relates to vacant, two storey, detached building, formerly occupied by a betting shop.

The building is situated to the eastern side of Broadway within a commercial row of small-scale, retail, food and drink units, interspersed by Broadway Leisure Centre, which immediately neighbours the site to the south.

The host building incorporates a gable roof to the main building, with a separate flat roofed element that wraps around the front and side of the building. The main frontage incorporates a covered window area and roller shuttered door to the ground floor with two bay windows to the upper floor.

In comparison to other units within the parade, the premises includes a forecourt area used for ad hoc, off-road parking.



View of property frontage

To the rear, the building has been extended and includes a two storey, flat roof extension which is partially visible from the front and incorporates a first-floor fire escape with associated external, metal staircase.

All existing openings to the rear are boarded up.



Partial rear view

The premises incorporates an enclosed yard area, which at present is heavily overgrown with vegetation. The rear boundary adjoins the rear garden of dwellinghouses along Warbreck Road.

Access to the rear is gained from Broadway.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of the host commercial parade which runs north to south along the eastern side of Broadway and which straddles Moston Lane East to the south, wider area is predominantly residential in character.

Description of development

Planning permission is sought for elevational alterations including the installation of a fume extraction flue to the rear, a new emergency exit door, additional guarding to the existing fire exit route at the rear and changes to first floor rear windows.

The changes proposed are in association with a change of use from a former betting shop to a restaurant (Class E) via permitted development, pursuant to Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) 2015.

The application as originally submitted included a front canopy. However, due to the Council's concerns surrounding the design of the canopy, its prominence and the impact to visual amenity, revised drawings were submitted with this element omitted.

Consultations & Notification Responses

Local Residents/Occupiers - No representations received.

Environmental Health – No objection. Conditions are recommended in relation to fumes/odours, hours of working, external equipment, waste management and external equipment.

Planning History

F08448

Alterations and extension to existing Licensed Betting Office and first floor flat. *Approved 17 May 1978.*

Policy

The below policy and guidance is considered relevant to the consideration of this application

- Policies DM1 and SP1 of the Manchester Core Strategy;
- Saved policies E3.3 and DC26 of the Unitary Development Plan for the City of Manchester.
- Guide to Development in Manchester (SPD);
- National Planning Policy Framework.

Issues

Principle

It is intended that the premises will be brought back into use as a restaurant through permitted development.

The proposed changes in this case are necessary to allow the conversion by facilitating fume extraction for the kitchen, improving the fire escape and modernising the windows openings.

The issues for consideration relate only to the external changes and not the use.

It is considered that subject to the impact upon visual amenity and the ability to control fumes/odours, the principle of the proposed works are acceptable and compliant with the aforementioned policy and guidance, given the commercial context of the property. These issues are outlined further below.

Visual Amenity

It is considered that the external changes will lead to visual improvements.

The rear of the building is presently boarded up and a of dilapidated appearance. The elevational changes, including new windows, door and improvements to the safety of the existing fire escape, will enliven the building and together with the opening up the frontage, would be to the benefit of visual amenity

Whilst it is acknowledged that the flue is relatively large, it is situated at the rear and is not therefore visible from the front. Due to the size of the yard area and adjoining rear garden, there is sufficient separation distance between facing buildings for the flue to not appear overly intrusive. The impact is mitigated further by the vegetation/trees along the rear boundary which screens the rear of the host building, as well as the screening offered by the rearward projection of the neighbouring leisure centre, which is greater than the application property.

The application also included a front canopy. However, due to the design of the canopy and proposed use of materials, the Council had concerns that the canopy would appear out of place

and visually intrusive with the street-scene. The canopy has subsequently been omitted from the proposal.

On balance, it is considered that the changes will facilitate reuse of the premises, which will ultimately add to the vitality of the parade and lead to overall visual improvements.

Fumes and Odours

The proposed fume extraction flue reflects the design of other food and drink uses in the row.

Given the established commercial nature of the area in which the premises is located, coupled with the relationship of the rear of the building with neighbouring properties, the impact is considered satisfactory. In order to ensure no harmful odours are emitted, a condition has been included which requires a risk assessment for odour and noise, based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Subject to such details being agreed, it is considered that the impact of fumes and odours can be sustained in this location.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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:

Drawing referenced N1319/A (sheets 0.01, 2.01, 2.02, 2.03 and 2.04) received by City Council as Local Planning Authority on 20 June 2022.

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 materials to be used on the external surfaces of the building, shall match those of the existing building in type, size, colour and texture.

Reason - In the interests of visual amenity, pursuant to policies SP1 and DM1 of the Core Strategy.

4) Notwithstanding details submitted, prior to the flue becoming operational, fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority. Details shall include a kitchen fume extract strategy report, including a risk assessment for odour and noise, based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' and details of replacement air.

The development shall only be implemented in accordance with the agreed details and shall remain operational thereafter.

Reason - To safeguard residential amenity and to protect local air quality, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Informative

1) In line with the requirements of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) the developer should provide written notification to the Local Planning Authority of the date on which the use of the building will change.

2) Any new signage may require separate advertisement consent.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

18 Broadway, Manchester, M40 3LN
2 Trevor Drive, Manchester, M40 3PY
23 Broadway, Manchester, M40 3PA
1 - 3 Broadway, Manchester, M40 3PA
Top Flat, 16 Broadway, Manchester, M40 3LN
5 Broadway, Manchester, M40 3PA
55 Warbeck Road, Manchester, M40 3LP
49 Warbeck Road, Manchester, M40 3LP
Broadway Leisure Centre, 12 Broadway, Manchester, M40 3LN
16 Broadway, Manchester, M40 3LN
59 Warbeck Road, Manchester, M40 3LP
57 Warbeck Road, Manchester, M40 3LP
53 Warbeck Road, Manchester, M40 3LP
51 Warbeck Road, Manchester, M40 3LP

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH