

Planning

Growth & Development

Delegated officer report for planning application

Application no. 143702/FO/2025

Date registered valid: 11 August 2025

Proposal: Retrospective application for the change of use from a hot food take-away to restaurant (Class E)

Address: 42 Yew Tree Road, Manchester, M14 7PP

Ward(s): Moss Side Ward

Applicant: Miss Lemlem Knor

Agent (if any): Mr Mohamed Muse, Muse Architects

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10 March 2026

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 2nd October 2025

Standard consultations:

Printed: 20 August 2025 Expired: 11 September 2025

Neighbour notifications

Printed: 20 August 2025 Expired: 11 September 2025

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 property that is the subject of this application is a red brick mid terraced property with gable fronted detailing to the roof frontage that was previously in use as a long-established take-away use. It is located on the western side of Yew Tree Road, close to the junction with Thornton Road. There is a gated alleyway to the rear of the row of properties, and it is off this alleyway that the access into the rear yards of the properties is taken. As well as for access, the alleyway is used by the commercial properties to house the Euro commercial bins as is the existing situation. There will be two points of access to the Yew Tree Road frontage, one is to serve the restaurant, whilst the other serves the existing flat to the first floor. This frontage will remain the same with no elevational changes to the access or shop front.

There is no dedicated parking for the property, however there are no TROs' on the surrounding highway, with parking capacity to accommodate the number of proposed covers associated with the business.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential in nature with small elements of commercial interspersed with the block of four units, on the opposite junction of Yew Tree Road and Thornton Road all the properties are in commercial use. The area is well served by public transport networks and is easily traversed by alternative modes of transport to the car. Out of the block of seven units that house the proposal site, three are commercial.

Description of development

The proposal is for the retrospective change of use of the former takeaway to that of a small restaurant to the ground floor only, providing for a maximum of 5 tables with a total of 18 covers. The layout to the ground floor would be restaurant to the front of the unit with a WC and then kitchen beyond.

Had the application not been retrospective, if the applicant had informed the local planning authority in writing that it was their intention to change the use from the hot food take away to the restaurant this under part A would have been a permitted change. There is no prior approval required. The only requirement would have been to write to the local authority informing them when the building will change over to Use Class E. However, as this application has been submitted well after the change took place planning permission is required to regularise the use.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

Environmental Health- no objections subject to the attachment of appropriate conditions relating to- Fumes, hours of opening, hours of servicing and deliveries, noise, noise from plant or external equipment and waste management.

Highways- no objections. Compared to the previous use of a hot food take-away the level of trips generated is not anticipated to be dissimilar. The site is well accessed by sustainable modes of transport with regular bus and Metrolink services within walking distance. The parking situation will not be exacerbated, and the vehicular provision will remain on street as was the previous situation.

A condition requiring the provision of safe and secure cycle parking within the curtilage of the site for staff and visitors to be provided should be attached to any consent granted.

The waste management strategy is to remain as the previous operation which involves the location of the bins within the gated alleyway, this being the same set up for the commercial uses within that stretch of Yew Tree Road, these bins are then emptied on a weekly basis. The bins are removed weekly and cleaned by the waste management company. This continued situation is considered acceptable.

Issues

National Planning Policy Framework (December 2024) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being and

An environmental objective - to protect and enhance our natural, built and historic environment including making effective use of land, improving biodiversity, using natural resources prudently,

minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks and
- f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants. Communities, local planning authorities and other interests throughout the process (paragraph 131).

Draft National Planning Policy Framework (NPPF-2025)

The Government has published a consultation draft of the NPPF. the proposed changes are intended to improve the current housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making. Although the draft is not yet adopted, it carries sufficient weight to be of a material consideration.

Chapter 4- Achieving Sustainable Development

Policy S3 Presumption in favour of sustainable development.

Chapter 14- Achieving Well Designed Places

Policy DP3 Key principles for well- designed places.

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.
Policy JP-P1 Sustainable Places

Policy JP-Strat9 (Southern Areas) - This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Core Strategy Development Plan Document - The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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. Relevant policies in the Core Strategy are detailed below

Policy SP1, Spatial Principles, - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, Development Management - This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance
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. Development should have regard to the character of the surrounding area.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Community safety and crime prevention.

Design for health.

Vehicular access and car parking.

Effects relating to biodiversity, landscape, archaeological or built heritage.

Policy DC26, "Development and Noise" -Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both
a) the effect of new development proposals which are likely to be generators of noise and
b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal - There is no objection in principle to the proposed change of use, though the impact upon existing levels of residential and visual amenity, must be assessed.

Design - The proposal has no implications for the design of the existing building, with the changes merely relating to the internal layout and the change from a take- away to a Class E restaurant.

Visual Amenity - There are no external physical changes and it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Residential Amenity - It is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed within the vicinity of the site. The previous use as a hot food takeaway had no hours conditioned for its operation or servicing, this application

would be conditioned, with the hours that have been applied for being reasonable. The numbers of patrons coming and going is also likely to be reduced with people arriving and staying longer when compared to the greater number of frequent trips to a takeaway. Thereby reducing the noise associated with frequent comings and goings, However, given the comments of Environmental Health, it is felt prudent to attach conditions requiring the building to be acoustically insulated to limit any impact, together with conditions relating to opening hours, servicing fume extraction and waste management be attached to any approval granted.

Pedestrian and Highways Safety - The change of use from a hot food takeaway which would have a greater turnover of visiting vehicles as opposed to someone visiting the premises for a meal and staying a while is likely to result in less traffic which is likely to have a less detrimental impact upon the pedestrian and highway safety within the vicinity of the site rather than short stay but greater volume of traffic manoeuvres. It is not considered that the proposal would have a greater detrimental impact.

Conclusion It is considered that the proposed use would be an improvement for the neighbouring properties within the vicinity of the site. There were no conditions attached relating to the previous takeaway use as it has for many years been the established use that previously occupied the premises. As such there were no controls over opening or servicing hours, waste management or noise associated with the previous use. The conditions to be attached to any consent granted for the proposal currently under consideration would provide greater assurances for the neighbouring properties and would be reasonable and enforceable.

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

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. The proposal is acceptable and therefore determined in accordance with both national and local policies.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) Notwithstanding the details of the flue on drawing ref 180-10-102 (Proposed elevations) The development hereby approved shall be carried out in accordance with the following drawings and documents:

180-00-003 Rev P1 Proposed Site Plan uploaded 11th August 2025

180-10-002 Proposed Site Plan uploaded 11th August 2025

180-10-102 Proposed Elevations uploaded 11th August 2025

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.

2) The premises shall not be open outside the following hours:-
11:00 am to 11:00 pm 7 days a week.

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.

3) 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 or waste collection on Sundays or Bank Holidays.

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

4) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted and approved in writing by the City Council as local planning authority within two months of the date of the consent hereby granted. The approved scheme shall be implemented and shall remain operational thereafter.

Reason - In order to ensure the efficient dispersal of cooking odours from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to character and appearance of the host building and the surrounding area in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester, saved policy DC10 of the Unitary Development Plan and the National Planning Policy Framework.

5) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be submitted within three months of the consent hereby granted and once approved implemented in full and retained and maintained thereafter so long as the use is in operation.

b) A verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable 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 safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to saved policy DC26 and policies SP1 and DM1 of the Manchester Core Strategy.

6) a) Within two months of the date of the consent hereby granted, externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) 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 policy DC26 of the Unitary Development Plan.

7) Within two months of the date of the consent hereby granted, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

Informatives

1) The proforma Waste Management Strategy must include the following information:
Estimated volumes and types of waste produced by the development;
Details of internal and external stores for both waste and recycling, including any plans and designs;
Location of the proposed collection point and details of the route the collection vehicle will take;
Details of how waste will be transferred between stores and to the collection location; and
Details of number and capacity of bins proposed and collection frequency.
Other details as per 'Waste Proforma v1.0'

2) Environmental Health are in receipt of an acoustic report by Peak Acoustics dated Jan 2024. The LA90 needs to use the lowest average so the LA90 figure stated is too high. The figures do not meet Manchester City Council criteria and therefore this can not be approved.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

40A Yew Tree Road, Manchester, M14 7PP
34 Boscombe Street, Manchester, M14 7PG
42 Newlyn Street, Manchester, M14 7PQ
48 Yew Tree Road, Manchester, M14 7PP
1 Thornton Road, Manchester, M14 7NU
40 Newlyn Street, Manchester, M14 7PQ
35 Newlyn Street, Manchester, M14 7PQ
46 Yew Tree Road, Manchester, M14 7PP
44 Yew Tree Road, Manchester, M14 7PP
2 Horton Road, Manchester, M14 7GB
33 Newlyn Street, Manchester, M14 7PQ
50 Yew Tree Road, Manchester, M14 7PP
32 Boscombe Street, Manchester, M14 7PG
3 Thornton Road, Manchester, M14 7NU
4 Horton Road, Manchester, M14 7GB
40 Yew Tree Road, Manchester, M14 7PP
38 Yew Tree Road, Manchester, M14 7PP

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA