MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	143995/FO/2025
Date registered valid:	30 October 2025
Proposal:	Change of Use of Taxi (Private Hire) to Hot Food Takeaway (Sui Generis) involving installation of a shopfront and external extraction flue
Address:	3 Queen Street West, Manchester, M20 3BQ
Ward(s):	Old Moat Ward
Applicant:	Mr Ansar Iqbal Chaudhary
Agent (if any):	Mr Abdul Hadi Sabawan
Case officer:	Holly Wright Tel: 0161 219 6381 Email: holly.wright@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**16 December 2025**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 28 October 2025

Standard consultations: Printed: 3 November 2025 Expired: 24 November 2025

Neighbour notifications: Printed: 3 November 2025 Expired: 24 November 2025

Site notice: Posted: 28 October 2025 Expired: 18 November 2025

Press advert: Published: 21 October 2025 Expired: 11 November 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

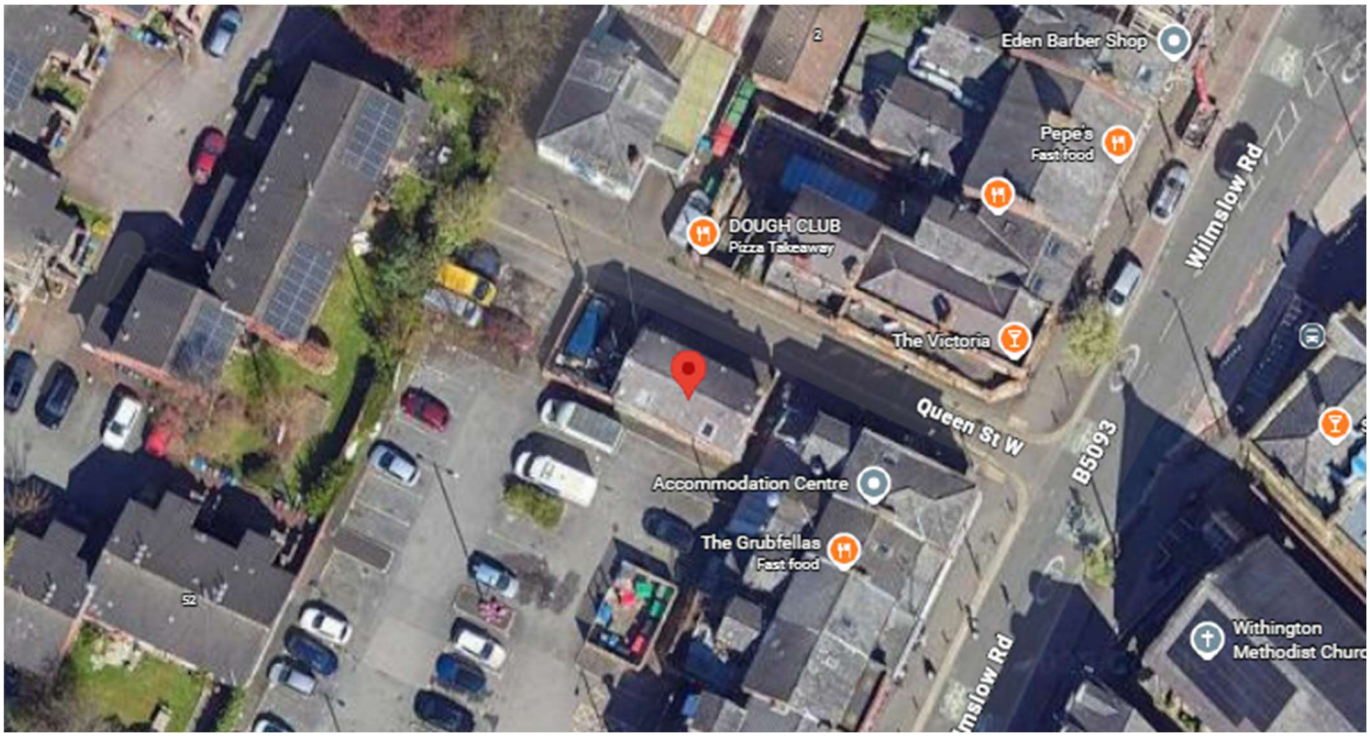
Conservation area: Withington Conservation Area 1983

Tree Preservation Order: Not applicable

The site relates to a single storey extension to an unlisted former Victorian stable building on the south side of Queen Street West, a cul-de-sac within the Withington conservation area and District Centre. The nearest listed building is the former bank 38 metres across Wilmslow Road to the east.

The red brick extension has little architectural merit and is in a different design language to the host building. It is at the back of pavement and replaces an earlier addition in situ since at least the 1960's. It has an ad hoc arrangement of glass block windows, infilled and boarded-up windows, monopitch tiled roof and timber door, making a negative contribution to the conservation area.

The host building is one of few surviving that contributes heritage value to the character of the Conservation Area through association with Withington's agricultural past and for its architecture/aesthetic value, originally functioning as a hayloft with the remains of a hoist and hayloft door in situ on the western gable. Recently, its characterful windows have been stripped and replaced with white uPVC. Facing the site is a former Victorian smithy, now a garage. The heritage value of the host building has been obscured by inappropriate alterations to its facade, signage, and other elements.


Eden Barber Shop
Pepe's
Fast food
DOUGH CLUB
Pizza Takeaway
Wilmslow Rd
The Victoria
Queen St W
B5093
Accommodation Centre
The Grubfellas
Fast food
Withington
Methodist Churc






TYRES 'R' US
FREE TYRE CHECK
FREE AIR
ADNESS
M.O.T Fee
ECK &
5.00
DIDSP
BP70 YPO
YP12 WPE


TYRES 'R' US
FREE TYRE CHECK
FREE AIR
WARNING CCTV In Operation
DOWN
LNVT
IVECO


AF58 XNS

Description of development

The applicant is seeking planning permission for the Change of Use of Taxi (Private Hire) to Hot Food Takeaway (Sui Generis) involving installation of a shopfront and external extraction flue.

Planning history

F15852 - Change of use to a private car hire office – Approved (01.07.1981) with the following conditions:

> "1) The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1971 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions: 1. The development must be begun not later than the expiration of five years beginning with the date of this permission. *2. No more than 4 cars shall be operated from the premises* The reasons for the conditions are: 1. Required to be imposed pursuant to section 41 of the Town and Country Planning Act 1971. 2. To avoid giving rise to traffic difficulties in Queen Street West."

025554 - Single storey extension to taxi office to form reception area and office – Approved (12.03.1986).

091173/FO/2009/S1 - Retrospective application for the erection of a canopy to provide additional covered area for servicing of vehicles – Refused & Enforced (30.11.2009).

Consultations & Notification Responses

1no. letter of objection was received from **1no. local resident** in response to the application; the comments are summarised as follows:

- This road has a small width and is hosting more than 4 businesses and one residential.
- There is a huge car repair and MOT station at the end of the road and access for 3 businesses which need access 24/7 to move cars in and out and for parts, Victoria pub, Pepe's, Chinese take away shop.
- Access and facilities are needed to be supplied every second to these businesses and also by moving their waste.
- Already at the top of the road a business is putting a shop front there which is a similar position that is being applied for.
- This is going to be a heavy interference for access and supply for all businesses that are surrounding this.
- As long as they keep the business within their walls it is still going to be unbearable with the access of the people, the rest of the waste and rubbish that we are dealing with every day is unbearable.
- This is a small dead end road and isn't a public road for that reason, all the businesses and people in this road are going to be affected negatively by this change of business.
- Please make sure everything has been thought of and taken care of before any decisions are made because it will have heavy consequences on business in this road.
- The taxi base used to be just indoor use (radio room and 2 people indoor) and now it is supposed to be a takeaway which is going to cause traffic on this road.

Withington Civic Society objected to the proposal; the comments are summarised as follows:

- Withington already has an excessive number of hot food takeaways.

- The Hot Food Takeaway SPD of March 2017 and the Withington Village Framework are highly relevant and must be considered.
- Takeaways contribute to litter which affects the character of the area and makes it a less pleasant place to live, work, shop and visit.
- Whilst the application premises are not actually on Wilmslow Road, they are not only very close but would also impact the street scene, affect litter, affect pedestrian and highway safety and generally undermine the viability of the centre.
- The proposal is contrary to UDP Policies DC10.1 and DC10.3, WB6 and Core Strategy Policy C10.
- In the application there is no mention of the Conservation Area despite the boundary of these premises cutting through the building. There is no design and access or heritage statement.
- The red line edge of the application site only incorporates the single storey projection at the front which is where the takeaway is proposed. However, the proposed extractor flue appears to be attached to the side elevation of the two storey garage behind the taxi office and therefore outside of the application site. The flue would also cause less than substantial harm to the character and appearance of the Conservation Area and there would be no public benefits sufficient to outweigh that harm.
- A further concern is for the neighbours who live above the nearby shops and behind the site in Strathblane Close/Easthope Close. Customers coming to the proposed takeaway would make noise at night especially as it seems that people would be served from the window/hatch. Customers who may have been drinking, and who congregate outside waiting to be served, are likely to disturb the residents behind. Furthermore, the residents would look out onto an ugly flue, which would worsen their outlook and damage their residential amenity.
- In addition, there is at present a complete lack of information as to the signage the applicant intends to use. It is essential that this conforms to the requirements set out in the Withington Village Framework of 2021 and the Shopfront Design Guide, and Advertisement consent would be required as appropriate.
- Finally, we have reservations about the waste management strategy. It is not clear to us where the waste bins will be placed. Is it suggested that bins will be wheeled through the premises to the footpath? If so, this would present a hazard to pedestrians on what is already a narrow pavement.

Councillor Gavin White objected to the proposal; the comments are summarised as follows:

- Withington already has an excessive number of hot food takeaways.
- The Hot Food Takeaway SPD of March 2017 and the Withington Village Framework are highly relevant and must be considered.
- Takeaways contribute to litter which affects the character of the area and makes it a less pleasant place to live, work, shop and visit.
- Whilst the application premises are not actually on Wilmslow Road, they are not only very close but would also impact the street scene, affect litter, affect pedestrian and highway safety and generally undermine the viability of the centre.
- The proposal is contrary to UDP Policies DC10.1 and DC10.3, WB6 and Core Strategy Policy C10.
- In the application there is no mention of the Conservation Area despite the boundary of these premises cutting through the building. There is no design and access or heritage statement.
- The red line edge of the application site only incorporates the single storey projection at the front which is where the takeaway is proposed. However, the proposed extractor flue appears to be attached to the side elevation of the two storey garage behind the taxi office and therefore outside of the application site. The flue would also cause less than

substantial harm to the character and appearance of the Conservation Area and there would be no public benefits sufficient to outweigh that harm.

- A further concern is for the neighbours who live above the nearby shops and behind the site in Strathblane Close/Easthope Close. Customers coming to the proposed takeaway would make noise at night especially as it seems that people would be served from the window/hatch. Customers who may have been drinking, and who congregate outside waiting to be served, are likely to disturb the residents behind. Furthermore, the residents would look out onto an ugly flue, which would worsen their outlook and damage their residential amenity.
- In addition, there is at present a complete lack of information as to the signage the applicant intends to use. It is essential that this conforms to the requirements set out in the Withington Village Framework of 2021 and the Shopfront Design Guide, and Advertisement consent would be required as appropriate.
- Finally, we have reservations about the waste management strategy. It is not clear to us where the waste bins will be placed. Is it suggested that bins will be wheeled through the premises to the footpath? If so, this would present a hazard to pedestrians on what is already a narrow pavement.
- This development is also down a very narrow side street, which would raise significant highways and potential parking concerns - this street is already very congested with many contraventions of existing the TROs that are in place.

MCC's Environmental Health Services requested conditions relating to the control of fumes, vapours, and odours, premises opening hours, delivery hours, premises sound insulation, external plant/equipment/servicing, and refuse be attached in the event of an approval.

MCC's Highways Services indicated that:

- Highways are satisfied that the application, if approved, will not have a significant impact on the highways.
- In comparison to the buildings former use as a private hire/taxi office, the level of trips generated is not anticipated to be dissimilar, therefore the change of use will not have a significant impact on the highway.
- The site is located adjacent to Queen Street West, an adopted highway with 'no parking' kerbside restrictions operational to the full length of the street. The road is 3.5 metres in width. Vehicles entering into the street will have to carry out reversing manoeuvres to leave in a forward gear.
- The last established use of the site was as a private hire/taxi office (sui generis use). No retail or food related activities are currently taking place at the property.
- There would have been vehicle activity as a result of the previous use of the building. Vehicle trip numbers for the proposed take away business have not been provided however; the business is small in capacity terms; this is based on it having only one or two members of staff present.
- The site is accessed by sustainable modes of transport, with five regular bus services routed along Wilmslow Road, within an acceptable walking distance.
- The proposed take away business has no dedicated parking for staff of customers. The staff numbers are two part time staff. No details have been provided as to the expected number of vehicle trips to the proposed take away business. However, the number of staff (2 part time) suggests the numbers will be low. Parking will have been and will remain a problem for anyone entering Queen Street West, when visiting a business without a dedicated parking space or turn around area.
- A private hire taxi business was its previous use. This is seen to be a more controlled business where regular drivers would be aware of the limitations for access on Queen

Street West and would park elsewhere and be available for contact by radio or by mobile phone.

- This street has no formal turning head so drivers will have to attempt a turnaround in the road that is only 3.5 metres wide. These manoeuvres will already be happening on occasion now by drivers entering the street on other business. The proposed take away business would add to this access and egress problem.
- Nearest on-street parking is a minimum of 45 metres away, on the adjoining street, the B5093 Wilmslow Road. This street is subject to a 20mph speed limit.
- Drivers wanting to visit the take away business could always avoid using Queen Street West or the B5093 Wilmslow Road kerbside parking restrictions and park in the nearby Gledhill Street car park. This car park has a 3 hour limits for parking, however this is seen as sufficient time for customers to order wait and collect their orders This car park offers a short walk pedestrian link of approximately 20 metres to the proposed takeaway business. Using this car park would reduce the proposed take away business impact on Queen Street West, by reducing the number of vehicles entering Queen Street West, where drivers would have to carry out manoeuvres that include turning the vehicle around using forward and reverse gears.
- It is recommended that the applicant encourages drivers and customers to use the nearby Gledhill Street car park or park on Wilmslow Road. The encouragement for them to use the car park and not to enter Queen Street West in a vehicle should be highlighted in any menu leaflet or if online, on their webpage. For occasional deliveries, this information should be on all order instructions.
- This is advisory information to encourage the use of sustainable transport. It is advised that sheltered cycle parking provision to accommodate 1 cycle.
- The drawing COU-001-MAN provides sufficient surety to Highways that the waste containers have a place to be kept and will therefore not be a nuisance on the street.

Greater Manchester Police made no objection to the proposal, indicating *"I have looked at the drawings and the proposed opening hours, and I am not too concerned with this change of use."*

Policies

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2024) reinforces this requirement in paragraphs 2 and 47, whilst paragraph 12 indicates that the presumption in favour of sustainable development does not alter the statutory status of the development plan as a starting point for decision-making and that, where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:
- Policy DC10 – Food and Drink Uses
- Policy DC18 – Conservation Areas
- Policy DC26 – Development and Noise
- Area 14 – Withington and Burnage: Shopping – WB6

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy C2 – District Centres
- Policy C6 – South Manchester District Centres – Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington
- Policy C10 – Leisure and the Evening Economy
- Policy EN3 – Heritage

The National Planning Policy Framework (NPPF, 2024)
- Chapter 8 – Promoting Healthy and Safe Communities
- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 - Conserving and Enhancing the Historic Environment

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-P2: Heritage

Hot Food Takeaway Supplementary Planning Document March 2017

Withington Village Framework document 2021

Shopfront and Signage Design Guide September 2024

Draft National Planning Policy Framework (NPPF, 2025)
The Government has published a consultation draft of the NPPF, intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making. While this draft is not yet adopted, it is 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
- Chapter 16 – Promoting Healthy Communities
    - Policy HC5: Hot food takeaways and fast food outlets
- Chapter 20 – Conserving and Enhancing the Historic Environment
    - Policy HE4: Securing the conservation and enhancement of heritage assets
    - Policy HE5: Assessing effects on heritage assets
    - Policy HE6: Proposals affecting designated heritage assets
    - Policy HE9: Conservation Areas

Issues

Principle – in this case, the principle of the proposal is considered unacceptable as it conflicts with the development plan policies and associated guidance outlined in the preceding sections.

The proposed change of use from a taxi (private hire) office to a hot food takeaway (Sui Generis) would result in an unduly harmful impact on the residential amenity of the area, generating increased comings and goings and elevated levels of activity on a narrow side street in close proximity to residential properties.

The proposal is also noted as having harmful impacts on the visual amenity of the area, the appearance of the application property, and the character and significance of the Withington Conservation Area. In addition, it would exacerbate existing parking and traffic issues along Queen Street West and generate higher levels of waste, further detracting from the quality of the local environment.

On this basis, the proposal is considered contrary to the principles set out under saved policies DC10, DC18, and DC26 of the Unitary Development Plan for the City of Manchester; policies DM1, SP1, C10, and EN3 of the Manchester Core Strategy; chapters 12 and 16 of the National Planning Policy Framework (2024); policies JP-P1 and JP-P2 of Places for Everyone; MCC's Hot Food Takeaway SPD; the Withington Village Framework; and MCC's Shopfront and Signage Design Guide.

Siting, scale, and massing – no extensions proposed under the current application, therefore, the siting, scale, and massing of the property would remain unaffected.

Appearance and visual amenity – the proposal includes the following external alterations:

- Installation of an extraction flue to the property's north and east elevations, measuring approximately 4.63m in height, projecting 0.7m above the eaves.
- Removal of existing signage associated with the previous taxi (private hire) office use and installation of new signage for the proposed hot food takeaway (Sui Generis) use above the entrance.
- Replacement of the existing window and door on the principal elevation with a new door and sliding window.

The proposed external alterations do not represent a considered or high-quality design response. The shopfront lacks coherence with the host building in terms of alignment, scale, and detailing, and fails to take advantage of opportunities to enhance the streetscape. A more appropriate approach could involve either a context-specific design that unifies the building through aligned openings and traditional detailing, or a modernised treatment using skilfully applied render and complementary frames in accordance with MCC's Shopfront and Signage Design Guide. Both options would require holistic maintenance of the extension and avoidance of poor materiality and excessive signage. Instead, the proposal perpetuates the ad hoc appearance of the ground floor and introduces an extraction flue that would cause visual harm by running along prominent elevations and competing with the hayloft door and hoist (features that contribute to the building's special interest). As such, the proposal fails to achieve a positive design outcome and would result in harm to the appearance of the building, visual amenity of the area, and wider streetscape.

On this basis, the proposal is considered to conflict with the principles set out under policies DM1 and SP1 of the Manchester Core Strategy, chapter 12 of the National Planning Policy Framework (2024), policy JP-P1 of Places for Everyone, the Withington Village Framework document, and MCC's Shopfront and Signage Design Guide.

Impact upon Withington Conservation Area – as outlined above, the proposal does not represent a considered or high-quality design response and therefore fails to make a positive contribution to the character, appearance, and significance of the Withington Conservation Area. The proposed extraction flue is particularly harmful as it would run along the building's prominent elevations and compete visually with the hayloft door and hoist, which are key features contributing to the building's special interest. Consequently, the proposal is considered to cause less than substantial harm to the significance of this designated heritage asset. This harm is not considered to be outweighed by the public benefits of the scheme.

On this basis, the proposal is considered to conflict with the principles set out under saved policy DC18 of the Unitary Development Plan for the City of Manchester, policy EN3 of the Manchester Core Strategy, chapter 16 of the National Planning Policy Framework (2024), policy JP-P2 of Places for Everyone, the Withington Village Framework document, and MCC's Shopfront and Signage Design Guide.

Vitality and viability of Withington District Centre – Concerns were raised regarding the proposal's potential impact on the vitality and viability of Withington District Centre.

Policy 1 of Manchester City Council's Hot Food Takeaway SPD states that hot food takeaways will not be supported in district and local centres where the cumulative impact would be detrimental to vitality and viability, affect the balance between the daytime and nighttime economy, or harm public health. The policy further specifies that harm would occur where a proposal:

- Increases the concentration of hot food takeaway ground-floor frontages to more than 10% of all non-residential frontages;
- Creates a cluster of more than two hot food takeaways together; or
- Reduces the number of units between clusters to fewer than two non-hot food takeaway uses.

Survey data from Withington District Centre (2024), supported by a walking survey in November 2025, confirms that the centre currently accommodates 10 hot food takeaways, equating to 9% of non-residential ground-floor frontages. The addition of one further takeaway would increase this to 11 units (9.9%), which remains below the 10% threshold set out in Policy 1. Furthermore, the proposal would not create a cluster of more than two hot food takeaways nor reduce the separation between clusters to fewer than two non-takeaway uses. On this basis, the proposal cannot reasonably be refused on grounds of harm to the vitality and viability of the district centre.

Residential amenity – the submitted application form indicates proposed opening hours of 11:00–21:00 Monday to Sunday, whereas the ventilation and extraction statement refers to hours of 09:00–18:00, creating uncertainty regarding the actual operating times. Irrespective of this lack of clarity, the proposal is considered to have an unduly harmful impact on residential amenity due to the increased comings and goings and elevated levels of activity on a side street location, in close proximity to residential properties whose boundaries lie approximately 15m from the unit.

While the site's previous use as a taxi (private hire) office would also have generated activity, the nature and intensity of that activity differs significantly from a hot food takeaway use. Taxi bases typically involve drivers collecting jobs and leaving promptly, with minimal customer footfall and short dwell times. In contrast, hot food takeaways generate substantial pedestrian activity, with customers waiting outside, congregating, and sometimes consuming food nearby. This can lead to noise, litter, and potential anti-social behaviour, as well as short-stay and sometimes illegal parking, causing congestion and highway safety concerns. Delivery drivers

further add to noise and disturbance. Additionally, takeaways produce food packaging waste, which harms visual amenity and increases street cleaning requirements. These impacts are not comparable to the previous taxi office use, which generally involved fewer public interactions and less congregation.

The nearest residential properties are located approximately 15m from the application site, with rear gardens and habitable rooms directly exposed to the side street where the takeaway would operate. The proposed use would introduce persistent evening activity, including customer arrivals, waiting, and departures, as well as delivery driver movements. This pattern of activity is likely to result in audible noise from conversations, vehicle engines, and door slamming, particularly during later hours when ambient noise levels are lower. The congregation of customers outside the premises also raises the potential for disturbance and anti-social behaviour, which would be highly perceptible to neighbouring occupiers given the proximity and orientation of their properties. Furthermore, the accumulation of litter and food packaging in the vicinity would detract from the visual amenity of the area and could affect the enjoyment of outdoor spaces by residents. These impacts, taken together, are considered to result in an unacceptable level of harm to the living conditions of neighbouring occupiers.

On this basis, the proposal is considered to conflict with the principles set out under saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester, policies DM1, SP1, and C10 of the Manchester Core Strategy, chapter 12 of the National Planning Policy Framework (2024), policy JP-P1 of Places for Everyone, MCC's Hot Food Takeaway SPD, and the Withington Village Framework document.

Parking and highways impact – the proposed hot food takeaway would be located on a narrow side street that is subject to Traffic Regulation Orders (TROs) along its entire length. During the case officer's site visit, existing parking and traffic issues were observed, including instances of illegal parking. Although MCC Highways Services have raised no formal objection, it is considered that the proposal would exacerbate these existing issues due to the typical vehicular comings and goings associated with hot food takeaway uses, including customer pick-ups and deliveries. This increased activity is likely to result in short-term parking on restricted areas, congestion, and potential obstruction of the carriageway, to the detriment of pedestrian and highway safety.





Waste storage and management – the planning submission indicates that refuse bins would be stored to the west of the application building on land also owned by the applicant. MCC's Environmental Health Services reviewed the proposal and requested a condition requiring the submission of a detailed scheme for the storage and disposal of refuse. However, irrespective of such a condition, the proposed hot food takeaway use is likely to generate significantly higher levels of waste compared to the previous use, including food packaging and disposable containers. This raises the potential for litter accumulation in the vicinity of the premises, which would detract from the visual amenity of the area and could adversely affect the enjoyment of outdoor spaces by nearby residents. These impacts would compound the overall harm to residential amenity and the character of the street.

Conclusion – the proposed change of use from a taxi (private hire) office to a hot food takeaway (Sui Generis) would result in an unduly harmful impact on the residential amenity of the area, generating increased comings and goings and elevated levels of activity on a narrow side street in close proximity to residential properties.

The proposal is also considered to give rise to harmful impacts on the visual amenity of the area, the appearance of the application property, and the character and significance of the Withington Conservation Area. In addition, it would exacerbate existing parking and traffic issues along Queen Street West and generate higher levels of waste, further detracting from the quality of the local environment.

On this basis, the proposal is considered contrary to the principles set out under saved policies DC10, DC18, and DC26 of the Unitary Development Plan for the City of Manchester; policies DM1, SP1, C10, and EN3 of the Manchester Core Strategy; chapters 12 and 16 of the National Planning Policy Framework (2024); policies JP-P1 and JP-P2 of Places for Everyone; MCC's Hot Food Takeaway SPD; the Withington Village Framework; and MCC's Shopfront and Signage Design Guide.

The agent of the application was notified of the LPA's intent to refuse the application.

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 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

The proposal would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

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

1) The use of the premises as a hot food takeaway (Sui Generis use) would have a detrimental impact upon the amenity of neighbouring residents, particularly those residing in the properties situated along Strathblane Close, due to the increase in the comings and goings to and from the premises, and associated noise, disturbance and increase in vehicular and pedestrian traffic. The proposed change of use is therefore contrary to the provisions of saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester, policies DM1, SP1, and C10 of the Manchester Core Strategy, chapter 12 of the National Planning Policy Framework (2024), policy JP-P1 of Places for Everyone, MCC's Hot Food Takeaway SPD, and the Withington Village Framework document.

2) The proposed external alterations including external flue, by virtue of their lack of coherence, scale, design and detailing would fail to achieve a positive or high quality of

design and would fail to enhance the character or the appearance of the area generally and the Withington Conservation Area specifically. As such the proposal is contrary to the City Council's Planning Policies SP1, DM1 and EN3 of the Manchester Core Strategy, policies JP-P1 and JP-P2 of the Places for Everyone Development Plan Document, Chapters 12 and 16 of the National Planning Policy Framework (2024), the Withington Village Framework document, and MCC's Shopfront and Signage Design Guide.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
Heritage & Urban Design
Withington Civic Society
Withington Village Regeneration Partnership
Greater Manchester Police
Highway Services
Environmental Health
Greater Manchester Police
Heritage & Urban Design
Withington Civic Society
Withington Village Regeneration Partnership

7 Easthope Close, Manchester, M20 3EZ
5 Easthope Close, Manchester, M20 3EZ
Flat At, Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
444 Wilmslow Road, Manchester, M20 3BW
444A Wilmslow Road, Manchester, M20 3BW
430 - 432A Wilmslow Road, Manchester, M20 3BW
436 Wilmslow Road, Manchester, M20 3BW
440 Wilmslow Road, Manchester, M20 3BW
450 - 452 Wilmslow Road, Manchester, M20 3BW
448 Wilmslow Road, Manchester, M20 3BW
442 Wilmslow Road, Manchester, M20 3BW
Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
446 Wilmslow Road, Manchester, M20 3BW
First Floor, 440 Wilmslow Road, Manchester, M20 3BW
450A Wilmslow Road, Manchester, M20 3BW
54 Strathblane Close, Manchester, M20 3FZ
2 Queen Street West, Manchester, M20 3BQ
430 - 432 Wilmslow Road, Manchester, M20 3BW
1 Queen Street West, Manchester, M20 3BQ
Ground Floor, 440 - 442 Wilmslow Road, Manchester, M20 3BW
434 Wilmslow Road, Manchester, M20 3BW
17 Easthope Close, Manchester, M20 3EZ
15 Easthope Close, Manchester, M20 3EZ
11 Easthope Close, Manchester, M20 3EZ
1 Easthope Close, Manchester, M20 3EZ
9 Easthope Close, Manchester, M20 3EZ
3 Easthope Close, Manchester, M20 3EZ
56 Strathblane Close, Manchester, M20 3FZ
52 Strathblane Close, Manchester, M20 3FZ
50 Strathblane Close, Manchester, M20 3FZ
48 Strathblane Close, Manchester, M20 3FZ
46 Strathblane Close, Manchester, M20 3FZ
4 Queen Street West, Manchester, M20 3BQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Withington Conservation Area 1983
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA