

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132870/FO/2022

Date registered valid: 14 February 2022

Proposal: Installation of pergola with electric retractable roof and fixed electric retractable awning to existing external seating area of restaurant.

Address: 93-95 Mauldeth Road, Manchester, M14 6SR

Ward(s): Withington Ward

Applicant: Mr Jay Shukla Sanskruti Restaurant 93-95 Mauldeth Road, Manchester, M14 6SR

Agent (if any): Miss Maxine Cook, BeInspired Design, 13 Grove View, York, YO30 6LF

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 11.04.2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 1 April 2022

Standard consultations:

Printed: 16 February 2022 Expired: 9 March 2022

Neighbour notifications

Printed: 16 February 2022 Expired: 9 March 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

This application relates to the forecourt of a double commercial unit forming part of a modern two storey mixed development comprising ground floor commercial units with residential above. The development is located on outside of a sharp bend in Mauldeth Road and to accommodate the bend the parade has a substantial step resulting in a large triangular forecourt for the application site. The double unit is used as a restaurant within Class E of the Use Classes Order.



Listed building: Not applicable

Conservation area: Not applicable

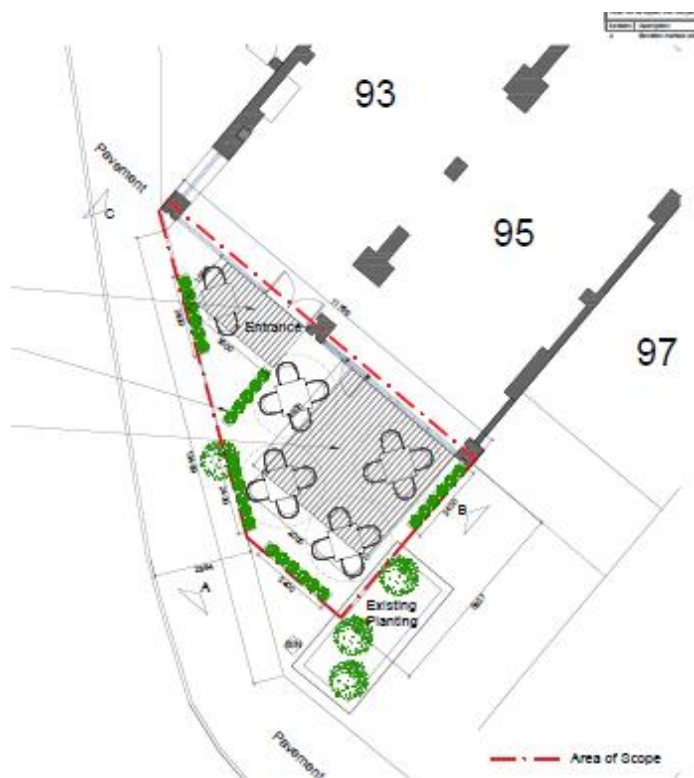
Tree Preservation Order: Not applicable

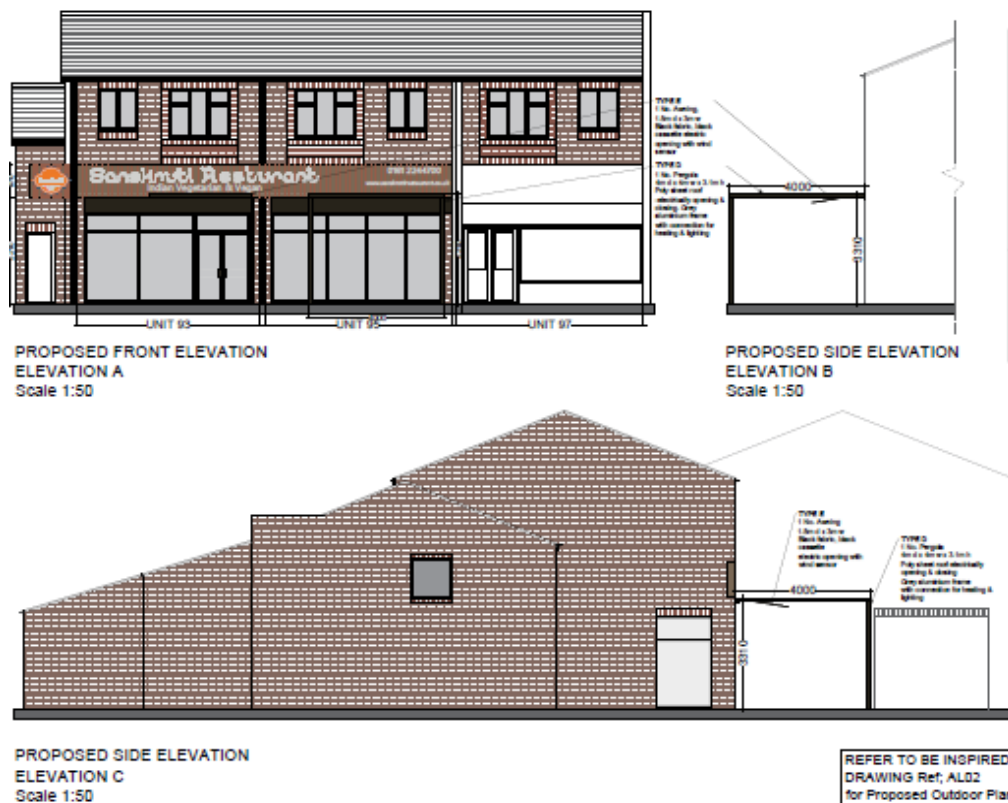
Description of area

The site is located on the north east side of Mauldeth Road at its junction with Ladybarn Lane. It is within the Mauldeth Road local centre. Adjoining to the south east is the forecourt of the adjoining property adjacent to which is the gable was a a property forming part of the parade. There are commercial properties facing the site across Mauldth Road and a modern three storey flat development across Ladybarn Lane.

Description of development

Consent is sought to erect a retractable awning above the entrance to number 93 and a aluminium framed pergola in front of number 95. The retractable awning would be 3 metres wide and project 1.5 metres when extended. The Awning would be black as would the housing. The pergola would cover an area 4 metres by 4 metres and be 3.1 metres high. It would comprise a grey aluminium frame with retractable poly sheet roofing.





Consultations & Notification Responses

Local businesses residents

No representations received.
Environmental Protection

Additional information is required as to the intended use of the external area. Will this be used for smokers, will patrons be permitted to sit out here for extended periods of time, will it be used for drinking only or will food be served in this area and is it for use by seated patrons only? There is no information submitted which indicates the number of patrons that will be permitted to use this area at any one time and the likely noise levels to be emitted from this area and also no noise management plan has been submitted with this application.

Highways

- The external seating area is situated within the red line boundary of the development site and does not impinge on the adopted highway. Therefore, the proposed pergola and retractable roof will not impinge on the adopted highway.
- It is requested that a minimum headway clearance of 2.5m is in place for the timber canopy.
- All furniture is to be stored internally within the premises outside of operational hours. This is considered appropriate in preventing unnecessary obstruction of the adjacent highway.

Policy

Core Strategy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Issues

Principle

The forecourt of the premises forms part of the planning unit and therefore its use for outside seating does not require planning permission. The issues to be considered here therefore relate solely to the impact of the proposed canopy and pergola.

Scale

It is considered that the proposed awning and canopy are of a reasonable scale that sit within the forecourt rather than seeking to cover the whole area, in this respect they appear subservient to the host property.

Design

Awnings are a feature traditionally found on retail premises, and whilst the is a modern building the design of the awning is quite contemporary. There are no issues with the design of the awning.

The proposed pergola would sit against the building at the rear. It would have a contemporary feel to it using powder coated aluminium for the frame which reflects the modern design of the building and the materials used in the shop front. It is considered that the proposed pergola is of an appropriate design for this location.

Impact on the street scene

There are no issues in terms of the impact of a retractable awning in terms of its impact on the street scene. Fixed pergola style canopies however, can appear visually intrusive, particularly where they are the only one within a parade and there project significantly forward of the building line. In this case the step in the properties is such that the proposed pergola sits behind the building line of part of the parade and would therefore be less intrusive. On balance it is considered due to the unique configuration of this parade the proposed awning and pergola will not adversely impact on the character of the area.



Residential Amenity

There is residential accommodation both above the application property and to the northwest across Ladybarn Lane and consequently the potential for a loss of amenity would exist. However, whilst the use of the forecourt would not require consent, the erection of the canopies provides an opportunity to attach a condition which requires the approval of the hours of use of the area in order to minimise the impact on residential amenity.

Conclusion

On balance it is considered that the proposed awning and canopy are acceptable in all respects and accord with Council policy.

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 issues arising from the consideration of this 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:

AE02 revision A received 14 February 2022

AL02 revision A received 14 February 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 development hereby approved shall be constructed using the materials specified on the approved drawings.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) The outside seating area shown on the approved drawings shall not be used until a schedule of the hours that the area is to be used have been submitted to and approved in writing by the City Council.

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
South East Fallowfield Residents Association

Flat 12, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 11, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 10, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 9, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 8, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 7, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 6, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 5, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 4, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 3, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 2, 206 Ladybarn Lane, Manchester, M14 6RW
Flat 1, 206 Ladybarn Lane, Manchester, M14 6RW
206 Ladybarn Lane, Manchester, M14 6RW
91B Mauldeth Road, Manchester, M14 6SP
91A Mauldeth Road, Manchester, M14 6SP
91 Mauldeth Road, Manchester, M14 6SP
Flat Above, 104 Mauldeth Road, Manchester, M14 6SQ
157 Ladybarn Lane, Manchester, M14 6RQ
163 Ladybarn Lane, Manchester, M14 6RQ
161 Ladybarn Lane, Manchester, M14 6RQ
159 Ladybarn Lane, Manchester, M14 6RQ
155 Ladybarn Lane, Manchester, M14 6RQ
153 Ladybarn Lane, Manchester, M14 6RQ
102A Mauldeth Road, Manchester, M14 6SQ
Flat 2, 100 Mauldeth Road, Manchester, M14 6SQ
97 Mauldeth Road, Manchester, M14 6SR
104 Mauldeth Road, Manchester, M14 6SQ
Flat 1, 100 Mauldeth Road, Manchester, M14 6SQ
99 Mauldeth Road, Manchester, M14 6SR
102 Mauldeth Road, Manchester, M14 6SQ
100 Mauldeth Road, Manchester, M14 6SQ

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
Flood Zones Type 2 (low to medium risk) -
Area Team Boundary - Name: SOUTH