

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131629/FO/2021

Date registered valid: 10 September 2021

Proposal: Erection of single storey rear extension and first floor rear extension to provide additional space for ground floor retail unit and first floor salon

Address: 149 Fog Lane, Manchester, M20 6FJ

Ward(s): Burnage Ward

Applicant: Mr David Bitan, C/o Agent

Agent (if any): Mr David Bitan, Debtal Architecture Ltd, 72 Bury New Road, M25 0JU

Case officer: Janet Lawless
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Recommendation: Approve

Date of recommendation: 5th November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: November 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 16 September 2021 Expired: 7 October 2021

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 2- storey end of terraced commercial unit within a parade of 8 shops and commercial uses within this particular block, with multiple blocks making up the whole parade. The property is identified as 149 Fog Lane in the Burnage ward of the City. The current use of the ground floor is an off licence/ general store, whilst the first floor is currently in use as a beauty salon.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential on the side roads, with both sides of Fog Lane in this location being in commercial / retail use. There is residential accommodation in the form of flats above some of the ground floor commercial units. Christ Church United Reformed Church is located to the west of the property.

Description of development

The proposal is for the erection of a 5m single storey extension to extend the retail / storage area to the ground floor to create storage, staff room and WC, together with a flat roof extension above the existing first floor which will provide accommodation as a nail bar in association with the existing beauty salon.

Consultations & Notification Responses

Local Residents were informed- one representation has been received which raises issues relating to the existing parking problems in the area resulting from inconsiderate parking by users of the commercial properties. Businesses operating for longer hours will create additional problems.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

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. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should 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 or specific policies in this Framework indicate development should be restricted.

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three overarching objectives to achieving sustainable development: an economic objective, a social objective and an environmental objective (paragraph 8).

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment. The proposal will contribute to maintaining the area as a neighbourhood of choice by allowing the school to accommodate a spike in the number of children presenting for admission at primary level.

Policy DM1 is relevant to this application as it seeks to protect the amenity of an area from the adverse impact of development. The policy states all development should have regard to the following specific issues, amongst others:

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.

Refuse storage and collection.

Vehicular access and car parking.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Visual amenity and character of the area-

The proposed works relate to 2 modest extensions which are located on the rear of the property. The contextual setting would comprise of such features as single and 2 storey extensions, fire escape / access staircases and dormer extensions. It is an eclectic mix of additions along the rear of the parades. Given that the works are to 149 Fog Lane which is at the end of the parade, it will be visible, although not highly visible when approaching the property along Fog Lane from the west. and would not have any greater impact within the street scene than currently exists. The rear garden / yard area is some 13.5 m in length there would still be 7.5 m retained following the development, which is similar to the rear space to the majority of the other properties within the parade, and as such would not be out of character with development in the vicinity of the site.

Residential Amenity-

Given that the proposed extensions are to serve the existing ground and first floor uses, there is no introduction of any new uses within the property. There is no residential above this property, and even if there is residential accommodation to the upper floor to the east of the proposal property the existing first floor accommodation being an outrigger design sits between the 2 properties.

There are windows proposed in the side and rear elevations at both ground and first floor, with these only either overlooking the applicants own yard area or the passageway to the side of the property which provides the access to the rear of the other properties within the parade. The windows do not cause harm and if anything, contribute to natural surveillance of the passageway. As such it is not considered that the proposed extensions would result in a detrimental impact upon the neighbouring properties.

Parking-

Whilst there is no dedicated parking with the property, the proposal is only increasing the footprint of the existing uses within the building and not introducing additional uses. As such it is not considered that the parking situation would be exacerbated. It is acknowledged that the objection raises issues with existing parking, however this would appear to be from people ignoring the TRO's that already exist within the area. There are other mechanisms for dealing with the type of issues through Highways or the police.

Conclusion

There would be limited public viewpoints of the extensions and they would not form an incongruous feature within the street scene, and it is not considered that the proposal would create significant issues in relation to parking and residential amenity. Therefore, the proposed development would comply with policies DM1, EN1 and SP1 of the Core Strategy.

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.

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:

001- Location Plan / Site Plan

002.1- Existing Floor Plans and Elevations

003- Proposed Floor Plans and Elevations

Dated 10th September 2021

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 extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy, and the requirements of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Church Hall, Fog Lane, Manchester, M20 6FJ
Ground Floor, 149 Fog Lane, Manchester, M20 6FJ
151 Fog Lane, Manchester, M20 6FJ

271 Parrs Wood Road, Manchester, M20 6JZ
216 Fog Lane, Manchester, M20 6EL
38 Leafield Avenue, Manchester, M20 6EJ
First Floor, 149 Fog Lane, Manchester, M20 6FJ
269 Parrs Wood Road, Manchester, M20 6JZ
218 Fog Lane, Manchester, M20 6EL
36 Leafield Avenue, Manchester, M20 6EJ

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH