



Planning

Growth & Development

Delegated officer report for planning application

Application no. 129724/FO/2021
Date registered valid: 23 March 2021
Proposal: Alteration to ground floor external elevations, opening up blocked external windows and installation of extract flue
Address: 179 School Lane, Manchester, M19 1GN
Ward(s): Didsbury East Ward

Applicant: M Hussain 179 School Lane, Manchester, M19 1GN
Agent (if any): Mr Saghir Hussain Create It Studio Architects Universal Square, Devonshire Street North, Manchester, M12 6JH
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 18/5/21



Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 26 March 2021 Expired: 16 April 2021

Neighbour notifications

Printed: 26 March 2021 Expired: 16 April 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/area

179 School Lane is a retail unit on the ground floor with first floor flat and sits on the corner of School Lane and Kingsway. The property is currently vacant. There is hard standing surrounding the exterior of the site which makes provision for parking. There are two large advertising hoardings positioned on the side of the property facing Kingsway.

To the north of the property there are residential properties while to the west, separated by an alleyway, there are retail properties. To the south, on the opposite side of School Lane, there are further commercial properties.

Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

The applicant is proposing to undertake a number of elevational alterations to the property in order to use it as a restaurant. The change of use is permitted development as both uses are within Class E.

The alterations are:

- Re-opening of bricked up windows in the Kingsway frontage
- Installation of door in single storey rear extension
- Installation of extract flue
- New shop front
- Bricking up of ground windows in rear elevation.

The applicant originally applied to also vary the hours condition attached to application 102494/FO/2013/S2 but as that application was never implemented and has lapsed that

element of the proposal has been removed. Notwithstanding that the applicant has confirmed the following amended opening hours:

Sundays to Thursday - 0800hrs to 2330hrs
Fridays and Saturdays - 0800hrs to 0000hrs

Consultations & Notification Responses

Local Residents – 8 letters of objections have been received; the comments are summarised below. It should be noted that the comments relating to the use of the property as a restaurant are not a material in this instance as planning permission is not required for the use of the property as a restaurant:

- The extract flue will have a detrimental impact on residential amenity due to the odours and fumes associated with the kitchen use.
- The alterations would have a significant impact on my residential amenities leading to a loss of sunlight into my kitchen and overshadowing the ground floor of the property.
- The alterations would significantly affect the value of my property and its appearance.
- The construction of the alternations during the process of development will create substantial noise pollution affecting my family's well-being.

Environmental Health – The 2.00am closing time originally proposed would not have been supported and a recommendation of refused would have been made. However, the hours the applicant intends to open the premises are acceptable.

Policies

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.

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 the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.

- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply)

Issues

Principle of the Proposal – The principle of undertaking elevational alterations to the property is acceptable. However, any potential impact on visual and residential amenity must be assessed.

Design – The elevational alterations are considered acceptable and in keeping with the overall appearance of the building.

Visual Amenity – The elevational alterations would not have a detrimental impact on the existing levels of visual amenity enjoyed within the vicinity of the site.

Residential Amenity – Whilst the elevational alterations would not have a detrimental impact on existing levels of residential amenity, the installation of the flue at the rear of the building could potentially impact residents if the correct type of flue and extraction system was not installed. To ensure that this is the case a condition requiring the details to be submitted and approved would be attached to any approval granted.

Pedestrian and Highway Safety – The proposed elevational alterations would not have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along School Lane and Kingsway.

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 to resolve any 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:

- a) Location plan stamped as received on 15 March 2021
- b) Drawing no. A1331(01)002 stamped as received on 15 March 2021
- c) Drawing no. A1331(01)003 stamped as received on 15 March 2021
- d) Drawing no. A1331(02)001A stamped as received on 19 May 2021
- e) Drawing no. A1331(02)002A stamped as received on 19 May 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The premises shall not be open outside the following hours:-

Sundays to Thursday - 0800hrs to 2330hrs
Fridays and Saturdays - 0800hrs to 0000hrs

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 Manchester Core Strategy.

4) Before the development hereby approved commences, a scheme for the extraction of any fumes, vapours and odours from the premises shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

5) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the property is in use.

Reason - In the interests of the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Hairdressing Salon Rear Of 1, Queensway, Manchester, M19 1QP
663 Kingsway, Manchester, M19 1SY
170B School Lane, Manchester, M19 1GN
First Floor, 1 Queensway, Manchester, M19 1QP
Flat 2, 177 School Lane, Manchester, M20 6JP
170A School Lane, Manchester, M19 1GN
2 Queensway, Manchester, M19 1QP
2A Queensway, Manchester, M19 1QP
500 Kingsway, Manchester, M19 1JU
170 School Lane, Manchester, M19 1GN
179A School Lane, Manchester, M19 1GN
177 School Lane, Manchester, M19 1GN
Ground Floor, 177 School Lane, Manchester, M19 1GN
Ground Floor, 175 School Lane, Manchester, M20 6JP
Flat 1, 175 School Lane, Manchester, M19 1GN
512 Kingsway, Manchester, M19 1WW
1 Queensway, Manchester, M19 1QP
498 Kingsway, Manchester, M19 1JU
172 School Lane, Manchester, M19 1GN

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
Area Team Boundary - Name: SOUTH