

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132180/FO/2021

Date registered valid: 21 March 2022

Proposal: Erection of a single storey rear extension, retractable front awning and rear flue

Address: 128 Withington Road, Manchester, M16 8FB

Ward(s): Whalley Range Ward

Applicant: Naranjargal Bayaraa 128 Withington Road, Manchester, M16 8FB

Agent (if any): Mr Gooding LDM Surveyors LDM House, 46 Great Ancoats Street, Manchester, M4 5AB

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

Recommendation: Approve

Date of recommendation: 08.06.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 24 March 2022 Expired: 14 April 2022

Neighbour notifications

Printed: 24 March 2022 Expired: 14 April 2022

Site notice

Posted: 1 April 2022 Expired: 22 April 2022

Press advert

Published: 29 March 2022 Expired: 19 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to the ground floor of a two storey mid parade property on the west side of Withington Road. The property appears to be a vacant Class E use and has a deep, approximately 10 metres, forecourt. At the rear of the property is a single storey outrigger and a yard, the boundary walls to which are in a state of disrepair.





Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: No specific TPO

Description of area

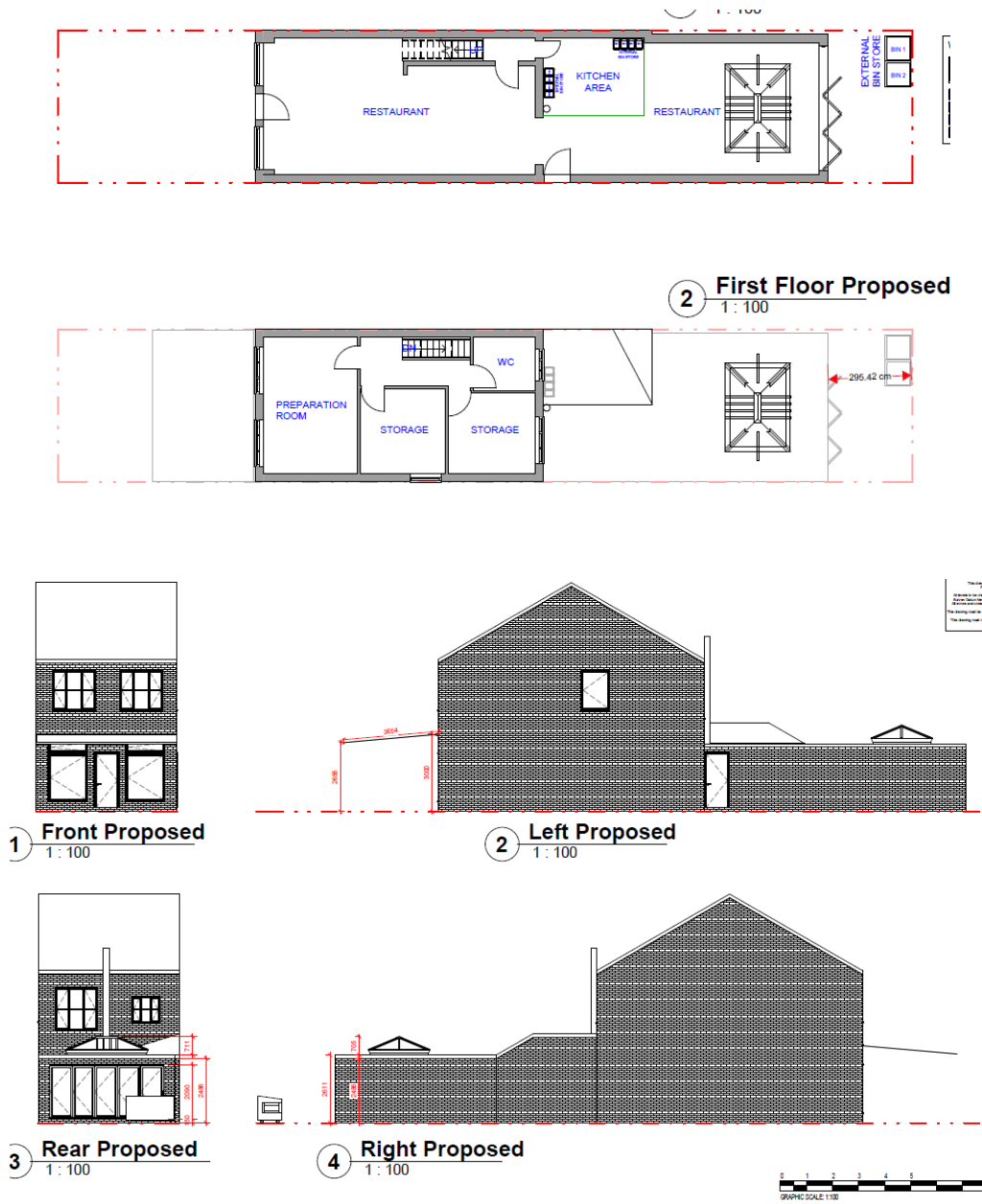
The property is located within the Whalley Range Conservation Area at the southern end of the Withington Road Local Centre. Adjoining to the north is a smaller commercial unit, trading as a café. It has outside seating and a retractable awning on the forecourt. Adjoining to the south is a hot food take away. In total there are five units within the parade and it appears that there may be residential accommodation above. Adjoining the rear yard to the north and west are the grounds of a mosque beyond which to the west are the rear gardens of houses on Victoria Road. Facing the site across Withington Road is a purpose built supermarket.

Description of development

Consent is sought to erect a single storey flat roofed extension at the rear of the property. The extension would project 10 metres from the rear face of the main body of the building and 6.2 metres beyond the rear face of the outrigger. This would leave a yard area across the full width of the property approximately 4 metres deep. The extension would have a lantern light in the roof and bi folding doors in the rear elevation.

The new flue would extend up the rear elevation of the existing building terminating above the eaves level.

The proposed awning, which replaces a fixed canopy in the original scheme, when extended would project 3.5 metres across the full width of the property.



Refuse would be stored in the rear yard and internally within the building.

Consultations & Notification Responses

Local Residents Businesses

No representations received

Highways

-Plans suggest that the area of private forecourt to the front of the building will be used for external seating with a retractable canopy to the front elevation. Assurance is required to confirm that the canopy will not overhang the adopted footway and carriageway. If not, then the canopy will only cover an area of private forecourt and therefore will not require a projection over license.

-A sufficient headroom clearance in excess of the recommended 2.3m is noted and accepted by Highways.

- The proposed flue is not located on the adopted highway network. As such, a projection over license will not be required
- Pedestrian access to the front of the property will remain as existing which is acceptable to Highways.
- Further information is sought regarding pedestrian access to the rear of the property.
- It would be useful to understand refuse arrangements in more detail, to ensure there is no obstruction on the highway.
- Further clarification is sought regarding refuse storage, transportation and collection arrangements.

Environmental Protection.

Have requested conditions in respect of fume extraction, noise insulation of the building, agreement to the hours of use of the outside seating area and the acoustic insulation of any external plant. In response to comments made by Environmental protection the refuse scheme has been amended and is now acceptable.

Policy

Core Strategy

The relevant Core Strategy policies are DM1 and EN3

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy EN3 seeks to protect the city's Heritage assets from the adverse impact of development.

Unitary Development Plan

The relevant saved UDP policies are DC18 and DC26

Policy DC18 requires developments to preserve or enhance the City's conservation areas.

Policy DC 26 seeks to protect residents from the harmful affect of noise.

Issues

Principle

The principle of extending a property to facilitate its use in a local centre is considered to be acceptable in principle.

Use

The use of the premises as a restaurant within class E does not constitute a material change of use and therefore planning permission is not required for the use of the property.

Scale of rear extension

The proposed extension with a maximum projection of 10 metres covers a substantial part of the rear yard. However, there would remain a usable yard area and therefore it is considered that the scale of the proposed extension is acceptable.

Design of rear extension

The extension is a simple flat roofed box that has a contemporary feel to it. There are no issues with the design of the extension.

Flue

The proposed flue sits on the rear face of the building virtually equidistant between the adjoining properties. In terms of its location the flue is considered acceptable however, the details will need to be assessed and an appropriate condition is proposed.

Canopy

Consent was originally sought to install a fixed canopy across the whole of the forecourt. In response to issues raised by the Council this has been replaced with a retractable awning similar to on the adjoining property. This would cover significantly less of the forecourt and it is considered not appear as incongruous as a permanent canopy.

Residential amenity

The submitted drawings suggest that the first floor accommodation can only be accessed from within the commercial unit and the two uses are therefore likely to be linked. It is considered that other residents living above the parade would be suitably protected from any significant loss of amenity by the proposed conditions.

The residential properties to the rear are separated from the site by an 11 metre wide strip of land forming part of the mosque and have approximately 30 metre long rear gardens. It is therefore considered that these properties would not suffer any significant loss of amenity.

Impact on the character of the conservation area

Initially concern was expressed that the proposed fixed canopy would be an incongruous feature that was out of character with and would harm the conservation area. The alternative awning is considered to be more appropriate to this location and there is a precedent with the adjoining property having an awning. The extension and flue are positioned at the rear of the property and whilst there may be limited views of them it is not considered that they would have a detrimental impact on the conservation areas character. Both the adjoining properties have flues on the rear elevation.

On balance it is considered that the proposed development would have a neutral impact on the conservation area.

Refuse.

The refuse storage arrangements have been amended in light of concerns raised. The current revised proposal is considered to be acceptable and an appropriate condition is proposed .

Conclusion.

It is considered that the revised scheme accords with City Council policies and is in all respects acceptable.

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:

PS132 revision G received 24 May 2022

PS222 revision G received 17 May 2022

PS432 revision G received 17 May 2022

PS522 revision G received 17 May 2022

Waste Management Strategy received 3 May 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 extension hereby approved shall be constructed using materials that match those used in the original building in terms of size, colour and texture.

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, EN3 and DM1 of the Core Strategy and saved Unitary Development Plan policy DC18.

4) Prior to its installation the details of the retractable awning shall be submitted to and approved in writing by the City Council. The development shall be carried out in accordance with the agreed details.

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, EN3 and DM1 of the Core Strategy and saved Unitary Development Plan policy DC18.

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

Reason - To ensure that there are satisfactory arrangements for the storage of refuse pursuant to Core Strategy policy DM1

6) Prior to the first use of any external areas/outside seating within the application site, a schedule of days and hours of operation of those areas shall be submitted to and approved in writing by the City. The external areas/outside seating shall only be used in accordance with the agreed details. No amplified sound or any music shall be played in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

7) 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 implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to occupation of the development a verification report will 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 Core Strategy policy DM1 and saved Unitary Development Plan policy DM1.

8) a) 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) Prior to the operation of the scheme 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 Core Strategy Policy DM1 and saved Unitary Development Plan policy DC26

9) a) 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) Prior to the operation of the scheme 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 Core Strategy Policy DM1 and saved Unitary Development Plan policy DC26

10) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the installation of the flue.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Post installation of the flue confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented in full..

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Whalley Range Forum
Whalley Range Conservation Area Group

48 Victoria Road, Whalley Range, Manchester, M16 8DP
44 Victoria Road, Whalley Range, Manchester, M16 8DP
42 Victoria Road, Whalley Range, Manchester, M16 8DP
134A Withington Road, Manchester, M16 8FB
Second Floor, The Madina Hall, 122 Withington Road, Manchester, M16 8FB
First Floor, The Madina Hall, 122 Withington Road, Manchester, M16 8FB
Top Flat, 128 Withington Road, Manchester, M16 8FB
132A Withington Road, Manchester, M16 8FB
141 Withington Road, Manchester, M16 8ED
The Madina Hall, 122 Withington Road, Manchester, M16 8FB
130 Withington Road, Manchester, M16 8FB
Whalley Range Dental Practice, 132 Withington Road, Manchester, M16 8FB
46 Victoria Road, Whalley Range, Manchester, M16 8DP
Netto, 135 - 141 Withington Road, Manchester, M16 8EE
136 Withington Road, Manchester, M16 8FB
126 Withington Road, Manchester, M16 8FB
134 Withington Road, Manchester, M16 8FB
40 Victoria Road, Whalley Range, Manchester, M16 8DP

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
Conservation Area - Whalley Range Conservation Area 1992
Area Team Boundary - Name: SOUTH