

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142598/FO/2025

Date registered valid: 7 July 2025

Proposal: Erection of single storey front extension and front bay window involving roof alteration together with the change of use of ground floor apartment into a commercial pizza kitchen (sui generis) and first floor rear extension to form living accommodation

Address: 95A-E Manchester Road, Manchester, M21 9GA

Ward(s): Chorlton Ward

Applicant: Mr Asif Hussain

Agent (if any): Mr Rakesh Mistry, M83 Associates Ltd

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 18 August 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 1 August 2025

Standard consultations:

Printed: 11 July 2025 Expired: 1 August 2025

Neighbour notifications

Printed: 11 July 2025 Expired: 1 August 2025

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 and surroundings

The application site relates to a two-storey, semi-detached property located on the western side of Manchester Road. This area is primarily commercial in nature, featuring residential flats above the ground-floor units, along with terraced housing situated to the rear on Ransfield Road.



View of application property frontage

The host building incorporates a ground floor retail unit currently in operation as a barber shop, with residential accommodation to the first and second floors above. To the rear is a large single storey extension which extends the full depth of the rear yard and is in use as a flat.



View of application property rear

The site falls within the Chorlton District Centre, which offers a diverse mix of retail outlets and evening or late-night venues.

Positioned on the outer edge of the District Centre, the site is in an area where commercial activity is less concentrated. However, the parade of shops between Ransfield Road and Kensington Road is entirely commercial, comprising a coffee shop, barber, florist, picture framing shop, two bars, and a dessert restaurant, all with residential flats above. Each unit along this parade includes an external forecourt area, many of which are used for additional retail space or outdoor seating, with some featuring retractable awnings. The pavement in front of the shops is wide, fronted by a dedicated cycleway.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Planning permission is sought for the erection of single storey front extension and front bay window involving a roof alteration, together with the change of use of the ground floor apartment into a commercial pizza kitchen (sui generis), together with a first-floor rear extension to form enlarged living accommodation to facilitate a two-bedroom flat. The second floor would be reconfigured to form a one-bedroom flat.

The proposed single storey, front extension is of flat roof design on the site of the existing forecourt and partially wraps around the side return. The proposed floor space would allow for enlargement of the existing ground floor retail unit along with the formation of a new entrance serving a lobby area to facilitate access for collection associated with a commercial kitchen (dark kitchen). It is unclear from the submitted drawings how access from the kitchen and food preparation area to the front of the retail unit would be achieved.

The applicant has stated that the intention of the commercial kitchen is for food (in this case, pizzas) to be prepared on site for collection in connection with online delivery platforms.



Proposed 3D image as submitted

To the front it is also proposed to create a bay window involving a new gable feature to the roof to match the other half of the semi.

Consultations & Notification Responses

Local Residents/Occupiers – 11 representations have been received following notification of the proposed development, including 10 objections and 1 neutral response. Comments are summarised as follows:

- The front extension would set a bad precedent for permanent extensions beyond the building line.
- There are too many food and drink establishments in the area, and another would weaken the viability of existing restaurants.
- The proposal would increase disturbance and litter in the area.
- The proposed development would increase dangerous bike traffic on the pavement as deliveries with said businesses are often made by online platforms and cars would also need to park somewhere - this is a safety issue.
- There are concerns surrounding potential anti-social behaviour. The establishment has no proposed seating and is not a restaurant. People would have to wait outside and being open late leading to anti-social behaviour and noise.
- The extension to the rear and conversion to a commercial kitchen backs on to houses. Noise issues are already a problem, and the venue will be emptying bins etc very late in the night which would cause noise disturbance.
- The proposed extension and change of use would seriously disrupt the operations of Samali's shop.
- The proposal removes existing residential use. In a time of housing need, it seems inappropriate to permanently convert accommodation into commercial use.
- The property is a Victorian building with historic features. The proposed extension (particularly at the front) would dramatically alter its appearance, damaging the integrity of the original design. Such changes would be irreversible and not in keeping with the character of the area.

-The front extension would extend far onto the pavement, obstructing a public right of way and create an inappropriate narrowing of the pedestrian area.

-The rear extension would extend right up to the boundary of the alleyway shared with residents. This would reduce light, space, and access, and set a poor precedent for future development encroaching onto shared passageways.

-A restaurant/pizza kitchen would generate cooking odours, extractor fan noise, and late-night disturbance.

-The proposal represents overdevelopment of the site, pushing boundaries both to the front and back. The use is not compatible with the surrounding mix of small shops and residential homes.

-The proposal to extend the ground floor shop would materially change the look, feel and profile of the street.

-The proposal to extend the premises towards Manchester Road would make the front of the building out of line with the current retail premises (no's 93 to 109) in the block. The extension would not be in keeping with the retail units along that section of the main road between Ransfield Rd and Kensington Rd. There is no precedent to build out to the front and to do so now could result in further applications.

-It is questioned how pizzas would be delivered, and the application does not provide details. It is believed that they are likely to be collected by drivers using cars and bikes and this would impact parking and highway safety.

-The operation of a 'dark kitchen' could generate significant traffic along that section of Manchester Rd. It is likely that e-bikes used by online delivery platforms would frequent the front pavement and cause disruption to the traffic on Manchester Road, thereby affecting highway safety.

-Smells from the premises along that section of Manchester Road do affect the air quality of the surrounding neighbourhood.

-The proposed front extension would be an obtrusive and incongruous feature in the street scene.

Environmental Health – It is recommended that the application is refused (with regards to the commercial pizza kitchen).

The proposed flue is poorly positioned, which would likely lead to unacceptable impacts for existing residents from both noise and odour. The submitted drawings show the flue not discharging at least 1 metre above all openable windows (Velux window for a bedroom in the roof space), so fumes and odours would not be effectively dispersed. This is also not accounted for in the submitted odour risk assessment, as there are receptors within 20 metres which would change the risk score to high.

The applicant has not provided a supporting acoustic report with the application for noise from the flue and the operation of a commercial premises beneath existing flats. Given the proximity to residential receptors, they are unlikely to be able to suitably control odour, particulate emissions and noise from the flue, which will likely cause a loss of amenity to the residents in the flats above.

It is also not clear from the application how the commercial unit would be accessed and the impact of noise from deliveries/food collections on the existing residents has not been considered either.

Highway Services – Comments can be summarised as follows:

The front extension would reduce the visibility for drivers exiting Ransfield Road. However, it would still meet the minimum standards of visibility for drivers on a road leading onto a road junction with a road with a 30mph speed limit. The bitumen bound area of footway fronting the bollards, forms part of the adopted highway.

The change of use is unlikely to result in any significant increase in vehicle trips and therefore no traffic impact on the adopted highway is envisaged.

This application does not change any existing parking in the local area or onsite. There is limited parking to the rear of the site (typically for two vehicles), this is accessed from Ransfield Road. Highways are satisfied that the minor changes proposed would not impose unacceptable parking demands on the highway network.

Secure and sheltered cycle storage should be provided at a minimum provision of two spaces, in line with MCC Guidelines.

Existing appropriate bin storage has been indicated within the site's curtilage with kerbside collection accepted from Ransfield Road.

Given the scale of the works and the proximity to the adopted highway, a brief Construction Management Plan should be submitted prior to the start of works and should be conditioned.

Flood Risk Management

The 'Flood Risk Assessment' document provides some details on modelled flood levels and proposed FFLs/flood resilience measures. However, as a proposed extension is less than 250sqm, within Flood Zone 2, a completed FRA Proforma is required and supporting Product 4 data must also be submitted.

An 'Informative' is requested in relation to the proximity of a nearby brook (Longford Brook) and in relation to an unknown, underground drainage assets.

Planning History

091697/FU/2009/S1 (95 /95a Manchester Road)

Change of use of first and second floors to retail (Class A1). *Approved 10 December 2009.*

089882/FO/2009/S1

Retrospective application for a single storey rear extension to form additional living accommodation. *Approved 16 June 2009.*

069070/FO/2003/S1

Erection of part 3 storey, part single storey rear extension to form additional living accommodation for existing 2 self-contained flats. *Approved 23 September 2003.*

067817/FO/2003/S1

Part single and part 3 storey rear extension to form 3 self-contained flats in addition to existing ground floor shop premises. *Refused 10 June 2003.*

067213/FO/SOUTH1/03

Erection of a 3-storey rear extension and creation of 3 self-contained flats. *Refused 31 March 2003.*

041090

Change of use from a shop to a hot food take away. *Refused 23 April 1992.*

035440

Single storey rear extension to form a store. *Approved 1 February 1990.*

F16201

Change of use to Beauty Salon and Health Centre. *Refused 2 September 1981.*

F08607

Change of use of Betting Office and Gents Hairdressers to a Chartered Surveyors and Estate Agents Office with flat over. *Approved 26 June 1978.*

F00609

Use of 1st and 2nd floor living accommodation above licensed betting office as offices. *Refused 27 September 1974.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Core Strategy policies

Policy SP1 (Spatial Principles) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes.

Policy C6 (South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington)

This policy relates in part to Chorlton District Centre and amongst the criteria states that 'new development should also make a contribution to the character of the centre, including a range of unit sizes and environmental improvements.

Policy C10 (Leisure and the Evening Economy) - New development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations: 1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities. 2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance. 3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area. When considering the impact of a proposed bar or hot food take away regard will be had to the above policy and also: The existing number of similar establishments in the immediate area and their proximity to each other; The type and characteristics of other uses, such as housing, shops and public houses; The existence of vacant shop units and the condition of the unit; The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community; The character of the centre and its frontage, and the nature of the use proposed; The potential impacts of the proposal on the wider community; and Any known unresolved amenity, traffic or safety issues arising from existing uses in the area

Saved UDP policies

Saved policy DC1 (Residential Extensions) - provides criteria to be considered in determining applications for extensions to residential properties.

The policy states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
- b. the effect upon the amenity of neighbouring occupiers;
- c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. the overall appearance of the proposal in the street-scene;
- e. the effect of the loss of any on-site car parking.

The policy states further that extensions to residential properties will be allowed subject to compliance with other relevant policies of the UDP and the following criteria;

- a. they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);
- b. they do not create an undue loss of sunlight, daylight or privacy;
- c. they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;
- d. they would not result in the loss of off-street car-parking, in a situation where there is a severe existing on-street parking problem.

Subsection DC1.3 states that the Council would not normally approve two storey extensions with a flat roof, particularly those visible from the public highway.

Saved policy DC10 (Food and Drink Uses) – In determining applications involving the sale of food and drink for consumption on or off the premises, amongst the criteria, the Council will have regard to the general location of development and the effect on the amenity of neighbouring residents.

Saved policy DC26 (Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

Saved policy E3.3 (To Enhance the City's Environment) - This policy seeks to upgrade the appearance of city's major radial and orbital roads. This includes improvements to the appearance of adjacent premises and encouraging development of the highest quality.

Places for Everyone Greater Manchester Joint Development Plan (March 2024)

Places for Everyone Joint Development Plan was published in March 2024 and has been produced by Greater Manchester Combined Authority to provide a long-term plan for jobs, new homes, and sustainable growth for nine of Greater Manchester's districts.

The Plan and its policies form part of the development plan and are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs.

The following policies are consideration relevant for this application:

attractive to potential visitors and investors.

Policy JP-P1 (Sustainable Places) - seeks to raise the quality of all places in a way that is sustainable in the long-term, to enhance the wellbeing for residents, as well as making Greater Manchester more attractive to potential visitors and investors.

The following key attributes that all development, wherever appropriate apply:

1. Distinctive, with a clear identity that:

- A. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;
- B. Enables a clear understanding of how the place has developed; and
- C. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 (Decision Making) provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 12 (Achieving Well Designed Places) provides guidance on achieving well designed places to ensure new development functions well and adds to the overall quality of the area.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change 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.

In the case of this application, the principle of the proposal is not considered acceptable and conflicts with the aforementioned development plan policy and associated guidance.

It is considered that the proposed development would have a visually intrusive impact harmful to the appearance of the street-scene and the general character of the area; be harmful to the amenity of neighbouring occupiers; lead to undue noise and disturbance and fails to demonstrate that the fume extraction flue would not cause problems in terms of fume, odour and noise. The proposal is therefore contrary to the aforementioned policy and guidance.

The main issues in this case are outlined further below.

Front Extension

Policies SP1, C6, EN1, and DM1 of the Core Strategy, alongside Policy JP-P1 of the Places for Everyone Joint Development Plan, collectively place a strong emphasis on the importance of protecting and enhancing the character and visual quality of the built environment. These policies advocate for development that contributes positively to the urban fabric and reinforces local distinctiveness.

In addition, Saved Policy E3.3 specifically seeks to improve the visual quality of Manchester's major radial and orbital routes, such as the one on which the application site is located. This includes encouraging enhancements to the appearance of adjacent premises and promoting development of the highest architectural and design standards.

Further guidance is provided by the Guide to Development in Manchester (SPD), which offers detailed design principles for new development. Paragraph 2.13 of the SPD states:

“The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.”

This local policy framework aligns closely with Section 12 of the National Planning Policy Framework (NPPF), which seek to promote high-quality design and explicitly advises that poorly designed proposals, or those that fail to respond to local design guidance, should be resisted.

In this context, the proposed front extension is considered to be a visually intrusive and architecturally discordant addition. Its design fails to respect the established character of the streetscape and introduces a feature that is both incongruous and harmful to the visual coherence of the area.



View of forecourt and adjacent footway adjacent to the applications site

The extension would project beyond the side return of the existing property and sit forward of the dominant building line that defines this section of Manchester Road. As a result, it would occupy the forecourt area and encroach upon the adjacent footway and cycleway, forming a permanent and highly intrusive structure. This would result in a pronounced sense of enclosure and visual disruption, significantly undermining the character and appearance of the street scene and detracting from the overall amenity of the area.

Given these impacts, the proposal is considered to be in clear conflict with the relevant development policies and design guidance outlined above.

Rear Extension

The proposed rear extension features a flat roof design. Although positioned at the rear of the property and not visible from the street, its design conflicts with the architectural style, character, and appearance of both the host building and neighbouring properties in the immediate vicinity.

Saved Policy DC1.3 states that the Council generally does not support two-storey extensions with flat roofs, especially when they are visible from the highway. In this case, the addition of a first floor effectively creates a two-storey extension, which is therefore considered unacceptable.

Policies SP1, C6, EN1, and DM1 of the Core Strategy, along with Policy JP-P1 of the Places for Everyone Joint Development Plan, place strong emphasis on preserving and enhancing the character and visual quality of the built environment. Similarly, the Guide to Development and the National Planning Policy Framework (NPPF) highlight the importance of high-quality design that respects the character of its surroundings.

In this instance, the proposed rear extension is considered visually intrusive, detracting from the appearance of the host property and the wider area, and therefore conflicting with the objectives of these policies.

Furthermore, due to its positioning and rearward projection, the proposed first-floor extension would have an overbearing impact on the first-floor habitable windows of No. 93. This would negatively affect the outlook of neighbouring occupants and create a partial sense of enclosure.

Saved Policy DC1 of the UDP, together with Policies DM1 and SP1 of the Core Strategy and Policy JP-P1 of Places for Everyone, aim to safeguard the amenity of neighbouring residents from the adverse effects of new development. In this case, those amenity standards would be compromised, rendering the proposal unacceptable.

Impact to Residential Amenity

Proposed Commercial Kitchen Use - Activity, Noise and Disturbance

The proposed use of the premises as a commercial kitchen is anticipated to result in a notable intensification of activity, accompanied by increased levels of noise and general disturbance. This would adversely affect the amenity of nearby residential occupiers, including those residing in first-floor flats within and adjacent to the application site, as well as residents of terraced housing to the rear along Ransfield Road.

Core Strategy Policies DM1 and SP1 are clear in their objective to safeguard the living conditions, health, and well-being of residents from the adverse impacts of new development and whilst Policy C10 supports initiatives that contribute to the evening and nighttime economy within District Centres, this support is conditional upon such uses not generating unacceptable levels of noise, traffic, or disturbance for neighbouring properties.

Saved Policy DC26 of the Unitary Development Plan (UDP) reinforces this position by seeking to protect residential amenity from noise-generating developments. Additionally, Saved Policy DC10, which specifically addresses food and drink uses, stipulates that proposals will be assessed with regard to their impact on nearby residents. Notably, Criterion DC10.3(b) states that planning permission will generally not be granted for food and drink uses where there is a residential unit on the ground floor adjacent to the proposed business or separated only by a narrow street or alleyway—circumstances that apply directly to this proposal.

Although the site is located within a designated District Centre, it is also situated in close proximity to high-density residential development, including flats and terraced houses on Ransfield Road, which are separated from the site only by a narrow rear alleyway.

The proposed commercial kitchen, designed to facilitate online food orders and collections by delivery drivers, would result in frequent comings and goings, particularly likely during evening and nighttime hours. The limited space available at the front of the site, exacerbated by the proposed front extension, would likely displace delivery vehicles into surrounding residential streets, thereby extending the zone of disturbance.

The cumulative impact of vehicle movements, conversations, car doors opening and closing, and engines idling or starting would significantly erode the residential amenity of nearby occupiers. These effects would be especially pronounced during quieter nighttime periods, when background noise levels are lower. Additional disturbance would also arise from operational activities at the rear of the site, including waste disposal.

While it is acknowledged that other commercial uses exist in the vicinity, including food and drink establishments, the nature of the proposed use, centred on high-frequency delivery collections would in the Council's view, generate a substantially greater level of activity. This intensification would be materially different in scale and impact from existing operations.

Consideration has been given to the use of planning conditions to mitigate the identified harm. However, such conditions would be limited to the ground floor of the planning unit and the land within the red line boundary. Enforcing controls on activity occurring outside the site, particularly in surrounding streets, would be impractical and unlikely to deliver effective mitigation.

In light of the above, the proposal is considered to be in clear conflict with the relevant policies of the Development Plan, which seek to ensure that new development contributes positively to the health, safety, and well-being of residents by protecting their living conditions from noise, traffic, and disturbance, particularly in areas supporting the evening economy.

Extraction Flue - Fumes, Odours and Noise

MCC Environmental Health have raised concerns regarding the positioning of the proposed extraction flue for the commercial kitchen. Its close proximity to habitable windows within both the host property and neighbouring flats is considered unacceptable. Additionally, the flue's height is insufficient, as it fails to discharge at least one metre above all nearby openable windows, thereby limiting its ability to effectively disperse fumes and odours.

Furthermore, the applicant has not submitted an acoustic assessment to evaluate potential noise impacts arising from the operation of the flue, particularly given its location beneath existing residential flats. In the absence of this information, and considering the proximity to sensitive residential receptors, it remains uncertain whether the proposed equipment would be acceptable in terms of noise and amenity.

Policy DM1 and SP1 of the Core Strategy seek to safeguard the amenity and living conditions of residential occupiers as a consequence of new development, whilst saved policy DC26 of the UDP seeks to safeguard residents from the effects of new development proposals which are likely to be generators of noise. Saved policy DC10 which relates directly to new food and drink uses also underlines the need to have regard to the general location of development and the effect on the amenity of neighbouring residents.

In this case, the Council are concerned that the flue would have harmful impact to the living conditions of neighbouring residential occupiers as a result of fumes, odours and noise and is therefore contrary to these policy provisions.

Impact to the Highway

Concerns have been expressed in the representation received that the proposal would harm the operation of the local highway and undermine highway safety.

The proposal has been assessed by Highways Service who consider that although the proposed front extension would reduce the visibility for drivers exiting Ransfield Road, it would still meet the minimum standards of visibility for drivers on a road leading onto a road junction with a road with a 30mph speed limit. It is further considered that the change of use is unlikely to result in any significant increase in vehicle trips and therefore no unacceptable traffic impact on the adopted highway is envisaged.

On this basis, the impact to the operation is considered to be within acceptable limits.

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 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: Refuse

Article 35 Declaration

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed operation of a commercial kitchen, in conjunction with the existing ground floor retail use, would result in an overly intensive use of the site. This intensification would lead to increased pedestrian and vehicular activity in and around the premises, giving rise to undue noise and disturbance. The cumulative impact would cause unacceptable harm to the residential amenity of nearby occupiers. The proposal is therefore contrary to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester, policies DM1, C10 and SP1 of the Manchester Core Strategy, policies JP-P1 and JP-P6 of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework (NPPF).

2) The proposed front extension, by reason of its design, scale, and siting forward of the established building line, including the partial infilling of the side return, would result in a visually intrusive and unsympathetic addition. It would fail to respect the character of the host property and the surrounding street scene, thereby causing harm to the visual amenity of the area. The proposal is therefore contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, C6 and SP1 of the Manchester Core Strategy, policy JP-P1 of the Places for Everyone Joint Development Plan, the Guide to Development in Manchester (SPD), and the National Planning Policy Framework (NPPF).

3) The proposed first floor rear extension, by reason of its size, flat roof design, rearward projection, and siting, would form an unsympathetic and visually intrusive addition that fails to respect the character and appearance of the host property. Furthermore, its scale and positioning would result in an overbearing and over-dominant relationship with adjoining residential properties, leading to an unacceptable loss of residential and visual amenity. The proposal is therefore contrary to saved policy DC1 of the Unitary Development Plan for the City

of Manchester, policies DM1 and SP1 of the Manchester Core Strategy, and the National Planning Policy Framework (NPPF).

4) The proposed fume extraction flue, by virtue of its height, siting and proximity to openable windows, would result in an unacceptable impact on the amenity of existing and neighbouring occupiers. The method of fume dispersal is considered inadequate, and the development has the potential to generate adverse effects from fumes and odours. In addition, the application fails to provide sufficient evidence to demonstrate that the proposal would not result in undue noise disturbance arising from the operation of the flue. The development is therefore considered contrary to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

95D Manchester Road, Chorlton, Manchester, M21 9GA
89 Albany Road, Manchester, M21 0BN
108 Manchester Road, Chorlton, Manchester, M21 9TX
99 Manchester Road, Chorlton, Manchester, M21 9GA
95E Manchester Road, Chorlton, Manchester, M21 9GA
97A Manchester Road, Chorlton, Manchester, M21 9GA
93 Manchester Road, Chorlton, Manchester, M21 9GA
95B Manchester Road, Chorlton, Manchester, M21 9GA
First Floor, 108 Manchester Road, Chorlton, Manchester, M21 9PQ
95 Manchester Road, Chorlton, Manchester, M21 9GA
4 Ransfield Road, Manchester, M21 9QH
2 Ransfield Road, Manchester, M21 9QH
99A Manchester Road, Chorlton, Manchester, M21 9GA
97 Manchester Road, Chorlton, Manchester, M21 9GA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA