

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142579/FO/2025

Date registered valid: 14 July 2025

Proposal: Part retrospective application for the erection of a single storey glazed front extension.

Address: 241 Barlow Moor Road, Manchester, M21 7QL

Ward(s): Chorlton Park Ward

Applicant: Sky Lounge Gran Cofe Limited

Agent (if any): Mialex Ltd

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Decline to Determine

Date of recommendation: 26 August 2025

Application details

Type of application: Full Application

Development type: Minor Other

Date of site visit: 21 July 2025

Standard consultations:

Printed: 18 July 2025 Expired: 8 August 2025

Neighbour notifications

Printed: 18 July 2025 Expired: 8 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 area

The application site relates to a two-storey building, located at the end of a small parade of 3no. commercial units with residential accommodation above on the corner of Barlow Moor Road and Aldermay Road.

The surrounding area is predominantly residential in nature, characterised by two storey semi-detached dwellinghouses, although there are some retail and commercial premises situated to the north on the same side of Barlow Moor Road. The Southern Cemetery is positioned on the opposite side of Barlow Moor Road to the north.



Photograph 1 241 Barlow Moor Road source: case officer site photographs

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking part retrospective planning permission for a for a single storey glazed front extension.

Consultations & Notification Responses

Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion – Two representations were received a summary of the comments received are as follows:

- Strongly object to the retrospective application.
- The extension is inappropriate for a residential area, especially given its corner location and proximity to homes.
- The glazed structure amplifies noise and has continued to be used for loud events despite previous enforcement action.
- Current licensing hours (10am–5pm) offer no long-term reassurance, as they could be extended.
- There is a history of non-compliance with planning and licensing regulations.
- Approval would undermine public trust in the planning system.
- Concerned about ongoing noise and poor waste management (bins and rubbish left on the pavement).

Ward Members – A summary of the comments received from the Chorlton Park Ward members are as follows:

- Strongly object to the retrospective planning application for structures built without permission, which were previously ordered to be dismantled.
- Persistent non-compliance with planning regulations by the business owners, causing frustration among local residents.
- Significant nuisance reported, including antisocial parking, late-night noise, intrusive lighting, and poor waste management.
- The site is in a quiet residential area, opposite a cemetery recently designated as a Local Nature Reserve.
- Public resources have been strained due to ongoing issues, with no genuine effort from the business to comply with council guidance.
- Councillors request that planning permission be refused and the enforcement order be upheld to restore the building to its original state.

Environmental Health – A summary of Environmental Health comments are as follows:

- **Condition NSE1 (Sound Insulation):**
Requires acoustic insulation and treatment based on a noise study, with post-completion testing and a verification report to ensure compliance. Entertainment noise must be controlled to specific decibel levels to protect nearby residential properties.

- **Condition NSE2 (External Areas):**

External areas must operate only within approved hours and must not feature amplified sound or music at any time.

- **Additional Notes:**

Due to the retractable roof, noise containment is limited. Confirmation is needed on the hours of use for the external area. Music played inside the main building could still be heard in the extension, justifying the need for both conditions.

Highway Services –A summary of the Highway Services comments are as follows:

- The proposed extension and access ramp are within the private site boundary and do not encroach on the public footway.
- All boundary treatments and planting must remain within the private curtilage.
- Visibility at the nearby junction is unaffected, and inward-opening gates are acceptable.
- The loss of two parking spaces is not considered a highway safety or traffic concern, based on the submitted Technical Note.
- Existing cycle and bin storage will remain unaffected.
- If approved, the applicant must fund the reinstatement of the dropped kerb on Aldermay Road to enhance pedestrian access.

Legislative Issues

Local Policy

Unitary Development Plan for the City of Manchester 1995 (UDP)

Whilst the use of the premises has been granted by appeal, saved UDP Policy DC10 sets out the considerations required for development involving the sale of food or drink for consumption on the premises, or for hot food to be consumed that in determining applications (whether or not other activities, such as a nightclub, are included), the Council will have regard to amongst other both the general location of the proposed development, including any reference to the area in other policies in the Plan and the effect on the amenity of neighbouring residents.

Manchester Core Strategy Development Plan Document 2012

The relevant Core Strategy Policies are SP1, DM1 and EN1

Policy SP1 sets down the spatial principles that will guide development in the City. The emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. It goes on to say that development in all parts of the City should make a positive contribution to neighbourhoods of choice including (amongst others) including making a positive contribution to the health, safety and wellbeing of residents.

Policy DM1 says;

All development should have regard to the following specific issues, (amongst others), 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.

Policy EN1 requires amongst others that 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. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives.

The Guide to Development in Manchester (SPD)

This document 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.

Regional Policy

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-Strat1: Core Growth Area

National Policy

National Planning Policy Framework (December 2024)

Paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 tells us that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 11 Plans and decisions should apply a presumption in favour of sustainable Development and that for decision making this means approving development proposals that accord with an up to date development plan without delay.

Paragraph 131 emphasises the importance of good design and that it is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Planning History

There have been three planning applications, an established use certificate, a discharge of condition, and an appeal that are relevant to the current application. A summary of the applications and decisions is set out below in chronological order.

Date	Event	Details	Reference
09 October 2023	Planning Permission Refused	Erection of a single storey retractable glazed front extension with retractable roof together with installation of retractable awning to the side.	136970/FO/2023
21 January 2020	Application Approved	Discharge of Conditions 3 (materials), 4 (car parking), 9 (acoustic insulation), 10 (externally mounted equipment), 13 (obscure glazing) and 14 (landscaping) attached to planning permission 120217/FO/2018	CDN/19/0953
17 June 2019	Appeal Allowed	Appeal allowed and planning permission granted for Erection of a two storey rear extension following demolition of existing rear extension, elevational and roof alterations to existing building to two number self contained apartments, and three floors of commercial floorspace Classes A1, A2 and B1 with associated car parking, refuse storage, boundary treatment and landscaping.	APP/B4215/W/18/3219012
09 August 2018	Planning Permission Refused	Erection of a two storey rear extension following demolition of existing rear extension, elevational and roof alterations to existing building to two number self contained apartments and three floors of commercial floorspace Classes A1, A2 and B1 with associated car parking, refuse storage, boundary treatment and landscaping.	120217/FO/2018
20 February 2020	Planning Permission Approved	Retrospective permission for erection of 1.8m high garden railings	066820/FO/SOUTH2/02
14 April 1987	Established Use Certificate Granted	Premises used as light industrial workshops before the beginning of 1964 without planning permission in that behalf and has continued since the end of 1963	028678

Enforcement History

There has also been an enforcement notice issued at this address. Details are provided in the table below.

Date	Event	Details	Reference
5 October 2023	Enforcement Notice Issued	Without planning permission, the erection of a single storey glazed extension to the front and a retractable awning to the side.	ENF/15609/23

Legislation

Section 70C(1) of the Town and Country Planning Act 1990 states that a local planning authority may decline to determine an application if granting planning permission for the development "*would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.*"

Does Section 70C apply?

In this instance, on 5 October 2023 the Council issued an Enforcement Notice ("the notice") (reference ENF/15609/23) in relation to the following specified breach of planning control:

Without planning permission, the erection of a single storey glazed extension to the front and a retractable awning to the side.

After an appeal against the notice was lodged, the Council agreed to vary the compliance period of the notice. The appeal was subsequently withdrawn on 8 January 2024, which is when it came

into effect, and required the following six steps to be taken by 8 October 2024 (i.e. nine months after it took effect):

1. Demolish the single storey front extension in its entirety, including the concrete slab floor, as identified by a yellow box on the attached photograph ENF/01.
2. Remove the retractable awning from the side elevation, as identified by a green box on the attached photograph ENF/01.
3. Make good and reinstate the front elevation of the property to its condition before the breach took place, as shown in the attached photograph ENF/02 and labelled as "PROPOSED BARLOW MOOR RD ELEVATION" on the attached drawing number 18002,(0-)26C.
4. Make good and reinstate the side elevation of the property to its condition before the breach took place, as shown in the attached photograph ENF/02 and labelled as "PROPOSED ALDERMARY RD STREET SCAPE ELEVATION" on the attached drawing number 18002,(0-)25C.
5. Reinstate the forecourt areas, landscaping and boundary treatment to the front and side of the building as shown in the attached drawing numbers 17002,(9-)04A, 17002,(9-)05A and 18002,(9-)01C.
6. Remove from the land all building materials, rubble and waste resulting from carrying out the above.

The notice was issued by the Council for the following reason:

It appears to the Council that the above breach of planning control has occurred within the last four years.

The Council considers that it is expedient to issue this notice because the unauthorised developments, by virtue of their siting, design, massing and scale, has a detrimental impact on the streetscene and the character and appearance of the surrounding area. The front extension is considered to be excessively bulky and out of keeping with the host building and the small parade of three mixed-use units at this location. Furthermore, when viewed from Barlow Moor Road, the glazed front extension is considered to unbalance the parade, which features open forecourt areas, and obscures the attractive design features at first floor level. The retractable canopy to the side cuts across and obscures the glazing in the side elevation, to the detriment of visual amenity, and as a result appears as an incongruous and haphazard addition.

In addition, the front extension covers the entirety of the front forecourt area, which was designed to be a small, vehicular parking area, and it is considered likely that this will give rise to an unacceptable increase of parking and traffic on Aldermay Road, to the detriment of residential amenity and highway safety.

The development is therefore considered to be contrary to policies SP1, DM1 and EN1 of the core strategy, The Guide to Development in Manchester (SPD) and contrary to guidance contained in the National Planning Policy Framework.

Should Section 70C be used?

The Council has a discretion as to whether to use the power in Section 70C or not. The following matters appear relevant to the exercise of that discretion.

The aim of Section 70C is to prevent a developer from having 'two bites of the cherry' in respect of unauthorised development. In this instance planning permission for the retention of the unauthorised development was refused by the Council on 9 October 2023 (136970/FO/2023), shortly after the notice was issued. There was a right of appeal against the refusal of planning permission, but the applicant chose not to lodge an appeal. The applicant did lodge an appeal against the notice under Section 174(2)(a) of the Act, which was not available to them by virtue of Section 174(2A). As such, the applicant was offered a bite of a cherry but chose not to take it.

Consideration has been given as to whether the use of Section 70C should apply. This proposal clearly relates to matters pertaining to a "pre-existing" enforcement notice and were matters for which planning permission is deemed to be required. However, as the Council has already deemed the development to be unacceptable and have taken formal action, the approval of the planning application now under consideration would be in direct contradiction to those decisions previously made. In addition, determining this application and issuing a decision, would provide the applicant with a further right of appeal to the Secretary of State, thereby offering them a further bite of the cherry. Section 70C rightly prevents this scenario.

The notice has not been complied with and, together with the incremental nature of the changes proposed, this suggests that this latest planning application is yet a further play for time. This is supportive of the use of Section 70C, which was introduced to prevent the making of such tactical applications.

Comparison of the notice with this planning application

The first step on the notice requires the owner to demolish the single storey front extension in its entirety, including the concrete slab floor. The image attached to the notice identified the front extension by a yellow box, see image 1 below.

The third step of the notice requires that the owner make good and reinstate the front elevation of the property to its condition before the breach took place, as shown in the attached photograph ENF/02 and labelled as "PROPOSED BARLOW MOOR RD ELEVATION" on the attached drawing number 18002,(0-)26C. This is shown in image 2



Image 1 ENF/01



Image 2 "PROPOSED BARLOW MOOR RD ELEVATION", drawing number 18002,(0)-26C

The current application (elevations as shown in image 3 and 4) seeks approval for the retention of the unauthorised single storey front extension, albeit it is now shown with a flat roof. Whilst the proposed drawings show that the retractable awning, which is subject of the notice, is now to be removed, the footprint and floor slab of the proposed development remains largely the same, if not a little larger, due to the inclusion of a ramp next to the doorway and the entirety of the proposed development is clearly part of the original structure of the extension and one that is subject of the notice.



Image 3 Proposed Front Elevation



Image 4 Proposed Side Elevation

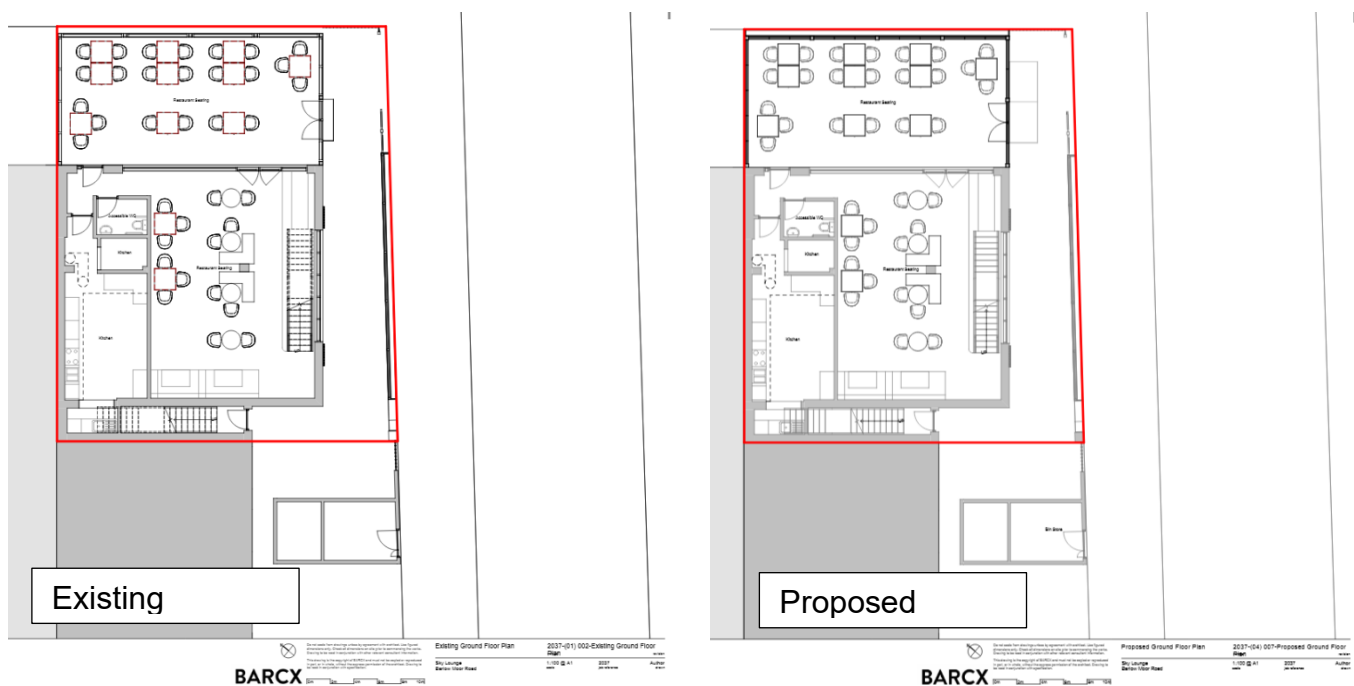


Image 5 Comparison between existing and proposed floor plan

With such substantial overlap between the proposal and the unauthorised as-built development, there can be no doubt that granting planning permission for the proposed single storey front extension would involve granting permission for part of the matters specified in the enforcement notice.

Other Matters

It is noted from the proposed drawings that the unauthorised canopy on the side elevation (as identified by the green box in Image 1 above) is shown to be removed. Whilst the Council would clearly welcome its removal, the second requirement of the notice requires it to be removed, and planning permission would not be required. The notice is instructive, and the applicant can remove the unauthorised canopy at any time to finally secure compliance. Lastly, even if the canopy were

to be removed, this would not overcome the planning objections to the unauthorised front extension, these have been clearly set out by the Council in the issuing of the notice and the refusal of planning permission in October 2023 (ref. 136970/FO/2023).

Conclusion

Whilst it is accepted that there are some differences between the proposal applied for in this application, and compared with the unauthorised development, which is subject to the notice issued on 5 October 2023. However, if approved, the proposal would retain most of the development which has already been deemed to be unacceptable by the Council; indeed, the application is described as part retrospective, thereby clearly retaining part of that to which formal action has already been taken.

Therefore, any approval of the matters presently before the Council will be in direct contradiction to those decisions previously made. Pursuant to Section 70C of the Town and Country Planning Act 1990, the Council as Local Planning Authority, declines to determine the application and the appropriate entry will be made in the planning register to reflect this decision.

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: Decline to Determine

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

On 5 October 2023 the Council issued an enforcement notice, reference ENF/15609/23, in relation to the following specified breach of planning control:

Without planning permission, the erection of a single storey glazed extension to the front and a retractable awning to the side.

The notice took effect on 8 January 2024 and required the following steps to be taken.

1. Demolish the single storey front extension in its entirety, including the concrete slab floor, as identified by a yellow box on the attached photograph ENF/01.
2. Remove the retractable awning from the side elevation, as identified by a green box on the attached photograph ENF/01.
3. Make good and reinstate the front elevation of the property to its condition before the breach took place, as shown in the attached photograph ENF/02 and labelled as "PROPOSED BARLOW MOOR RD ELEVATION" on the attached drawing number 18002,(0-)26C.
4. Make good and reinstate the side elevation of the property to its condition before the breach took place, as shown in the attached photograph ENF/02 and labelled as "PROPOSED ALDERMARY RD STREET SCAPE ELEVATION" on the attached drawing number 18002,(0-)25C.
5. Reinstate the forecourt areas, landscaping and boundary treatment to the front and side of the building as shown in the attached drawing numbers 17002,(9-)04A, 17002,(9-)05A and 18002,(9-)01C.
6. Remove from the land all building materials, rubble and waste resulting from carrying out the above.

Under Section 70C of the Town and Country Planning Act 1990, a Local Planning Authority may decline to determine an application for planning permission, if granting that permission would involve granting, wholly or partly, a permission for any matters specified in a pre-existing enforcement notice. A notice is "pre-existing" if it had been issued before the receipt of the planning application being determined as specified by Section 70C(2).

In the opinion of the Local Planning Authority, the proposal to which this planning application relates (ref: 142579/FO/2025) and as set out in the documents and associated plans, include those pertaining to a "pre-existing" enforcement notice, i.e. one issued prior to the submission of the application and its subsequent validation on the 14 July 2025 and are matters for which planning permission is deemed to be required.

As the Council have already deemed the development to be unacceptable and have taken formal action, any approval of the matters presently before me will be in direct contradiction to those decisions previously made. Therefore, pursuant to Section 70C of the Town and Country Planning Act 1990, the Council as Local Planning Authority, hereby declines to determine the application and the appropriate entry will be made in the planning register to reflect this decision.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

2B Aldermay Road, Manchester, M21 7QN
2A Aldermay Road, Manchester, M21 7QN
3 Aldermay Road, Manchester, M21 7QW
1 Aldermay Road, Manchester, M21 7QW
2 Aldermay Road, Manchester, M21 7QN
245A Barlow Moor Road, Manchester, M21 7QL
243A Barlow Moor Road, Manchester, M21 7QL
243 Barlow Moor Road, Manchester, M21 7QL
245B Barlow Moor Road, Manchester, M21 7QL
4 Aldermay Road, Manchester, M21 7QN
245 Barlow Moor Road, Manchester, M21 7QL
239 Barlow Moor Road, Manchester, M21 7QL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA