MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141528/FO/2024
Date registered valid:	18 November 2024
Proposal:	Erection of single storey rear extension
Address:	53 Manchester Road, Manchester, M21 9PW
Ward(s):	Chorlton Ward
Applicant:	Mrs Asifa Hanif
Agent (if any):	Mr Rakesh Mistry m83 Associates Ltd
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	03 January 2025

Application details

Type of application: Full Application Consent

Development type: Householder

Date of site visit: 10 December 2024

Standard consultations:
Printed: 22 November 2024 Expired: 13 December 2024

Neighbour notifications
Printed: 22 November 2024 Expired: 13 December 2024

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a two storey, mid terraced property with both a front forecourt and rear yard. The property is currently in use as a Cafe (Use Class E - Commercial, Business and Service).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is located within Chorlton District Centre in a parade of shops near to the library. The area is mixed use in nature, largely compromising commercial and community uses along Manchester Road and education facilities and residential properties located to the rear and side roads.

Description of development

The applicant is seeking planning permission to erect a single storey rear extension.

Consultations & Notification Responses

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

Local residents/public opinion – One representation was received objecting to the proposal. Concerns raised are as follows.

- Questioned the validity of the application and where it should be valid at all;
- The development would result in loss of the rear yard for seating and harm the vitality of an existing business.
- No clear purpose for the proposed store/extension. Raised concerns that it may become a separate unit, unconnected from the main use of the ground floor or self contained dwelling,
- The proposed expanse roof will result in drainage issues resulting in excessive water run-off that could flood the kitchen and prevent the business from operating.
- The storage of bins within the curtilage on the path would block and/or hinger servicing and the kitchen fire escape.

Environmental Health – No objection, recommend that the following conditions are attached to any approval in respecting of construction/demolition hours, acoustically treat any external plant if proposed,

Issues

Planning History

Application Reference: 102373/FO/2013/S1
Description: Change of use of first floor from office (Class A2) to cafe (Class A3)
Decision: Approved

Application Reference: 101058/FO/2012/S1
Description: Variation of condition 3 relating to planning permission 095572/FU/2011/S1 to allow the following change in opening hours: Monday to Friday 8am until 11.30pm, Saturday and Sunday 9am until 11.30pm
Decision: Approved

Application Reference: 095572/FU/2011/S1
Description: Change of use of ground floor from shop (Class A1) to cafe (Class A3)
Decision: Approved

Application Reference: 097070/FO/2011/S1
Description: Creation of outdoor seating area including erection of a 1 metre fence and planters
Decision: Approved

Legislative Issues

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

The relevant UDP Policy is saved policy DC10.

Policy DC10.1 set 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:

a. the general location of the proposed development, including any reference to the area in other policies in the Plan;

b. the effect on the amenity of neighbouring residents;

c. the availability of safe and convenient arrangements for car parking and servicing;

d. ease of access for all, including disabled people; and

e. the storage and collection of refuse and litter.

DC10.2 advises that the Council will normally accept the principle of developments of this kind in the City Centre, industrial and commercial areas, in shopping centres and, at ground level, in local

shopping parades of more than 8 shops or offices.

DC10.3 advises that development will not normally be permitted where:

a. it is proposed outside the general locations mentioned above, or

b. there is a house or flat on the ground floor next to the proposed business, or only separated

from it by a narrow street or alleyway.

DC10.4 Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the hours of opening, and the need to deal satisfactorily with noise, fumes, smells, the storage of refuse and the collection of litter.

DC10.5 The Council will consider on their individual merits proposals for larger, free-standing restaurants, public houses, clubs etc. which require a main road location and do not clearly meet the locational criteria set out in policy.

Manchester Core Strategy Development Plan Document 2012

The relevant Core Strategy Policies are SP1, DM1, EN1, C5 and C10

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):-

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.

Policy C6 relates to the South Manchester District Centres which includes Chorlton. In respect of Chorlton the policy states that;

Redevelopment in Chorlton will provide a substantial increase in retail, alongside improvements to other commercial and community services. New development should also make a contribution to the character of the centre, including a range of unit sizes and environmental improvements.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance Adopted April 2007

Paragraph 2.13 raises that 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. Projections and setbacks from this line, such as bays, foyers and entrance halls, can help to create visual emphasis; they should not, however, reduce safety by creating hidden areas, or accessibility by making obstructions, nor detract from the visual continuity of the frontage.

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 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.

Principle of the Proposal

The applicant has applied to extend the property with a single storey extension to form a store to a commercial property currently in use as a café located on a parade of shops within Chorlton District Centre. The principle of the extension is considered to be acceptable. However further consideration should be given to proposals appearance and impact on visual amenity , as well as any impact on the amenity of the nearby residential properties.

Policies SP1 and DM1 of the Manchester Core Strategy 2012 (Core Strategy) seeks to ensure that new development in Manchester enhances or creates character, protects and enhances the built environment; and that the design, scale and appearance of the proposed development is appropriate for its context.

Policy EN1 specially sets out that opportunities for good design to enhance the overall image of the City should be fully realised. These policies are consistent with the guidance in the NPPF which seeks a high standard of design in new development which provides a good standard of amenity of all existing and future occupiers.

Siting, scale and massing (appearance)

If approved, the single storey extension would be built at the rear of the property extending from the two-storey outrigger by 4.39 metres, a width of 3.695 metres and a lean to roof with a maximum height of 4.275metres and an eaves height of 2.962 metres. In terms of scale and appearance the proposed extension would not be out of character as it is of a similar design to the single storey rear extension that was granted planning permission in 2013 on the adjoining property no.55 Manchester Road.

The proposal would still allow for refuse bins to be stored in the rear yard as demonstrated on floor plan drawings, a new double gate will allow improved access in and out of the rear alleyway/yard.

A condition is recommended to ensure that the materials will match in appearance to those used in the construction of the original building to ensure that the extension harmonises with the rest of the building.

Overall, there are no concerns with the siting, scale or massing of the proposed extension and would not have an overbearing nor overshadow neighbouring properties especially residential.

Residential Amenity

There are nearby residential units not only at first floor above the shops on the parade but also at the rear separated by an alleyway and rear yard/car parking area as shown in image 1.

Whilst the front of the application site addresses the busier Manchester Road, the case officer during his site visit found the rear where the proposal is located to be a lot quieter, without higher levels of ambient noise. Whilst there was no evidence at the time that the rear yard was in use as outdoor seating it is clear that such a space would create more noise that affects the occupiers of the nearby properties than the proposed extension as a store. Thus the extension would be an improvement, there are no windows proposed to cause any overlooking into residential properties or their associated gardens

The representation received objecting to the proposal raised that the development would result in loss of the rear yard for seating and harm the vitality of an existing business and that there was no clear purpose for the proposed store/extension. Furthermore, raising that the proposed extension may become a separate unit, unconnected from the main use of the ground floor or self-contained dwelling.

There is no evidence to suggest that the use of the property would change as a result and if it were provided that the use remained within Class E of the Use Classes Order then it would not be considered development requiring planning permission.

However, given the proximity to residential properties especially at the rear and the lack of internal access, it is recommended that a condition is attached to any approval requiring that the proposed extension when built is not be used for any purpose other than for ancillary storage.

Image 1 Ariel image that shows the relationship of the rear of the parade shops and residential properties provided by Google Earth – accessed 03/01/2025

Flood Risk

Concerns were raised that the proposal could lead to additional water run off that could flood the kitchen and business.

The application site is not located within a designated flood zone nor an area of high surface water run-off.

This was further confirmed on the GOV.UK website (image 2) which shows that the property is a very low risk from surface water, rivers and seas and other flood risks.

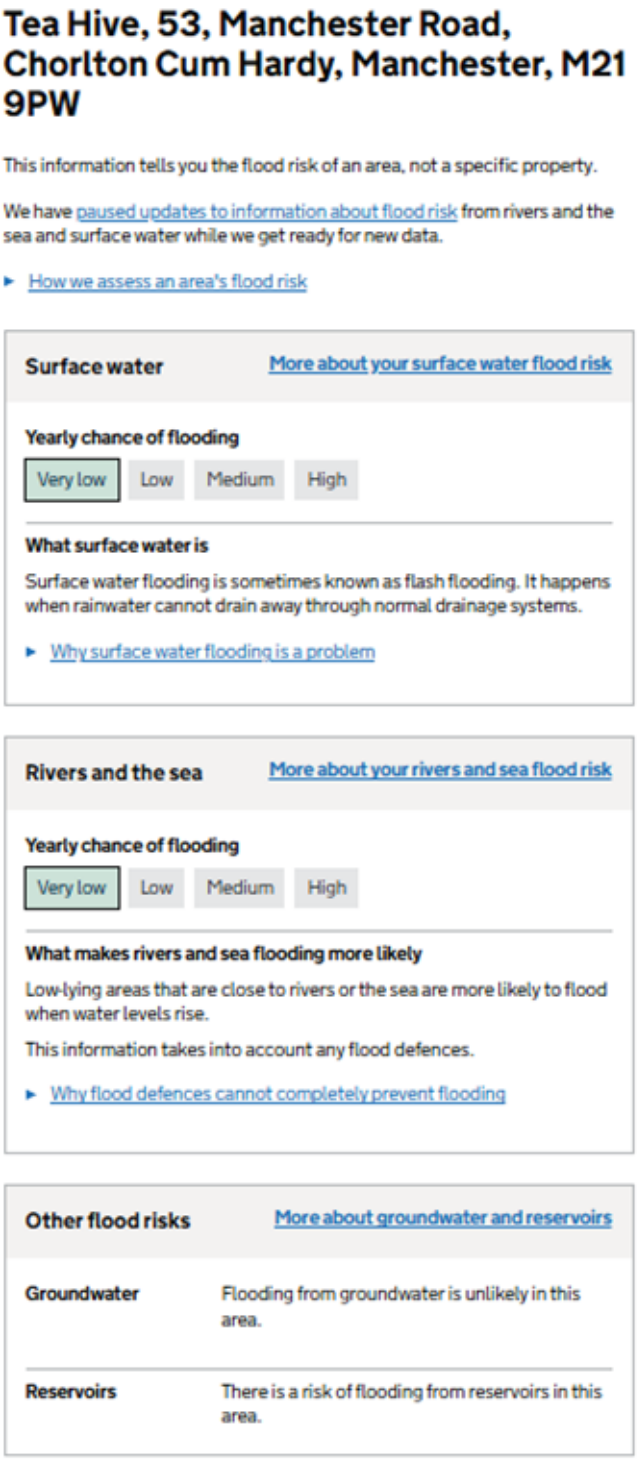

Image 2 Flood Risk 53 Manchester Road source: https://check-long-term-flood-risk.service.gov.uk/risk# accessed 03.01.2025

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 polices 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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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:

002-SI-XX-00-DR-I-P2
002-SI-XX-00-DR-I-P3
002-SI-XX-00-DR-I-P4
002-SI-XX-00-DR-I-P5
002-SI-XX-00-DR-I-P6
002-SI-XX-00-DR-I-P7
002-SI-XX-00-DR-I-P8

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 external materials of the extension hereby permitted shall match those used in the existing building.

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 and DM1 of the Core Strategy.

4) The extension hereby permitted shall not be used for any purpose other than for ancillary storage.

Reason - To ensure that the use of the development is acceptable to the City Council as local planning authority in the interests of the residential amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Flat Above, 51 Manchester Road, Chorlton, Manchester, M21 9PW
51 Manchester Road, Chorlton, Manchester, M21 9PW
55 Manchester Road, Chorlton, Manchester, M21 9PW
55A Manchester Road, Chorlton, Manchester, M21 9PW
1 Oswald Lane, Manchester, M21 9QA

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