

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140635/FO/2024

Date registered valid: 10 September 2024

Proposal: Retrospective application for the installation of raised decking and associated fencing to front of premises together with the installation of a new shopfront

Address: 116 Mauldeth Road, Manchester, M14 6SQ

Ward(s): Withington Ward

Applicant: Mr Hawkar Qaderi

Agent (if any): Mr Robert Innocent, Rojen Ltd

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 November 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17 September 2024

Standard consultations: Printed: 13 September 2024 Expired: 4 October 2024

Neighbour notifications: Printed: 13 September 2024 Expired: 4 October 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/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey mid-terraced property of redbrick with a red concrete tile hipped roof and a gable end roof form to the front. Prior to works associated with this application taking place, the property featured white uPVC windows, including a first-floor bay to the front, a tarmacadam forecourt to the front with no associated boundary treatment, a glazed shopfront with fascia signage above, a two-storey outrigger and extraction flue to the rear, and a paved rear yard. The submitted application form indicates that the property is used as a hot food takeaway at ground floor level (Sui Generis) with a residential flat at first floor level (Class C3).

The site is bounded to the northeast by Mauldeth Road, to the southeast and northwest by the adjoining terraced properties, and to the southwest by a shared rear alleyway and residential properties sited along Parrs Wood Road and Weld Road. Situated within the Withington ward of Manchester, this portion of Mauldeth Road features a strong commercial precedent with hot food takeaways, retail units, bars, and restaurants along either side of the highway.





Description of development

The applicant has submitted a retrospective application for the installation of raised decking and associated fencing to front of premises together with the installation of a new shopfront.

Planning history

20492 - Construction of a new shop front – **APPROVED** (17.10.1983).

048763/FU/SOUTH1/95 - Change of use of ground floor from retail (class A1) to hot food premises (class A3) – **APPROVED** (04.01.1996).

050753/FU/SOUTH1/96 - Use of vacant shop as a letting agency for residential purposes – **WITHDRAWN** (08.10.1996).

140635/FO/2024 - Part-retrospective application for the installation of raised decking and associated fencing to front of premises – **PCO**.

ENF/15831/24 - Enforcement Enquiry: Installation of a new shop front including the unauthorised decking – **PCO**.

Consultations & Notification Responses

One letter was received from one local resident in response to this application. Their comments are summarised as follows:

- The decking has been in place for many months since the beginning of summer.
- Queries relating to why consultation has been actioned retrospectively.

Highways Services made no objection to the proposal, highlighting that the raised timber decking with planters would be located within the site's forecourt area, which is acceptable from a Highways perspective.

Environmental Health made no objection to the proposal, querying whether the raised timber decking would be used as an external seating area and requesting an NSE2 condition relating to hours of use be attached to the consent, if so.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC14 – Shopfronts and Related Signs
- Policy DC22 – Footpath Protection

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN19 – Waste
- Policy C10 – Leisure and the Evening Economy

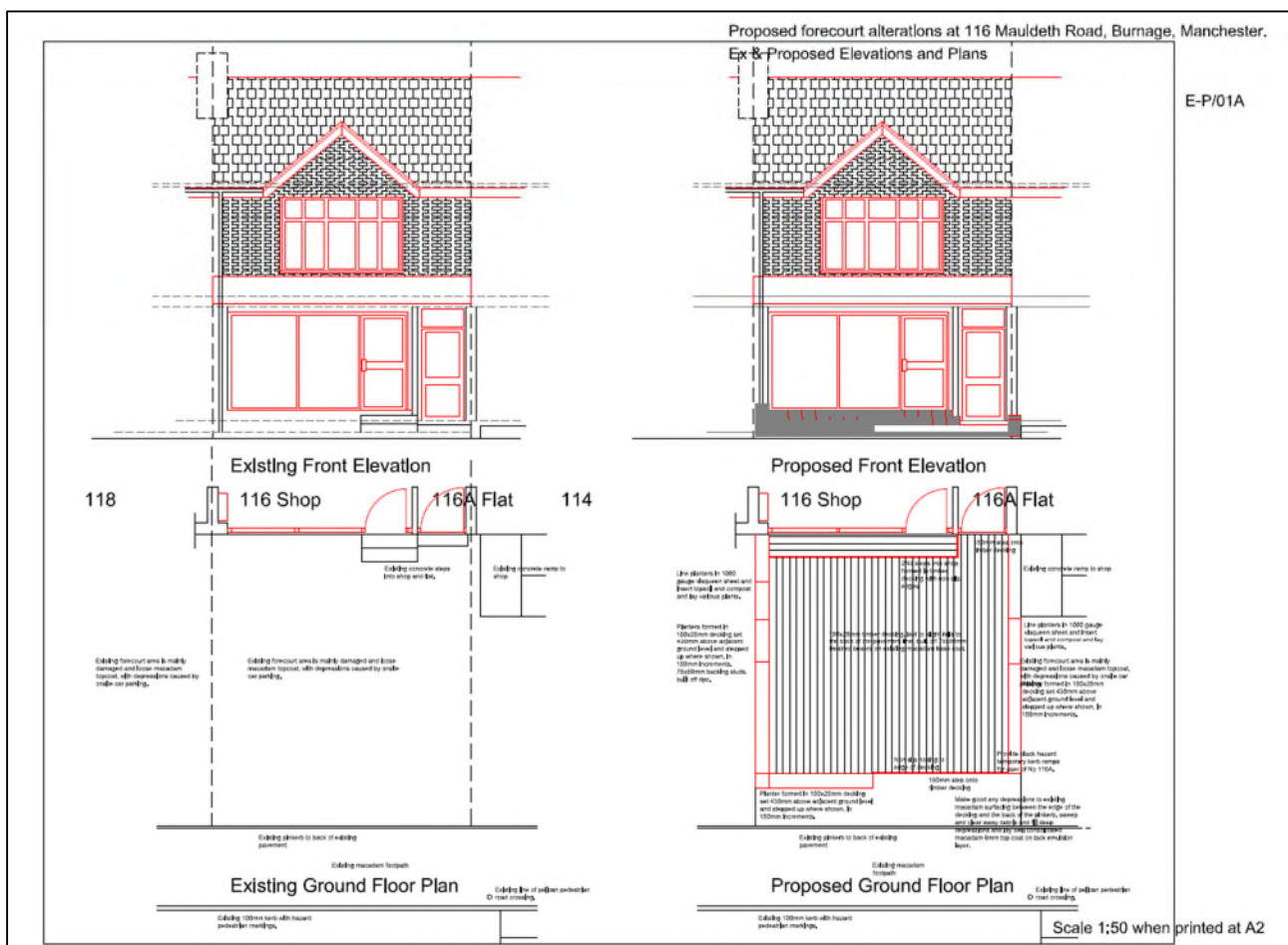
Shopfront and Signage Design Guide (2024)

The National Planning Policy Framework (NPPF, 2021)

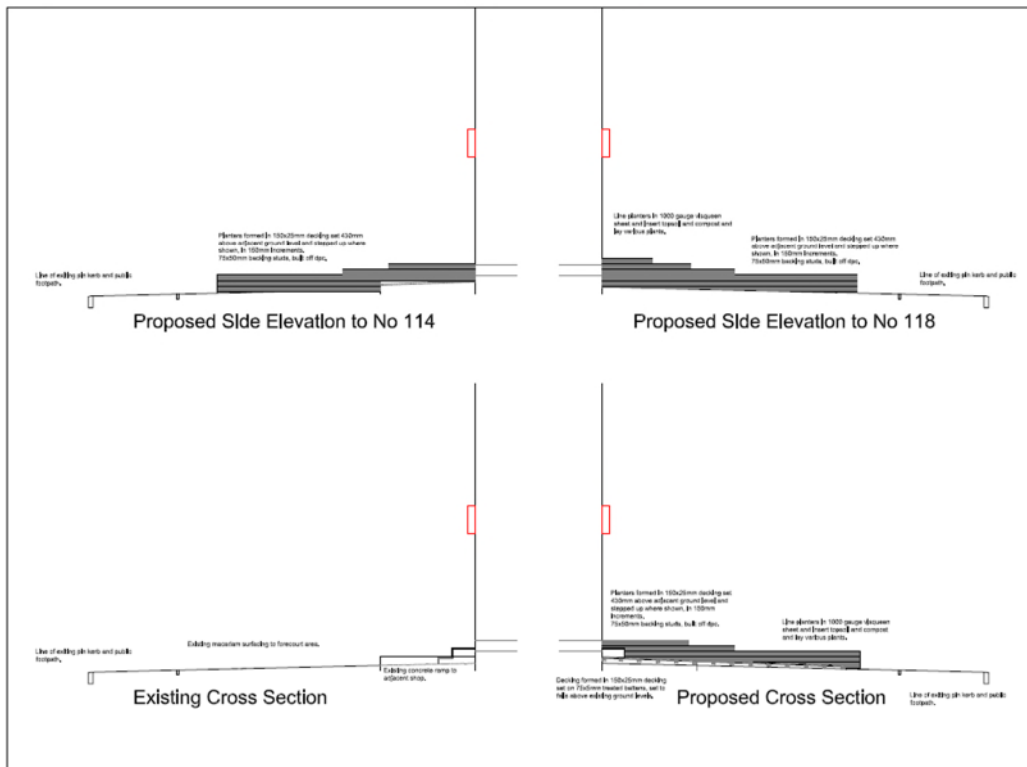
- Chapter 12 – Achieving Well-Designed Places

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

- Policy JP-P1 – Sustainable Places



Submitted existing and proposed plans and elevations



Scale 1:50 when printed at A2

Submitted existing and proposed elevations and sections

Issues

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

Principle – the principle of installing a raised timber decking area with associated fencing/planters to the front of the premises together with the installation of a new shopfront is acceptable, however, consideration must be given to the proposal's siting, scale and massing, appearance and impact upon visual amenity, residential amenity, waste storage and parking.

Siting, scale, and massing – the raised decking area would be sited within the private forecourt area of the application site, to the front of the premises, facing northeast. It would project 5.56m frontwards from the host building, with a width of 5.807m and finished floor level of approximately 0.3m. It would be bounded to the northwest, northeast and southeast by timber planters measuring to a maximum of 0.77m in height (from ground level). The decking area would be sited along the boundaries shared with No.114 and No.118 Mauldeth Road and would maintain a gap of 0.821m to the public footpath.

The overall siting, scale, and massing of the proposal is considered to be acceptable in these circumstances given that the decking area would be subservient to the host building in terms of its dimensions, would avoid resulting in an 'excessively large or bulky' addition to the property, would be sited within the confines of the application site and avoid impeding the adjacent public footpath and highway and would not cause undue harm to the residential amenity of neighbouring occupiers in terms of introducing an overbearing feature into the area. The scale and massing of the decking area would also be in-keeping with the existing precedent of

developments of this type in this area with front additions/canopies also present at No.108 Mauldeth Road (077303/FO/2005/S1) and No.128 Mauldeth Road (057809/FO/SOUTH1/99 and 109898/FO/2015/S1).

The proposal therefore accords with policies DM1 and SP1 of the Core Strategy.

Appearance and visual amenity – the submitted application form and drawings indicate that the decking area would be constructed of treated timber bearers with treated timber joists at 400mmcts with 150mm x 25mm treated timber decking boards over. The raised planters would also be constructed of timber, located to each side of the decking and partially across the front. A single step and short ramp would be included between the adjacent public footpath and decking area to facilitate access, with a timber step also included at the entrance to the building with non-slip nosing featured along the edge of the steps.

The proposal is relatively standard in terms of its design and scale for developments of this type and would be in-keeping with the existing precedent of front additions/canopies in this locale. Sited at the front of the property, the proposal would be visible within the street scene and public realm, however its use of appropriate materials and inclusion of soft landscaping features (i.e., timber planters) should ensure that proposed works do not cause undue harm to the visual amenity of the area.

The proposal therefore accords with policies DM1 and SP1 of the Core Strategy as well as chapter 12 of the NPPF.

Residential amenity – the nearest residential properties to the proposal are the residential flats featured above the commercial units situated along Mauldeth Road in addition to the terraced dwellinghouses located along the opposite side of the highway and the semi-detached dwellinghouses located behind the application site along Weld Road.

Given the minor nature and scale of the works, it is considered that the proposal would not substantially alter the existing residential amenity of the area, in terms of introducing an overbearing feature or causing issues associated with overshadowing, loss of light, loss of outlook, or loss of privacy.

The proposal therefore accords with policies DM1 and SP1 of the Core Strategy and policy JP-P1 of the PfE joint development plan document.

Waste storage – the current waste storage arrangements would be unaffected by the proposal.

Parking and impact to highway – in their email correspondence, the agent of the application indicated that there are no dropped kerbs present to the front of the site, with the property being partially sited behind a Pelican crossing. As a result of this, no parking is permitted on the property's existing tarmacadam forecourt due to the issues this would pose to pedestrian and highway safety. Deliveries to the property are made off the road at suitable times only. It is understood that the proposal would not alter the existing arrangements.

Highways Services made no objection to the proposal, highlighting that the raised timber decking with planters would be located within the site's forecourt area, which is acceptable from a Highways perspective.

Impact to footpath – sited within the curtilage of the property's private forecourt area to the front, the proposal would not limit or impede the adjacent public footpath.

The proposal therefore accords with policy DC22 of the UDP.

Hours of use – Environmental Health made no objection to the proposal, querying whether the raised timber decking would be used as an external seating area and requesting an NSE2 condition relating to hours of use be attached to the consent, if so.

In their email correspondence, the agent of the application indicated that the decking would be used as outdoor seating between the hours of 11:00am – 11:00pm each day. This would be in accordance with the planning unit's approved hours of use and is considered acceptable in these circumstances, given the permitted development fallback position, which is discussed in more detail below. This has been conditioned accordingly.

Permitted development fallback position – it should also be noted that the applicant would be able to utilise the property's existing private forecourt as an outdoor seating area, without the need for planning permission, provided that it is used in accordance with the approved hours of use of the planning unit (048763/FU/SOUTH1/95).

It would therefore be unreasonable to refuse this application on the basis that the raised decking area would be used as an outdoor seating area.

Shopfront alterations – the proposal also includes a number of alterations to the shopfront, including re-positioning the glazing and inward-opening door of the unit. These alterations are considered acceptable given that they would cause no additional harm to the visual amenity of the area.

Conclusion – given the above issues, it is considered that the proposal is acceptable in terms of its principle, siting, scale and massing, appearance, impact upon visual and residential amenity, waste storage and parking as it broadly complies with saved policies DC14 and DC22 of the UDP, policies DM1 and SP1 of the Core Strategy, chapter 12 of the NPPF, and policy JP-P1 of the PfE joint development plan document.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Minor issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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

1) The development hereby approved shall be carried out in accordance with the following documents:

'Application for Planning Permission', numbered 'PP-13237451', stamped as received by the City Council as Local Planning Authority on the 26th July 2024.

'Proposed forecourt alterations at 116 Mauldeth Road, Burnage, Manchester', stamped as received by the City Council as Local Planning Authority on the 26th July 2024.

'Proposed forecourt alterations at 116 Mauldeth Road, Burnage, Manchester. Ex & Proposed Elevations and Plans', stamped as received by the City Council as Local Planning Authority on the 2nd September 2024.

'Proposed forecourt alterations at 116 Mauldeth Road, Burnage, Manchester. Ex & Proposed Elevations and Cross Section of Decking', stamped as received by the City Council as Local Planning Authority on the 10th September 2024.

Agent email correspondence, stamped as received by the City Council as Local Planning Authority on the 8th October 2024.

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

2) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved plans.

Reason - To ensure the appearance of the site to be developed is not adversely affected by the materials to be used in the construction of the development, pursuant to saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

3) The development shall be carried out in accordance with the details provided in the agent's email with regards to the hours of use of the outdoor seating area received on the 8th October 2024 and shall be so maintained and retained at all times thereafter.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with MCC Highways Network teams via Contact Manchester (Tel. 0161 234 5004) Email - highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Unit 2 Rear Of 111, Mauldeth Road, Manchester, M14 6SR
113A Mauldeth Road, Manchester, M14 6SR
113 Mauldeth Road, Manchester, M14 6SR
108A Mauldeth Road, Manchester, M14 6SQ
Co Operative Retail Services Ltd, 105 - 109 Mauldeth Road, Manchester, M14 6SR
Unit 1 Rear Of 111, Mauldeth Road, Manchester, M14 6SR
110A Mauldeth Road, Manchester, M14 6SQ
110 Mauldeth Road, Manchester, M14 6SQ
Flat Above, 120 Mauldeth Road, Manchester, M14 6SQ
116A Mauldeth Road, Manchester, M14 6SQ
114A Mauldeth Road, Manchester, M14 6SQ
111 Mauldeth Road, Manchester, M14 6SR
120 Mauldeth Road, Manchester, M14 6SQ
118 Mauldeth Road, Manchester, M14 6SQ
114 Mauldeth Road, Manchester, M14 6SQ
112 Mauldeth Road, Manchester, M14 6SQ
108 Mauldeth Road, Manchester, M14 6SQ

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