MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139353/FO/2024
Date registered valid:	29 April 2024
Proposal:	Erection of a single storey front extension to form additional accommodation and associated rendering of ground floor side elevation
Address:	199A Fog Lane, Manchester, M20 6FJ
Ward(s):	Burnage Ward
Applicant:	Mr Akbar Singh, Chef Platters
Agent (if any):	Mr Rakesh Mistry, m83 Associates Ltd
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	19 June 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 3 June 2024

Standard consultations:
Printed: 20 May 2024 Expired: 11 June 2024

Neighbour notifications
Printed: 20 May 2024 Expired: 11 June 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of site/building

The property that is the subject of this application is identified as 199 A Fog Lane. It is a brick-built end property situated within a parade of commercial units. The ground floor is currently used as a restaurant. The host property sits to the back of pavement and tree planting features strongly within the immediate street scene. The opposite side of Fog Lane comprises of a two-storey commercial parade of premises. The remainder of the properties within the vicinity are residential.

Description of development

The proposal is for the erection of a single storey front extension to form additional accommodation and associated rendering of ground floor side elevation. The extension is made up of a glass canopy with an aluminium frame which runs the length of the front elevation of 199 A Fog Lane. The drawings submitted suggest the different elements of the extension are made up of a glass canopy with an aluminium frame, vertical structures with the capacity to be in filled, and planters would be positioned around the perimeter.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and no representations were received.

The Tree Section- commented, the proposed canopy will be in close proximity to the Magnolia tree fronting the site, however, subject to the tree being adequately protected during the erection of the canopy, there would be no objection to the proposed development.

Environmental Health- commented, should the proposal be supported, the seating area shall only allow use of external areas within the application site in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority, and shall not allow for the use of amplified sound or any music in these external areas at any time.

Issues

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:

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 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.

In addition, the following UDP policy is considered relevant:

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies) National Planning Policy Framework (July 2021)
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. The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application is Section 12- 'Achieving Well-Designed Places'.

Paragraph 130 states:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
Paragraph 134 goes onto state that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.

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

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABE as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.
Of relevance are paragraph 2.7, paragraph 2.14 and paragraph 2.16.

Places for Everyone (2022-2039)

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. The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
i.JP- S1- Sustainable development

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan, unless material considerations indicate otherwise. In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

Design and the Impact to Visual Amenity

Design plays a critical part in the acceptability of proposed development. Great emphasis is placed on development that respects local character, quality of design, the relationship with existing and neighbouring buildings and sense of place.

In this instance, it is believed that the design of the extension is unsympathetic to its surroundings and as a result of its the appearance and position forward of the main building line to the front of the building, would have harmful impact to visual amenity and the appearance of the street scene.

In conjunction with its prominent position to the back of pavement, the proposed extension fails to take opportunities for improving the quality of the area and would therefore undermine the Council's policy objectives of improving the appearance of its neighbourhoods.

It is maintained that the extension would create a highly intrusive, prominent feature which clutters the frontage to the premises and is invasive when viewed from the habitable room windows of the adjoining residential properties. This in turn presents a visually harmful feature.

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:

Article 35 Declaration

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. 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 accordance with both local and national policies.

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

1) The singe storey front extension by virtue of its position forward of the main building line to Fog Lane, creates an unduly intrusive and incongruous feature in the street-scene, to the detriment of visual amenity. The proposed development is therefore contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Neighbourhood Team Leader (Arboriculture)

Ground Floor, 250 Fog Lane, Manchester, M20 6EL
First Floor, 250 Fog Lane, Manchester, M20 6EL
246 Fog Lane, Manchester, M20 6EL
246A Fog Lane, Manchester, M20 6EL
First Floor, 248 Fog Lane, Manchester, M20 6EL
Ground Floor, 248 Fog Lane, Manchester, M20 6EL
199 Fog Lane, Manchester, M20 6FJ
248 Fog Lane, Manchester, M20 6EL
197A Fog Lane, Manchester, M20 6FJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA