

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139341/FO/2024

Date registered valid: 21 February 2024

Proposal: Erection of a single storey front extension to create an additional seating area for existing ice cream parlour

Address: 109A Manchester Road, Manchester, M21 9GA

Ward(s): Chorlton Ward

Applicant: Mr Hassan Hassan, Oasis Ice cream

Agent (if any): Mr Reuben Ramelize, Box Living

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: 17 April 2024

Date of recommendation: Refuse

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 March 2024

Standard consultations:

Printed: 6 March 2024 Expired: 27 March 2024

Neighbour notifications

Printed: 6 March 2024 Expired: 27 March 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 property is a ground floor commercial unit, currently operating as an ice cream parlour, with a forecourt to the front bound by timber box planters. The property currently affords an existing retractable fabric awning and metal roller shutters to the existing openings. The small unit attached to the side of the application site known as Box Living, has decking to the front without the benefit of planning permission.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The site is located within the Chorlton District Centre. It is acknowledged that there is two existing examples of a permanent canopy to the front and side of No.111 Manchester Road. Notwithstanding this, the immediate terrace and properties south (No.s. 95-107) are characterised by ground floor commercial units with open frontages and forecourts, featuring fabric traditional awnings.

Description of area

The property is located within Chorlton District Centre. It is the northernmost property of a parade of five commercial units with residential above. The application property is sited on the prominent corner of Manchester Road and Kensington Road, a residential street. All of the properties to the south have a deep forecourt some of which have been enclosed by fencing or planters. There are no permanent canopies within this run of commercial uses, albeit feature traditional fully-retractable fabric awnings.

It is acknowledged that there are two properties to the north of the site which feature existing examples of a permanent canopy structures (at No.s 111 and 123A Manchester Road).

To the rear are the residential terraces on Kensington Road and Ransfield Road. Facing the site across Manchester Road is a large detached former swimming baths, subject to redevelopment.

Description of development

Erection of a single storey front extension to create an additional seating area for existing ice cream parlour, removal of existing roller shutters to front and installation of bifold doors to the front elevation.

The proposed extension to the front would be approximately 2.9 metres high and projecting approximately 4.9 metres by 3.5m in width. The structure would be constructed of a steel/ aluminium frame atop of the existing timber box planters, accommodating a glass panelled roof with adjustable tarpaulin screens. The walls of the extension would feature both plastic roller blinds (southern elevation) plastic sliding windows and doors (eastern and northern elevations).

Consultations & Notification Responses

Local responses

None received.

Consultee responses

Highways – No objections.

Environmental Health – No comments received.

Chorlton Voice – No comments received.

Relevant Planning History

At the application site –

121803/FO/2018 – Installation of canopy and decking to front. Refused 21.01.2019. *Appeal dismissed.*

095213/FO/2011 – Change of Use from garage to A1 retail or B1 office use, with associated elevational changes. Refused 23.02.2011.

096583/FO/2011/S1 – Change of use from residential garage to retail (A1) with associated elevational changes. Refused 03.08.2011.

At 109B Manchester Road –

123267/FO/2019 – Retention of canopy to 109b Manchester Road. Refused and enforced 25.07.2019.

At 101 Manchester Road –

129123/FO/2021 – Installation of framed covered structure to form outdoor dining area together with the installation of an external access stair and associated door for residential first floor apartment. Refused 12.04.2021.

At 111 Manchester Road –

129440/FO/2021 – Erection of canopy for a temporary period of 12 months. Temporary approval granted 28.04.2021.

108608/FO/2015/S1 – Change of use of ground floor from delicatessen (Class A1) to cafe/restaurant (Class A3) with storage at basement level, erection of glazed side extension,

installation of kitchen extraction equipment to rear, and creation of outdoor seating areas to front and side. Approved at Planning Committee 02.07.2015.

At 123 Manchester Road –

Unauthorised front canopy structure erected in 2016, now immune from enforcement action. Alterations made in 2023 have created a permanent front extension, encased in glazing.

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions. Notwithstanding this, the agent submitted revised plans (2/4/24) showing plastic sliding windows and doors, as well as adjustable tarpaulin screen to the underside of the glass roof.

Local Planning Policies

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.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management

EN1 – Design Principles and Strategic Character Areas

The relevant saved **UDP** policies for this application are:

DC 14.1 – Shop fronts and related signs

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

National Planning Policy Framework

The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 4 – Decision-making
- Section 12 – Achieving well-designed places

Issues

Principle of development:

The Council does not object to the principle of outside seating areas for its restaurants and bars within district centres, however, in considering the provision of front extensions it is important that the design and choice of materials results in a high quality scheme.

Impact on visual amenity and the streetscene:

Saved UPD policy DC14.1 advises that *“in determining applications relating to these premises for canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.”*

In this instance, it is acknowledged that there are no precedents for front extensions or permanent static canopies on the commercial units between Kensington Road and Ransfield Road and notably none within this small symmetrical parade of 5 units in which the application site is sited. Thus, any permanent structure of the size proposed would appear incongruous and be visually intrusive, not in keeping with adjoining commercial properties, contrary to saved UPD policy 14.1. Notwithstanding this, the application site comprises a prominent corner plot location at the head of Kensington Road, exacerbating the perceived prominence of the proposed structure.

The proposed canopy would be constructed of steel/aluminium frame with a lean-to glazed roof. The revised drawing indicates that the structure will feature both plastic roller blinds (southern elevation) plastic sliding windows and doors (eastern and northern elevations). It is considered that an extension of the design proposed and using the pallet of materials would be visually intrusive and not serve to make a positive contribution to the character of the district centre.

The application site and adjoining single storey unit to the side has been subject to two previous refusals of front canopies (planning refs:123267/FO/2019 & 121803/FO/2018), on the grounds of impact on the visual amenity of the street scene.

It was acknowledged on the site visit that the neighbouring properties No.s 111 and 123A Manchester Road, sited due north of the proposal, feature existing examples of permanent canopy structures. The front extensions at both these properties do not afford any planning permission, therefore are not considered to carry any weight. The existing canopy to the side of No.111 was granted temporary 12-month approval (ref:129440/FO/2021) only on the basis that a previous permission (ref:108608/FO/2015/S1) granted a similar scaled structure in the same location, therefore the principle of a replacement structure to the side was deemed acceptable in this specific context. The officer report further states that *“the structure subject of this application is not of sufficiently high quality to be considered acceptable as a permanent structure.”* Therefore, it is considered that whilst this structure would have usually been resisted, the historic planning history on this specific site was deemed a material planning consideration that carried weight. Notwithstanding this, the current proposal does not afford such context.

As such, the proposal is considered to lack design quality; therefore it is not considered that the LPA can establish the acceptability of the proposal in this location in terms of design, materials, scale and massing. The submission is of a poor quality and fails to reflect the character of the area and would form an overly strident and obtrusive feature within the immediate terrace and

street scene. Therefore, the proposal would form an incongruous feature within the street scene and would not form a high quality design, contrary to policy EN1 of the Core Strategy, saved UDP policy DC14.1 and the NPPF.

Impact on residential amenity:

Whilst the immediate parade features residential properties at the upper floor levels, the existing use of the forecourt for outside seating has been formerly established and does not require planning permission. However, it is recognised that there is the potential for the enclosed additional seating to have an adverse impact on neighbouring residential amenity given that the proposal may lead to use of the area for longer periods of the day. However, if consent were to be granted it would provide an opportunity to impose an hours condition to mitigate this potential impact.

Highways:

The proposal would not impact current parking provision for staff and visitors, which is on-street in the local area.

Conclusion:

The proposed front extension would have an unacceptable impact on the character of the area and would therefore be contrary to Council policy regarding design.

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

Reasons for recommendation to refuse**1. Visual amenity**

The proposed front extension by reason of its scale, design and materials would form an over dominant and visually incongruous feature in the street scene to the detriment of the visual amenity of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1, saved UDP policy DC 14.1 and guidance contained within the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Chorlton Voice

111A Manchester Road, Chorlton, Manchester, M21 9PG
Flat Above, 107 Manchester Road, Chorlton, Manchester, M21 9GA
109B Manchester Road, Chorlton, Manchester, M21 9GA
108 Manchester Road, Chorlton, Manchester, M21 9TX
111B Manchester Road, Chorlton, Manchester, M21 9PG
105A Manchester Road, Chorlton, Manchester, M21 9GA
Chorlton Baths, Manchester Road, Chorlton, Manchester, M21 9PQ
109 Manchester Road, Chorlton, Manchester, M21 9GA
103A Manchester Road, Chorlton, Manchester, M21 9GA
First Floor, 108 Manchester Road, Chorlton, Manchester, M21 9PQ
Mary And Archie, 111 Manchester Road, Chorlton, Manchester, M21 9PG
107 Manchester Road, Chorlton, Manchester, M21 9GA
103 Manchester Road, Chorlton, Manchester, M21 9GA
105 Manchester Road, Chorlton, Manchester, M21 9GA
1 Kensington Road, Manchester, M21 9GH

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