MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137497/FO/2023
Date registered valid:	20 July 2023
Proposal:	Erection of a single storey side extension to an additional seating area.
Address:	701 Wilmslow Road, Manchester, M20 6RE
Ward(s):	Didsbury East Ward
Applicant:	Mr Housam Issa
Agent (if any):	Sakib Ahmed Director PEN
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	23 January 2024



Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 1 August 2023

Standard consultations:
Printed: 31 July 2023 Expired: 21 August 2023

Neighbour notifications
Printed: 31 July 2023 Expired: 21 August 2023

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

701 Wilmslow Road is a 2 storey end-terraced property located south of the Wilmslow Road and King's Lynn Close junction. The property is located within the Didsbury District Centre. The property is currently in use as a food and drink use on the ground floor with residential accommodation above. King's Lynn Close is a short residential cul-de-sac consisting of seven terraced dwellings and it leads to Stephens Terrace which consists of ten 2 storey dwellings. There are parking restrictions along the length of King's Lynn Close.

Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

Erection of a single storey side extension to form an additional seating area for the existing food and drink use operating out of 701 Wilmslow Road.



Consultations & Notification Responses

Local Residents – One letter of objection has been received, the comments are summarised below:

- Business has been in operational for a year or more now, have had rats in the area coming in and out of the premises back entrance.
- Already hard enough to access King's Lynn Close with a car and with customers from NatWest and other business along Wilmslow Road using it as a parking destination this limits parking spaces.
- Kansas operating on the corner will cause inappropriate behaviour into the night.

Highway Services – Have made the following comments:

- The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.
- No existing on-site parking is in place and no on-street parking is proposed within the application and considering the site's location and proximity to sustainable travel offer, this is acceptable in principle. As such, no parking concerns are raised from a Highways perspective by the proposals. It is expected that refuse servicing will continue as present, bins will be stored within the sites curtilage and presented to the highway on waste collection days.
- It is recommended that entrance to the site from should be provided via inward opening doors to ensure they do not impact on the adopted highway.
- Given the minimal scale of construction works involved, the level of construction vehicles are unlikely to generate any significant on-street parking demands. The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004)

Environmental Health – Suggests the imposition of an "hours" condition to limit the use of the extension.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

   i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Core Strategy Development Plan Document – 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 been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Saved UDP Policy DC26, "Development and Noise" – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

a) the effect of new development proposals which are likely to be generators of noise; and
b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Residential Amenity – It is acknowledged that the dwellings on King's Lynn Close and Stephens Terrace are situated in close proximity to Didsbury District Centre and while this would affords a different level of residential amenity when compared to a wholly residential area, it is recognised that there is still a need to protect the amenities of the occupants of these dwellings.

It is considered that the erection of this extension, which would introduce an overtly commercial activity to this residential street, would have a detrimental impact on the levels of residential amenity enjoyed by the residents of those dwellings nearest to 701 Wilmslow Road due to the noise and activity that would be associated with a food and drink seating area.

Visual Amenity – There are commercial uses at the Wilmslow Road/King's Lynn Close junction but their principle commercial frontages are to Wilmslow Road. As such the outlook from King's Lynn Close and Stephens Terrace remains unobstructed and the character predominantly one of residential.

This proposal would see the erection of an extension to the side of no. 701 Wilmslow Road measuring 4m in height (to the ridge) by 11.3m in length and which projects 2.8m to the back of the pavement. It is considered that the erection of such an extension in this location would create an overly dominant and incongruous feature that would have an unduly detrimental impact upon the outlook enjoyed by the residents of King's Lynn Close and Stephens Terrace.

Pedestrian and Highway Safety – The site of the proposed extension is currently utilised as car parking by the residents of the first-floor apartment. These would be lost to facilitate the proposal. Given the parking restrictions in place along King's Lynn Close it is not considered that their loss would exacerbate any parking problems already experienced along that road.

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: Refuse

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document (2012) and the guidance contained within the National Planning Policy Framework (2021). The applicant was advised that the proposal would have a detrimental impact upon the existing levels of visual and residential amenity enjoyed within the vicinity of the site. As the nature of the proposal is considered to be unacceptable and the applicant has requested that the proposal be determined in its current format, a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

Reasons for recommendation to refuse:

1) The proposal would have a detrimental impact on the residential amenity and living conditions of the nearest residential occupiers on King's Lynn Close as a result of the unacceptable levels of noise, disturbance and activity associated with the nature of the use. The proposed development is therefore contrary to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework.

2) The proposed development, by reason of its design and scale, would form an overly dominant and incongruous feature in the streetscene. It would therefore be detrimental to the outlook and existing levels of visual amenity enjoyed on King's Lynn Close, contrary to Policies SP1 and DM1 in the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework and National Design Guide.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Didsbury Civic Society

2 Stephens Terrace, Kings Lynn Close, Manchester, M20 6WB
718 Wilmslow Road, Manchester, M20 2DW
722 Wilmslow Road, Manchester, M20 2DW
720 Wilmslow Road, Manchester, M20 2DW
724 Wilmslow Road, Manchester, M20 2DW
8 Kings Lynn Close, Manchester, M20 6WD
2 Kings Lynn Close, Manchester, M20 6WD
3 Kings Lynn Close, Manchester, M20 6WD
Rear Flat Two, 1 Kings Lynn Close, Manchester, M20 6WD
Ultima Vitality, First Floor, 718 Wilmslow Road, Manchester, M20 2DW
Ground Floor, 718 Wilmslow Road, Manchester, M20 2DW
703 Wilmslow Road, Manchester, M20 6RE
703 - 705 Wilmslow Road, Manchester, M20 6RE
695 - 699 Wilmslow Road, Manchester, M20 6NW
720A Wilmslow Road, Manchester, M20 2DW
6 Kings Lynn Close, Manchester, M20 6WD
4 Kings Lynn Close, Manchester, M20 6WD
7 Kings Lynn Close, Manchester, M20 6WD
5 Kings Lynn Close, Manchester, M20 6WD
1 Kings Lynn Close, Manchester, M20 6WD

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
Area Team Boundary - Name: SOUTH AREA