MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136210/FO/2023
Date registered valid:	20 March 2023
Proposal:	Erection of single storey rear extension of the restaurant for customer use
Address:	296 Claremont Road, Manchester, M14 4EP
Ward(s):	Moss Side Ward
Applicant:	Mr Michael Gerezgher
Agent (if any):	Mr Ahmed M1 Architecture Ltd
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Grant
Date of recommendation:	24 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 9 May 2023

Standard consultations:
Printed: 11 April 2023 Expired: 2 May 2023

Neighbour notifications
Printed: 11 April 2023 Expired: 2 May 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

The application relates to the rear yard of a single unit located at the end of a terraced located on Claremont Road. The property is currently in use a Class E(b) restaurant.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is residential in nature comprising mainly of terraced two storey properties close to Claremont Primary School.

Description of development

The applicant is seeking planning permission to erect a single storey rear extension of the restaurant for customer use.

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 include anti-social behaviour emanating from the property and extension, increase in the number of trespassers in the alleyway (fly tipping and dumping of refuse in

domestic bins), flats rented above shops, alleyway gate issues and residents street cleaning is not shared equally.

Issues

Planning History

There has been a total of one previous planning application in relation to this site, whereby the proposed use of the first floor as a private hire car radio base and booking office was refused under planning reference 075761/FU/2005/S1 in July 2005.

There have been no other planning applications at this address.

Policy

The following policy and guidance are considered relevant to the consideration of this application.

Core Strategy

The relevant Core Strategy Policies are SP1, C8 and DM1

National Planning Policy Framework

Principle – Policy C8 of the Core Strategy advises local shopping and service provision in local centres such as Claremont Road should be retained where it remains viable and provides an important service to the local community. The provision of new small scale retail facilities will be encouraged where they would provide for local every day needs and would not be harmful to the vitality and diversity of nearby centres. Careful consideration will be given to the impacts of new commercial development on residential amenity, which is particularly an issue for food and drink uses.

The principle of a single storey rear extension to form a store is considered to be acceptable as it will aid in supporting the existing restaurant use within the local parade of shops on Claremont Road local centre.

However, consideration should be given to the proposals siting, design and its impact upon visual amenity of the area and residential amenity of nearby occupants.

Siting, design and visual amenity – Located at the rear of the property near to the shared boundary with 298 Claremont Road and the alleyway the extension as it stands albeit unfinished appears to be just a roof placed on top of the existing rear yard wall (photograph 1) and the roof is considered to relate poorly in terms of the design to the host building it is attached to and that the choice of material as detailed on the proposed drawing would further emphasise its poor design and build.

Officers negotiated with the applicant to improve the finish of the extension and to provide an appropriate and better-quality roof. Which although, located at the rear of the site where there is limited visibility from the main street, the changes together with a suitable worded condition regarding the materials would be sufficient to overcome the possible reasons for refusal.



Photograph 1 Extension as built

The amended drawing shows that the extension would preserve the character of the area and be in keeping with the character of the building, as such is in compliance with policies DM1 and the NPPF.

Residential Amenity – As this will continue to support the existing business the impacts should not be any greater than those currently experienced however the improvements to the roof and wall will help mitigate some of the impacts, plus an internal bin store will remove some of the waste bins from the alleyway.

Concerns are noted in regards to anti-social behaviour in particular trespassing but these seem to be general issues in how the alleyway is managed and it is not something that can be controlled or improved by imposing a condition on this application as the issue appears to be much wider than one unit.

Refuse Storage – The drawing show that the bins will continued to be stored inside the yard/extension.

Other matters – No external plant is shown on the proposed drawings, acoustic insulation of the rear extension would be unreasonable as they are using the existing brick walls, secondly the snooker room only shows one table and thus any noise emanating from the extension should not be so loud to cause a nuisance to residential properties,

Construction hours are matters for separate legislation to planning.

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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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:

2303 02.

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 materials to be used on the external surfaces of the extension hereby permitted shall be similar in appearance to those used during the construction of the original dwellinghouse in type, size, colour and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

27 Beveridge Street, Manchester, M14 7NN
25 Beveridge Street, Manchester, M14 7NN
23 Beveridge Street, Manchester, M14 7NN
21 Beveridge Street, Manchester, M14 7NN
19 Beveridge Street, Manchester, M14 7NN
15 Beveridge Street, Manchester, M14 7NN
13 Beveridge Street, Manchester, M14 7NN
11 Beveridge Street, Manchester, M14 7NN
29 Beveridge Street, Manchester, M14 7NN
17 Beveridge Street, Manchester, M14 7NN
292 - 294 Claremont Road, Manchester, M14 4EP
Flat Above, 304 Claremont Road, Manchester, M14 4EP
Flat Above, 298 - 300 Claremont Road, Manchester, M14 4EP
298 - 300 Claremont Road, Manchester, M14 4EP
296A Claremont Road, Manchester, M14 4EP
304 Claremont Road, Manchester, M14 4EP
290 Claremont Road, Manchester, M14 4EP

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