

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138367/FO/2023
Date registered valid: 24 November 2023
Proposal: Installation of new shop front and installation of an extract flue to the rear
Address: 296 - 298 Barlow Moor Road, Manchester, M21 8HA
Ward(s): Chorlton Park Ward

Applicant: Mr Abu Rizwan
Agent (if any): Mr Saghir Hussain, Create It Studio Architects
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 17 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 29 November 2023

Standard consultations: Printed: 28 November 2023

Expired: 19 December 2023

Neighbour notifications: Printed: 28 November 2023

Expired: 19 December 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two-storey corner property situated adjacent to the junction of Barlow Moor Road and Mauldeth Road West. At ground floor level, first floor level and within the property's loft area, the submitted drawings indicate that the premises is currently in use as a Class E(g)(i) office.



Figure 1. View of application site.



Figure 2. View of application site.

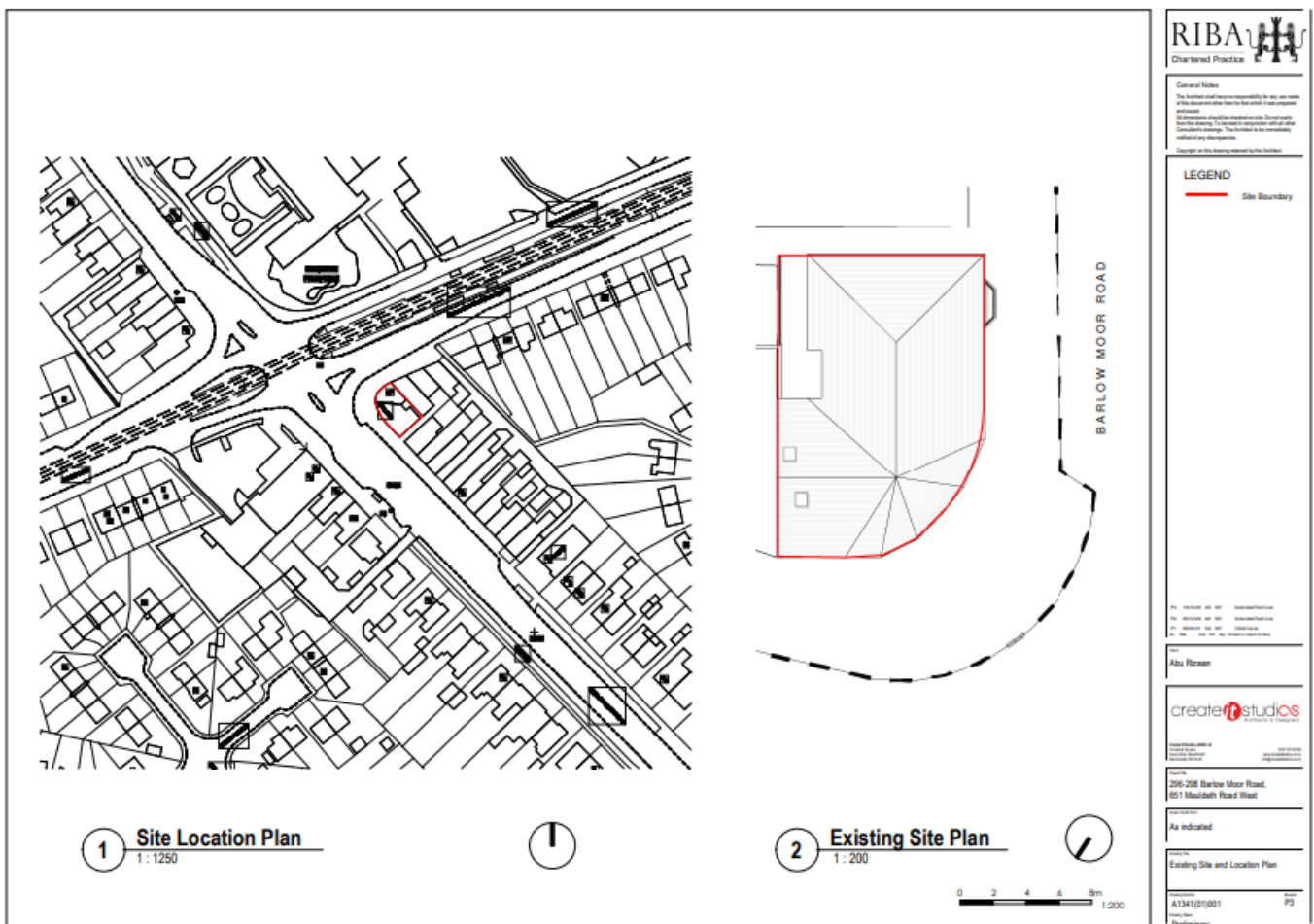


Figure 3. Submitted location and site plan.

Description of area

This stretch of Barlow Moor Road sits at a busy crossroads which intersects with Hardy Lane / Mauldeth Road West, with the application property sited opposite Chorlton Park Primary School in relatively close proximity to Chorlton Park in association with a cluster of retail units. The area is mixed in terms of its character, consisting of residential properties as well as educational institutions and commercial facilities and is located within the Chorlton Park ward of Manchester.

Description of development

The applicant is seeking permission for the installation of a new shop front and installation of an extract flue to the rear.

Planning history

091768/FO/2009/S1 - Change of use of first floor from offices to a self-contained flat – **PERMITTED DEVELOPMENT** (15.12.2009).

131616/FO/2021 - Erection of a first-floor rear extension, hip to gable extension, installation of two dormers to Barlow Moor Road and installation of rear roof dormer in association with the use of the ground floor as 2 no. retail units (Use Class E (a)); office use on the first floor (use class E (g,i)); and formation of 2 no. residential flats (Class C3) in the roof space – **APPROVED** (22.12.2021).

CDN/22/0247 - Discharge of Condition 3 (materials), 6 (commercial insulation), 7 (residential insulation), 8 (external plant) and 9 (air filters) attached to planning permission 131616/FO/2021 – **SPLIT (APPLICATION APPROVED AND REFUSED)** (10.06.2022).

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Highways made the following comments in response to the application:

- “The proposed alterations to the building are all within the red-line boundary of the site, and as such, will not impinge upon the adopted highway.
- Pedestrian access points are acceptable to Highways. Plans show doors are opening inwards which is acceptable.
- Detail should be sought from the applicant in relation to any proposed construction or fitout arrangements, where there is an impact on the highway. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email --highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk”

Environmental Health made no objection to the proposal, requesting that a number of conditions be attached to the decision notice. These relate to fumes / odours, deliveries to commercial premises, noise (ground floor restaurant and offices, residential sound insulation and overheating, external plant/equipment/servicing), waste (commercial and residential), and air quality.

Transport for Greater Manchester – no comments or objections made.

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 – Shop front and related signs

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 EN1 – Design Principles and Strategic Character Areas

The National Planning Policy Framework (NPPF, 2021)

- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 12 – Achieving Well-Designed Places

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester’s development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council’s Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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 significant weight in the planning balance.

Issues

Principle – the principle of installing a new shopfront and extract flue is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of the area.

In this instance however, the principle of the proposal is considered unacceptable as it is believed that there are factors of sufficient weight in terms of amenity that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC1 of the UDP, and policies DM1 and SP1 of the Core Strategy.

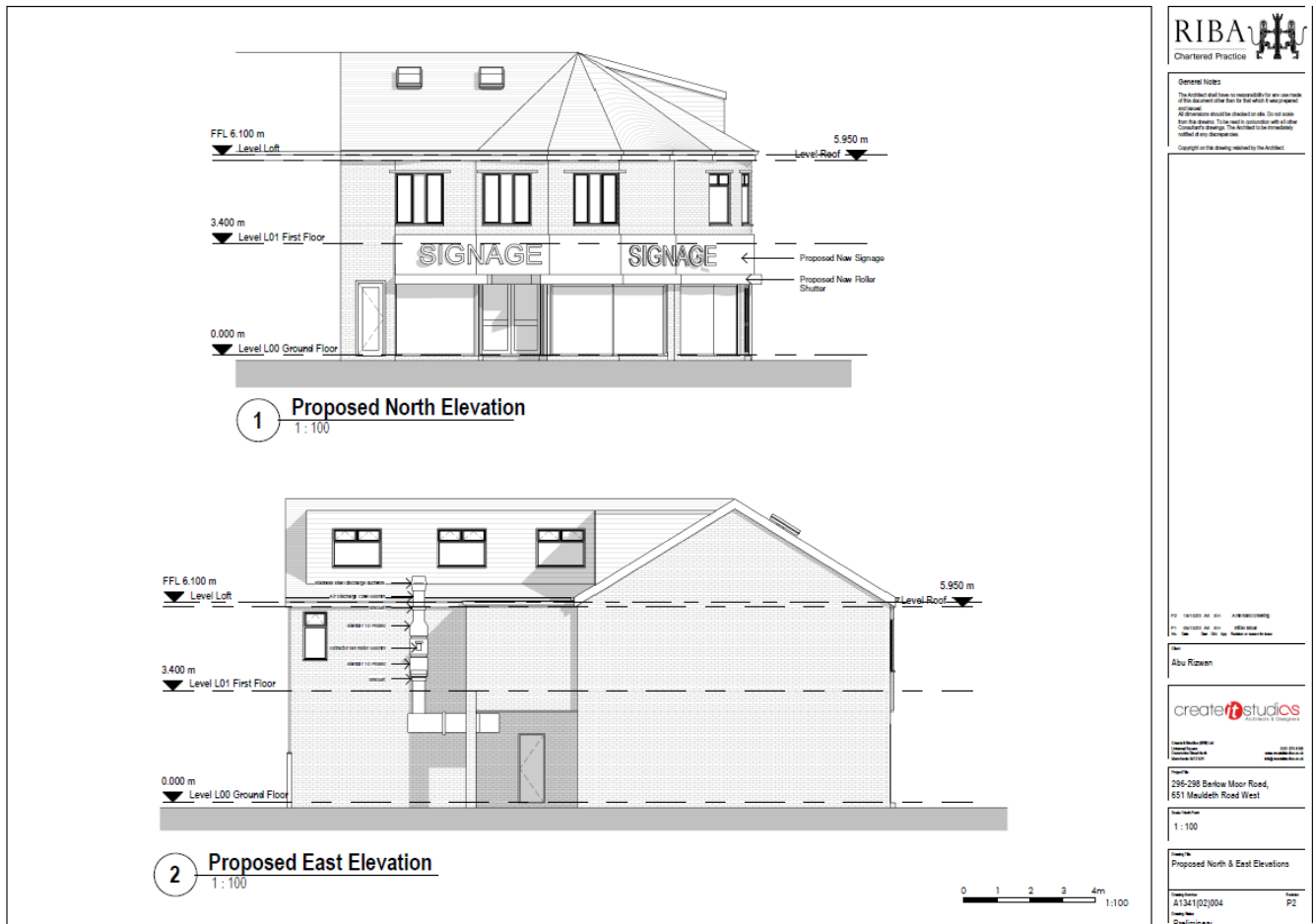


Figure 4. Submitted proposed elevations.

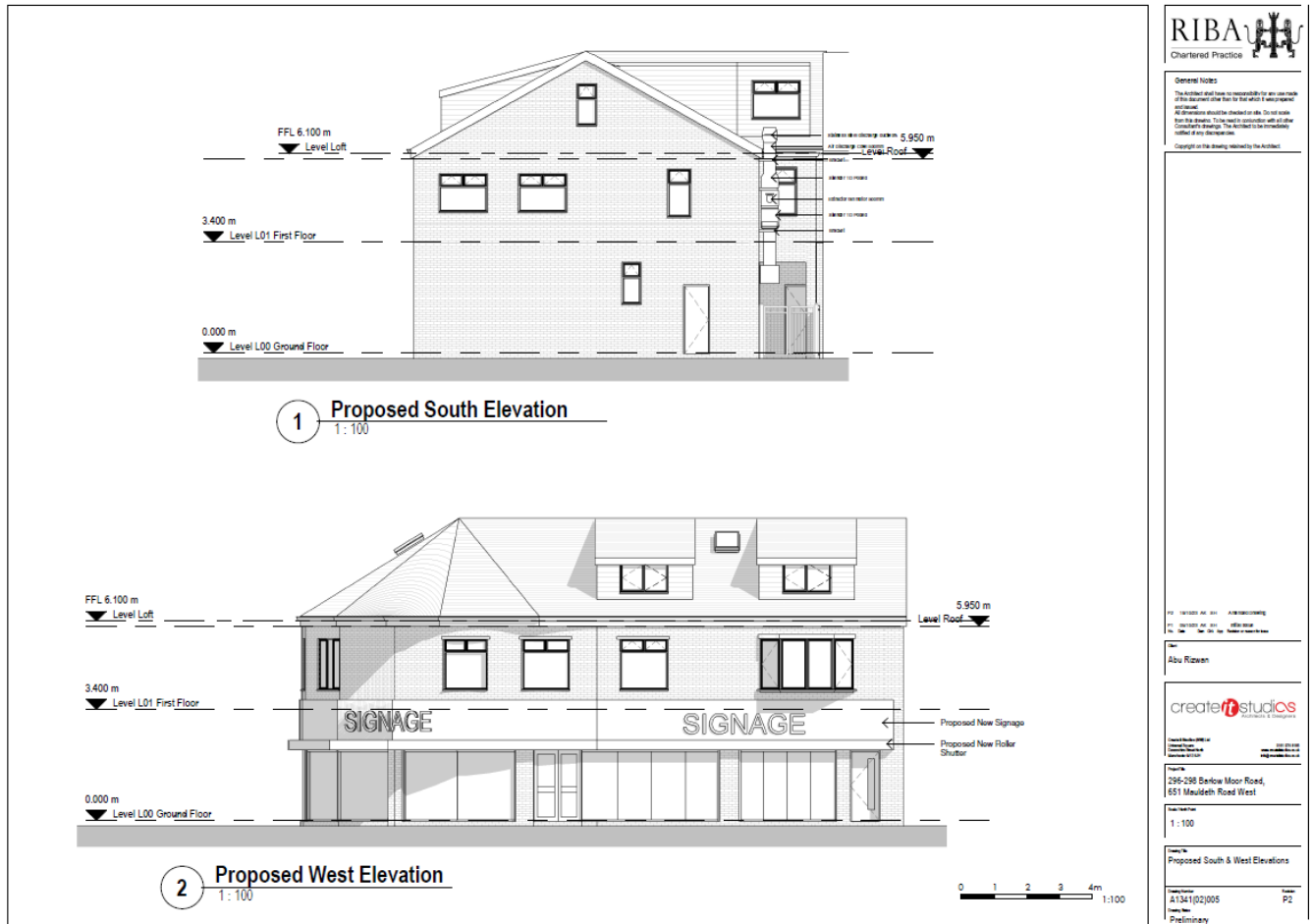


Figure 5. Submitted proposed elevations.

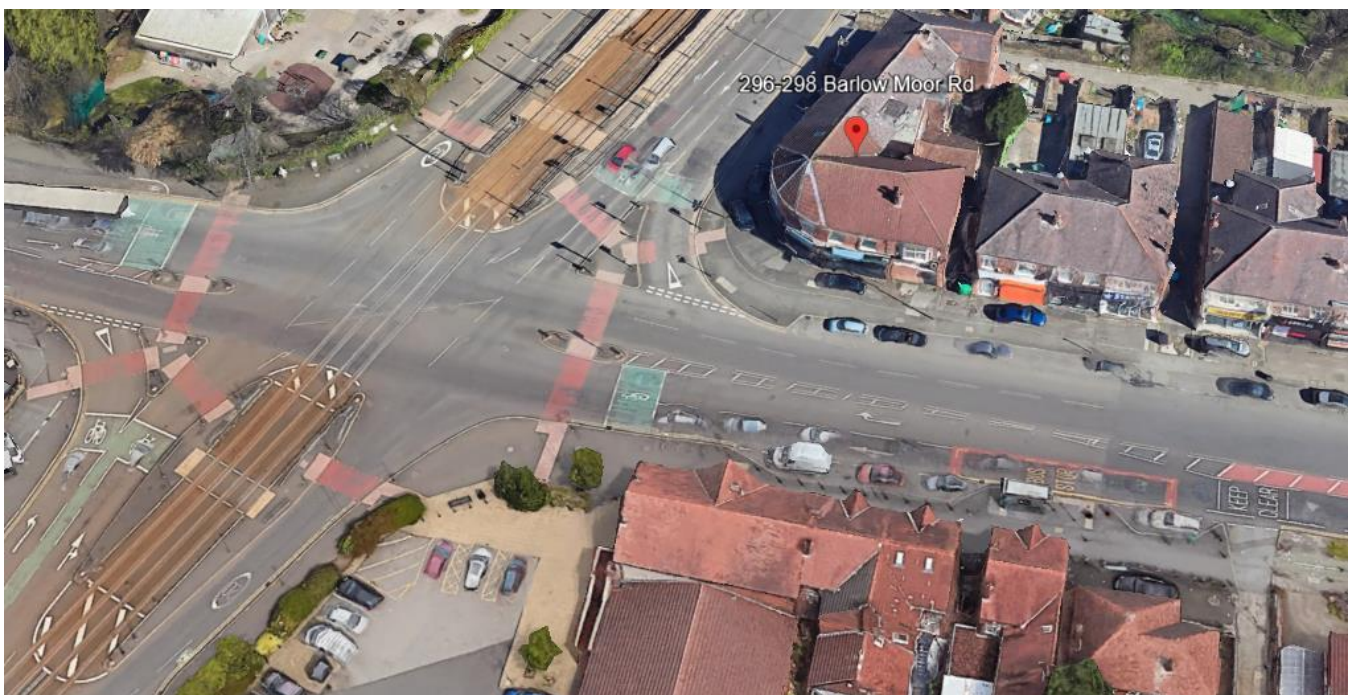


Figure 6. Extract from Google Earth illustrating application property's prominent siting adjacent to a busy crossroads.

Appearance and visual amenity – the new extract flue would be in-keeping with the existing precedent of extract flues in this area and, sited at the back of the property, would not be visible within the street scene or public realm and, as such, should have a minimal impact upon the visual amenity of the area.

The shopfront alterations would be installed on the Barlow Moor Road and Mauldeth Road West frontages of the application property and would consist of a section of new glazing together with the installation of a new, externally mounted roller shutter which would wrap around the entirety of its façade.

The new glazing would be sited on the property's southwestern elevation, facing onto Barlow Moor Road, towards the southeast edge of the shopfront. It would consist of four new full-length glazed panels running from ground floor to fascia level and would replace the details of those previously approved under 131616/FO/2021. This element of the proposal is considered acceptable given its similarities to the previously approved scheme as well as its minimal impact upon the visual amenity of the area.

The new externally mounted roller shutters would wrap around the property's southwestern and northwestern elevations, facing onto Barlow Moor Road and Mauldeth Road West. They would be sited at fascia level, projecting approximately 0.404m from the building's face on its Mauldeth Road West elevation, and 0.294m from the building's face on its Barlow Moor Road elevation. This element of the proposal is considered unacceptable as it directly contrasts with policy DC14 of the UDP which states that 'externally mounted security grilles or shutters will not normally be permitted if they are of solid construction', indicating that they should be 'located behind the fascia', rather than projecting beyond.

The proposal as it currently stands is therefore considered to cause unnecessary and undue harm to the visual amenity of the area, particularly given its prominent siting on a highly visible corner plot adjacent to a busy crossroads and, as such, cannot be supported due to its conflict with policy DC14 of the UDP, policies SP1 and DM1 of the Core Strategy, and chapter 12 of the NPPF.

Residential amenity – the shopfront alterations would be sited a reasonable distance away from the nearest residential properties, which would be located within the application property's loft space and at first-floor level of the surrounding units. It is therefore understood that this aspect of the proposal would have a minimal effect upon the residential amenity of the area, with limited impacts on outlook, light, and privacy.

The new extract flue would be in-keeping with the existing precedent of extract flues in this area, most notably those present at No.292, No.290, and No.288 Barlow Moor Road. Environmental Health requested a condition be attached to the decision notice so as to safeguard the amenity of neighbouring occupiers. However, in this instance, the condition will not be attached as the application must be refused on the grounds of its detrimental impact upon visual amenity.

Other matters – during their site visit, the case officer documented the presence of a number of front-facing dormer additions being constructed at the application site. These do not accord with the details approved within the specified plans of 131616/FO/2021 and, as such, are considered unauthorised. Moreover, it is noted that conditions 6, 7, and 8 of 131616/FO/2021 remain outstanding, and, as such, any works associated with this consent would be considered unauthorised prior to the successful discharge of the aforementioned conditions. These concerns were relayed to the applicant and their agent, who provided no further comment.

Conclusion – for the reasons specified above, it is considered that the proposal is unacceptable due to its inappropriate design and resultant negative impact upon the visual amenity of the area as well as the overall appearance of the application property. Policy DC14 states that proposals should be 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, however, this proposal is considered to cause undue harm to the application property, and the visual amenity of the area, thus acting against the principles set out in the aforementioned policies, hence it cannot be supported by the City Council.

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

The proposal would not improve the social and environmental conditions of the area, nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable, and it is therefore not possible to approve the application.

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

1) The proposed roller shutter, by reason of its external mounting, inappropriate frontward projection and siting in a prominent, highly visible location adjacent to a busy crossroads, would introduce detrimental visual elements to the area, forming a visually incongruous and obtrusive structure, which would not be sympathetic to the appearance of the application site or its surrounding area, to the detriment of visual amenity and, as such, is contrary to saved policy DC14 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy, and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester

Flat 3, 365A Barlow Moor Road, Manchester, M21 7FZ
Flat 2, 365A Barlow Moor Road, Manchester, M21 7FZ
Flat 1, 365A Barlow Moor Road, Manchester, M21 7FZ
365 Barlow Moor Road, Manchester, M21 7FZ
363A Barlow Moor Road, Manchester, M21 7FZ
355A Barlow Moor Road, Manchester, M21 7FZ
5 Hardy Lane, Manchester, M21 7JY
7 Hardy Lane, Manchester, M21 7JY
Top Flat, 649 Mauldeth Road West, Manchester, M21 7SA
Flat, 649 Mauldeth Road West, Manchester, M21 7SA
647 Mauldeth Road West, Manchester, M21 7SA
Ground Floor, 647 Mauldeth Road West, Manchester, M21 7SA
651A Mauldeth Road West, Manchester, M21 7SA
First Floor Flat, 649 Mauldeth Road West, Manchester, M21 7SA
Flat Above, 341 Barlow Moor Road, Manchester, M21 7QH
645A Mauldeth Road West, Manchester, M21 7SA
Chorlton Park Primary School, Mauldeth Road West, Manchester, M21 7HH
Top Flat, 286 Barlow Moor Road, Manchester, M21 8HA
Flat At, Hardy Lane Post Office, 343 Barlow Moor Road, Manchester, M21 7QH
294A Barlow Moor Road, Manchester, M21 8HA
First Floor, 349 Barlow Moor Road, Manchester, M21 7QH
361 Barlow Moor Road, Manchester, M21 7FZ
355 Barlow Moor Road, Manchester, M21 7FZ
341 Barlow Moor Road, Manchester, M21 7QH
Hardy Lane Post Office, 343 Barlow Moor Road, Manchester, M21 7QH
288 Barlow Moor Road, Manchester, M21 8HA
649 Mauldeth Road West, Manchester, M21 7SA
290 Barlow Moor Road, Manchester, M21 8HA
647A Mauldeth Road West, Manchester, M21 7SA
361A Barlow Moor Road, Manchester, M21 7FZ
Ground Floor, 349 Barlow Moor Road, Manchester, M21 7QH
Flat 1, 290 Barlow Moor Road, Manchester, M21 8HA
Flat Above, 363 Barlow Moor Road, Manchester, M21 7FT
347 Barlow Moor Road, Manchester, M21 7QH
345 Barlow Moor Road, Manchester, M21 7QH
294 Barlow Moor Road, Manchester, M21 8HA
286 Barlow Moor Road, Manchester, M21 8HA
292 Barlow Moor Road, Manchester, M21 8HA
643 Mauldeth Road West, Manchester, M21 7SA
641 Mauldeth Road West, Manchester, M21 7SA
651 Mauldeth Road West, Manchester, M21 7SA
645 Mauldeth Road West, Manchester, M21 7SA
359 Barlow Moor Road, Manchester, M21 7FZ
357 Barlow Moor Road, Manchester, M21 7FZ
357A Barlow Moor Road, Manchester, M21 7FZ

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