

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135289/FO/2022

Date registered valid: 8 June 2023

Proposal: Erection of a first- floor rear extension, dormer roof extensions to the front and rear and installation of new shopfront with roller shutter.

Address: 234 Fog Lane, Manchester, M20 6EL

Ward(s): Didsbury East Ward

Applicant: Mr Kader Dewan Gulam & Mrs Shafa Begum

Agent (if any): Mr Talat Zeria, HSH Engineering Design Service Ltd

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 4 December 2023

Application details

Type of application: Full Application Consent

Development type: Minor Office

Date of site visit: July 2023 and 22nd November

Standard consultations:

Printed: 19 June 2023 Expired: 10 July 2023

Neighbour notifications

Printed: 19 June 2023 Expired: 10 July 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 property that is the subject of this application is a 2 -storey mid terraced commercial unit within a parade of shops and commercial uses within this particular block, with multiple blocks making up the whole parade. The property is identified as 234 Fog Lane in the Burnage ward of the City. The current use of the ground floor is a restaurant (Use Class E) whilst the first floor is currently in use as residential accommodation.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential on the side roads, with both sides of Fog Lane in this location being in commercial / retail use. There is residential accommodation in the form of flats above some of the ground floor commercial units.

Description of development

The proposal is for the erection of a first- floor extension above the existing ground floor outrigger together with dormer roof extensions, one to the front and one to the rear. There is a new shop front proposed together with the installation of an internal perforated roller shutter. There is a new access to the front for the residential accommodation which has previously only had access from the rear of the property. The dormer and first floor extensions are to provide improved accommodation for a 2- bed flat to the upper floors. The ground floor will remain in use as a Class E restaurant.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

Environmental Health- No objections to the proposal.

Highways- No objections to the proposal.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: 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 or specific policies in this Framework indicate development should be restricted.

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three overarching objectives to achieving sustainable development: an economic objective, a social objective and an environmental objective (paragraph 8).

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment. The proposal will contribute to maintaining the area as a neighbourhood of choice by allowing the school to accommodate a spike in the number of children presenting for admission at primary level.

Policy DM1 is relevant to this application as it seeks to protect the amenity of an area from the adverse impact of development. The policy states all development should have regard to the following specific issues, amongst others:

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.

Community safety and crime prevention.

Design for health.
Refuse storage and collection.
Vehicular access and car parking.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

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

Visual amenity and character of the area- The proposed works relate to 2 modest extensions which are located on the rear of the property. The contextual setting would comprise of such features as single and 2 storey extensions, fire escape / access staircases and dormer extensions. It is an eclectic mix of additions along the rear of the parades. Given that the works are to 234 Fog Lane which is part way along the terrace, the extensions to the rear would not be highly visible from within the street scene. The dormer to the front roof slope would be visible in the context of the terrace, however it has been designed to mirror the dormers that are already present on the roof slope of the immediate neighbours and the front dormer would not have any greater impact within the street scene than currently exists. The rear yard areas on the majority of the properties have some form of additions to the properties, with many housing the emergency access / egress points by way of stairs to the residential accommodation that is present to the upper floors of many of the properties.

The shop front would be updated and would incorporate an access door to the flat above. A roller shutter is proposed and would be internally mounted. The new shop front would aesthetically be an improvement bringing the tired existing frontage up to date.

The materials to be used would match those of the existing property and are considered acceptable.

Residential Amenity- Given that the proposed extensions are to serve the existing first floor residential use by providing improved residential accommodation there would be no introduction of any new uses within the property. The first- floor extension provides an extended kitchen and a bathroom, whilst the dormer extension provides for a bedroom and a shower room. There is one window in the side elevation to the first floor, this allows for some natural light, but will be obscurely glazed to remove any views into or out of the property. The remaining windows to the rear elevation look out over the yard area or the rear alleyway, with the front dormer looking out over the public highway of Fog Lane itself. The access door to the front of the property will provide safe access to the flat above, which would then benefit from natural surveillance, which has not been the case for the existing residential access from the rear. As such it is not considered that the proposed development would result in a detrimental impact upon the neighbouring properties.

Waste Management- is not impacted by the proposed development, with the extensions being to the first and second floors of the property.

Security- Previously the access for the residential to the first floor was taken from the rear of the property off the alleyway. Having a dedicated access for the flat to the upper floor incorporated into the front elevation will improve the security, safe access and natural surveillance for the occupants of the residential accommodation.

Parking- Whilst there is no dedicated parking with the property, this is the current situation with both the same uses operating in tandem. The proposal therefore would not exacerbate any existing situation.

Conclusion

There would be limited public viewpoints of the extensions and they would not form an incongruous feature within the street scene, and it is not considered that the proposal would create significant issues in relation to residential amenity. Therefore, the proposed development would comply with policies DM1, EN1 and SP1 of the Core Strategy.

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: Approve

Article 35 Declaration

The application has been determined in a positive and proactive manner, and in accordance with both national and local policies. In this instance negotiations have taken place to resolve any issues and appropriately worded conditions have been attached.

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:

05A- Proposed Floor Plans received 8th June 2023

7F- Proposed Side Elevations and Floor Plans received by email 1st December 2023

08A -Proposed Front Elevation received by email 4th December 2023

10C -Proposed Rear Elevation received by email 1st December 2023

09A- ground floor -Roller shutter and shutter sections received 26th of October 2023

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 match those of the existing building in type, size, colour and texture, including the mortar and patching in.

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with saved policies DC1 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy, and the requirements of the National Planning Policy Framework.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the free- standing unit hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

5) Before first occupation any glazing in the window on the side (eastern) elevation shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

6) The application property and alterations hereby approved shall be used as a Use Class C3 single family dwellinghouse only and for no other purpose (including as a House in Multiple Occupation Use Class C4 or sui generis of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To ensure an acceptable development, pursuant to policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

234A Fog Lane, Manchester, M20 6EL
173 Fog Lane, Manchester, M20 6FJ
Top Flat, 169 Fog Lane, Manchester, M20 6FJ
173A Fog Lane, Manchester, M20 6FJ
17 Norwood Avenue, Manchester, M20 6EX
Flat 1, 236 Fog Lane, Manchester, M20 6EL
15 Norwood Avenue, Manchester, M20 6EX
171A Fog Lane, Manchester, M20 6FJ
171 Fog Lane, Manchester, M20 6FJ
169 Fog Lane, Manchester, M20 6FJ
19 Norwood Avenue, Manchester, M20 6EX
13 Norwood Avenue, Manchester, M20 6EX
236 Fog Lane, Manchester, M20 6EL
230 - 232 Fog Lane, Manchester, M20 6EL
238 Fog Lane, Manchester, M20 6EL

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