

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135447/FO/2022
Date registered valid: 14 November 2022
Proposal: Erection of a single storey rear extension to form ancillary accommodation and retention of air conditioning unit
Address: 105 Greame Street, Manchester, M14 4RN
Ward(s): Moss Side Ward

Applicant: Mr Amin Nur
Agent (if any): Mr Mohamed Muse, Muse Architects
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 13 February 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 8 December 2022

Standard consultations: Printed: 6 January 2023 Expired: 27 January 2023

Neighbour notifications: Printed: 6 January 2023 Expired: 27 January 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to No.105 Greame Street, 'Abu Mazen Mini Market', a small convenience store located within the Moss Side ward of Manchester. The area is predominantly characterised by terraced residential properties with small rear gardens and is situated in relatively close proximity to Princess Road (A5103), Moss Side Park and Alexandra Park.

It should also be noted that there is an active enforcement case on the unauthorised structure currently existing in the property's rear garden. The proposed rear extension included in this application would replace this unauthorised structure. Additionally, the air conditioning unit present on the property's rear elevation is also unauthorised and, as such, the applicant is seeking permission retrospectively with this application.



Figure 1. Rear view of the property, depicting the unauthorised structure and unauthorised air conditioning unit.

Description of development

The applicant is seeking permission for the erection of a single storey rear extension to form ancillary accommodation and the retention of an air conditioning unit.

Planning History

F17845 - Conversion of 1st and 2nd floors of existing house and shop into two self-contained flats – **APPROVED**

062088/FO/SOUTH1/01 - External alterations and improvements including new shop front – **APPROVED** (26.07.2001)

Enforcement Cases

ENF/09798/09 - Change of use to a community centre – **RESOLVED** (28.03.2013)

ENF/14899/20 - Unauthorised structure to the rear garden – **ONGOING**

Consultations & Notification Responses

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

Environmental health recommended conditions relating to the hours of operation for construction activities relating to this proposal as well as the attachment of an NSE6 condition.

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 DC26 – Development and noise

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 SP1 – Spatial principles
- Policy EN1 – Design principles and strategic character areas
- Policy EN19 – Waste
- Policy DM1 – Development management

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving well-designed places

For reasons to be outlined below, it is considered that the proposal accords with the principles of these policy documents.

Issues

Principle – The principle of erecting a single storey rear extension together with the retention of an air conditioning unit to provide additional space and a cooling system for a business is acceptable, however consideration must be given to the proposal’s siting, scale and massing, appearance and impact upon existing levels of visual and residential amenity as well as waste management.

Siting, scale and massing – The extension would be sited at the rear of the shop, extending up to the eastern edge of the plot, along the boundary wall and resulting in the creation of a storage area and WC for members of staff. As such, it would replace the existing (unauthorised) timber structure. The proposed extension would project 3.918m from the rear elevation of the existing outrigger. It would span the full width of the property, measuring to 6.441m, and would be sited along the boundary shared with No.35 Hartington Street. The rear extension would have a maximum flat roof height of approximately 2.575m.

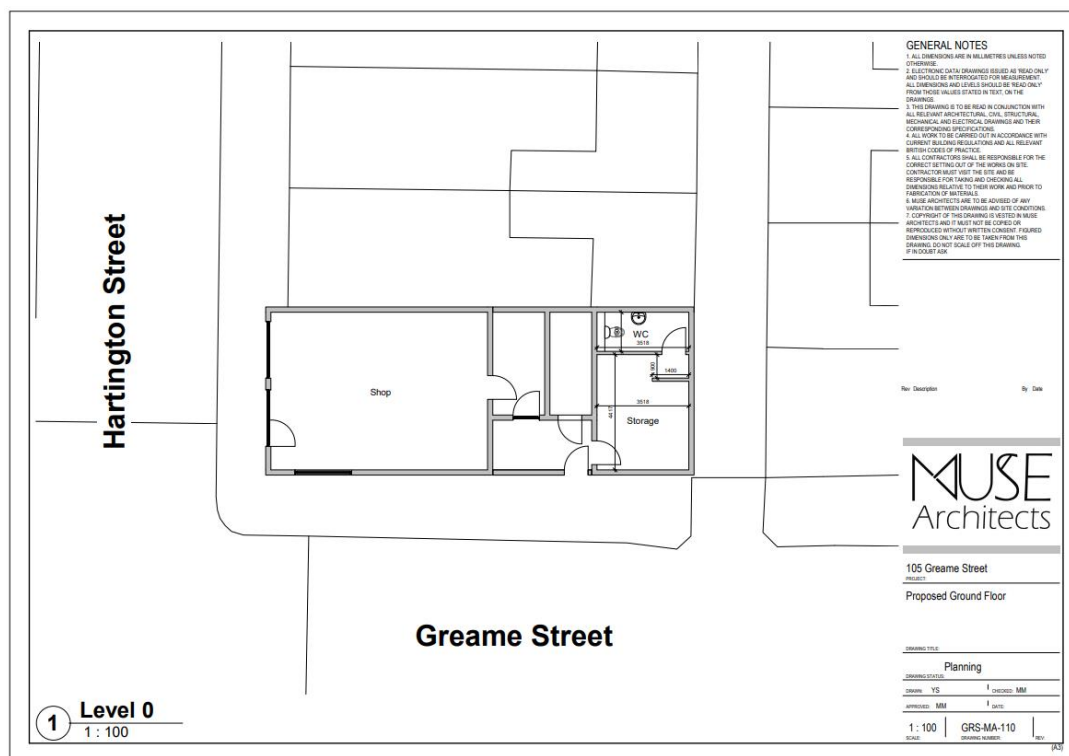


Figure 2. Proposed plan of No.105 Greame Street, as submitted by the applicant's agent.

The proposal's siting, scale and massing is therefore considered to be subservient to the original building, is not believed to result in an 'excessively large or bulky' addition to the property and would replace the existing (unauthorised) timber structure. As such, the proposed development is considered to be acceptable as it accords with policies DM1 and SP1 of the Core Strategy.

Appearance and visual amenity – The rear extension would be built of red brickwork to match the existing and would feature a flat roof. Its northern and eastern elevations would be blank, whilst its southern elevation (facing onto Greame Street) would feature two double-glazed privacy windows and a single door, which would enable external access onto the street.

The proposal is understood as being relatively standard in terms of its design and appearance. Though sited at the rear, it would be visible within the street scene due to the property's siting on a corner plot. The extension would be built of materials that would be in-keeping with those already present at the property however and, as such, would not cause unnecessary visual harm to the area. Moreover, the proposal would replace the existing timber structure present at the site, which is tired, neglected and visually disjointed with main property. It is therefore believed that, overall, the proposal would improve the appearance of the street, through the removal of the existing structure, thereby enhancing the visual amenity of this locale.

The design and appearance of the proposed development therefore accords with Core Strategy policies DM1 and EN1 and chapter 12 of the NPPF.

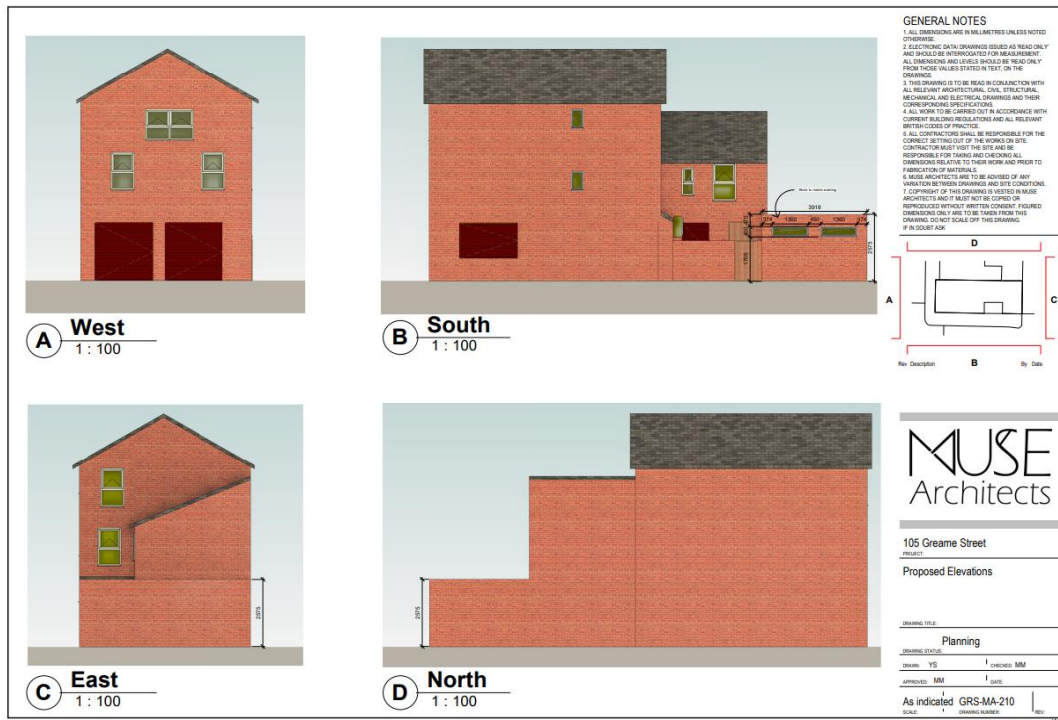


Figure 3. Proposed elevations of No.105 Greame Street, as submitted by the applicant's agent.

Residential amenity – The proposed single storey extension would have a minimal impact upon the residential amenity of the area as it would be sited at the rear of the building and would replace the existing (unauthorised) timber structure. Sited along the boundary shared with No.35 Hartington Street, the dimensions of the proposal would be similar to those of the existing timber structure and, therefore, should not result in or contribute to an undue loss of sunlight or daylight for neighbouring residents. Moreover, its blank north elevation should ensure that the privacy of neighbouring occupants is not compromised.

A condition is proposed in relation to the air-conditioning unit that has been installed to ensure that it does not give rise to unacceptable impacts on residential amenity. The proposed condition would require the units removal if further details are not submitted and approved. This is set out in more detail below.

The proposed development is therefore considered acceptable in regard to its effect upon residential amenity as it would not significantly alter the existing conditions of the area. The proposal therefore accords with Core Strategy policies DM1 and SP1.

Waste management – At present, refuse bins are stored within the confines of the alleyway located to the rear of the property. The proposal would therefore have no effect on the property's existing waste management strategy.

Retention of the air conditioning unit – The specifications of the KOOLMAX air conditioning unit are as follows:

Stock Code	80.92.337
Unit Model	M030-K03.SC6145.SE6015.ES5
Compressor Model	Embraco SE6015GK-C
Compressor Type	Scroll
Refrigerant	R449A

Condenser Surface Area	20.1m ²
Cooling Capacity	3.563 Watt/h (-10°/45°C)
Electrical Consumption	1.766 Watt/h
Compressor Power	2.0 hp
Supply Voltage	220 – 230V/ 1Ph/ 50Hz
Cabin Type	KLMX – 3-CHH-145 RAL 7040
Production Date	13.08.2021

The retention of this KOOLMAX air conditioning unit is considered acceptable, subject to the fulfilment of the NSE6 external plant/equipment/servicing condition attached to this application. Once this condition has been discharged, the air conditioning unit would be considered to accord with policy DC26 of the UDP.

Conclusion – Given the above issues, it is considered that the proposal is acceptable in terms of its principle, design and appearance, impact upon visual and residential amenity as well as waste management, thereby according with policies DM1, SP1, EN1 and EN19 of the Core Strategy of the UDP and chapter 12 of the NPPF.

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

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. Minor issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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 permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and supporting documents:

- Drawing labelled 'Proposed Ground Floor', numbered 'GRS-MA-110', stamped as received by the City Council as Local Planning Authority on the 14th November 2022.

- Revised drawing labelled 'Proposed Elevations', numbered 'GRS-MA-210', stamped as received by the City Council as Local Planning Authority on the 5th January 2023.
- Technical Specification of Air Conditioning Unit, stamped as received by the City Council as Local Planning Authority on the 5th January 2023.

Reason - To ensure the development is carried out in accordance with the approved plans and supporting documents, pursuant to Policies SP1 and DM1 of the Core Strategy.

3) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form, revised drawings and supporting documents.

Reason - To ensure the appearance of the building to be developed is not adversely affected by the materials to be used in the construction of the development, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The installation of the air conditioning unit hereby permitted and all equipment associated with the installation shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iii) below:

i) Within 1 month of the date of this decision a scheme for:

a) the acoustic treatment of the air conditioning unit designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The submitted scheme shall include a timetable for its implementation and submission of verification report required under part b).

b) a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

ii) The approved scheme shall have been carried out and completed in accordance with the approved timetable and details set out in i)

iii) Upon implementation of the approved scheme specified in this condition that scheme shall thereafter be maintained and retained in accordance with the agreed details.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policy DM1 of the Core Strategy and saved Unitary Development Plan policy DC26.

Informatives

1) Construction works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm
- Sunday / Bank holidays: No work

Appendix 1 – List of consultees & neighbours notified

Environmental Health

40 Beresford Street, Manchester, M14 4SA
Flat 2, 105 Greame Street, Manchester, M14 4RN
Flat 1, 105 Greame Street, Manchester, M14 4RN
49A Hartington Street, Manchester, M14 4RP
36 Beresford Street, Manchester, M14 4SB
38 Beresford Street, Manchester, M14 4SB
44 Hartington Street, Manchester, M14 4RW
42 Hartington Street, Manchester, M14 4RW
35 Hartington Street, Manchester, M14 4RW
50 Hartington Street, Manchester, M14 4RP
49 Hartington Street, Manchester, M14 4RP

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA