

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 134702/FO/2022

**Date registered valid:** 16 August 2022

**Proposal:** Elevational alterations including installation of rear flue in association with sub-division of Class E unit

**Address:** 250 Fog Lane, Manchester, M20 6EL

**Ward(s):** Didsbury East Ward

**Applicant:** Mr Hamid Nawaz, 250 Fog Lane, Manchester, M20 6EL

**Agent (if any):** Mr Nadir Khan NK Architects 57 Broad Oak Lane, Manchester, M20 2EA

**Case officer:** Steven McCoombe  
Tel: 0161 234 4607  
Email: [steven.mccoombe@manchester.gov.uk](mailto:steven.mccoombe@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 7 October 2022

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 16 September 2022

### **Standard consultations:**

Printed: 21 September 2022      Expired: 28 September 2022

### **Neighbour notifications**

Printed: 21 September 2022      Expired: 28 September 2022

### **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 site relates to a ground floor retail unit (Class E) of a two-storey building. The existing retail unit is occupied by East-West Continental Foods, with the first floor currently used for storage.

The host premises is neighboured to one side by a laundrette/dry cleaners and to the other by a vacant area of land which separates the site from a neighbouring railway bridge.



**View of Fog Lane frontage**

The existing retail unit comprises a 20 metre wide frontage, incorporating glazing to the ground floor, with the upper floor clad in timber. There is a double entrance door to the unit, which is also glazed and off-set from the centre of the frontage to the left. The glazed frontage has security shutters to its entire length and includes a 7 metre wide covered area for the display of grocery items. The frontage also incorporates externally mounted shutter housing and an ATM

to the right-hand side of the frontage. Above the roller shutter boxes is fascia signage along the entire length of the frontage.

To the rear is a projecting part single, part two storey, flat roof element which incorporates wall and roof mounted plant equipment.



View of rear

To the rear of the building is a shared, enclosed servicing/parking area, which backs onto the residential cul-de-sac of Norwood Avenue.

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

### **Description of area**

The application site is situated within a small local centre focused around the eastern end of Fog Lane and comprises a number of small-scale retail, food and drink and other commercial uses. The wider area is largely residential in character.

A short distance to the east is a functioning railway line and associated railway bridge, beyond which is the main north/south arterial route of Kingsway (A34).

### **Description of development**

Planning permission is sought for elevational alterations, including a new shop front in association with the subdivision of the existing ground floor retail store to create 2 x commercial units (Class E).

The sub-division in this case does not require planning permission, but involves the creation of a new shop frontage for the new unit proposed, along with a fume extraction flue to be sited on the inward facing side wall of the two-storey element at the rear, above the roof of the existing single storey element. The flue terminates 1 metre above eaves level.

The proposed sub-division will allow the retention of a smaller retail unit and a new restaurant unit (Class E). The new restaurant unit incorporates a separate entrance and new shopfront.

The entrance to the existing shop unit will remain as it is. Both units will have access to the shared servicing area to the rear. The existing ATM will be reinserted as part of the new shopfront works.

The application as originally submitted proposed a larger fascia zone which extended above the existing signage zone.

Due to the Council's concerns that the proposed signage zone would disrupt the rhythm and continuity of the frontage by being disproportionate and at odds with the design of existing frontage, revised drawings were received which realign the signage zone with the existing frontage. Neighbours were subsequently re-notified.

### **Consultations & Notification Responses**

Local Residents/Occupiers – No representations received.

Environmental Health - In response to the application as originally submitted conditions were recommended in relation to external equipment, fumes/odour control, waste management and hours of use.

### **Planning History**

115781/FO/2017

Sub-division of existing A1 units to create an additional A5 units, with associated extraction system. *Refused 14 June 2017.*

096720/FO/2011/S2

Erection of canopy to front of existing shop unit to create a covered area for the display of green groceries. *Approved 11 November 2011.*

077510/FO/2005/S2 - 246-250 Fog Lane

Change of use of first and second floor from storage area to 6 self-contained apartments including an increase in roof height elevational alterations, a new lift shaft and staircase to the rear and associated car parking and bin storage (in place of previously approved change of use and associated works approved under 070863/FO/2003/S2). *Approved 6 January 2006.*

070863/FO/2004/S1 - 246-250 Fog Lane

Change of use of first floor and second floor to form 6 self-contained flats, alterations to elevations and a new pitched roof and roof terrace with associated car parking. *Approved 20 May 2004.*

### **Policy**

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC26 of the UDP;
- Policies DM1, SP1, C8 and EN19 of the Manchester Core Strategy;
- The Guide to Development in Manchester (SPD);
- The National Planning Policy Framework (NPPF).
- National Planning Policy Framework (NPPF)

## **Issues**

### **Principle**

S.55(2)(f) of the Town and Country Planning Act (1900) implies that the subdivision of a planning unit is not development provided the use class remains the same, although an exception is made in the case of the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse, which does involve a material change in the use of the building.

As such, in this case, the sub-division of the units does not itself require planning permission. The only issues for consideration relate to the visual impact of the elevational changes and the impact associated with the proposed fume extraction flue to the rear.

It is considered that the proposed changes will have a negligible impact upon residential and visual amenity and therefore the proposal is compliant with the aforementioned policy and guidance. The specific issues are outlined further below.

### **Visual Amenity**

The proposal includes a new shopfront typical of a local/district centre. It is considered that the new shopfront which is off a slimline design reflects the design of the existing frontage and will assimilate effectively into fabric of the host building and the wider street-scene.

A condition has been included which will require the specification of new roller shutters to be agreed prior to installation.

An informative has also been included to ensure that the applicant is aware that any new signage or advertisement is likely to require separate advertisement consent.

To the rear, the proposed extraction flue is largely obscured by the side wall of an existing projecting two storey element to the building. Only limited views of the flue will be visible of the flue above eaves level. Due the existing commercial context and the presence of other, existing plant equipment coupled with the separate distance formed by the service yard and the nearest residential properties to Norwood Avenue, the impact to visual amenity is not considered significant.

### **Residential Amenity**

It is not considered that the elevational changes will have any significant impact upon residential amenity. The sub-division would create an additional unit within the same use class and the design of the shopfront and extraction flue ties in satisfactorily with the existing frontage along a commercial section of Fog Lane. As such, the impact to residential amenity is considered limited.

In terms of the operational impact of the fume extraction flue, details have been provided in relation to appropriate filtration and given the separation distance between the siting of the flue and the nearest residential occupiers, it is not anticipated that any significant impact would arise as a consequence of fume or odours. A condition has been included to ensure compliance with the fume extraction strategy.

## Waste

The proposed waste management arrangement comprises 3 x 1100l waste bin (general, paper and biodegradable waste) sited to the rear of the building. Environmental Health have confirmed that this arrangement is acceptable.

## Accessibility

The shop and restaurant units will benefit from level access into the shop from Fog Lane.

## **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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

## **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:

Location Plan referenced 493.00A and drawing referenced 493.05A received by the City Council as Local Planning Authority on 16 August 2022 and 21 September 2022 respectively.

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

3) Notwithstanding details submitted, no development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as Local Planning Authority, in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) Prior to the installation of any further roller shutters, full details of the proposed roller shutters shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason - In the interests of visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) Any plant or external equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location. Details of the scheme should 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 prior to installation of any plant. The approved scheme shall be fully implemented prior to first use and in accordance with the details agreed and a verification report shall be submitted and approved in writing in order to validate the works undertaken conform to the requirements within the report.

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

6) The ground floor unit hereby approved shall not be open outside the following hours:-

07.00 to 23.00 hrs daily

Reason - To safeguard amenity and to reduce noise and general disturbance, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

7) The development hereby approved shall only be implemented in accordance with the submitted waste management strategy detailed within the waste management pro forma and drawing referenced 493.05A received by the City Council as Local Planning on 21 September 2022.

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. No bins shall be stored outside the curtilage of the units other than on the day of collection.

Reason - In the interests of amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

8) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the following documents:

-Ventilation and Extraction Statement received by the City Council as Local Planning Authority on 16 August 2022;

-Risk Assessment for Odour received by the City Council as Local Planning Authority on 21 September 2022;

E-mail from agent confirming the non-use of carbon filters dated 6 October 2022.

The use hereby approved shall only be implemented in accordance with the agreed details and shall remain operational and maintained thereafter.

Reason - To safeguard residential amenity and to protect local air quality, pursuant to saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

9) The ground floor unit hereby approved shall not be used for any other purpose other than Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of Class E.

Reason - In the interests of residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

### **Informative**

1) Any new signage may require a separate application for advertisement consent.

## **Appendix 1 – List of consultees & neighbours notified**

Environmental Health  
Environmental Health

246 Fog Lane, Manchester, M20 6EL  
246A Fog Lane, Manchester, M20 6EL  
Ground Floor, 250 Fog Lane, Manchester, M20 6EL  
First Floor, 250 Fog Lane, Manchester, M20 6EL  
199A Fog Lane, Manchester, M20 6FJ  
191 Fog Lane, Manchester, M20 6FJ  
Emery House, 195 Fog Lane, Manchester, M20 6FJ  
197A Fog Lane, Manchester, M20 6FJ  
33 Norwood Avenue, Manchester, M20 6EX  
31 Norwood Avenue, Manchester, M20 6EX  
First Floor, 248 Fog Lane, Manchester, M20 6EL  
Ground Floor, 248 Fog Lane, Manchester, M20 6EL  
248 Fog Lane, Manchester, M20 6EL  
199 Fog Lane, Manchester, M20 6FJ  
Ladbroke's, 193 Fog Lane, Manchester, M20 6FJ  
197 Fog Lane, Manchester, M20 6FJ  
244 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