

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133384/FO/2022

Date registered valid: 8 August 2022

Proposal: Alterations to front elevation to create a new door opening in the bay window

Address: 448B Barlow Moor Road, Manchester, M21 0BQ

Ward(s): Chorlton Ward

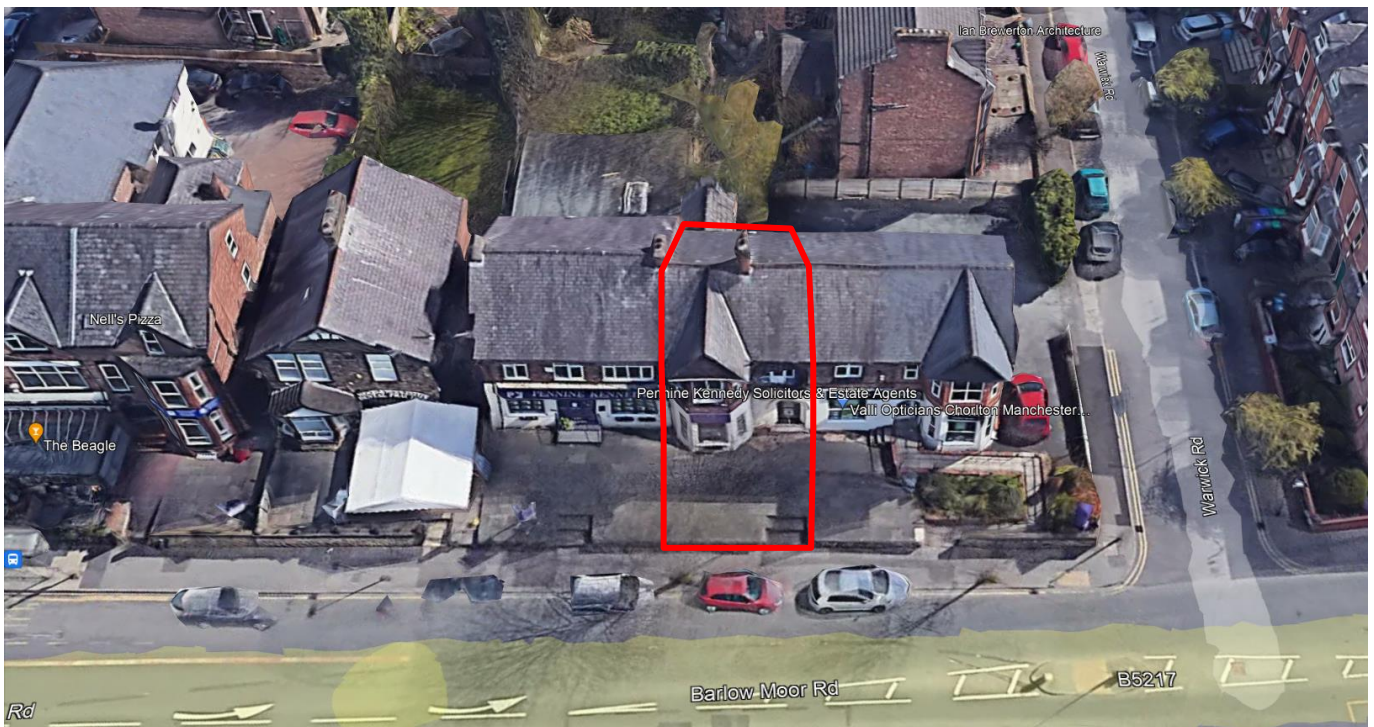
Applicant: Zamanpour, 448 Barlow Moor Road, Manchester, M21 0BQ

Agent (if any): Indigo Architecture, Darley Abbey Stables, Abbey Yard, Darley Abbey, DE22 1DS

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 October 2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 September 2022

Standard consultations: Printed: 18 August 2022 Expired: 8 September 2022

Neighbour notifications: Printed: 18 August 2022 Expired: 8 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to the ground floor of unit 448B, previously an office as part of the neighbouring solicitors office (No.450). The unit sits within a two storey terrace of three units, with an opticians at No.448.

Description of area

The commercial parade lies within Chorlton District Centre and is serviced by buses and a nearby metrolink stop. The immediate area contains a mixture of uses including The Beagle pub, a dentist, opticians and solicitors, with Chorlton Cross shopping centre across the road and the residential dwellinghouses of Warwick and Keppel Road to the rear.

Description of development

The applicant is seeking permission for elevational alterations in association with the PD change of use to café. Upon visiting the site it was noted the development has already been carried out.

Consultations & Notification Responses

Local residents, as per appendix 1 – One representation received:

Please can you confirm the following.

- Are you aware that a door has already been installed?
- Was permission granted prior to the door being installed?

- We are the leaseholders of ___ Barlow Moor Road. At the time we signed the lease for ___ Barlow Moor Road, the Freeholder represented to us that the lease would include the space that is referred to as 448B Barlow Moor Road. The freeholder has since built a partition wall through the building and deprived us of this space. We believe that the freeholder now wants to install this door in order to create a separate space to rent out to others. The freeholder's actions are currently the subject of a dispute.

- Would you like the relevant paperwork?

- Do you have details of how the freeholder intends to use this space?

Please find picture attached which was taken around March 2022. This is the wrong that has been done in addition to what appears to be structural work inside with the removal of walls. As mentioned the freeholder has taken over this space contrary to the representations made at the time of our lease signing. The space where you see the door was previously our conference room. This is the issue that we are currently disputing.

Chorlton Voice – No comments received.



Policies

The following policies are considered relevant in the consideration of this application.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF 2012, amended in 2021):

- Creating well-designed places

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

Issues

Principle – Installing new doors within the front elevation of a commercial (class E) unit is acceptable in principle, particularly given the location within an established parade in a district centre, however consideration must be given to the proposal's siting and design and its impact upon visual amenity of the street scene and the residential amenity of nearby occupants. The change of use from office to café does not require permission as the updated use class for both falls under class E.

Siting, design and visual amenity – The existing front door has been replaced with a new door in a style to match that of the new patio doors inserted into the existing bay window, the latter of which involved a slight lowering of the opening for access reasons. Both are dark grey uPVC and both side windows of the bay have also been replaced to match. These are the only elevational alterations proposed as part of the change of use, other works are internal and do not form part of this assessment. As the layout of the bay has been respected and the brickwork retained, the new doors are not considered to harm the visual amenity of the unit or wider parade, pursuant to policies DM1 and SP1.

Refuse and external equipment – A waste management strategy was submitted as part of the application, in conjunction with the change of use to café. The submitted details are to be expected of a small café and are deemed acceptable. The ground floor plan alludes to 'kitchen extract to be provided through roof' and a specification was submitted as part of the application, however the agent refused to give further details of the equipment and it was not included on the elevations nor the application form, hence this element has not been assessed as part of this application and an informative has been attached reminding the applicant that this would need to be applied for separately.

Conclusion – An objection was received, however the issues raised (problems with the lease and applicant/leaseholder) were of a civil nature and not material planning considerations. The proposal complies with the policies contained within the Core Strategy and received no other objections from local residents or businesses, therefore the proposal is deemed acceptable by the City Council and development may commence in accordance with the following conditions and approved drawings.

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. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

Condition(s) to be attached to decision for approval

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 drawings numbered '11-00 B' and '21-00', stamped as received by the City Council as Local Planning Authority on the 8th August 2022, as well as the Waste Management Strategy submitted on the 12th April 2022.

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.

Informatives

1) This approval does not grant permission for any external equipment, such as extraction flues, nor signage. Such equipment would require a separate planning application to be submitted to the City Council as Local Planning Authority prior to its installation.

Appendix 1 – List of consultees & neighbours notified

Chorlton Voice

448C Barlow Moor Road, Manchester, M21 0BQ
23 - 25 Chorlton Place, Manchester, M21 9AQ
4 Warwick Road, Manchester, M21 0AU
Flat 2, 450A Barlow Moor Road, Manchester, M21 0BQ
Flat 1, 450A Barlow Moor Road, Manchester, M21 0BQ
Shop Adjacent 20 To 22, Chorlton Place, Manchester, M21 1AQ
Ground Floor To Seventh Floor, Graeme House, Chorlton Place, Manchester, M21 1AQ
Graeme House, Chorlton Place, Manchester, M21 1AQ
448A Barlow Moor Road, Manchester, M21 0BQ
450A Barlow Moor Road, Manchester, M21 0BQ
1A Warwick Road, Manchester, M21 0AU
448 Barlow Moor Road, Manchester, M21 0BQ
446 Barlow Moor Road, Manchester, M21 0BQ
2 Warwick Road, Manchester, M21 0AU
1 Warwick Road, Manchester, M21 0AU

450 Barlow Moor Road, Manchester, M21 0BQ

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