

Planning

Growth & Development

Delegated officer report for planning application

Application no.	134471/FO/2022
Date registered valid:	25 July 2022
Proposal:	Erection of a single storey side and rear extensions to form enlarged ground floor retail unit (use class E) and bin storage area
Address:	62 Burton Road, Manchester, M20 3EB
Ward(s):	Old Moat Ward
Applicant:	Mr Mohammed Abbas, 62 Burton Road, Manchester, M20 3EB
Agent (if any):	Ms Ozma Khan, 6 Cross Lane, Stockport, SK6 6DJ
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	24 October 2022



Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 23 September 2022

Standard consultations:

Printed: 2 August 2022 Expired: 23 August 2022

Neighbour notifications

Printed: 2 August 2022 Expired: 23 August 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/area

The application relates to a two storey end of parade property, comprising a commercial Class E use on the ground floor with a self-contained flat above. The flat is accessed from the rear garden. The property has forecourts to the front and side (currently dug up) and there is a rear garden the width of the property and the side forecourt.

The parade to which the application site belongs is one of two parades on the north side of Burton Road at its Junction with Ridsdale Avenue. Whilst to the east is the remainder of the parade to the north is the side elevation and side garden of a residential property on Ridsdale Avenue. Facing the side elevation of the property, across Ridsdale Avenue, is the front elevation of a pair of houses and there are residential properties facing the site across Burton Road.

Listed building: No

Conservation area: No

Tree Preservation Order:

Description of development

The applicant is seeking planning for the erection of a single storey side and rear extension to form enlarged ground floor retail unit (use class E) and bin storage area. Outline planning permission (ref. 132446/OO/2021) was granted in February 2022 for a single storey side and rear extension.

Consultations & Notification Responses

Local Residents – A letter, raising concerns about the rear access during construction, has been received.

Environmental Health – Suggests the imposition of contaminated land and gas membrane conditions.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

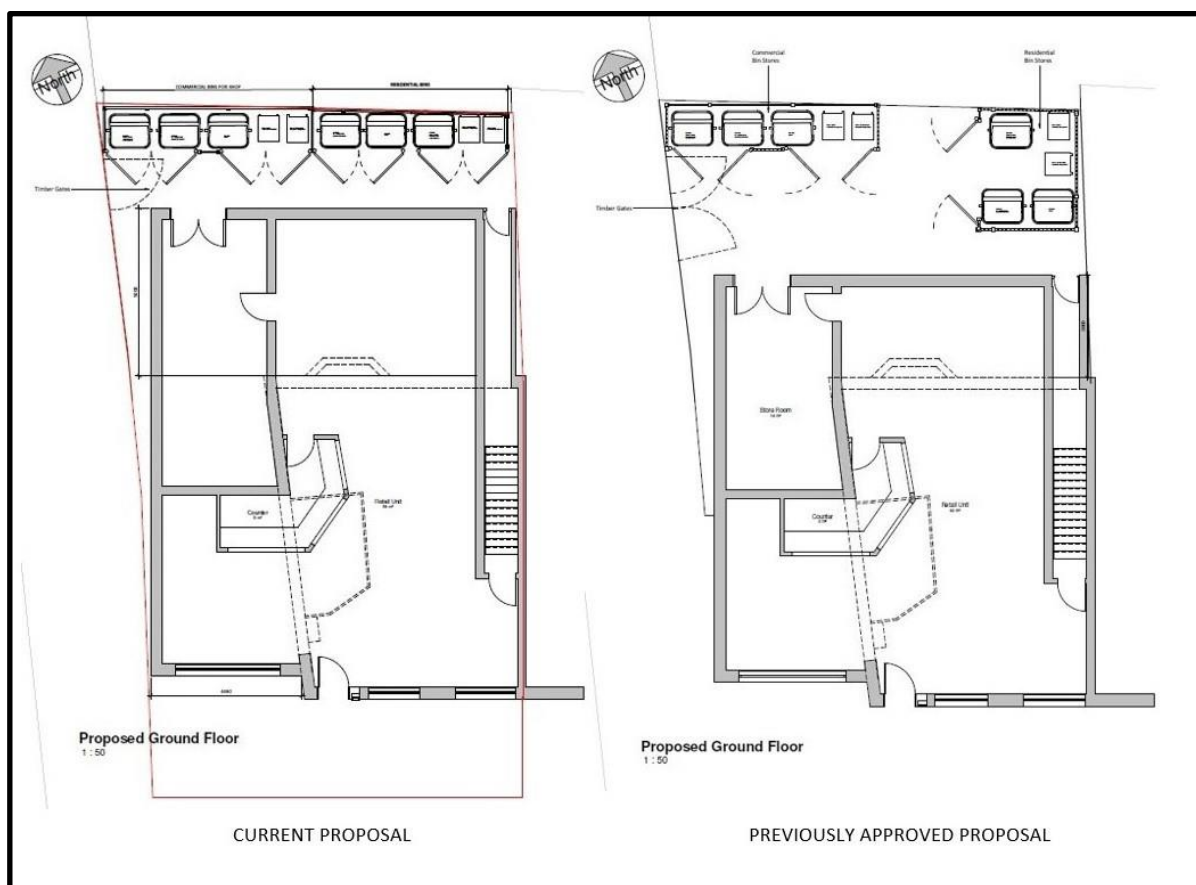
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Issues

Principle of the Proposal – The principle of the proposal is considered acceptable given the previous consent. Notwithstanding this, it is recognised that the rear element of the current proposal does project further back into the site and the impact of this on adjoining residents must be assessed.

Design – Whilst a flat roof is not normally considered to be ideal on a side extension, in this case the property has large projecting bays at first floor level which would make a pitched roof difficult to design and construct in a satisfactory manner. On balance the design of the proposed extension is considered acceptable.

Residential Amenity – The previously approved development extended 3.7 metres out from the rear elevation. This proposal would extend 5 metres. While obviously longer, the proposal would still allow for the creation of separate bins stores for the commercial and residential elements.



Given the orientation of the proposal and the commercial nature of the adjoining property, it is not considered that the rearward extension would have a detrimental impact upon the levels of amenity enjoyed by the residents of the first floor accommodation at no. 60 Burton Road. In addition, it is not considered that the proposed extension would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of the dwellings on Ridsdale Avenue.

Visual Amenity – Given the design of the proposal, it is not considered that it would have a detrimental impact upon the existing levels of visual amenity enjoyed in the vicinity of the site.

Access to flat – The access to the first floor flat would remain at the rear and this is considered acceptable. The concerns raised by the objector have been addressed and current access to the first floor flat has been made safer.

Waste Management – The proposed waste management strategy is considered acceptable.

Gas Membrane/Contaminated Land – The conditions suggested by Environmental Health would be attached to any approval granted.

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 to resolve any matters arising in relation to 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:

- a) Drawing nos. P101 and P102, stamped as received on 25 July 2022
- b) Drawing no. P103, stamped as received on 23 September 2022
- c) Drawing no. P105A, stamped as received on 29 September 2022

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) The materials to be used on the external elevations shall match those on the external elevations of the existing building in colour, size and texture.

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

4) The storage and disposal of waste shall be undertaken in accordance with the Waste Management Strategy stamped as received on 25 July 2022 and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

5) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, pursuant to policy EN18 of the Manchester Core Strategy.

6) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

2 Ridsdale Avenue, Manchester, M20 1FB
60A Burton Road, Manchester, M20 3EB
Flat Above, 62 Burton Road, Manchester, M20 3EB
60 Burton Road, Manchester, M20 3EB
1B Ridsdale Avenue, Manchester, M20 1EQ
1A Ridsdale Avenue, Manchester, M20 1EQ
1 Ridsdale Avenue, Manchester, M20 1EQ

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) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA