

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132077/FO/2021

Date registered valid: 15 December 2021

Proposal: Erection of a single storey rear extension to form additional accommodation associated with beauty salon (Sui Generis)

Address: 96 Broadway, Manchester, M40 3WQ

Ward(s): Moston Ward

Applicant: Mr Daniel Ebbing 96 Broadway, Manchester, M40 3WQ

Agent (if any): Mr David Bitan Debtal Architecture Ltd 72 Bury New Road, Prestwich, M25 0JU

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Approval

Date of recommendation: 17.03.2022

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 30.01.2022

Standard consultations:

Printed: 16 December 2021 Expired: 6 January 2022

Neighbour notifications

Printed: 16 December 2021 Expired: 6 January 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application relates to a commercial property in use as a beauty salon (Sui Generis) located at 96 Broadway in the Moston Ward of North Manchester. The application site is the end commercial property along a parade of ground floor commercial units situated at the corner of Broadway and Nuthurst Road. A food takeaway, pet shop hairdressing salon and a café are located within this row of commercial properties.

Description of development

The submitted application seeks planning permission for the erection of a single storey rear extension to form additional accommodation associated with the beauty salon. The agent was advised early on in the planning application process surrounding concerns relating to the overly large rearward projection of the rear extension and the additional residential and visual amenity effects this extension would cause.

Following negotiation, the proposal has been revised in the interest of visual and residential amenity. Clarification has been provided in relation to the single storey rear extension's rearward projection and footprint altering the roof profile to introduce a hipped roof, lessening the overly large and dominant impacts neighbouring occupiers would experience with the original application. The revised proposal is consistent and accords with DC1 of the Saved Unitary Development Plan (Email dated 8th March 2022 and attached revised plans)

Drawing: 003 REV 1 & 302 REV 2

The proposed extension would have approximate dimensions of Max Height 4.7m / (at the eaves) 3.1m x Width 9m x Rearward Projection 4.5m. The proposed fenestration elements will include a rear door, and 3 rear windows.

Consultations & Notification Responses

Environmental Health- Have no objections but have made comments regarding the waste management strategy, construction hours and external plant equipment.

Highways- Have no objections

Local residents were notified and two objection letters were presented in regards to the original application which are presented below. However no further objections were received regarding the revised proposal.

Parking- Concerns related to the intensification of use would heighten the issues regarding parking spaces along the forecourt which in turn could affect other commercial units' financial activity with customers unable to park near the properties.

Waste- Concerns relate to ownership of current bin management.

Security- Concerns relate to accessibility of privately locked gate adjacent to the applicant boundary, objectors state that the extension will leave the gates open to allow for cycle storage.

Comments on Objections- Concerns related to parking were a consideration but given the current fragmented parking management already in place alongside Highways comments, it was deemed that the additional extension would bring around insignificant impacts to the current parking structure. Concerns related to waste management will be addressed through a waste management strategy attached to any approval, the security objection is a civic legal matter between the businesses.

Policy

National Planning Policy Framework (NPPF) –

This Framework came into effect on 27th March 2012 and was amended and updated in July 2021.

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 Beauty Salon to accommodate a spike in number of potential customers.

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

Issues

Visual Amenity

Revised drawings were received 8th March 2022, the plans include a reduction in rearward projection of the single storey rear extension (4.5m) addressing the concerns relating to the additional residential and visual amenity impacts of the original application. The single storey extension would be sited at the rear of the property which is at the end of the parade, it would not be visible within the street scene from Broadway and therefore would not have any greater impact within the street scene that currently exists.

The rear yard area will retain 6m will increase with revised drawings at its greatest distance from the rear boundary following the proposed development alongside the bike storage development, which is similar to the rear space to the majority of the other properties within the parade, and as such would not be out of character with development in the vicinity of the site.

Furthermore, a number of commercial properties along this row have built form structures situated at the rear of the commercial units, with a varying degree of rear projections and designs. Therefore the proposed extension is not considered to have any adverse impacts on the character of the properties in accordance with Core Strategy Policy DC1.

Residential Amenity

Given that the proposed extension is to serve the existing ground floor use, there is no introduction of any new uses within the property, the proposed single storey rear extension is an appropriate addition and would not significantly intensify the use of the premises.

The property benefits from a large rear yard area and given the scale and siting of the extension which shares the northern common boundary with the boundary screening that mitigates at the rear boundary, it is not considered the proposed extension would result in a detrimental impact on neighbouring properties as to merit a refusal and complies with principles set out in DM1 of the Core Strategy.

It is not considered that the residential property situated on the first floor would suffer any significant residential amenity impacts as a result of this proposal. The revised drawings include a hipped roof which fits seamlessly into the character of the area and offers a greater security presence than the original flat roof design for the residential properties along this row. The residential properties to the south of the application's curtilage are a sufficient distance that the proposal is not considered overbearing or bulky. Additionally the 2 metre private footway is an extra bufferzone between the closest residential property and the applicant site.

Car Parking

Policy DM1 requires that adequate parking should be provided for all new development and consideration should be given to traffic generation and road safety. In the case of the proposed development no off-street car parking is proposed.

The fragmented nature of the existing off-street parking along the forecourt of the commercial properties along Broadway, the local levels of customers at one time expected at these properties, alongside the fact that this development the Beauty Salon has been in operation for a while, are all factors into the consideration that there is unlikely to be a significant or detectable impact on the off-street parking demand.

Highway Service who were notified of the applications and consider that due to the scale of the proposal, it is unlikely that the development would generate a significant increase in parking demand. Furthermore, it is not considered that the anticipated amount and frequency of vehicle movement will generate any significant difference in trip levels when compared to the current use. The proposal is therefore, considered to be in accordance with Policy DM1 of the core strategy.

Waste Management

Environmental Health had initial concerns regarding the waste management strategy however after revised drawings were submitted (302 REV 2 Landscaping Plan) illustrating the positioning of the waste storage it is deemed that a waste management strategy is not required in this instance.

Conclusion

There would be limited public viewpoints of the extension and it 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 parking and residential amenity. Therefore, the proposed development would comply with policies DM1 EN1 and SP1 of the Core Strategy.

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: Approval

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems 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 numbered:

003 REV 1 & 302 REV 2 Landscaping Plan stamped as received by City Council as Local Planning Authority on 08 March 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.

- 3) The external facing materials to be used on the extension hereby permitted shall match those of the existing building in terms of type, colour, texture and scale.

Reason- To ensure the appearance of the building to be affected is not adversely affected by the materials to be used in the construction of the extension, 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

- 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

- 5) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme 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 scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme 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.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

96A Broadway, Manchester, M40 3WQ
164A Nuthurst Road, Manchester, M40 3WG
92A Broadway, Manchester, M40 3WQ
98 Broadway, Manchester, M40 3WQ
90 Broadway, Manchester, M40 3WQ
164 Nuthurst Road, Manchester, M40 3WG
94 Broadway, Manchester, M40 3WQ
92 Broadway, Manchester, M40 3WQ
166 Nuthurst Road, Manchester, M40 3WG
162 Nuthurst Road, Manchester, M40 3WG

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1