

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141523/FO/2024
Date registered valid: 18 November 2024
Proposal: Erection of single storey rear extension, replacement of existing fixed glazing and front access with new sliding doors, in association with permitted change from pharmacy to restaurant
Address: 107 Beech Road, Manchester, M21 9EQ
Ward(s): Chorlton Ward

Applicant: Mr Roshan Paul
Agent (if any): Mr Thomas Chivers
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 4 February 2025



Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 6 December 2024

Standard consultations:

Printed: 19 November 2024

Expired: 10 December 2024

Neighbour notifications

Printed: 19 November 2024

Expired: 10 December 2024

Site notice

Posted: 6 December 2024 Expired: 29 December 2024

Press advert

Published: 26 November 2024

Expired: 17 December 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

107 Beech Road is a three storey mid-terraced property within the Chorlton Green Conservation Area. The property is currently in use as a pharmacy on the ground floor with associated accommodation above. This part of Beech Road is commercial in nature, while the surrounding area is predominantly residential.

Listed building: No

Conservation area: Chorlton Green (Extension) Conservation Area 2007

Tree Preservation Order: No

Description of development

The applicant is proposing the following works in connection with the permitted change of the property from a pharmacy to a restaurant.

a) Installation of new glazed frontage with sliding doors.

b) Erection of a single storey rear extension (in the area marked yellow below) to form additional seating.



The original proposal had floor to ceiling glazing in the frontage, but the proposal was amended to include more substantial stallrisers similar to those seen elsewhere on Beech Road.

Consultations & Notification Responses

Local Residents – No comments received.

Chorlton Civic Society – Have made the following comments:

- Chorlton Civic Society objects to the design of the proposed sliding doors to the front elevation, which would be out of keeping with the character of the Conservation Area and contrary to the principles of the adopted Shopfront and Signage Design Guide.
- The proposed shopfront does not reflect and respond positively to the architectural expression and proportions of the existing building. It does not relate to the upper storeys in terms of scale and alignment.
- It would not contribute to a cohesive street scene, relating poorly to others along the street, in terms of scale, design, definition and the use of materials. The overall design and detailing of the Shopfront is not appropriate to the building and the local context.
- Evidence of original and historic shopfront design can be found in the design of other shopfronts in the area, so the reinstatement of a traditional design should be expected.

Highway Services – Have made the following comments:

- The proposed alterations are all within the red-line boundary of the site and, as such, will not impinge upon the adopted highway.
- The pedestrian access points are acceptable to Highways.
- There is no parking proposed within the application. It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.

Environmental Health – Suggests the imposition of a number of conditions designed to protect residential amenity, e.g. noise insulation, hours of use and waste management.

Policies

The National Planning Policy Framework (December 2024) – 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:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

In addition to the above, Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 210 in Section 16 states that in determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 214 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Policy JP-P2: Heritage (Heritage) – This policy states that the member authorities will proactively manage and work with partners to positively conserve, sustain and enhance their respective historic environments, heritage assets and their settings.

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 specific issues, of which the following are of most relevance:-

- 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.
- Community safety and crime prevention.
- Design for health.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Policy EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Saved UDP Policies – Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
 - iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Policy DC26, “Development and Noise” – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – There is no objection in principle to the proposed works (shopfront and rear extension), though their impact upon existing levels of residential and visual amenity, along with the character of the conservation area, must be assessed.

Design – The commercial element of Beech Road is characterised by a variety of shopfronts, some more traditional with deep stallrisers and central doors, while some have off-centre entrance doors and more glazing. This is for a shopfront (as shown below) with deeper glazing element that can be slid open. The image below shows the shop front in the closed and open position. A doorway to the first-floor accommodation would be provided on the front elevation, marked by a red star. The shop front would be constructed from a mix of timber, matching brickwork and dark coloured uPVC frames. The design of this shopfront is considered acceptable in this instance due to the materials selected and having regard to the current shop front that is installed, the development proposed representing an improvement over and above the existing.



The single storey extension at the rear of the property would be flat roofed and sit below the height of the existing rear extension. Given its design and the height of the boundary walls, it would be not readily visible from the rear alleyway. The design of the rear extension, which would also be constructed from matching brick, is considered to be acceptable.

Visual Amenity – Given the design of the shop front and the rear extension it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Residential Amenity – It is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed within the vicinity of the site. However, given the comments of Environmental Health. It is felt prudent to attach a condition requiring the extension and new shopfront to be acoustically insulated to limit any impact.

Environmental Health requested that condition regarding hours of operation and deliveries, along with fume extraction and waste management be attached to any approval granted. However, as this proposal is only for the shopfront and rear extension, and not for the change of use to a restaurant which is permitted development, those conditions cannot reasonably be attached to this planning permission. A condition relating to acoustic insulation has been attached due to the change in the nature of the shop front and the relationship of the extension to boundaries.

Impact on the Conservation Area – As the design of the new shopfront is considered acceptable and the rear extension is not readily visible from the public realm, it is not considered that the proposal would have a detrimental impact upon the overall character of the Chorlton Green (Extension) Conservation Area. The development proposed would cause less than substantial harm to the asset that is the Conservation Area.

Pedestrian and Highways Safety – The proposed extension and new shopfront would not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along Beech Road.

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 issues arising from the consideration of this 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:

- a) PL001A (location/block plan), received on 18 November 2024
- b) PL002B (proposed ground floor plan), received on 3 February 2025
- c) PL003B (proposed elevations), received on 3 February 2025
- d) PL003 (proposed first floor plan), received on 18 November 2024
- e) PL004A (proposed second floor plan), received on 18 November 2024
- f) PL005B (proposed basement plan), received on 22 January 2025

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) With the exception of demolition work and/or associated preparatory work, 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.

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, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) a) The development hereby approved shall be acoustically insulated and treated to limit the break-out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. 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 operational phase of the development hereby approved a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the verification report shall be detailed along with any measures required to be undertaken prior to occupation of the development to ensure compliance with the internal noise criteria.

Reason - To safeguard the levels of residential amenity enjoyed within the vicinity of the site, pursuant to Policies DM1 and SP1 in the Manchester Core Strategy and Saved UDP Policy DC26.

Informatives

1) Informative for Condition 4 - Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

10 Chequers Road, Chorlton, Manchester, M21 9DY
105A Beech Road, Manchester, M21 9EQ
52A Beech Road, Manchester, M21 9EG
Flat 2, 109 Beech Road, Manchester, M21 9EQ
Flat 1, 109 Beech Road, Manchester, M21 9EQ
52 Beech Road, Manchester, M21 9EG
109 Beech Road, Manchester, M21 9EQ
31 Crossland Road, Manchester, M21 9DU
50 Beech Road, Manchester, M21 9EG
35 Crossland Road, Manchester, M21 9DU
33 Crossland Road, Manchester, M21 9DU
48 Beech Road, Manchester, M21 9EG
105 Beech Road, Manchester, M21 9EQ
29 Crossland Road, Manchester, M21 9DU

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Chorlton Green (Extension) Conservation Area 2007
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA