

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140963/FO/2024

Date registered valid: 25 September 2024

Proposal: Change of use from dwellinghouse (Class C3) to ground floor hairdressers (Class C3) and first floor residential flat (Class C3)

Address: 86 Hemmons Road, Manchester, M12 5ST

Ward(s): Levenshulme Ward

Applicant: Mr Zahid Butt

Agent (if any): Mr Zeeshan Aziz, Xiontech Consulting

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 12 November 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 24 October 2024

Standard consultations:

Printed: 22 October 2024 Expired: 29 October 2024

Neighbour notifications

Printed: 22 October 2024 Expired: 29 October 2024

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: No

Tree Preservation Order: No

Description of area

This planning application relates to a back of pavement terraced property that forms the end unit in a terrace of two storey houses. The property is located at the junction of Hemmons Road and Longden Road. The property comprises painted brick elevations and a tiled hipped pitched roof. The rear of the property incorporates a single storey extension with a lean-to roof projecting into a wall enclosed yard. The property was formerly used as a ground floor hoot food take away with residential accommodation above. Implemented planning permission ref: 092813/FO/2010/N2. Although the surrounding area predominantly comprises of two story houses, an industrial estate is located to the east of the site.



Fig.1 – Views of the application site at the corner of Longden Road and Hemmons Road.

Description of development

The proposal would form a ground floor Class E with its use restricted to hairdressing. It would operate in the front part of the original house with an ancillary kitchen and WC in the rear extension. The hairdressers would be accessed via a door in the Hemmons Road elevation. Bins and cycle storage for the residential and commercial uses would also be located within the rear yard.

A duplex apartment would be formed at first floor level and within the roof space. The apartment would comprise a kitchen / dining area and loving room at the first floor. A single bedroom would be formed in the roof space. Natural light to the bedroom would be provided via new windows to the front and rear roof planes. The appartement would be accessed via an existing doorway in the side (Longden Road) elevation. The hallway incorporating stairs to the first floor would incorporate a single cycle storage space and a refuse bin. The proposed apartment would have an internal area of 40 sq. metres.

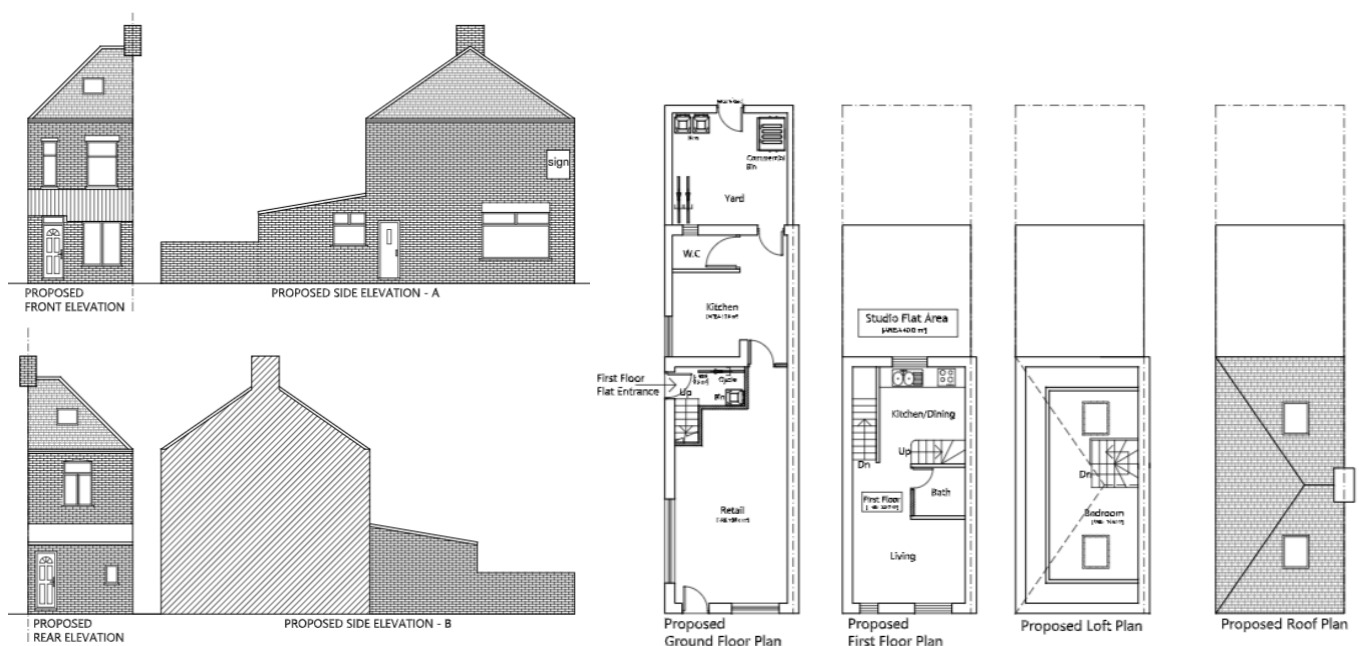


Fig.2 – Proposed elevation and layout drawings

Site history

- i. 123049/FO/2019 - Withdrawn - 02.08.2019: 86 Hemmons Road, M12 5ST.
Change of use from residential (Class C3) to retail shop (Class A1)
- ii. 092813/FO/2010/N2 - Approved - 14.05.2010: 86 Hemmons Road, M12 5ST.
Change of use of ground floor shop and flat above to form a single dwellinghouse (Class C3)
- iii. 064160/VO/NORTH2/02 - Approved - 22.03.2002: Alleyways to back and side of 1/77, Ollier Avenue, 72/86, Hemmons Road, 40/116, Longden Road, 22/34, Stovell Avenue and 81/93, Stovell Road
CITY COUNCIL DEVELOPMENT Erection of 2.4m high gates to enclose alleyways

Consultations & Notification Responses

Local residents – No comments received.

Highway Services – The following comments have been received:

- i. It is not considered that the development would generate significant traffic or otherwise affect highway capacity.
- ii. The site is in a sustainable location regarding access to public transport (bus and train routes) and is within walking distance of local centres.
- iii. The development would not be supported with off-street car parking. There will be a consequential impact on demand for on-street car parking in the locality.
- iv. It is noted that the development would be supported with cycle storage. Clarification is sought regarding how cycle storage would be allocated and whether a secure enclosure would be provided.
- v. Arrangements for residential and commercial bin storage should be clarified.
- vi. Clarification is sought regarding how construction work might impact upon the highway. Any requirements for scaffolding would need to be agreed with the Council as local highway authority.

Environmental Health – Are not satisfied that the development would be supported with appropriate bin storage for the residential and commercial uses.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended most recently in December 2023. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The purpose of the planning system is to achieve sustainable development. The NPPF states that, to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy that ensures sufficient and appropriate development and supports growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.

iii. The environmental role should protect and enhance the natural, built and historic environment.

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. The following aspects of the Framework are relevant.

Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The development would introduce a hairdressing use (Class E) that would conflict with characteristic occupation of neighbouring houses. The potential for additional activity, noise and disturbance associated with the Class E use (attributable to pedestrian and vehicular movement) would be harmful to residential amenity. The development would thereby fail to accord with Section 8 would thereby be accorded with.

Section 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- i. The potential impact of development on transport networks can be addressed;
- ii. Provide opportunities for walking, cycling and public transport use.

The development would have the potential to generate additional traffic and demand for on-street car parking. This would be potential significant given the occurrence of on street car parking and vehicular movements generated by neighbouring housing and industrial uses. Whilst cycle storage has been indicated the storage arrangements in the rear yard have not been satisfactorily demonstrated. The development would not, therefore, be appropriately related to Section 9.

Section 12: Achieving well-designed places - States, amongst other things, that planning decisions should ensure that developments:

- Function well and add to the overall quality of the area over the lifetime of the development;
- Are visually attractive as a result of good architecture and layout;
- Are sympathetic to local character;
- Establish or maintain a strong sense of place;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The development would maintain the external appearance of the existing building, in terms of the composition of its built form. Notwithstanding the above, the likely introduction of business signage would undermine the residential character of the adjoining terrace. As stated, the nature of the use would depart from the residential character of the immediate area and its operation would be harmful to the amenity and well-being of residents. The development would thereby fail to accord with Section 12.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;

- ii. Health and well-being;
- iii. Noise.

The required local consultation and engagement with the applicant's appointed agent has been undertaken. It is not considered that the development would be appropriately related to the above objectives (ii) and (iii) for the reasons set out in the report.

Places for Everyone - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The plan was considered at the Full Council meeting in Manchester on 20 March 2024, and was subsequently approved on 21st March 2024. Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance. The following policies are relevant:

JP-P1 – Sustainable places – Discusses amongst other things, the need to ensure that development responds to the needs of all parts of society. In this case, the need to safeguard residential amenity and the supply of housing suitable for family occupation would take precedent over the provision of a Class E use. Policy JP-P1 also emphasises the need to promote a sense of community, which would be undermined by the potential harm caused by the operation of the proposed Class E use. The application has not demonstrated that there is a need for the proposed Class E Use in the vicinity of the application site thereby bringing its future sustained operation into question. It is not considered that policy JP-P1 would be accorded with.

JP-P6 – Health – States that to address health inequality new development should maximise its positive contribution to health and wellbeing, whilst avoiding any potential negative impacts. As discussed, the development would be potentially harmful to residential amenity and thereby contrary to policy JP-P6.

JP-S1 – Sustainable development - Seeks to respond to climate change and maximise economic, social and environmental benefits whilst minimising adverse impacts. It is acknowledged that the development would re-use an existing building. However, any related benefits would be outweighed by the potential harm to amenity caused by the operation of the development. Policy JP-S1 would not, therefore, be accorded with.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.' The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs and services by being located to reduce the need to travel and provide good access to sustainable transport provision.

The development would introduce a mix of Class C3 and limited Class E uses to a property located in an immediate context of Class C3 housing. The characteristics of the proposed development would depart from the established occupation of the property as a single occupancy dwellinghouse (particularly with regard to levels of activity, noise and disturbance). The development would secure a continued use for an existing building. However, any related benefits would not offset the harm caused to the amenity and well-being of neighbouring residents. The development would, therefore, be contrary to policy SP1.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development with due regard to the character of the surrounding area;
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- o Accessibility - In relation to inclusive access and sustainable transport modes;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection.

It is not considered that the development would be appropriately related to its context. Its operation, including the failure to demonstrate appropriate waste management, would be harmful to amenity and thereby contrary to policy DM1. The configuration of the application property would prevent the viable delivery of inclusive access. The delivery of appropriate security arrangements could be potential incorporated into the development.

Policy EN8 Adaptation to Climate Change - States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In this case, the development would re-use an existing building and given the magnitude of the development would have an impact would have an impact comparable to the existing circumstance. However, increase traffic generation may lead to additional carbon emissions in the locality.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

Given the scale of the application property, it is considered that waste generated during refurbishment could be managed within the site. However, it has not been demonstrated that the development would be supported with appropriate waste management arrangements in

relation to the proposed mix of uses. Therefore, it is not considered that policy EN19 would be accorded with.

Policy H1 (Overall Housing Provision) - Discusses the need to manage the supply and availability of housing in the city. It also the need to ensure that housing supply contributes to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population. The development would conflict with policy H1 by reducing the supply of much needed family housing in the city.

Policy H 6 (South Manchester) - Discusses the delivery of new residential development in South Manchester, including Levenshulme, i.e., the location of the application property. Policy H6 identifies the need to address the need to meet shortfalls in housing need, including the provision of family housing. In this case, the development would result in the loss of family housing and would be contrary to policy H6.

Policy T1 (Sustainable transport) - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and the adoption of carbon free modes of transport. In this case, the requirements of policy T1 would not be accorded with as the development would potentially have an impact on localised traffic generation and the mechanism for the delivery of secured external cycle storage has not been demonstrated.

Unitary Development Plan (UDP) saved policies -The following saved UDP policies are also considered to be relevant:

Policy DC26 (Development and noise)

Policy DC26.1 - Has been related to the proposals contribution to the local noise environment, in relation to the operation of the proposed extension and the additional activity it may generate, including customers and traffic movements and the undertaking of servicing and deliveries. In the context of neighbouring housing, it is considered that noise disturbance would potentially occur and cause harm to residential amenity. The development would thereby fail to accord with policy DC26.1.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This has involved discussion with the applicant's agent and subsequent confirmation that the development would not be supported due to its potential harm to residential amenity and character of the area. This harm was particularly attributed to the operation of a Class E (hairdressing) use. As the planning application was supported with sufficient information. It has been assessed without further negotiation.

Principle of the development – The proximity of the neighbouring industrial estate has an impact on the character of the area. However, the western side of Hammons Road and southern side of Longden Road are points of transition into a locality predominantly comprising terraced housing. The introduction of a ground floor hairdressing use (Class E) and its related operational characteristics would represent a significant departure from the existing circumstances and would harmfully affect residential amenity.

The use of the above property as a dwellinghouse was approved on 14 May 2010 under planning permission ref: 092813/FO/2010/N2). The planning application forms submitted at that

time indicated that the previous hot food take away use had ceased one year before the submission of the application, i.e., thereby suggesting that the previous use had become unviable. The current application (ref: 140963/FO/2024) has not been accompanied with detailed statement demonstrating need for the proposed use and its potential sustainability is therefore uncertain.

Notwithstanding the above, it is noted that the operation of the application property as single dwellinghouse has been undertaken since (at least) May 2011. The related noise, activity and traffic generation associated with the application property is therefore consistent with the type of residential occupation characteristically undertaken in the immediate area. The levels of activity and noise associated with the previous hot food take away have not occurred for a significant period and would not represent an appropriate precedent and justification for the introduction of any form of Class E use (to the ground floor of the application property). Notwithstanding proposed limitation to the Class E use, i.e. the formation of a hairdressers, it is considered that the development would result in an increased intensity of occupation. The resulting potential for undue noise and disturbance within and around application property would be potentially harmful to the amenity of residents of neighbouring terraced houses. The principle of the development cannot, therefore, be supported.

Loss of family housing – The retention of a flat would maintain a limited contribution to the housing supply. However, such provision would not offset the harm caused by reducing the potential supply of housing suitable for family occupation (particularly as there is a need for such accommodation). The applicant has not demonstrated that the existing use as a dwellinghouse is no longer viable or otherwise sought to justify the loss of its contribution to the supply of family-type housing. The proposal would not, therefore, accord with Council policies that seek to maintain the supply of family housing. Given the above concerns, the proposed development cannot be supported, and it will be necessary to refuse planning permission.

Residential amenity - The submitted design and access statement references former Unitary Development Plan policy H2.7, which has expired and is no longer relevant. It has been superseded by policy DM1, which (amongst other things) requires consideration of the effect of development on amenity. As stated, the local planning authority (LPA) considers that harm caused would be potentially significant, particularly regarding noise, disturbance and activity associated with the introduction of a Class E use.

Waste management – It has not been demonstrated that development would be supported with appropriate bin storage for the commercial and residential uses.

Highways Issues – The surrounding area has notable on-street car parking. The nature of the proposed hairdressing use is likely to generate additional traffic and increase demand for on-street car parking in the locality. The disturbance from traffic generated by the proposed mix of residential and commercial use would potentially exceed the levels usually anticipated in relation to occupation by a single household. The potential harm to residential amenity would thereby be significant.

Cycle storage – Storage for a cycle in association with the residential use has been shown with the hallway adjacent to its entrance and staircase. The practicality of this arrangement is questioned due to the limited space within the hallway (which would also be used to store a single bin). Two cycle spaces have been indicated in the rear yard area. However, the means of securing the cycles has not been indicated. In the absence of a comprehensive waste management scheme, it is not apparent that there would be sufficient space within the rear yard to accommodate both the required number of bins and cycle storage. It seems likely, therefore, that the proposed amount of cycle storage may not be delivered as part of the development.

Inclusive access – The proposed Class E unit would be accessed and egressed by an entrance with a step to its threshold. The proposed flat would be located on the upper floor and would not be accessible. Given the relationship of the property to the back of pavement and the configuration of its internal layout, there would be no opportunities to improve access arrangements.

Flood risk and drainage – The development is in Flood Zone 1. The development would not extend the existing amount of built form. It is not apparent that the development would affect flood risk or lead to requirements for additional drainage.

Conclusion – For the reasons outlined above, the development would not be appropriately related to the characteristics of surrounding residential uses. The introduction of the proposed Class E use would have an incongruous relationship with the immediate context of terraced housing. The noise, disturbance and activity associated with the intensive occupation and operation of a mix of use within the application property would be harmful to residential amenity.

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: Refuse

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. This has involved discussion with the applicant's agent and subsequent confirmation that the development would not be supported due to its potential harm to residential amenity and character of the area. This harm was particularly attributed to the operation of a Class E

(hairdressing) use. As the planning application was supported with sufficient information. It has been assessed without further negotiation.

Reasons for recommendation to refuse

1) The development involves the introduction of a ground floor hairdressing use (Class E) that would have an incongruous relationship to the residential context of the application site. It would also potentially result in overly intensive activity in the vicinity of the application site leading to increased noise, disturbance and traffic generation. The development would thereby detract from the residential character of the surrounding area and be harmful to the amenity and well-being of neighbouring residents, which would be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policies JP-P1: Sustainable places, JP-P6: Health and Policy JP-S1: Sustainable development of contained within Sustainable Development Joint Development Plan Document - Places for Everyone.

2) The development would result in the loss of residential accommodation, which would reduce the supply and availability of family housing in the area. In so doing, the development would fail to positively respond to an identified local need for housing whilst undermining the formation of cohesive and sustainable neighbourhood where people would choose to live. The development would thereby be contrary to policies SP1, H1, H6 and DM1 of the Core Strategy for the City of Manchester and policy JP-P1: Sustainable places contained within Sustainable Development Joint Development Plan Document - Places for Everyone.

3) The development would not be supported with appropriate arrangements for the storage of waste and recyclable material generated by the proposed Class C3 and Class E uses. In the absence of appropriate waste and recycling arrangements, the operation of the development would be harmful to the well-being and amenity of neighbouring residents, which would be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policies JP-P1: Sustainable places, JP-P6: Health and Policy JP-S1: Sustainable development of contained within Sustainable Development Joint Development Plan Document - Places for Everyone.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

86 Hemmons Road, Manchester, M12 5ST
6G Longden Road, Manchester, M12 5SJ
45 Longden Road, Manchester, M12 5SG
35 Longden Road, Manchester, M12 5SR
Flat 2, 37 Longden Road, Manchester, M12 5SG
Flat 1, 37 Longden Road, Manchester, M12 5SG
40 Longden Road, Manchester, M12 5SG
43 Longden Road, Manchester, M12 5SG
42 Longden Road, Manchester, M12 5SG
41 Longden Road, Manchester, M12 5SG
39 Longden Road, Manchester, M12 5SG
84 Hemmons Road, Manchester, M12 5ST
82 Hemmons Road, Manchester, M12 5ST
33 Longden Road, Manchester, M12 5SR
Unit 6F, Longden Road, Manchester, M12 5SJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA