

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140837/FO/2024

Date registered valid: 18 September 2024

Proposal: Change of use from hairdressers (Class E) to 1 No. 1 Bed Flat (Class C3) together with external elevational alterations.

Address: Halo Hair And Beauty, 91 Averill Street, Manchester, M40 1PD

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Joshua Jennings

Agent (if any): Mr Alan Davies, Northern Design (Oldham)

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 13 November 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 7 October 2024

Standard consultations:

Printed: 20 September 2024 Expired: 11 October 2024

Neighbour notifications

Printed: 20 September 2024 Expired: 11 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/area

The application property comprises the ground floor unit of a brick-built end terrace on Averill Street, in the Newton Heath ward. The existing GF unit was formerly used as a hairdresser (Class E), with a self-contained residential apartment at first floor (Class C3). To the front of the application property is a small hard paved forecourt and access ramp and to the rear is an enclosed garden which is accessed via a communal gated alley way to the north and west.

Investigation of the site planning history and online search evidence that the existing ground floor unit at no.91 has been used as commercial premises since 1981 (predates).

The surrounding area is predominantly residential in character, comprising semi-detached and terraced properties of varying form and character.



Figure 1. The application property, 91 Averill Street.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Planning permission is sought for the change of use of the existing ground floor unit of the application property into a self-contained apartment (class C3). This proposed development would create 2 self-contained flats (C3) in the property, given that an existing self contained apartment is present at first floor. The proposed conversion would involve external alterations to the principal elevation.

Ground floor – one-bedroom (2 persons) apartment approx. 42.53m² (see fig.2)

First floor – No floor plan submitted

External alterations include the removal of the existing shopfront (signage, glazing and security shutter) and remaining walling rebuilt with matching brickwork. A new door and single window is proposed to the principal elevation to serve the proposed ground floor apartment and provide sole access.

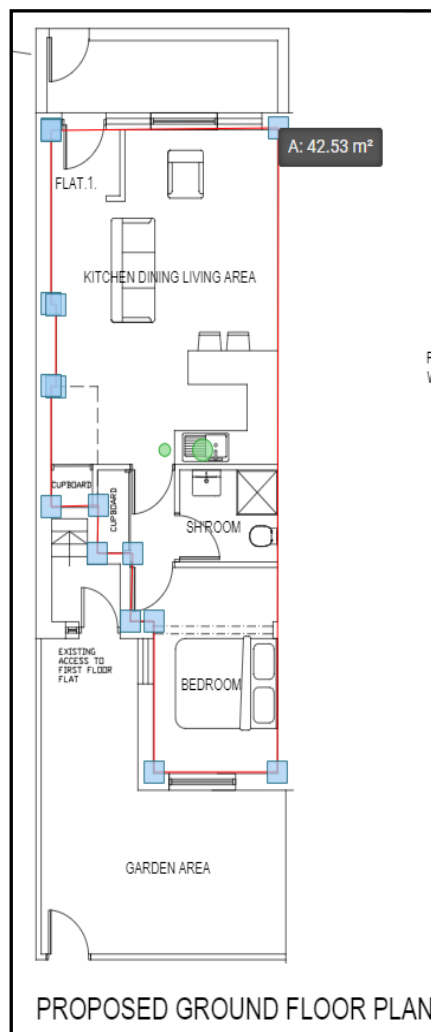


Figure 2. Proposed ground floor plan.

Consultations & Notification Responses

Local responses

None

Consultee responses

Manchester Cathedral – No comments received.

Highway Services – No objection subject to a condition requiring cycle storage.

Environmental Health – No objection subject to conditions regarding residential sound insulation and heating and refuse management.

Relevant Planning History

At the application site –

078777/FO/2006/N1 – Alterations to shopfront in conjunction with use of shop for sale of cold food for consumption off the premises. Approved 02.06.2006.

25304 – New shop front. Approved 21.10.1985.

F/AD03251 – Illuminated double sided box sign on front elevation of newsagents projecting over the highway. Approved 22.04.1981.

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-P1 – Sustainable Places

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
H 1 – Overall Housing Provision (partially superseded by PfE)
H 3 – North Manchester
EN 1 – Design Principles and Strategic Character Areas
EN 19 – Waste

The relevant saved **UDP** policies for this application are:

DC5 – Flat Conversions

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

A relevant material consideration is also:

- Manchester Residential Quality Guidance, March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Issues

Principle of development:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed ground floor unit conversion is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

Account should also be taken of the Permitted development rights fallback position (Class MA of the General Permitted Development Order 2015 as amended), which could allow the change of use from Class E (Commercial, Business and Service) use to residential (Class C3) use. It is noted that the proposed development under consideration would not constitute as Permitted Development given that external alterations are proposed, which would fail to meet the requirements of Class MA. Therefore no legitimate fallback position is considered for this type of development.

It is considered that the proposed conversion of the existing ground floor commercial unit which would subsequently create 2 self-contained apartments within the application property, no.91 Averill Street, would result in the loss of family sized accommodation, in an area where it is desirable to retain and create where possible such properties, in order contribute to the Council's housing supply.

It is further maintained that the proposed conversion would facilitate an over intensive use of the property and would lead to problems associated with increased levels of activity formed by people with different lifestyles and patterns of behaviour, increased noise, disturbance and car parking requirements, as well as creating an unsatisfactory overlooking impact upon future occupants of the proposed unit, as a consequence of the proposed relationship between the additional ground floor apartment bedroom windows in proximity to the existing rear amenity space (yarden) and sole access to the existing first-floor apartment.

In addition, the proposed flat conversion would create an unsatisfactory standard of

accommodation in terms of space afforded for future occupants, contrary to National Space Standards.

On this basis, the proposal is considered to conflict with saved policy DC5 of the UDP, policies DM1, SP1, H1 and H3 of the Manchester Core Strategy, Manchester Residential Quality Guidance and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise. The principal issues are outlined further below.

Impact on residential amenity:

Proposed use

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents. Saved policy DC5 of the UDP which specially relates to flat conversions, requires consideration be given to the effect on neighbouring occupiers, as well as the adequacy of amenity space, parking, access and waste management arrangements.

Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

In this case, it is believed that the conversion of the existing ground floor commercial unit (Class E) into a residential self-contained apartment (Class C3), when considered cumulatively with the existing first floor self-contained apartment, would lead to the over-intensive use of the property. Whilst the City Council has no control over who can occupy a property, it can help prevent properties from being over intensively used, by restricting the creation of certain types of accommodation.

The creation of multiple households within a property originally intended for a single household, would create a greater propensity for independent activity as opposed to family occupancy. The use by multiple, unrelated occupiers with different lifestyles and different patterns of behaviours is likely to create a greater level of comings and goings, with increased noise and disturbance to neighbouring occupiers. This would include increased activity associated with visitors to those individuals, including noise transfer to internal walls and the movement of bins and vehicles. The impact to amenity would therefore be far greater than a single household. As the property is attached to an existing family dwellinghouse to southern side (no.89), the impact to neighbouring living conditions as a consequence of levels of activity, waste generation and multiple levels of car ownership and increased vehicular activity and parking requirements, is considered unacceptable.

On balance, it is maintained that the increase in levels of activity and associated noise and disturbance is likely to be unduly felt, undermining the living conditions of neighbouring occupiers. On this basis, the proposal would result in the over intensive use of the application property, contrary to the aforementioned policy and guidance.

Standard of accommodation

The proposed development would create two self-contained apartments within an existing modest end-terraced dwelling. The proposed accommodation would comprise the following layout:

- Ground floor - two-bedroom (2 persons) apartment approx. 42.53m²
- First floor – no details of the existing self-contained apartment has been submitted.

The Manchester Residential Quality Guidance sets out Manchester's Emerging Space Standards which provide the recommended minimum gross internal floor area of new dwellings and conversions at a defined level of occupancy. The document has been through the executive and is a material planning consideration. The requirements for 1 storey planning units are as follows:

- One Bedroom (1 persons) = 37/39m² (1m² storage)
- One Bedroom (2 persons) = 50m²

As such, the proposed development falls below the space standards required to meet new suitable accommodation at ground floor level. This in turn clearly evidences over intensive use and overdevelopment of the application property.

The agent requested that the submitted plans were revised to show a single bedspace, rather than a double bed space at originally shown, in order to meet the one bedroom, one person threshold. The planning officer concluded that this amendment could not be reasonably enforceable and would not overcome outstanding amenity concerns.

On this basis, the proposed development is considered to have a significantly harmful impact to the living conditions of future occupiers, contrary to the aforementioned policy and guidance.

Proposed arrangement

Policy DC5 of the UDP states that in the determination applications for flat conversions, regard should be had to the effect upon the standard of accommodation for the intended occupiers of the premises, the amenity of neighbouring occupiers, car parking provision, general affects on character of the area, adequate private outdoor amenity space and accessibility. This is echoed by policies DM1 and SP1 of the Manchester Core Strategy which underlines the need to safeguard residential amenity.

The proposed development involves the creation of a one-bedroom self-contained apartment at ground floor and external alterations to the principal elevation to facilitate this.

In this case, due to the proposed configuration of the development, which comprises a bedroom to the rear of the proposed ground floor apartment (see fig.2), which would be served by two windows with sole outlook afforded upon the existing rear amenity space (yarden) and sole access to the existing first floor apartment. This unsatisfactory relationship created between a proposed main habitable room and existing communal amenity space is considered to form an overlooking impact (actual and perceived) upon future occupants of the proposed unit, when these areas would be in use by a separate household.

On this basis, the proposed configuration of the additional ground floor unit (two habitable bedroom windows) in relation to the existing rear amenity space and first floor apartment access is considered to have a harmful impact to the living conditions of future occupiers of the proposed ground floor C3 unit, contrary to the aforementioned policy and guidance.

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 manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns cannot be overcome, given that the principle of development is unacceptable. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. Standard of accommodation

The proposed conversion of the ground floor unit (Class E) of the application property to create 2 separate residential units (Class C3), when considered cumulatively with the existing first floor self-contained apartment, fails to provide an adequate level of gross internal amenity space afforded per the additional GF apartment (as recommended in Manchester's Emerging Space Standards), which would give rise to a poor standard of living accommodation for future occupiers and inadequate residential accommodation. Moreover, the proposed conversion would give rise to privacy concerns regarding the rear bedroom of the proposed ground floor apartment which would afford sole outlook over the existing rear amenity space and sole access to the existing first-floor apartment. As such, this standard and configuration is considered contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1, SP1 and H1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance and Section 12 of the National Planning Policy Framework.

2. Over-intensive use

The proposed conversion of the ground floor unit (Class E) of the application property to create 2 separate residential units (Class C3), when considered cumulatively with the existing first floor self-contained apartment, would result in an over-intensive use of the

property. The consequential increase in the level of occupation, would facilitate increased comings and goings, noise, disturbance, demand for waste storage and lack of external amenity space. This would be harmful to the amenity and living conditions of neighbouring residential occupiers, contrary to saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester, policies DM1, T2, and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Manchester Cathedral
Highway Services
Environmental Health

91A Averill Street, Manchester, M40 1PD
19 Crammond Close, Manchester, M40 1PL
38 Averill Street, Manchester, M40 1PF
17 Crammond Close, Manchester, M40 1PL
15 Crammond Close, Manchester, M40 1PL
36 Averill Street, Manchester, M40 1PF
93 Averill Street, Manchester, M40 1PD
89 Averill Street, Manchester, M40 1PD
87 Averill Street, Manchester, M40 1PD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Manchester Cathedral Ownership - Manchester Cathedral Newton Heath Manor
Area Team Boundary - Name: NORTH AREA

The proposed development would result in an unacceptable standard of living accommodation for the intended occupiers of the premises, due to the size of the proposed bedrooms and the provision of insufficient communal and bathroom space. The development is therefore contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy, the Manchester Residential Quality Guide and guidance contained in the National Planning Policy Framework.

The proposed sub-division of the application property to form three self-contained flats, fails to provide adequate levels of gross internal amenity space afforded per apartment (as recommended in Manchester's Emerging Space Standards), which would give rise to a poor standard of living accommodation for future occupiers and inadequate residential accommodation contrary to policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance and Section 12 of the National Planning Policy Framework.