

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136718/FO/2023
Date registered valid:	11 April 2023
Proposal:	Change of use from vacant public convenience to barber's shop (Class E)
Address:	Former Public Conveniences , 701 Princess Road, Manchester, M20 2EW
Ward(s):	Didsbury West Ward
Applicant:	M20 Property Group
Agent (if any):	Kath Ludlam Ludlam Associates
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	20 May 2024



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 7 June 2023

Standard consultations:

Printed: 3 May 2023 Expired: 24 May 2023

Neighbour notifications

Printed: 3 May 2023 Expired: 24 May 2023

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

This application relates to the former single storey WC block located adjacent to the southbound Princess Road/Barlow Moor Road junction and to the side of a bus terminus. Beyond the terminus to east stands a private hospital, while to the south, on the opposite side of Barlow Moor Road, stands a variety of residential accommodation. Three of the four walls contain murals.



Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

Change of use from vacant public convenience to barber's shop (Class E), along with installation of new shop front.

Consultations & Notification Responses

Local Residents – One letter of objection has been received:

- There is no parking area for bus drivers coming on duty. Nor will there be parking available for any customers wishing to use the proposed barber shop. Ashwood Avenue is currently the only place the bus drivers use to park for the duration of their shifts. The Avenue is constantly filled with bus driver vehicles for hours on end, therefore. The Avenue is also a regular unofficial park and ride location for workers wishing to car share into city centre Manchester (it is the last Avenue before the Princess Road.
- Residents on Ashwood have long campaigned for a residents parking scheme to combat this. Nothing has been done for the 16 years I have myself requested this personally.
- Now we will see customers for the barber shop parking on the Avenue. Where else can the customers park of course?
- I do support the idea of a barber shop locally, but Ashwood residents parking also needs to be considered now, as this is the final straw and one factor too much.
- With parking limited to one hour except for residents, this will greatly manage the situation. It is an obvious solution. It will allow customers to park briefly for a haircut, but stop the unofficial park and ride activity, and bus drivers parking for hours on end all day.

Ward Councillors – Correspondence has been received from Cllrs Leech and Kilpatrick. While not objecting to the proposal they are concerned that the proposal would result in the loss of the public art, particularly the image of Alan Turing. As a result they have requested the imposition of a condition regarding the future maintenance of this artwork.

Highway Services – Have made the following comments:

- The site is well accessed by sustainable modes. Regular bus services are routed along Princess Road and provide connections to Piccadilly Gardens, Wythenshawe, Manchester Airport and Newton Heath. Further bus stops are in place along Barlow Moor Road and provide connections to The Trafford Centre and Stockport.
- It is noted that TROs and movement orders are in place to reduce parking / private vehicle access to/from the bus station/terminus.
- The Technical Note confirms that the owner/staff will bring products to site when required and therefore deliveries will not take place at the site. This is acceptable to Highways.
- Two sheltered and covered cycle parking spaces will be provided. This is acceptable to Highways.
- It should be ensured that the development meets MCCs GD04 requirements for Commercial Developments which states that *“all commercial developments, including new developments, changes in use and commercial extension require facilities for the storage and collection of waste and recycling. Operators of commercial premises are required by law to enter into a commercial waste agreement with a registered waste carrier for the disposal of their waste”*.

Environmental Health – Suggest the imposition of delivery/waste collection and refuse storage conditions.

Transport For Greater Manchester – TfGM were consulted and have provided the following comments:

- Site observations have confirmed that the proposed location is adjacent to Southern Cemetery Bus Station. Consultation with colleagues within the Shelters team has therefore confirmed that there are concerns with potential customer parking, associated with the proposed Barber's shop use overspilling into the Bus Station area. These facilities are very busy and used for driver changeover/layover. It is therefore considered that the proposed change of use is likely to encourage parking at the Bus Station, disrupting the provision of existing bus services and resulting in the potential for trespassing of vehicles onto possible private TfGM land (TfGM need to conduct a land ownership search to clarify).
- TfGM Highways also has concerns in respect of parking. There is no dedicated on-site car parking provision for the proposed Barber use and any staff / customer parking is therefore likely to occur on street. Given the location of the building, any car parking surrounding the site would be likely to impede the highway network to the detriment of highway safety.
- Servicing of the proposed barber's shop could also create a similar issue with disruption of the provision of existing bus services and impeding the highway network.

Policies

The National Planning Policy Framework (December 2023) – 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 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.

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.

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.

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, the most relevant of which in this instance are:

- 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.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP 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 – The principle of using this property as a barber's shop is acceptable. Notwithstanding this, the potential impact upon residential and visual amenity, as well as pedestrian and highway safety, must be assessed.

Residential Amenity – As the premises are located over 50 metres away from the nearest residential property it is not considered that the day-to-day activity of the barber shop would have a detrimental impact upon the levels of residential enjoyed by those people who live closest to the site. Despite this, it is still considered prudent to attach conditions to the consent limiting when the premises can be open and when deliveries can take place.

Furthermore, it is not considered that the any instances of on-street parking, on the side streets off Barlow Moor Road, would be excessive so as to prove detrimental to existing levels of residential amenity.

Design – The eastern elevation would be removed to facilitate the provision of a glazed shop front with recessed roller shutter box. The use of aluminium window frames with composite cladding in anthracite is considered acceptable.

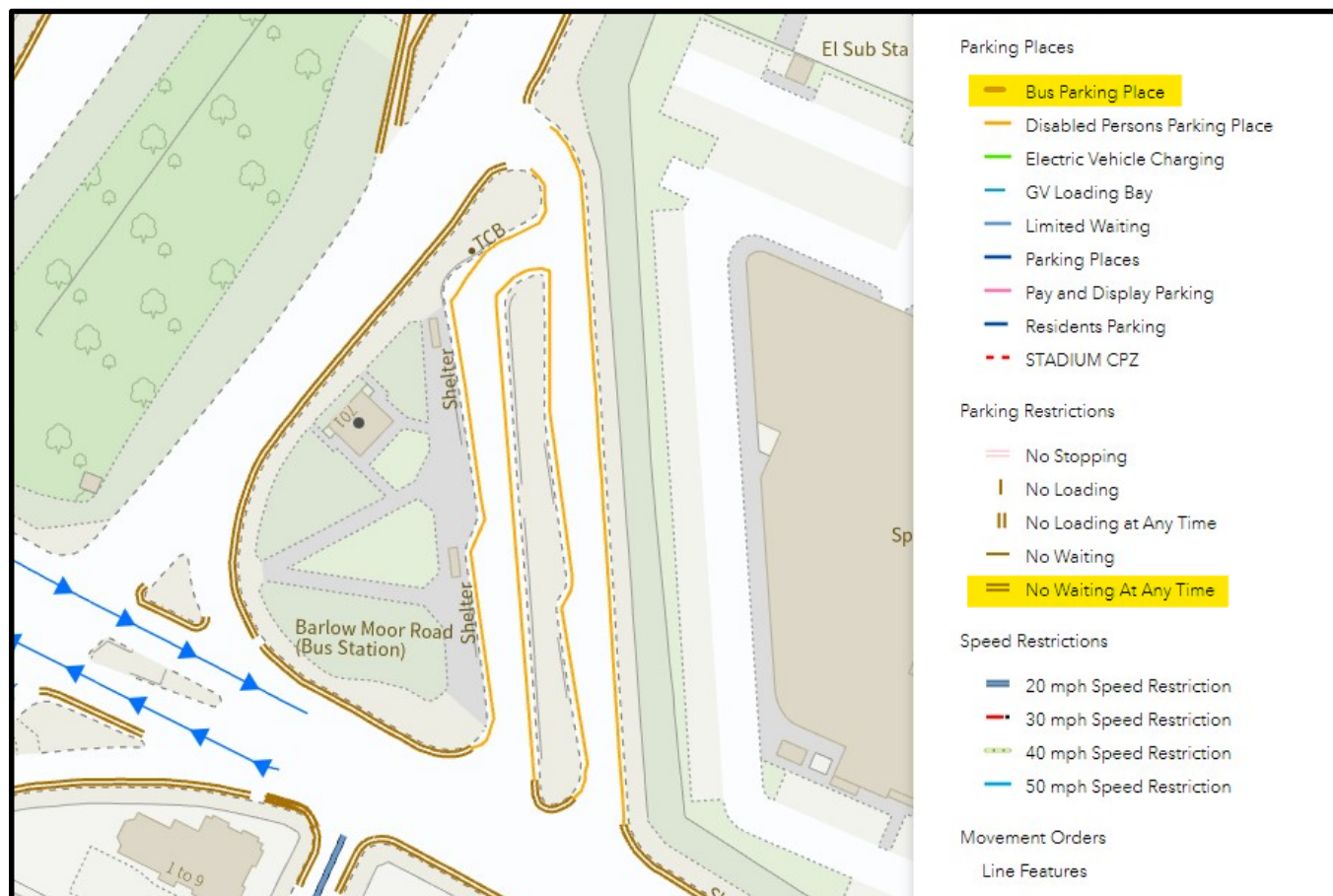


Visual Amenity – Given the proposed changes to the eastern elevation of the building it is not considered that the proposal would have a detrimental impact on the current levels of visual amenity enjoyed within the vicinity of the site.

Refuse Storage – On-site refuse storage facilities are proposed to the side of the building (circled green below). Given the size of the proposed business this is considered acceptable. The applicant has also confirmed that given the nature of the business the amount of waste proposed would not be excessive and would not require regular collection from Barlow Moor Road by a private refuse collection company.

Notwithstanding the above, it is still considered prudent to attach the waste management condition to any approval granted to ensure that storage and more specifically collection, is undertaken in accordance with the brief supporting statement submitted by the applicant.

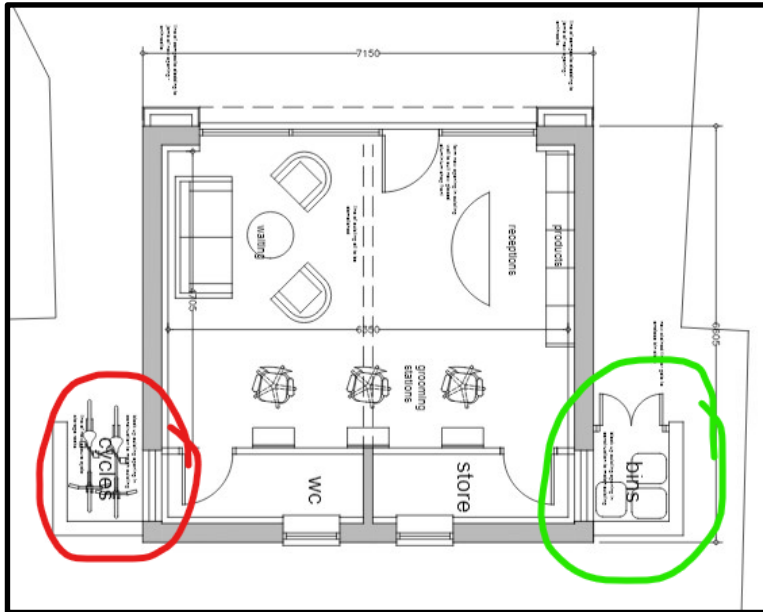
Pedestrian and Highway Safety – TfGM have raised concerns that the proposal would have an impact on the operation of their bus terminus as a result of customers parking outside the premises. However, given the presence of the parking restrictions seen below, it is not believed that such instances of on-street parking would be prevalent.



The concerns of the local resident in respect of on-street parking are acknowledged. However, given the modest nature of the proposed use it is not considered that instances of on-street parking would be excessive to such a degree so as to lead to a reduction in the levels of pedestrian and highway safety enjoyed along Ashwood Avenue.

Removal of PD Rights – To ensure that the premises could not be changed into a use that would generate more traffic, or involve activities that could have an impact on residential amenity, a condition is suggested which would prevent the change of use into any other use within Class E (Commercial, Business and Service)

Cycle Storage – The provision of cycle storage to the side of the property is welcomed.



Public Art – Of the three murals painted on the premises only one (circled below) would be lost to the new shop front, with all the others remaining in-situ. To ensure their longevity, a condition regarding their future maintenance is suggested.



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 to resolve any 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 and documents:

- a) Location Plan, received on 11 April 2023
- b) Drawings 301P, 310P and 320P, received on 11 April 2023
- c) Waste Management Strategy, received on 19 March 2024
- d) Highway Technical Note (SCP), received on 20 December 2023

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) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the premises shall only be used as a barber's shop and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order

Reason - In the interests of residential amenity and highway safety, pursuant to Policies SP1 and DM1 in the Manchester Core Strategy.

4) The premises shall not be open outside the following hours:-

Mondays to Saturdays - 0900hrs to 1800hrs
Sundays and Bank Holidays - Closed

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved Policy DC26 of the Unitary Development Plan for the City of Manchester and Policies SP1 and DM1 of the Manchester Core Strategy.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

Mondays to Saturdays - 0730hrs to 2000hrs

Sundays and Bank Holidays - no deliveries/waste collections.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved Policy DC26 of the Unitary Development Plan for the City of Manchester and Policies SP1 and DM1 of the Manchester Core Strategy.

6) a) Before the commencement of the use a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to Policies SP1 and DM1 of the Manchester Core Strategy

7) Prior to the commencement of the use hereby approved, a strategy for the retention and maintenance of the public art on the northern and southern elevations of the premises shall be submitted to and be approved by the City Council as Local Planning Authority.

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

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester
West Didsbury Residents Association

165 Barlow Moor Road, Manchester, M20 2ZA
6 Ashwood Avenue, Manchester, M20 2ZB
1 Ashwood Avenue, Manchester, M20 2YB
7 Oaker Avenue, Manchester, M20 2XH
5 Ashwood Avenue, Manchester, M20 2YB
Unit 1, Didsbury Technology Park, 168 Barlow Moor Road, Manchester, M20 2AF
Spire Manchester Hospital, 170 Barlow Moor Road, Manchester, M20 2AF
4 Oaker Place, Oaker Avenue, Manchester, M20 2XS
1 Oaker Place, Oaker Avenue, Manchester, M20 2XS
Flat 9, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
Flat 7, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
Flat 4, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
Flat 2, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
169 Barlow Moor Road, Manchester, M20 2ZA
2 Ashwood Avenue, Manchester, M20 2ZB
Oaker Place, Oaker Avenue, Manchester, M20 2XS
3 Ashwood Avenue, Manchester, M20 2YB

Ashley House, 155 Barlow Moor Road, Manchester, M20 2YA
6 Oaker Place, Oaker Avenue, Manchester, M20 2XS
5 Oaker Place, Oaker Avenue, Manchester, M20 2XS
3 Oaker Place, Oaker Avenue, Manchester, M20 2XS
2 Oaker Place, Oaker Avenue, Manchester, M20 2XS
Flat 8, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
Flat 6, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
Flat 5, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
Flat 3, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
Flat 1, Ashwood Court, 2A Ashwood Avenue, Manchester, M20 2ZB
167 Barlow Moor Road, Manchester, M20 2ZA
8 Ashwood Avenue, Manchester, M20 2ZB
4 Ashwood Avenue, Manchester, M20 2ZB
9 Ashwood Avenue, Manchester, M20 2YB
7 Ashwood Avenue, Manchester, M20 2YB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH AREA