

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137283/FO/2023
Date registered valid:	21 June 2023
Proposal:	Change of use of the first and second floors from residential to storage associated with the ground floor pharmacy and installation of goods lift at the rear
Address:	101 Beech Road, Manchester, M21 9EQ
Ward(s):	Chorlton Ward
Applicant:	Mr Manjit Singh, Sandher Active, Parmacare Properties Ltd
Agent (if any):	Mr Talat Zeria, HSH Engineering Design Service Ltd
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	22 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit: 23 June 2023

Standard consultations:

Printed: 21 June 2023 Expired: 12 July 2023

Neighbour notifications

Printed: 21 June 2023 Expired: 12 July 2023

Site notice

Posted: 23 June 2023 Expired: 14 July 2023

Press advert

Published: 27 June 2023 Expired: 11 July 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

101 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 residential accommodation above consisting of a 2 bed self-contained flat split over the first and second floors. 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 to convert the upper floors into storage for use with the existing pharmacy business. To assist with stock movement to the ground floor shop the applicant is proposing to install a microlift between the ground and first floor. This would protrude above the existing first floor decking by approximately 2.4 metres.

Consultations & Notification Responses

Local Residents – No comments received.

Chorlton Voice – No objections in principle to the loss of the residential accommodation in this case. However, they have suggested that a noise survey be undertaken to determine whether acoustic insulation is required.

Environmental Health – Suggests the imposition of acoustic insulation conditions.

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.

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

Paragraph 196 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 205 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 206 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. Substantial harm to or loss of assets of the highest significance, such as grade I and II* listed buildings, should be wholly exceptional.

Paragraph 207 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 208 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.

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 EN 3, *Heritage*, - This policy states that 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.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

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 or 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.
- e) 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 – The loss of any residential unit is regrettable. However, it should be noted that this unit sits above a commercial unit in a commercial parade and as such does not offer sustainable family accommodation. Given this and the fact the proposal would allow a successful business to expand and continue operating, there is no objection in principle to the change of use and the loss of the self-contained flat.

Notwithstanding this, there is concerns about the appearance of the microlift housing and it is considered that this would have a negative impact upon the character of the Chorlton Green Conservation Area and upon existing levels of visual amenity.

Design – The installation of the microlift requires the erection of a 1.4m wide by 2.4m high extension on the existing first floor decked area at the rear of the premises. This extension would consist of hanging tiles and topped by a flat roof.

It is not considered that the design of the extension has been informed by the appearance of no. 101 Beech Road or any of the surrounding properties and that as a result the proposal would form an incongruous feature in the streetscene.

Visual Amenity – Given the design of the proposal and its siting on the rear decking, it is considered that the proposal would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

Impact on the Conservation Area – The buildings in the Chorlton Green Conservation Area are predominantly domestic in scale and are usually constructed from red brick and topped with slate or tiles. The roofs of these buildings and subsequent extensions are usually pitched. The proposed housing for the microlift, which would stand proud of a rear decked area by 2.4 metres would have a flat roof. The use of a flat roof and the use of hanging tiles in the elevations would create an incongruous structure that would be at odds with the overall character of Chorlton Green Conservation Area.

Residential Amenity – Concerns have been raised that the proposed use might have an impact on adjoining residential properties due to noise transference. It is believed that any noise issues arising from the machinery could be resolved through the imposition of an appropriately worded condition, for this reason, it is not considered that refusal of the proposal on residential amenity grounds is warranted.

Pedestrian and Highways Safety – The proposed extension and change of use 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: REFUSE

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document (2012) and the guidance contained within the National Planning Policy Framework (2023). The applicant was advised that the proposal would have a detrimental impact upon the character of the Chorlton Green Conservation Area and the levels of visual amenity enjoyed within the vicinity of the site and as a result the nature of the proposal was considered to be unacceptable. A solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

Reasons for recommendation to refuse

1) The proposed development, due to its design and siting, would form an incongruous feature in Chorlton Green Conservation Area and as a result would have a detrimental impact upon the character of that conservation, contrary to Policies DM1 and EN3 in the Manchester Core Strategy and saved UDP Policy DC18.

2) The proposed development, due to its design and siting, would form an incongruous feature in the streetscene and have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site, contrary to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Chorlton Voice

105A Beech Road, Manchester, M21 9EQ

The Lead Station, 99 Beech Road, Manchester, M21 9EQ

43 Crossland Road, Manchester, M21 9DU

37 Crossland Road, Manchester, M21 9DU

103 Beech Road, Manchester, M21 9EQ

97 Beech Road, Manchester, M21 9EQ

44 Beech Road, Manchester, M21 9EL

46A Beech Road, Manchester, M21 9EG

41 Crossland Road, Manchester, M21 9DU

39 Crossland Road, Manchester, M21 9DU

105 Beech Road, Manchester, M21 9EQ

46 Beech Road, Manchester, M21 9EG

101A Beech Road, Manchester, M21 9EQ

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

Conservation Area - Chorlton Green (Extension) Conservation Area 2007

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH AREA