Planning

Growth & Development

Delegated officer report for planning application

Application no.	139180/FO/2024
Date registered valid:	5 February 2024
Proposal:	Change of use to Office Space (Use class E (c)ii) and single storey front extension to existing building
Address:	120A Withington Road, Manchester, M16 8FA
Ward(s):	Whalley Range Ward
Applicant:	Mr Hamid Siddiqi
Agent (if any):	Hatami
Case officer:	Holly Wright Tel: 0161 219 6381 Email: holly.wright@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**25 March 2024**

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 16 February 2024

Standard consultations: Printed: 9 February 2024 Expired: 1 March 2024

Neighbour notifications: Printed: 9 February 2024 Expired: 1 March 2024

Site notice: Posted: 16 February 2024 Expired: 8 March 2024

Press advert: Published: 20 February 2024 Expired: 5 March 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Not applicable

The application relates to a small, single storey unit (measuring to approximately 26 square metres of internal floor space), located at the southern end of a block of terraced properties which feature commercial, and retail uses at ground floor level along their Withington Road frontages. The unit in question has historically been utilised for retail purposes, however, has since had an unauthorised use as a hot food takeaway from approximately 2017/2018 and, as such, is now considered to have a ‘nil’ use. The property itself is box-like in terms of its appearance, consisting of redbrick walls (painted dusty red) and a flat roof form. To its front elevation, the unit features signage at fascia level as well as vertically at its southern end and a black metal roller shutter. The site also features a raised concrete platform to the front.



Figure 1. View of application site.



Figure 2. View of application site.

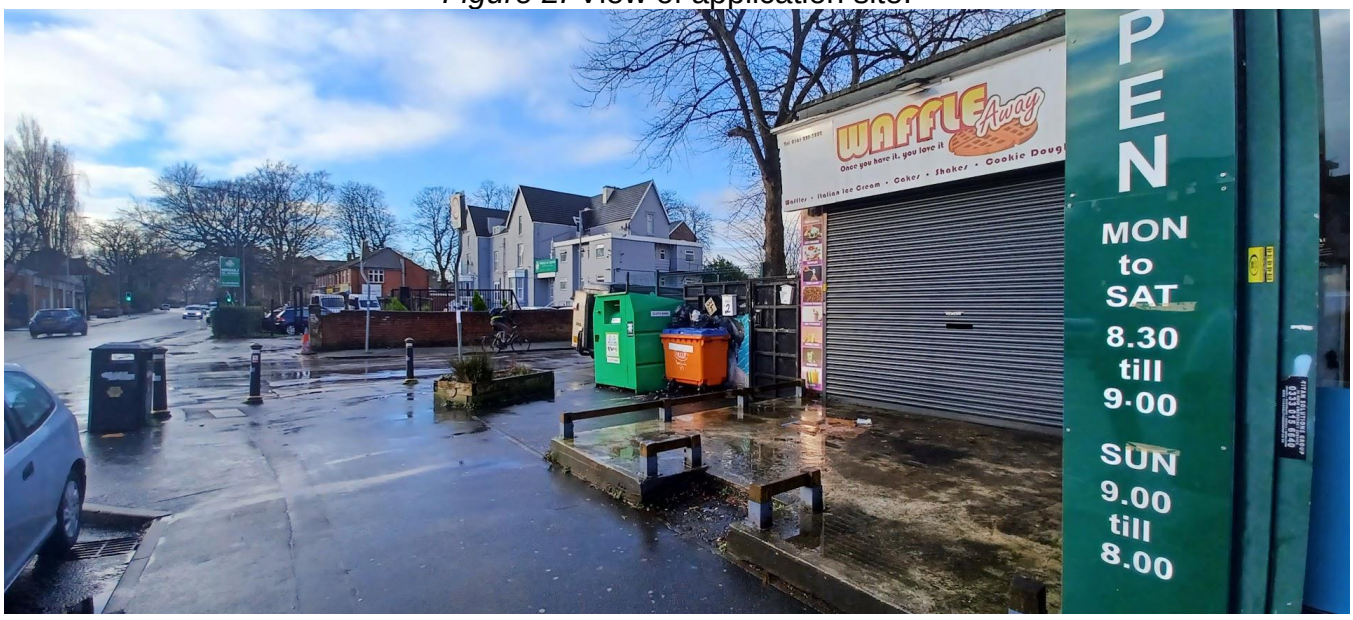


Figure 3. View of application site.

Description of area

This stretch of Withington Road features a strong commercial precedent, comprising of one of Whalley Range's main high streets with various retail units present within the immediate vicinity of the site.

It should also be noted that the application property is sited within the Whalley Range Conservation Area (first designated in October 1991). The conservation area is situated approximately two miles south of Manchester city centre. Much of the area, which is primarily residential, is contained within 63 acres of flat land purchased for building in 1832 by a prominent banker, Samuel Brooks, for a sum of £9,600. The layout of Whalley Range as established by Samuel Brooks survives today as an area of large houses on tree-lined avenues. Many of the original houses remain, with new development taking place on the site of demolished houses and on the site of plots left vacant during the initial stages of the area's development.

Development control in Whalley Range is aimed at encouraging the area to flourish whilst paying attention to its special architectural and visual qualities. Owners of property in the area are encouraged to retain the original character and detail of their houses or premises.

Description of development

The applicant is seeking permission for a change of use to Office Space (Use class E (c)ii) and single storey front extension to existing building.

Planning history

065101/CC/SOUTH1/02 - CONSERVATION AREA CONSENT - Conservation area consent for demolition of 120a Withington Road – **APPROVED** (19.06.2002).

065103/VO/SOUTH1/02 - CITY COUNCIL DEVELOPMENT - Shopfront renewal scheme including demolition of 120a Withington Road – **APPROVED** (19.06.2002).

116967/FO/2017 - Change of use from Class A1 (retail) to Class A5 (Restaurants and Cafes) No exterior elevation changes- just internal remodelling and addition of fire exits to the rear of property – **REFUSED** (18.10.2017).

139070/FO/2024 - Proposed single storey front extension to existing building – **WITHDRAWN** (06.02.2024).

Enforcement history

ENF/1574/98/CENTL1 - Canopy erected to the front of the shop – **CASE CLOSED** (01.10.2006).

ENF/4214/03/SOUTH1 - Change of use to tyre fitting operation from A1 – **CASE CLOSED**.

ENF/13921/18 - Plinth installed outside of shop **– CASE CLOSED** (03.09.2018).

ENF/14652/19 - Erection of a boundary wall without planning permission – **PENDING CONSIDERATION.**

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Highways made the following comments in response to the application:

- The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.
- In comparison to the former use, the level of trips generated is not anticipated to be dissimilar.
- The site is well accessed by sustainable modes. Regular bus services and Metrolink services are in place within walking distance from the site.
- No existing parking is in place and no parking is proposed. Pedestrian access will be via a new inward opening access from Withington Road.
- In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. It is requested that cycle parking is in place for the office. A minimum of 2 secure and sheltered cycle spaces should be in place.
- The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).
- The applicant has confirmed that bins will be stored internally and taken to the collection point on Withington Road by staff on collection day. The bins will be taken back to the internal bin store immediately after collection. This is acceptable to Highways.

Environmental Health made no objection to the proposal, requesting a condition requiring details of a scheme for the storage and disposal of refuse to be submitted prior to the commencement of development.

Whalley Range Forum – no comments or objections received.

Whalley Range Civic Society – no comments or objections received.

Conservation Panel made a number of suggestions in relation to the design of the proposal. These included:

- The installation of brick stallrisers to each elevation of the extension.
- The installation of brick piers on the corner of the extension and separating the adjoining unit.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:
- Policy DC18 – Conservation Areas
- Policy DC22 – Footpath Protection

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN3 – Heritage
- Policy EN19 – Waste
- Policy C8 – Local Centres

The National Planning Policy Framework (NPPF, 2021)
- Chapter 6 – Building a Strong, Competitive Economy
- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 - Conserving and enhancing the historic environment

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'.

You can view the Inspectors' Report on the GMCA's website at Places For Everyone - Greater Manchester Combined Authority (greatermanchester-ca.gov.uk). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

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 significant weight in the planning balance.



Figure 4. Submitted existing and proposed location and site plans.

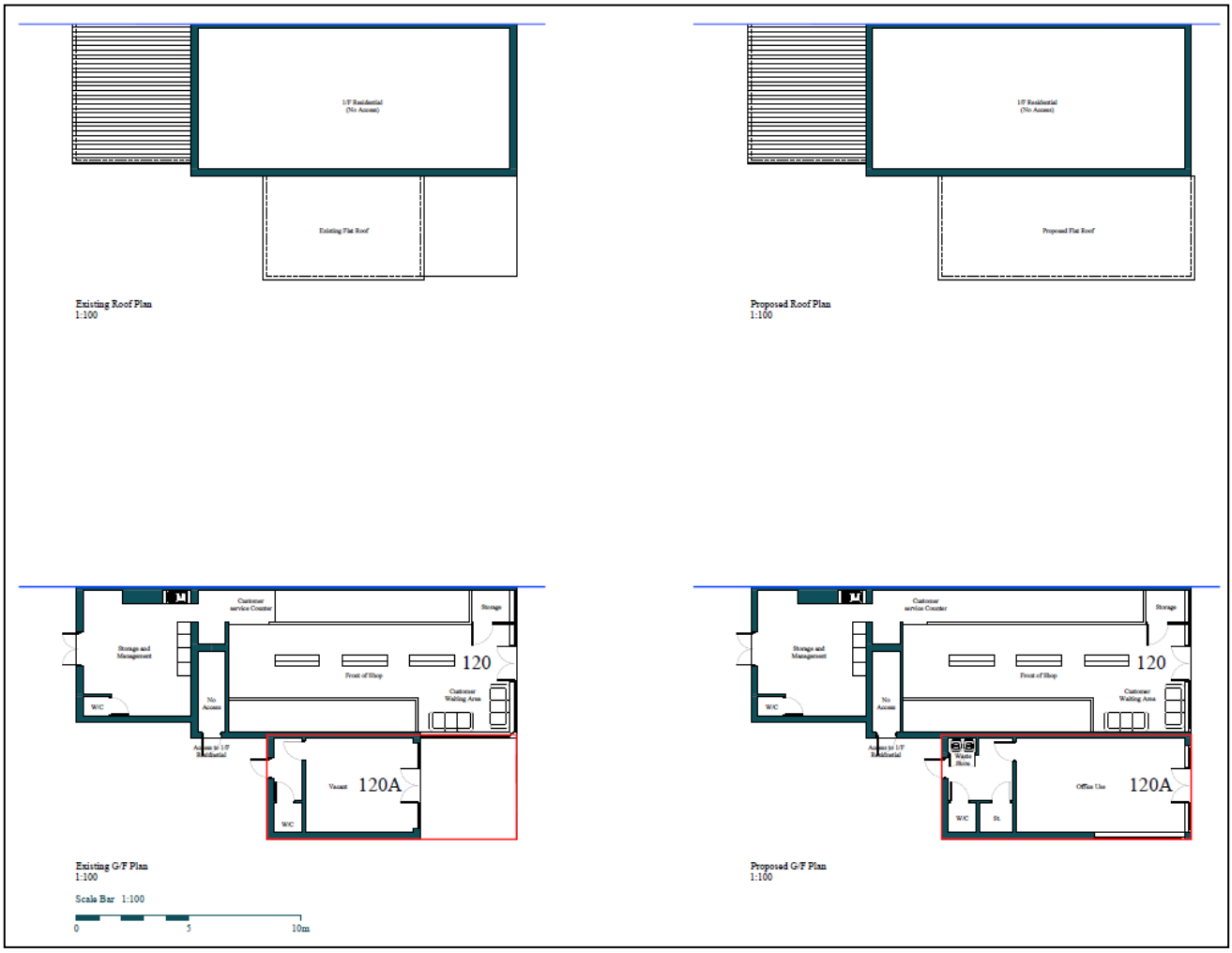


Figure 5. Submitted existing and proposed ground floor and roof plans.



Figure 6. Submitted existing and proposed elevations.

Issues

Principle – changing the use of the unit to an office space (class E (c)(ii) in addition to erecting a single storey front extension is generally considered acceptable in principle. Notwithstanding this, consideration must be given to the proposal's siting, scale, and massing, design and appearance, and impact upon existing levels of amenity.

Use – the unit would operate as an office space occupied by 1no. full time member of staff with its hours of use ranging from 09:00 to 18:00 Monday to Friday, 10:00 to 17:00 on Saturdays and closed on Sundays. The use class of the unit would fall within Class E of the Town and Country Planning (Use Classes) Order 1987, which is considered appropriate given the existing commercial precedent present along this stretch of Withington Road, pursuant to policy C8 of the Core Strategy and chapter 6 of the NPPF. It would therefore be in-keeping with the existing character of the area.

An hours of use condition has been attached to the application in order to ensure that the unit does not operate outside of its approved hours.

Siting, scale, and massing – the single storey extension would be sited at the front of the unit, facing east, onto Withington Road, and would replace the existing raised concrete platform present at the site.

It would project 4.274m frontwards, sitting flush with the front of the adjoining unit, with a width of 4.7m, and flat roof height of 3.961m, providing an additional 17 square metres of floor space to the property (with a total of 43 square metres). It would not encroach onto the public footpath or highway and would be sited entirely within the confines of the application plot.

Given that the proposal would be relatively minor in terms of its scale, featuring dimensions that would be subservient to the existing unit as well as the surrounding built form along Withington Road, the siting, scale, and massing of the proposal is considered acceptable as it would avoid forming an overbearing or overly dominant feature within this locale, pursuant to policies SP1 and DM1 of the Core Strategy and chapter 12 of the NPPF.

Appearance and visual amenity – the submitted application form indicates that the proposal would be built of brickwork, windows, and doors to match the existing in addition to a flat roof form.

Its side elevation facing onto May Road would feature two large sections of glazing, a brick stallriser (measuring to 0.45m in height, matching that of the adjoining unit), and fascia signage. Its front elevation facing onto Withington Road would also feature two large sections of glazing, in addition to a set of inward-opening doors with an overlight, a brick stallriser (measuring to 0.45m in height, matching that of the adjoining unit) and fascia signage. A full height brick pier (measuring to 0.425m in width and 3.961m in height) would be installed adjacent to the boundary shared with No.120 Withington Road, forming a distinct visual partition between the units as well as improving the application site's structural integrity, with a further brick pier (measuring to 0.3m in width and depth, and 3.961m in height) installed on the corner of the unit.

Due to the proposal's prominent siting within the Whalley Range conservation area adjacent to a busy highway, a condition requiring samples and/or specifications of all materials to be used on all external elevations of the development prior to any above-ground works has been attached. This seeks to ensure that the extension is of high quality in terms of its design, thus reducing its potential to cause harm to the visual amenity of the area, pursuant to policies SP1 and DM1 of the Core Strategy and chapter 12 of the NPPF.

Impact upon the Whalley Range conservation area – the proposal would be sited in a visually prominent location within the Whalley Range conservation area adjacent to Withington Road and, as such, would be highly visible within the street scene and public realm.

In order to ensure that the proposal complies with paragraph 208 of the NPPF, which stipulates "w*here 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*", a condition requiring samples and/or specifications of all materials to be used on all external elevations of the development prior to any above-ground works has been attached.

This seeks to ensure that the extension is of high quality in terms of its design, thus reducing its potential to cause harm to the character of the conservation area, pursuant to policy DC18 of the UDP, policy EN3 of the Core Strategy, and chapter 12 of the NPPF.

Residential amenity – the extension would be sited a considerable distance away from the nearest residential properties, which are located along May Road and Range Road. It is therefore understood that the proposal would have a minimal effect upon the residential amenity of the area, with limited impacts on outlook, light, and privacy.

Parking – Highways made the following comments with respect to the application: "no existing parking is in place and no parking is proposed. Pedestrian access will be via a new inward opening access from Withington Road', making no objection to these arrangements.

With no cycling provisions included as part of the proposal, Highways requested a minimum of 2no. secure and sheltered spaces be provided. However, as the proposal would not alter the site's existing cycle provisions, combined with the minor scale of the site and the proposed works, together with the site being 'well accessed by sustainable modes' of transport including buses and Metrolink services, as indicated by Highways, this request has not been actioned.

Environmental Health – made no objection to the proposal, requesting a condition requiring details of a scheme for the storage and disposal of refuse to be submitted prior to the commencement of development.

However, the details included in the submitted waste management strategy and approved plans are considered sufficient. These indicate that the unit would house 1no. 140L general waste bin and 1no. 140L dry recycling in an internal waste store. These would be transferred to and from the collection point adjacent to Withington Road by the staff of the office. With only 1no. full-time employee, the amount of waste generated by activities associated with the unit is not considered to be so extensive as to warrant attaching the aforementioned condition.

Conclusion – the proposal complies with policies DM1, SP1, EN3, EN19, and C8 of the Core Strategy, policies DC18 and DC22 of the UDP and chapters 6, 12 and 16 of the NPPF as it is not considered to have a detrimental impact upon the visual amenity of the application site or wider area, nor significantly impact the existing levels of residential amenity enjoyed by surrounding occupiers, or the current parking / travel arrangements present on site.

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 polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Minor issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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 permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following documents labelled:

-'Location Plan & Existing and Proposed Site Plans', numbered '0149-PA-001 REV C', stamped as received by the City Council as Local Planning Authority on the 23rd February 2024.
-'Existing and Proposed Floor Plans', numbered '0149-PA-002 REV D', stamped as received by the City Council as Local Planning Authority on the 23rd February 2024.

-‘Existing and Proposed Withington Road and May Road Elevations’, numbered ‘0149-PA-003 REV D’, stamped as received by the City Council as Local Planning Authority on the 29th February 2024.
-‘Appendix E - Waste Management Strategy (v7.00 from September 2023)’, stamped as received by the City Council as Local Planning Authority on the 21st February 2024.
- Agent email correspondence, received on the 21st February 2024.

Reason - To ensure the development is carried out in accordance with the approved plans and documents, pursuant to policies SP1 and DM1 of the Core Strategy.

3) No above-ground works shall commence unless and until samples and/or specifications of all materials to be used on all external elevations of the development, have been submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as Local Panning Authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as Local Planning Authority:-

As applied for: Monday to Friday 09:00 to 18:00
Saturday 10:00 to 17:00
Sunday closed

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DC1 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Whalley Range Conservation Area Group
Whalley Range Forum

133 Withington Road, Manchester, M16 8EE
131B Withington Road, Manchester, M16 8EE
First Floor, The Madina Hall, 122 Withington Road, Manchester, M16 8FB
Top Flat, 116 Withington Road, Manchester, M16 8FA
The Madina Hall, 122 Withington Road, Manchester, M16 8FB
131 Withington Road, Manchester, M16 8EE
Flat 2, 120B Withington Road, Manchester, M16 8FA
Flat 12, 2 May Road, Manchester, M16 8DG
Flat 9, 2 May Road, Manchester, M16 8DG
Flat 6, 2 May Road, Manchester, M16 8DG
Flat 3, 2 May Road, Manchester, M16 8DG
118A Withington Road, Manchester, M16 8FA
120 Withington Road, Manchester, M16 8FA
1 May Road, Manchester, M16 8DG
Flat 3, 120B Withington Road, Manchester, M16 8FA
Flat 1, 120B Withington Road, Manchester, M16 8FA
120B Withington Road, Manchester, M16 8FA
Second Floor, The Madina Hall, 122 Withington Road, Manchester, M16 8FB
2 May Road, Manchester, M16 8DG
Flat 11, 2 May Road, Manchester, M16 8DG
Flat 10, 2 May Road, Manchester, M16 8DG
Flat 8, 2 May Road, Manchester, M16 8DG
Flat 7, 2 May Road, Manchester, M16 8DG
Flat 5, 2 May Road, Manchester, M16 8DG
Flat 4, 2 May Road, Manchester, M16 8DG
Flat 2, 2 May Road, Manchester, M16 8DG
Flat 1, 2 May Road, Manchester, M16 8DG
118 Withington Road, Manchester, M16 8FA
116 Withington Road, Manchester, M16 8FA

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 - Whalley Range Conservation Area 1992
Area Team Boundary - Name: SOUTH AREA