

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139726/FO/2024

Date registered valid: 5 April 2024

Proposal: Change of use of existing ground floor residential to retail Class E (a), internal alterations to existing first floor and second floor residential and erection of two storey extension with balcony

Address: 1104 Stockport Road, Manchester, M19 2SU

Ward(s): Levenshulme Ward

Applicant: Mr M Imtiaz

Agent (if any): Mr Stephen Nicholls, Richmond Consultants

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 17 May 2024

Standard consultations:

Printed: 17 April 2024 Expired: 9 May 2024

Neighbour notifications

Printed: 17 April 2024 Expired: 9 May 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

The application site relates to a traditional, red brick, two-storey, end terraced dwellinghouse situated at the corner of Stockport Road and Opal Street, with further accommodation/floorspace provided in the roofs-space and basement.



View of frontage from Stockport Road/Opal Street corner

The dual aspect property incorporates stepped access to the front and a two-storey outrigger at the rear. The property is enclosed by a brick wall with a mixture of metal railings and decorative concrete blocks above.



View of the application site rear

To the front and rear are yard areas, with the rear yard having vehicular access onto the rear alleyway and Opal Street via a set of double gates. Two further pedestrian access points serve Opal Street, as well as an access from Stockport Road.



View of application site from Opal Street showing properties at the rear

Internally, the property includes living areas to the ground floor, two bedrooms to the first floor and a further bedroom to a second floor within the roof-space.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

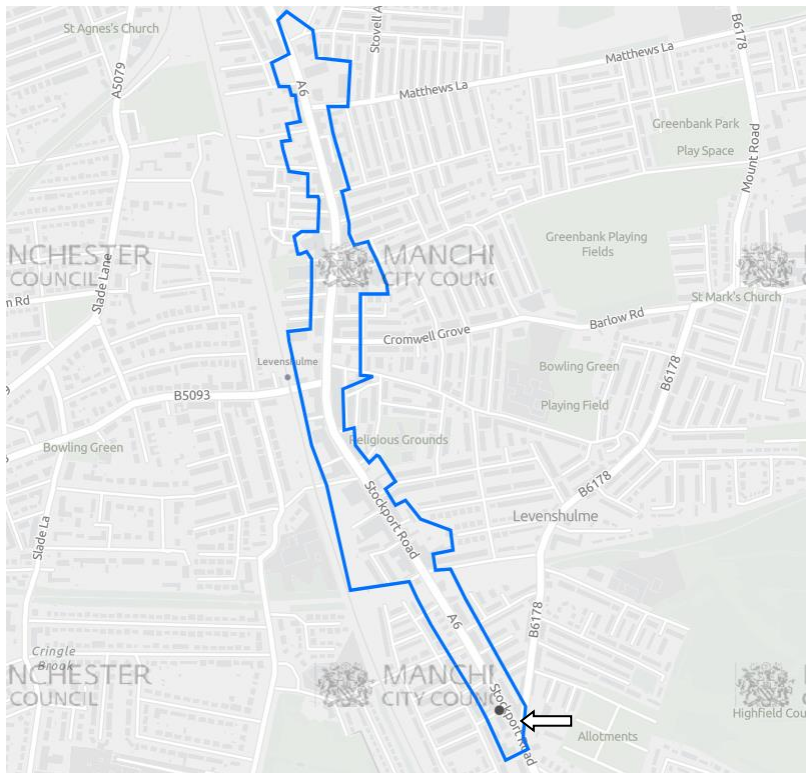
Description of area

The application property forms the northern most house within a small terrace of 6 properties. At the southern end of the terrace is a business selling windows, with the remainder of the terrace comprising dwellinghouses.

Opposite, to the other side of Opal Street is a bathroom/kitchen showroom and boiler/heating business which has been extended to rear, whereas to the other side of Stockport Road is a large terrace containing a small number of commercial businesses and residential dwellinghouses.

The site lies at the corner of Opal Street, a largely residential side road. Immediately to the rear, the site faces the rear of a two-storey terrace along Henderson Street, separated from the application property by an alleyway.

The application street is situated within Levenshulme district centre which extends north to south along Stockport Road (A6). The area is therefore mixed in character, comprising a wide variety of small-scale commercial uses and residential dwellinghouses. The site is situated toward the southern end of the centre which is much more low key in terms of commerciality, with a larger proportion of residential properties.



Arrow indicating the location of the application site within the district centre

Description of development

Planning permission is sought to convert the existing single dwellinghouse into 3 flats and a retail unit (Class E).

The accommodation would comprise a retail unit (40.25 sqm) to the front of the property, with a 2-bedroom duplex flat, occupying the first and second floors above. To the rear, would be a 1-bedroom flat to the ground floor and a further 2-bedroom flat to the first floor.

To facilitate the proposed accommodation, it is proposed to erect a large two-storey, gable roof extension, linked by two-storey, glazed, flat roof element to serve as an access core and

staircase. This would provide access to the proposed flats. The retail unit would incorporate a shopfront to Stockport Road, with access served from a single door off Opal Street.

The rear elevation incorporates a full width balcony area to the proposed first floor flat, with under-croft amenity space and bin storage provided to the ground floor below and to the remaining yard area.

Consultations & Notification Responses

Local Residents/Occupiers – 4 representations objecting to the proposal have been received from neighbouring occupiers. Comments are summarised below:

-The proposal will create issues for parking and traffic which is already a problem along Opal Street.

-The erection of a two-storey expansion with a balcony directly overlooking would compromise the privacy of neighbouring occupiers.

-The proposed extension would not block natural light and overshadow neighbouring properties.

-The conversion to a retail unit and the subsequent increase in foot traffic would introduce significant noise pollution, particularly during the construction phase and once the retail unit is operational.

-The lack of available parking in the vicinity would be exacerbated by the addition of a retail outlet, causing congestion and inconvenience for residents and visitors alike.

-If the retail unit were to be a food establishment, it could potentially attract pests such as vermin, posing health risks and hygiene concerns for neighbouring properties.

-The proposed retail space will also inevitably increase traffic, which in turn causes air pollution in an area that is already busy with cars travelling down the A6

-Members of Stockport Road and Henderson Street are currently trying to create a green space in the alley in-between us both. It is believed this will promote a more connected community and better mental well-being. The extension proposed would affect the alley in a negative way. It would block out the sunlight and make an already densely populated area denser. A greener, healthier space is desired over more buildings and concrete. Fly tipping and excessive waste is already an alley issue, and more people would result in more waste.

Environmental Health - Each flat should have its own full suite of bins within an external storage area that should be secured from access by the proposed commercial use, which should also have its own separate external bin store. The submitted plans and waste proforma do not clearly demonstrate that this would be feasible due to the limited space allocated to bin storage.

If approved, conditions are requested in relation to the need for a construction management plan, hours of use and waste management. An informative is also suggested in relation to a watching brief should any groundwater contamination or ground gas encountered on site during works.

Highway Services – The following comments are made:

Trip Generation - Given that the proposed development is resultant in 2 additional residential dwellings and one retail unit, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

Site Accessibility - The site is located in an established residential area with a number of services/facilities within walking distance of the site. Access to various bus services can be achieved from Stockport Road and Levenshulme Railway Station is located within walking distance of the site.

Parking and Access- Pedestrian access to the retail unit will be provided from the property frontage at Stockport Road, with a separate residential access from Opal Street. No on-site car parking provision is proposed. Given the accessible site location, additional parking demand associated with the addition of 2no. dwellings is anticipated to be minimal.

Servicing - A refuse storage area is noted within the site. Bin presentation for servicing will continue as existing from Opal Street via the rear alleyway.

Cycle Parking - Secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles and well as residential occupiers.

Construction Management - A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Planning History

None.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Core Strategy policies

Policy SP1 (Spatial Principle) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents,

consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H6 (South Manchester) - South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

In addition to the above, a number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved policy DC1 (Residential Extensions) provides criteria to be considered in determining applications for extensions to residential properties.

The policy states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
- b. the effect upon the amenity of neighbouring occupiers;
- c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. the overall appearance of the proposal in the street-scene;
- e. the effect of the loss of any on-site car parking.

The policy states further that extensions to residential properties will be allowed subject to compliance with other relevant policies of the UDP and the following criteria;

- a. they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);
- b. they do not create an undue loss of sunlight, daylight or privacy;
- c. they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;
- d. they would not result in the loss of off-street car-parking, in a situation where there is a severe existing on-street parking problem.

Saved policy DC5 (Flat Conversions) – In determining applications for conversions of properties to flats, the Council will have regard to standard of accommodation, effects on adjoining houses in terms of noise transfer, the adequacy of car parking, general effects on the character of the

neighbourhood, adequacy of private outdoor amenity space, access for all and the satisfactory provision of refuse storage/collection arrangements.

Policy DC26 (Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

Places for Everyone Greater Manchester Joint Development Plan (March 2024)

Places for Everyone Joint Development Plan was published in March 2024 and has been produced by Greater Manchester Combined Authority to provide a long-term plan for jobs, new homes, and sustainable growth for nine of Greater Manchester's districts.

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 Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Section 12 refer to the need to achieve well designed and beautiful places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Issues

Principle

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 development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the introduction of a ground floor retail use, together with the addition of further residential units, would result in an over-intensive use of the property and would increase levels of activity, noise and disturbance to the detriment of residential amenity. At the same time, the proposal would lead to the loss of a family sized dwellinghouse in an area where it is desirable to retain such properties, in order contribute to the Council's housing supply.

It is further considered that the proposed extension would result in overdevelopment. Due to the size, scale and position of the extension and its relationship with neighbouring properties, the proposed extension would have an over dominant and intrusive impact. To the rear, the proposed balcony would also introduce overlooking, harmful to neighbouring living conditions.

Loss of Family Accommodation

Policy H6 of the Core Strategy sets out requirements for new housing development in south Manchester, giving priority to family housing and states that outside the district centres, priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock.

This reflects the findings of the Housing Need and Demand Assessment 2010, which identifies a need for 3-4 bed family housing in the area.

The justification text for this policy promotes the need to encourage a mixed and diverse community by retaining or attracting economically active households,

There is huge demand across the city for larger homes, demonstrated by the waiting list for social housing, highlighting that demand significantly outstrips supply.

The Manchester Move website provides advice on available properties in Manchester and is used by the City Council's Housing and Residential Growth service as a data source, reflecting the Manchester Housing Register. The latest figures extracted from the website shows an extremely high demand for social housing in Manchester with over 15,000 live applications on the Manchester Housing Register.

The table below highlights the number of households on the Manchester Housing Register, by their band and the size of property applicants need.

For example, with reference to existing the floorplan, the application property comprises 3 bedrooms. Figures show that for this type of property 3,450 applicants were waiting for a 3-bedroom property on 1 February 2024. The application property is therefore a dwellinghouse suitable for a family and the proposal in this case would see the loss of such.

Bedroom Need	Band 1	Band 2	Band 3	Band 4	Band 5	Total
1	591	2438	116	3899	154	7198
2	188	2774	44	1928	40	4974
3	83	1491	929	927	20	3450
4	144	692	251	109	2	1198
5	40	134	8	11	0	193
6	17	7	0	0	0	24
Total	1063	7536	1348	6874	216	17037

*Information correct as at 01/02/2024

Extract taken from Manchester Move website

Whilst these figures are based on the supply of social housing, there is inevitably an intrinsic relationship between the availability of family homes for sale or rent in the private sector, and the demand for housing.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing for choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The loss of a further family house in this area would conflict with this aspiration, undermine the policy objectives for the area and increase the threat of existing families being driven out of the area, or from being attracted to the area, due to a shortage of appropriate accommodation. Whilst the effect of the loss of a single home on the overall mix and balance of housing in the area would be limited, it would nevertheless contribute to the short fall.

On this basis, the proposed conversion is considered unacceptable.

Residential Amenity

In this case, the harmful effect to the residential amenity arises from both the intensification of use and from the physical effects of the proposed extension. This impact manifests itself within 3 key considerations as set out below.

Activity

Overarching development plan policy seeks to protect the amenity of residents as a consequence of new development:

-Policies DM1 and SP1 of the Core Strategy indicates that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents

-Saved policy DC26 seeks to protect residents from noise generating uses.

-Saved policy DC5 of the UDP which specially relates to flat conversions, requires consideration be given the effect on neighbouring occupiers, as well as the adequacy of amenity space, parking, access and waste management arrangements.

In this case, the application site is located within a row of residential properties and within part of the district centre that is less intense in terms of commercial activities.

The introduction of a new retail unit directly next door to a dwellinghouse would lead to increased pedestrian footfall, vehicular movements, on-street parking demand/turnover and a resultant increase in noise and disturbance. Levels of activity would be heightened by the addition of further residential units.

The creation of multiple households within a terraced 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 and the likelihood of increased car ownership and parking demand.

On balance, it is considered 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 and would represents an over intensive use of the application property.

For this reason, the proposed use would have a harmful impact to the living conditions of neighbouring occupiers, contrary to the aforementioned policy and guidance.

Overlooking

The proposed extension incorporates an external balcony to the full width of the rear elevation at first floor level.

The rear elevation faces onto the rear of a two-storey residential terrace along Henderson Street, separated only by an alleyway and with an interface to first floor habitable room windows of approximately 9 metres.

It is considered that this relationship would be highly intrusive and would lead to overlooking or the perception of being overlooked, which in turn would be harmful to living conditions of neighbouring occupiers.

Saved policy DC1 of the UDP states that in the determination applications for extensions to residential properties, regard should be had to the effect upon the amenity of neighbouring occupiers.

This is echoed by policies DM1 and SP1 of the Manchester Core Strategy which underlines the need to safeguard residential amenity.

Given the position of the proposed balcony and its relationship with the neighbouring properties, the proposed balcony is considered to have a harmful impact to the living conditions of neighbouring occupiers, contrary to development plan policy and associated national guidance.

Over-dominance and Overshadowing

Saved policy DC1 of the UDP and policies DM1 and SP1 of the Manchester Core Strategy are again of relevance in relation to the protection of residential amenity, due to the impact of the proposed extension in terms over-dominance and overshadowing.

The proposed extension is two storeys in height and occupies a substantial proportion of the existing rear yard area, with the oversailing first floor element covering almost the entire footprint of the rear yard area.

Due to the positioning of windows to the neighbouring properties within the host terrace and in particular the rear windows associated with No.1106 which also incorporates windows within a full height, recessed side return, the proposed extension due to its scale, massing and proximity to the common boundary, would appear highly dominant and would lead to the overshadowing of adjoining windows.

The proposed extension would lead to creation of only a small gap between the side wall of the proposed extension and neighbouring windows leading to a feeling of enclosure formed by the large expanse of brick wall in such close proximity. In turn, it is considered that this impact would be unduly harmful to neighbouring living conditions and therefore in conflict with relevant development plan policy and associated national 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 and proactive 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 have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed development would result in the loss of a family sized dwellinghouse, which would reduce the level and availability of such housing in the area, undermining the provisions of policies H6, DM1 and SP1 of the Manchester Core Strategy, which seek to provide an appropriate mix and balance of housing provision in the locality, in order maintain a sustainable neighbourhood and cohesive housing market.

2) The introduction of a ground floor retail use in combination with the addition of two further residential units would have a harmful impact to neighbouring residential occupiers within the host terrace, due to increased level of activity and associated noise and disturbance. This in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to saved policies DC5 and DC26 of the Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

3) The proposed first floor, rear balcony would be highly intrusive to facing residential occupiers to the rear and give rise to overlooking or the perception of overlooking. This in turn would be harmful to the living conditions of neighbouring residential occupiers, contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

4) The proposed extension is excessively large and given its relationship with neighbouring properties would result an over-dominant feature that would be overbearing to associated occupiers, to the detriment of their amenity. As such, the proposed development is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Top Flat, 1096 Stockport Road, Manchester, M19 2SU
1100A Stockport Road, Manchester, M19 2SU
1110 Stockport Road, Manchester, M19 2SU
1096 - 1102 Stockport Road, Manchester, M19 2SU
91 Henderson Street, Manchester, M19 2QT
1106 Stockport Road, Manchester, M19 2SU
Office, 1110 Stockport Road, Manchester, M19 2SU
Flat 2, 1104 Stockport Road, Manchester, M19 2SU
Flat 1, 1104 Stockport Road, Manchester, M19 2SU
87 Henderson Street, Manchester, M19 2QT
1114 Stockport Road, Manchester, M19 2SU
1112 Stockport Road, Manchester, M19 2SU
1108 Stockport Road, Manchester, M19 2SU
89 Henderson Street, Manchester, M19 2QT
1065 Stockport Road, Manchester, M19 2TF
1063 Stockport Road, Manchester, M19 2TF
1059 Stockport Road, Manchester, M19 2TF
1057 Stockport Road, Manchester, M19 2TF
83 Henderson Street, Manchester, M19 2QR
81 Henderson Street, Manchester, M19 2QR
79 Henderson Street, Manchester, M19 2QR
77 Henderson Street, Manchester, M19 2QR
93 Henderson Street, Manchester, M19 2QT
85 Henderson Street, Manchester, M19 2QT
1061 Stockport Road, Manchester, M19 2TF
Next Steps, 1055 Stockport Road, Manchester, M19 2TF
1053 Stockport Road, Manchester, M19 2TF

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA