MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137568/FO/2023
Date registered valid:	26 July 2023
Proposal:	Change of use of first and second floors to a residential flat together with the installation of rear roof dormer extension.
Address:	34 Manchester Road, Manchester, M21 9PH
Ward(s):	Chorlton Ward
Applicant:	Mr Wahid Akhtar
Agent (if any):	Mr T cousins Extend Your Home
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	22 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 14th September 2023

Standard consultations:
Printed: 2 October 2023 Expired: 12 October 2023 (2 rounds of consultation done)

Neighbour notifications
Printed: 2 October 2023 Expired: 12 October 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
The property that is the subject of this application is a 2 storey bay fronted brick built terraced property with a front dormer and loft space providing an internal second floor. It is currently in use as a hairdressers to the ground floor with offices occupying the upper 2 floors. The property is identified as 34 Manchester Road in the Chorlton Ward of the City. There is a small yard area to the rear. Off road parking has been provided to the frontage of the property. The access to the hairdressers is taken through the central pane of the bay window to the front of the property which has historically been converted to a door. The entrance to the offices is taken off the front through a separate entrance door. There is an access ramp to serve the hairdressers.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The area is a mix of commercial and residential with most of the properties within the immediate terrace comprising of commercial/ retail to the ground floor with residential accommodation to the upper floors.

Description of development
The proposal is for the change of use of the first floor and the loft area to residential accommodation in the form of a 5 bedroom flat with 2 bathrooms and an open plan kitchen lounge. To facilitate the conversion it is proposed to erect a dormer roof to the rear. The application is part retrospective as the dormer is already partially constructed, however revisions to the proposal were required as part of this application. The materials are now proposed to be constructed of slate to match the existing roof, and the dormer is to be set in from the rear elevation and set back from the eaves.

Consultations & Notification Responses
Two rounds of consultation were sent out due to the receipt of the revised scheme during the life of the application.

Local Residents-2 letters have been received from the same property the main points of which are as follows:
The dormer extension is an ugly intrusion on the landscape and community. The new dormer is different in design, and colouring to anything else in the vicinity.
There was previously a view of a Victorian roof sloping away now it is a dull bluish wall. There is guttering with no downspout. The original rear wall has been removed and replaced with a higher fence. The properties were beautiful Victorian architecture and unfortunately people have changed most of the windows.

Environmental Health- no objection subject to the attachment of a condition relating to waste management.

Highways- no objections subject to the attachment of conditions relating to cycle parking provision

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through `which locally prepared plans for housing and other development can be produced.' It states that `at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless 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.

Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 92). The development would be appropriately related to the street-scene thereby securing appropriate natural surveillance. The entrance to the proposed residential accommodation is taken from the front which was the access point for the offices, and has natural surveillance being overlooked by the neighbouring properties and highly visible form within the street scene. The site would continue to accommodate a mix of Class E and the now proposed residential uses and there would not be an appreciable change from people visiting the site to visit the previous commercial office use to the number of people coming and going from the new residential accommodation. It is considered therefore that Chapter 8 would be accorded with.

Chapter 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

i. The potential impact of development on transport networks can be addressed;
ii. Provide opportunities for walking, cycling and public transport use.

It is considered that, given the nature of the development, the generation of traffic and vehicular movement would be comparable to the previous use and is capable of being accommodated within the local highway infrastructure. The site is highly accessible via public transport. The development would thereby be appropriately related to Chapter 9.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

i. Consultation and pre-decision matters;
ii. Health and well-being;
iii. Noise.

It is considered that the development would be appropriately related to the above objectives for the reasons set out in the report.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 (`the Core Strategy') was adopted by the 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.' The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:
a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The development would retain a Class E use that would continue to positively contribute to the commercial offer in the district centre. The appearance of the development would be appropriate within the context of neighbouring built form. The development would draw advantage from its sustainable location. The proposed apartment would also contribute to the quality of residential provision in the district centre. Policy SP1 would thereby be accorded with.

Policy C 2 District centres - States that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services. It promotes the efficient use of land, particularly through multi-storey development. Housing is also encouraged where it supports the vitality a viability of the district centre. It The development supports the on-going business to the ground floor and contributes to the variety of residential accommodation within the area. The residential flat is 5 bedroom and is providing family sized residential accommodation and thereby appropriately relates to the objectives of policy C2.

Policy EN8 Adaptation to Climate Change - States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In this case, the development would result in a marginal increase in floorspace with the introduction of the dormer with a commensurate environmental impact.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
ii. The sustainable waste management needs of the end user will be met.

The Class E use together with the residential flat was accompanied by a waste management strategy. Additional information is required and an appropriate condition will be attached to any consent granted requiring approval and implementation before the occupation of the flat hereby approved. There will also be a condition requiring details of the location and design of an appropriate bin store attached to any consent granted.

Policy T1 (Sustainable transport) - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. In this case, the development would not generate significant traffic and the site is in a sustainable transport location. Cycle storage provision would be delivered by condition and given the location of the proposed development it is easily accessible by alternative modes of transport to the motor vehicle. The proposal therefore would comply with Policy T1.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:
o Appropriate siting, layout, scale, form, massing, materials and detail;
o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development with due regard to the character of the surrounding area;
o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
o Accessibility - In relation to inclusive access and sustainable transport modes;
o Community safety and crime prevention;
o Design for health;
o Refuse storage and collection.

It is considered that the dormer extension would propose an appropriate and proportionate addition to the building with the revised design and materials relating satisfactorily to the building and its context. The development does not unduly harm the amenities of the area. The development would be supported with existing and established waste and recycling storage via the submission and implementation of an appropriate waste management strategy. The proposal therefore accords with Policy DM1.

Unitary Development Plan (UDP) saved policies -The following saved UDP policies are also considered to be relevant:

Policy DC26 (Development and noise)

Policy DC26.1 - Has been related to the proposals contribution to the local noise environment, in relation to the operation of the proposed extension and the additional activity it may generate,

including customers and traffic movements and the undertaking of servicing and deliveries. In case, it is considered that noise disturbance would be absorbed into the surrounding noise environment. The impact of the surrounding noise environment on the occupation of the apartment has been considered to ensure that the development appropriately relates to policy DC26.

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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.

Principle of the development - It is considered that the proposal represents an acceptable amount of development when viewed in the context of the host property. The ground floor is in use as a hairdressers (Class E) and had the upper floors been used in association with the ground floor up to two flats above would have been permitted development, however the upper floors were used independently as 5 offices, and therefore there is a change in use from the offices to residential accommodation. The principle of the physical works together with the proposed change of use are considered acceptable in principle. However, consideration must be given to the developments impact upon residential amenity, visual amenity, parking and the scale, massing and design of the proposed residential units.

Height, scale and massing - The proposed roof extension would be subservient to the height of the existing rear extension and, therefore, the main roof to the building. The development would add some bulk and massing to the roof, however, the extension still relates to the context of the original roof and is set in and set back from the existing roof edge. On balance, the overall height, scale and massing of the development is considered to be proportionate and acceptable.

Siting - The proposed extension has been satisfactorily related to the framework of the existing property.
The dormer extension has been set back from the eaves and the ridge line and thereby represents a relative addition to roof. The extension would only be viewed from the rear alleyway as far as being seen within the existing street view and thereby has no visual impact on Manchester Road.

Residential amenity - It is acknowledged that there would be an additional physical structure within the sight line of the neighbouring property of number 36 Manchester Road, however with the negotiated materials being the same as the existing roof slope rather than the unacceptable cladding that was originally proposed and partially constructed on site, together with the reduction of the size of the proposed dormer, this impact has now been lessened. There are no windows proposed in the front elevation of the dormer with the window being in the end overlooking the alleyway. This ensures that there is no overlooking or loss of privacy for the neighbouring properties.

An appropriate condition would be attached to any consent granted to ensure that no additional fenestration could be added to the elevations of the dormer extension.

Noise - There is an established relationship between the ground floor Class E use and the previous us of the first and roof-space floors in that they were in use as 5 offices. The change to a flat would be permitted development above a ground floor Class E, and therefore the consent is required for the dormer extension which holds no permitted development. The second floor flat would be separated from the Class E use. In these circumstances it is not considered that undue noise disturbance would occur, and a specific noise insulation condition would be required. To ensure that the noise is limited to that which would be expected of a single-family dwelling, a condition would be attached to any consent granted restricting the use of the flat.

Design - The design of the dormer is typical to those found in loft conversions on this type of property. It is important to lessen the visual impact of the extension through the use of sympathetic materials which assimilates the dormer extension into the existing building and roof slope. With the proposed use of the slate this would now be achieved, and the design is now considered acceptable.

Waste management - To ensure that the waste management provision is considered acceptable, a condition will be attached to any consent granted requiring the details of the separate waste management arrangements between the commercial element of the property and the residential element. The details of the design and location of the bin storage area will also be conditioned to ensure the acceptability of the area as this is proposed to the frontage of the property.

Highways and parking provision - The site is in a sustainable location with regard to access to public transport. The proposed level of residential occupation would not result in significant traffic generation. Traffic generated by the Class E use would be typical of retail and commercial uses in the area. The development would not impact on highway capacity. The applicant has stated that of the two parking spaces to the front of the property one would be for the business use, with the other allocated for the residential use. The one for the business use would also be available as supplementary parking for the residential unit when outside of the business opening hours. There will also be a condition attached requiring safe and secure cycle parking for one bicycle for the residential unit.

Construction management plan (CMP) - Given the limited amount of development proposed it is not considered that a construction management plan is required with the proposed works capable of being undertaken within the curtilage of the 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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance officers have worked with the applicant in a positive and proactive manner.

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:
04- Proposed floor plans received 26.07.2023
05 Rev B- Proposed side elevation received 26.09.2023
06 Rev B- Proposed rear elevation received 26.09.2023
07 Rev B- Proposed side elevation received 26.09.2023
Email from agent confirming slate finish received 26.09.2023

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

3) The materials to be used in the construction of the external surfaces of the extension hereby approved shall match the existing property, in terms of colour, type, and method of coursing, pointing, and patching in and as agreed in the email from the agent on the 26.09.2023

Reason - In the interests of the character and appearance of the property and surrounding area, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the

City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the residential units shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a) not precluding occupation by two unrelated people sharing a property.

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through the provision of accommodation that is suitable for people living as families pursuant to paragraph 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Notwithstanding the details submitted the dormer extension hereby approved shall not be occupied until the further information required regarding the separate waste management strategy for the residential and commercial uses regarding the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. 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 saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) Prior to the occupation of the development hereby approved, the details of a bin store including size, location and materials shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented, and thereafter retained and maintained so long as the development hereby approved is in use.

Reason - In the interests of the provision of adequate waste storage, and the appearance of the street scene, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the extensions hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environmental Health
Highway Services

34A Manchester Road, Chorlton, Manchester, M21 9PH
36 Manchester Road, Chorlton, Manchester, M21 9PH
32 Manchester Road, Chorlton, Manchester, M21 9PH
1 Selborne Road, Manchester, M21 0BL
32B Manchester Road, Chorlton, Manchester, M21 9PH

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: SOUTH AREA