MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137855/FO/2023
Date registered valid:	22 September 2023
Proposal:	Erection of a single storey rear extension in connection with the operation of an existing ground floor cosmetic clinic (sui generis)
Address:	6 - 8 Broadway, Manchester, M40 3LN
Ward(s):	Moston Ward
Applicant:	Mr Syed Haroon Ali Shah, Broadway Retreat
Agent (if any):	Mr Angelo Turrisi, NBDA Ltd
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	13 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17 October 2023.

Standard consultations:
Printed: 27 September 2023 Expired: 18 October 2023

Neighbour notifications
Printed: 27 September 2023 Expired: 18 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates to a two-storey, mid terraced property within a small commercial parade. The ground floor is presently occupied by a beauty salon (sui generis) and formerly occupied by a newsagent with living accommodation above. It is believed that the ground floor was formerly two individual units that have been enlarged to create one single unit.

Description of area

The property is situated along a busy thoroughfare within a small commercial parade which turns the corner onto Moston Lane East. The premises is adjoined on both sides by hot food takeaways.

The commercial nature of the immediate area is evident on the opposite side of Broadway with a mixture of retail, food and drink and financial/professional services straddling the junction with Moston Lane East. The wider area is largely residential in character.

Description of development

Planning permission is sought for the erection of a single storey rear extension in connection with the operation of an existing ground floor cosmetic clinic (sui generis).

Currently, the rear extension is divided into two, dual pitched elements projecting 4.5 metres. This proposal will infill the two out riggers marginally increasing the footprint of the business.

Site History

113788/FO/2016 Change of use of ground floor from retail (Class A1) to beauty salon (Sui Generis), with 2 x 2 bedroom self-contained flats at first floor (Class C3a), together with the erection of a single-storey rear extension to form ancillary floorspace and elevational alterations including a new shopfront and the creation of a new external access door to one of the self-contained flats. Approved

112593/AO/2016 Installation of internally illuminated fascia sign, two hanging poster signs and internal graphic signs. Approved.

111971/FO/2016/N1Change of use of ground floor from retail (Class A1) to beauty salon (Sui Generis), with 2 x 2 bedroom self-contained flats at first floor (Use Class C3(a)), together with the erection of a single-storey rear extension to form ancillary floorspace and elevational alterations including a new shopfront and the creation of a new external access door to one of the self-contained flats. Approved

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and no objections were received.

The Highways Team -were consulted and requested cycle storage be provided and a construction management plan condition be attached to the consent. However, given the scale of the development a construction management plan is considered to be unnecessary.

Environmental Health- were consulted and recommended the construction hours be condition and an informative has been added. EH also requested a refuse condition be added to the consent.

Issues

Policy

The below policies are considered relevant in the determination of this application.

Core Strategy

Policy SP1 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 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 C8 local shopping and service provision in local centres should be retained where it remains viable and provides an important service to the local community. The provision of new small scale retail facilities will be encouraged where they would provide for local every day needs and would not be harmful to the vitality and diversity of nearby centres. Careful consideration will be given to the impacts of new commercial development on residential amenity, which is particularly an issue for food and drink uses

Policy T2 requires that adequate car parking is provided for new developments. The Council will take the circumstances of each proposal into account to establish what level of parking is appropriate

Unitary Development Plan (Saved Policies)

Policy DC1 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 so severe an existing.

Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

The Guide to Development in Manchester (SPD) (2007) - The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

National Planning Policy Framework - The central theme to the 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.

Issues

Principle

The principle of the proposed increase in floor space to an existing business along a busy frontage in the heart of a local neighbourhood shopping centre is generally considered acceptable, provided that there would be no overriding negative impact upon residential amenity, the highway or upon the character of the area.

It should also be noted that the provision of use has been in operation and was grated consent under planning reference number 113788/

On balance, it is not considered that the proposal accords with saved policies DC1 and DC26 of the UDP and policies DM1, SP1 and T2 of the Manchester Core Strategy.

Residential Amenity

Due to the existing, commercial context of the immediate area, the commercial nature of other neighbouring operations and the relationship of the premises to the nearest residential properties, it is not believed that there would be a significant impact in terms of background noise levels and levels of activity.

The nature of the use and the marginal increase in floorspace is unlikely to create any significant, undue impact upon adjoining living conditions as a consequence of any increased noise and disturbance. As such, the impact upon residential amenity is deemed acceptable.

It is further considered that the due to the size and position and design of the proposed single storey rear extension and its relationship with adjoining properties, there would be no significant, adverse impact upon adjoining occupiers as a result of any overlooking, overshadowing or over-dominance.

In order to safeguard any potential impact upon nearby occupiers, conditions have been imposed with respect to construction hours and hours of operation consistent with the existing business and refuse storage arrangements.

Impact upon the Highway

Additional information has been provided by the applicant.

The applicant confirms that the proposed extension/refurbishment is not expected to generate any increase in customer/staff numbers. As such, highways are satisfied that the proposals would not give rise to an increase in vehicle trips or parking demand.

In terms of existing parking arrangements, the further 2no. spaces from the existing H-bar are usually occupied by staff first thing in the morning and throughout the working day. The 2no. remaining spaces closest to the H-Bar are mainly for customers use. Retention of the existing parking arrangement is considered acceptable by Highways, supported by H-bars-lining. Highways request that 2no. cycle parking spaces are conditioned with any approval.

Refuse Storage

The waste strategy remains unchanged. However, further details regarding waste segregation needs to be provided to accompany the waste management proforma and a condition has been attached to the consent.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

2148-MB-80 Rev 02, 2148-MB-10 Rev 04, 2148-MB-SK-100 Rev A4, stamped as received on the 22 September 2023, The Waste Management Proforma, stamped as received on the 21 September 2023, 2148-MB-14 Rev 01, and 2148-MB-19 Rev 01, stamped as received on the 16 August 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 on the external surfaces of the extension hereby permitted shall match those specified on the submitted application form and approved drawings, including brickwork to match existing.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

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

08.00 hrs to 20.00 hrs daily.

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

5) Notwithstanding details submitted, no above ground development shall commence until a scheme for 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 public health and visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

1 - 3 Broadway, Manchester, M40 3PA
Flat Above, 201 - 203 Moston Lane East, Manchester, M40 3HY
Top Flat, 4 Broadway, Manchester, M40 3LN
201 - 203 Moston Lane East, Manchester, M40 3HY
5 Broadway, Manchester, M40 3PA
2A Broadway, Manchester, M40 3LN
10 Broadway, Manchester, M40 3LN
189 Moston Lane East, Manchester, M40 3QJ
43 Warbeck Road, Manchester, M40 3LP
8A Broadway, Manchester, M40 3LN
6A Broadway, Manchester, M40 3LN
Broadway Leisure Centre, 12 Broadway, Manchester, M40 3LN
Flat, 10 Broadway, Manchester, M40 3LN
4 Broadway, Manchester, M40 3LN
2 Broadway, Manchester, M40 3LN
187 Moston Lane East, Manchester, M40 3QJ
207 Moston Lane East, Manchester, M40 3HY
205 Moston Lane East, Manchester, M40 3HY
8 Chelston Avenue, Manchester, M40 3LD
6 Chelston Avenue, Manchester, M40 3LD
4 Chelston Avenue, Manchester, M40 3LD
41 Warbeck Road, Manchester, M40 3LP
39 Warbeck Road, Manchester, M40 3LP
37 Warbeck Road, Manchester, M40 3LP
2 Chelston Avenue, Manchester, M40 3LD
588 Broadway, Chadderton, Manchester
189 Moston Lane, Manchetsre, M40 3GJ
635 Broadway, Chadderton, M40 3QH
286 Moston Lane East, Chadderton, M40 3QH
284 Moston Lane East , Chadderton, M40 3QH
282 Moston Lane East, Chadderton, M40 3QH
280 Moston Lane East, Chadderton, M40 3QH

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA