MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137490/FO/2023
Date registered valid:	6 July 2023
Proposal:	Change of use to form beauty salon (sui generis) with associated elevational alterations and boundary treatment.
Address:	Public Convenience , Hollyhedge Road, Wythenshawe
Ward(s):	Sharston Ward
Applicant:	Ali Hasan
Agent (if any):	Mr Steven Ludlam
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	18 August 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 28 July 2023

Standard consultations:
Printed: 18 July 2023 Expired: 8 August 2023

Neighbour notifications
Printed: 18 July 2023 Expired: 8 August 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

<u>Description of site/building/area</u>

This application relates to the disused toilet block located on the edge of the Hollyhedge Road local centre. To the west of the building there is an alleyway which provides access to the commercial terrace, while to the east and south there is an informal grassed area, beyond which stands Manchester College. To the north of the site, on the opposite side of Hollyhedge Road, there is a mix of commercial and residential uses.

Listed building: no
Conservation area: no
Tree Preservation Order: no

Description of development

Change of use to form beauty salon (sui generis) with associated elevational alterations and boundary treatment.

The applicant obtained planning permission to use the building for Class E purposes in June 2023 (136544/FO/2023).

Consultations & Notification Responses

Local Residents/Businesses – No comments received.

Highway Services – Have made the following comments:

- Given that the proposed unit will be situated to the edge of an existing parade of shops within an established residential area and given that the unit will be relatively small in size (at 54sqm), the proposal is unlikely to give rise to a significant increase in the level of vehicular trips. It is therefore accepted that the development is unlikely to generate any highway safety, traffic or network capacity concerns.
- No on-site car parking provision is proposed. Customers arriving by car would have the opportunity to utilise the wider parade parking area located off Hollyhedge Road. However, due to the existing area of hardstanding located to the shop frontage, Highways has concerns that this may be used for parking with potential encroachment onto the adjacent footway/cycleway. Highways therefore recommend that measures such as landscaping/bollards are implemented on land between the application site and the adopted footway/cycleway in order to discourage parking in this area.
- All doors should open inwards in order to ensure no conflict with passing pedestrians.
- Recommend that the applicant considers the provision of 'Sheffield' cycle stands to the property frontage which could also work as a measure to discourage parking at this location.

Environmental Health – Suggests the imposition of *hours of operation* and *refuse storage* conditions

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below: Policy SP1, Spatial Principles – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

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

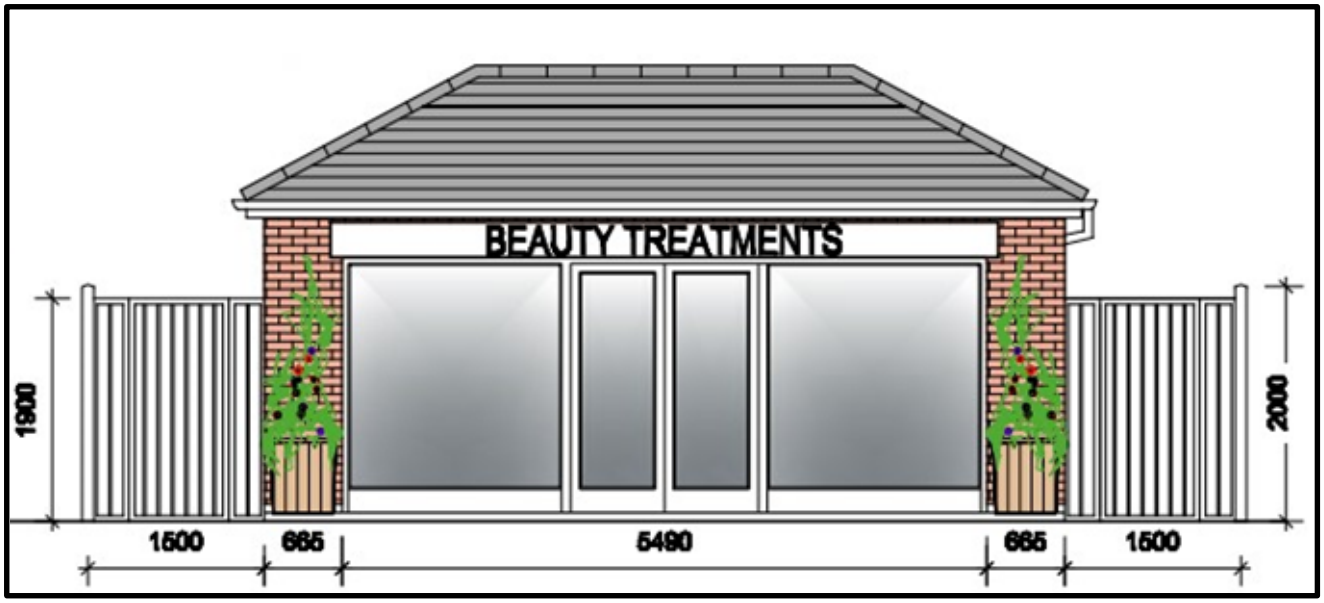
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Refuse storage and collection.
- Vehicular access and car parking.

Issues

Principle of the Proposal – Given the location of the site within the Hollyhedge Road local centre there is no objection in principle to this disused toilet block being converted into a Class E use. Notwithstanding this, any potential impact upon visual and residential amenity, as well as pedestrian and highway safety, must be assessed.

Residential Amenity – As the nearest residential accommodation is between 35 to 45 metres away from the site it is not considered that the use of the toilet block for commercial purposes would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of that accommodation.

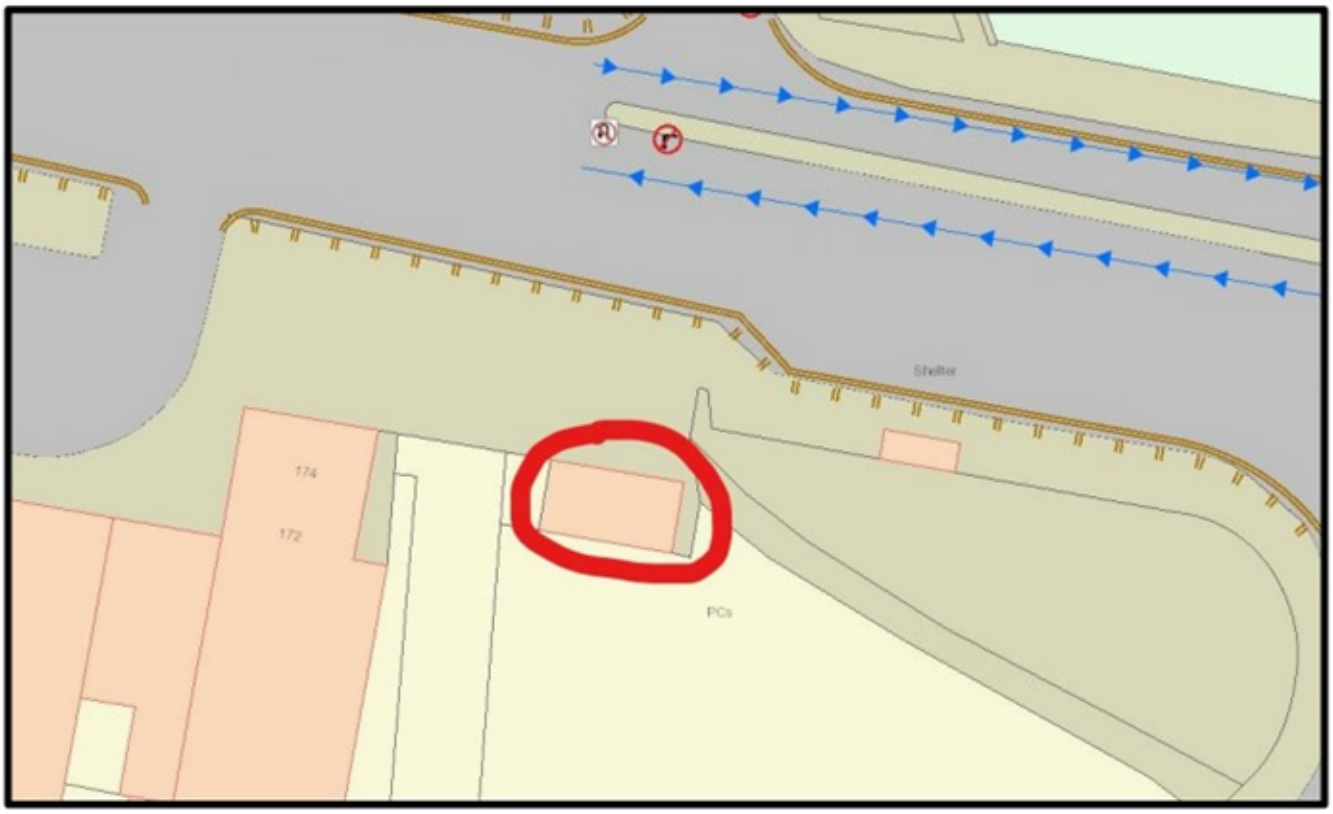
Design – The building is of a simple design, consisting of four brick walls, topped by a tiled roof, with the front elevation containing three metal doors. The applicant is proposing to insert a new shop front, comprising mainly of glazing, in order to open up the building and give it a more shop-like appearance. The design of the proposed alterations is considered acceptable.



Visual Amenity – The toilet block has been disused for many years and has become prone to attacks of vandalism. It is considered that converting the building and bringing it back into use would improve both its appearance and the levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – It is not considered that the comings and goings associated with the proposal would be of such a level so as to prove detrimental to the levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Car Parking – Given the presence of waiting restrictions to the front of the premises and the amount of on-street parking available within the local centre, it is not considered necessary in this instance to require the applicant to provide a series of bollards to the front of the site.



Refuse Storage – The submitted waste management arrangements are considered acceptable and its implementation will be a condition of any approval granted.

Cycle Storage – There is sufficient room within the fenced off area around the curtilage of the site to provide cycle storage for staff. However, to encourage customers to use this mode of transport a condition is suggested which would require the applicant to install some cycle storage provision at the front 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

Officers have worked with the applicant in a positive and proactive manner to resolve any matters arising in relation to 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:

a) Drawing nos. CYRF/07/23/01, CYRF/07/23/02, CYRF/07/23/03 and CYRF/07/23/05 received on 6 July 2023.
b) Drawing no. CVRF/07/23/04 Rev A received on 14 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 Manchester Core Strategy.

3) The development hereby approved shall be implemented and thereafter maintained in accordance with the schedule of materials received on 14 August 2023.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning 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 Manchester Core Strategy.

4) The storage and disposal of waste shall be undertaken in accordance with the details contained within drawing nos. CVRF/07/23/01 and CVRF/07/23/02, received on 6 July 2023, and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

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

a) Mondays to Saturdays, 9.00am - 9.00pm.
b) Sundays, 10.00am - 4.00pm

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 and Policies SP1 and DM1 of the Manchester Core Strategy.

6) Prior to the commencement of the use hereby approved, details of the cycle storage facilities to be installed at the front of the premises, along with a timetable for their installation, shall be submitted to and be approved by the City Council as local planning authority. The approved cycle storage facilities shall then be installed, retained and thereafter maintained in accordance with the approved details.

Reason - To promote sustainable development, pursuant to Policies T1 and EN16 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
166A Hollyhedge Road, Manchester, M22 9UE
Manchester College, Wythenshawe Campus, Brownley Road, Manchester, M22 9UH
Top Flat, 191 - 193 Hollyhedge Road, Manchester, M22 8UE
1 Brownley Court Road, Manchester, M22 8AH
172 - 174 Hollyhedge Road, Manchester, M22 9UE
170 Hollyhedge Road, Manchester, M22 9UE
166 Hollyhedge Road, Manchester, M22 9UE
189 Hollyhedge Road, Manchester, M22 8UE

195 Hollyhedge Road, Manchester, M22 8UE
191 - 193 Hollyhedge Road, Manchester, M22 8UE

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 45M
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA