

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 137494/FO/2023

**Date registered valid:** 18 July 2023

**Proposal:** Change of use of part existing ground floor to retail shop (Class E), first floor rear extension to existing dwelling and alteration to boundary treatment to front elevation.

**Address:** 254 Middleton Road, Manchester, M8 4WA

**Ward(s):** Higher Blackley Ward

**Applicant:** Mr Ahmed

**Agent (if any):** Mr Subhan Saleem

**Case officer:** Katie Raw  
Tel: 0161 234 4164  
Email: [katie.raw@manchester.gov.uk](mailto:katie.raw@manchester.gov.uk)

**Recommendation:** Refuse

**Date of recommendation:** 20 September 2023

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Retail

**Date of site visit:** 31 July 2023

### **Standard consultations:**

Printed: 28 July 2023      Expired: 18 August 2023

### **Neighbour notifications**

Printed: 28 July 2023      Expired: 18 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

## **Description of site/building**

**Listed building:** Not applicable

**Conservation area:** No

**Tree Preservation Order:** No

## **Description of area**

The application site relates to 254 Middleton Road within the Higher Blackley ward of north Manchester. The application site relates to a two storey, semi-detached, dark red brick family dwellinghouse with a recently constructed part single, part two storey side extension (see planning history for further details). Amenity space to the front of the property is bounded by a red brick wall with railings above and consists of a paved driveway. Amenity space to the rear of the property consists of a grassed garden and wooden patio area, with a significant change in levels from the property to the garden. The property also benefits from a single storey rear extension (see planning history for further details).

## **Description of development**

The submitted application seeks planning permission for a change of use of part existing ground floor to retail shop (Class E), first floor rear extension to existing dwelling and alteration to boundary treatment to front elevation.

The recently constructed single storey side extension would be changed into a retail shop (Class E). This would involve a retail shop to the front and a W/C to the rear of the footprint.

Within the application form the retail shop is described as a family owned retail shop and no hours of opening were provided.

A first floor rear extension would be erected at the site for the use of the existing family. The extension would sit on top of the existing single storey rear extension and key into the recently constructed two storey side extension. This element of the proposal would have approximate dimensions of Height: 6 x Length: 2 x Width: 7 metres. The extension would create an enlarged bedroom 2 and enlarged bathroom, with the insertion of two windows within the rear elevation. The materials to be used would match that of the host property.

Alterations would occur to boundary treatment to front elevation. This would involve separating the front amenity space for use by the family and for use by the visitors of the retail shop. A 1.6 metre brick wall with railings above would be erected to separate the two areas.

A bin store would be positioned within the front amenity space allocated for the residential family home and an alleyway against the southern boundary of the site would allow access to the rear of the property to a waste storage area for the use of the proposed retail unit.

### *Planning History*

127504/FH/2020- Erection of a two storey side extension and single storey rear extension to form additional living accommodation.  
Approved 11 November 2020.

## **Consultations & Notification Responses**

### *Local Residents*

Local residents were consulted and two neighbours objected to the application. The following concerns were raised by the residents:

- Inadequacy of parking, loading and turning given the property's location along Middleton Road
- Health and safety concerns around entry and exit for cars and people
- Increased noise, disturbance and additional traffic
- Create further environmental issues and would not improve residents' health and wellbeing
- Design/ appearance be out of character with neighbouring properties
- Concerns regarding the hours of opening
- Increased rubbish
- Question benefit to the community

### *Greater Manchester Police*

GM Police were consulted on the above application and provided the following response:

Thank you for the opportunity to comment on the above application, having looked at the proposals we would recommend the following for the proposed change of use to a retail unit:

- Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.
- Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356.
- A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces.

- Signage should be displayed to indicate the areas of the premises that are restricted to staff only.
- Any staff areas that are to be included within the proposal should be access controlled and restricted to members of staff only.
- Dusk till dawn lighting should be installed above all external doors.

### *Salford City Council*

Salford City Council were consulted on the above application due to the proximity of the Salford boundary and raised no objection in relation to the proposal.

### *Highway Services*

Highways were consulted on the above application and provided the following response:

#### TRIP GENERATION AND JUNCTION CAPACITY:

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

#### SITE ACCESSIBILITY:

The site is well accessed by sustainable modes. Regular bus services are routed along Middleton Road and provide links to Oldham Mumps and Piccadilly Gardens. Further bus stops are in place along Blackley New Road and provides connections to Sale, Manchester City Centre and Middleton.

The closest Metrolink facility is located at Bowker Vale and provides connections to Bury, Altrincham and Piccadilly.

#### PARKING AND ACCESS:

There is 1 car parking space located within the site's curtilage, thus equating to a provision of 100%.

Vehicular access to the site is gained from Middleton Road and it is noted that an existing vehicular crossover is present in this location in order to facilitate this access.

#### CYCLE PARKING:

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

#### BOUNDARY TREATMENTS:

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

#### REFUSE AND SERVICING:

A refuse storage area is noted within the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

#### CONSTRUCTION MANAGEMENT:

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

### *Environmental Health*

Environmental Health were consulted on the application and provided the following response: The applicant should complete and submit MCC's waste proforma available at Waste management strategy and proforma | Manchester City Council so that the feasibility of the proposals may be assessed; the submitted plans show only a waste storage area to the rear, and bin store at the front of the property. Further details are required of the proposed waste & recycling scheme for the commercial use, including how bins will be transferred to and from the collection point.

If this query can be answered satisfactorily we would recommend that the following standard conditions be applied to any approval granted:

- CONSTRUCTION HOURS
- HOURS1 - Commercial premises opening hours
- NSE6 - External plant/equipment/servicing (if proposed)

### **Issues**

### **POLICY**

#### *The National Planning Policy Framework (September 2023)*

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 5. Delivering a sufficient supply of homes- explains that when significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- ii. Chapter 8. Promoting healthy and communities- states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, among other things, promotes social interaction, are safe and accessible, and enable and support healthy lifestyles.
- iii. Chapter 9. Promoting sustainable transport- states that developments should create opportunities to promote walking, cycling and public transport use.
- iv. Chapter 11. Making effective use of land- the NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. This section emphasises the need to give substantial weight to the value of using suitable brownfield land for new homes, and to promote the development of underutilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- v. Chapter 12. Achieving well-designed places – states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

*The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.*

The document sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027. 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.

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principles) 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 C1 (Centre Hierarchy) states development of town centre uses (as defined in national planning policy) will be prioritised in the centres identified in this policy, taking account of the different roles of the City Centre, District Centres and Local Centres. District Centres have an essential role in providing key services to the City's neighbourhoods including shopping, commercial, leisure, public and community functions, ensuring that residents can access such services easily. They are also a focus for the City's residential neighbourhoods, providing an important opportunity to define local character. Manchester's 17 district centres are shown below including the newly designated district centre, Baguley (West Wythenshawe). Development in these centres should primarily respond to the needs of the catchment and recognise the need to support the vitality and viability of other centres.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Policy SO3 (Housing); seeks the provision of a significant increase in high quality housing provision at sustainable locations to address demographic needs and support economic growth.

Policy H4 (North Manchester); states that over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

Policy T2 (Accessible Areas of Opportunity and Need); seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

### *Unitary Development Plan Saved Policies*

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC1.1 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 carparking.

DC1.2 Extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan 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 streetscene 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 on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

## **ISSUES**

### *Principle of Development*

The proposal would include the change of use of part existing ground floor to retail shop (Class E), first floor rear extension to existing dwelling and alteration to boundary treatment to front elevation. The principle of development is not acceptable on two grounds; firstly, the change of part existing ground floor to retail shop (Class E) and secondly the first floor rear extension to existing dwelling. Whilst the alteration to the boundary treatment to the front elevation to support the creation of the Class E use is not harmful on its own, it is only required to support the change of the part ground side extension to Class E. For both of the concerns raised, the benefits to the applicant do not outweigh the potential harm in relation to visual/residential amenity and design and appearance. Despite conversations about amending the plans to overcome the Local Planning Authority's concerns, the client decided not to change the plans as requested and instead receive a refusal on the scheme. The two areas of concern will now be discussed in further detail.

### **Change of use of part existing ground floor to retail shop (Class E):**

The recently approved and constructed two storey side extension under planning ref 127504/FH/2020 was approved for the extension of the existing dwellinghouse and for the use of the existing residents. This application seeks to change the use of the ground floor of this extension to Class E. This element of the application received two objections from neighbouring properties.

### *Impact to immediate area:*

The property does not sit within one of Manchester's District Centres or Local Centres and as such is recognised as being primarily residential in nature within the Core Strategy (2012).

Although there is a parade of shops to the south of the property with residential uses above in the form of first floor flats (on both the same and opposite side of the applicant property), the parades of shops are primarily defined as commercial uses and the parades have been established as such. None of the existing commercial uses sit to the side of residential dwellings and the residential flats rather sit above the commercial units. The proposed retail unit would be out of keeping with the form and relationship between the two uses within the immediate area as existing and undermine the residential character of the area.

The applicant property is the first property along the eastern side of Middleton Road to highlight the separation between commercial use and residential use. The applicant property is one of 4 pairs of semi detached dwellinghouses along the eastern side of Middleton Road before reaching the junction of Middleton Road/ Northbrook Avenue. The introduction of a retail shop within part of the existing dwellinghouse would disrupt the rhythm in terms of uses along the eastern side of Middleton Road, therefore negatively impacting the character of the streetscene and wider area.

*Proposed future use:*

It is considered the change of the ground floor side extension and its use as a retail unit would result in an overly intensive level of use.

No hours of opening were provided as part of the application.

Whilst the plans show one off street parking space, no details were provided in terms of how the external amenity space for the retail unit would be managed in terms of customer parking and how access would be provided to the retail use if the owners were to block the entrance to the shop when parking their own car. Although areas are marked for bin storage for the use of the residential dwellinghouse and the retail unit, the MCC waste proforma was not completed. As such, Environmental Health were unable to make judgements in terms of waste for the proposal.

The associated activity, noise and disturbance would be harmful to the amenities and character of the existing residents and area and is considered to be unacceptable to residential amenity. The uses of the existing dwellinghouse alongside the retail unit with additional comings and goings would not respond well to one another.

*Loss of family accommodation:*

In addition, the proposal would result in the partial loss of family accommodation, if not for the current family, for any future families and given Manchester is experiencing a shortage of family accommodation, this would not be acceptable. The applicant has not satisfactorily justified the loss of part of the application property as family housing. The erection of the side extension was applied for under a householder application and responds well to the existing property. It therefore can be used for its current use. The change of use to the retail unit is not appropriate in its location and the applicant should consider commercial units as more suitable business locations.

*Design and Appearance*

Little information was given in terms of how the retail unit would appear in terms of design. Plans seem to suggest the existing doors at the front of the ground floor side extension would be retained. No commercial roller shutters or signage were proposed (although this could have come forward in a different application). Given the close connection from the proposed retail unit to the first floor side extension for residential use, the proposal would appear incongruous in the streetscene. As such, the design and appearance of the retail unit would be contrary to policies SP1 and DM1 within the Manchester Core Strategy.

**First floor rear extension:**

*Visual/residential amenity:*

The proposed first floor rear extension would key into the recently constructed two storey side extension and as such, neighbouring property no.252 Middleton Road would not be negatively impacted by the proposal in terms of amenity.

However, the first floor rear extension would be sited against the shared boundary with the immediate neighbour, no.256 Middleton Road. Given the applicant property is due south of the neighbouring property, the neighbour would experience overshadowing as a result of the proposal. The first floor extension would give rise to a tunnelling impact due to it being sited against the shared boundary, close to the neighbour's rear window and being sited due south of the neighbouring property. If the row of properties sat within a different orientation, the negative impacts would be considered less severe. As such, the proposal is considered to create an overbearing feature to the detriment of visual/ residential amenity.

Although the rear extension would have a projection of 2 metres, this is considered sufficient additional built form for the impacts listed to occur and produce a harmful impact to the neighbouring property. The agent was asked to set the rear extension away from the shared boundary to overcome this impact, however the client was unwilling to change the design to reflect amendments suggested.

### *Design and appearance*

Whilst the materials chosen for the proposal would be considered acceptable, the form and massing of the first floor rear extension as part of the scheme is not considered acceptable. Although the projection of the rear extension would be pursuant with Policy DC1.3 of the UDP, given the relationship of the structure to no.256 Middleton Road's boundary, the proposal is considered to create an overly large and overbearing feature, due to the orientation of properties. As a result, the proposal would be contrary to Policy DC1.2 of the UDP.

### **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**

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; however, 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 change of use of part existing ground floor to retail shop (Class E) would disrupt the rhythm of uses along the eastern side of Middleton Road. This would be likely to have an adverse effect on the residential character of the streetscene and wider area. The development would thereby be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester.
- 2) The proposed retail use (Class E) use by virtue of its proximity to the applicant property and neighbouring residences would be unduly detrimental to the amenity and quietude of their occupants as a result of the additional comings and goings and on street parking activity. The development would thereby be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester.
- 3) The proposed development would result in the partial loss of quality residential accommodation and would thereby reduce the supply and availability of large family housing. The development would thereby fail to positively respond to an identified housing need and thereby undermine the formation of cohesive and sustainable neighbourhoods where people would choose to live. The development would thereby be contrary to policies SP1, H4 and DM1 of the Core Strategy for the City of Manchester.
- 4) The erection of a first floor rear extension would, by reason of its scale, design, length, orientation and relationship with no.256 Middleton Road, form an overly dominant and tunnelling feature for no.256 Middleton Road, to the detriment of loss of light and overshadowing. The proposal would therefore have an unduly harmful impact on visual and residential amenity, which is contrary to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD and the National Planning Policy Framework.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health  
Greater Manchester Police  
Salford City Council

7 Welford Road, Manchester, M8 4NZ  
12 Welford Road, Manchester, M8 4NZ  
256 Middleton Road, Manchester, M8 4WA  
252 Middleton Road, Manchester, M8 4WA  
285 Middleton Road, Manchester M8 4LY  
287 Middleton Road, Manchester M8 4LY  
287-289 Middleton Road, Manchester M8 4LY  
293 Middleton Road, Manchester M8 4LY  
283 Middleton Road, Manchester M8 4LY

## **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  
Area Team Boundary - Name: NORTH AREA