

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136994/FO/2023

Date registered valid: 8 June 2023

Proposal: Erection of a timber outbuilding in rear garden for use for provision of hairdressing services

Address: 7 Poplar Road, Manchester, M19 1QH

Ward(s): Didsbury East Ward

Applicant: Ms Hayley Emanuel

Agent (if any): Mr Paul Robinson, Orbis Town Planning Ltd

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: 02.08.2023

Date of recommendation: **Approve**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 04 July 2023

Standard consultations:

Printed: 20 June 2023 Expired: 11 July 2023

Neighbour notifications

Printed: 20 June 2023 Expired: 11 July 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to a brick built, semi-detached property within a residential neighbourhood of Burnage, Manchester. The property is finished in a white render along the front elevation along the first floor and benefits from an area of hardstanding to the front and side of the property with a reasonably sized rear garden. A small single storey wooden shed and stoned garage are situated along with the rear garden along the western shared boundary. Further, the property benefits from an existing single storey rear extension.

The remainder of the area is residential in nature with houses of similar style and design.

Description of development

Planning permission is sought for the erection of a timber outbuilding in the rear garden for use for provision of hairdressing services. The proposed building would be located within the rear garden behind the existing single storey garage and be situated approx. 0.5metres away from the western shared boundary. The building would have approx. dimensions of Height 2.5m x Width 2.5m x Depth 6m. The building would be one studio area and would include one set of sliding doors along the front elevation overlooking the remaining rear garden.

In support of this application the applicant has indicated that the application is proposed a timber outbuilding in the garden of 7 poplar Road to be utilised as a hairdressers for local clients. The applicant is a hairdresser and intends to start a business from home providing

hairdressing to clients on a one-to-one basis. The hairdressing unit would be run solely by the applicant with no additional employees.

It is expected that the clients will pre-book timeslots and appointments would be staggered so that there would only ever be one visitor at any time. Further, the proposal will only open on a part time basis with on average an expected 5-6 customers per day.

Additional activity from the unit will be from the waste collection company once a week to collect all disposable refuse.

Consultations & Notification Responses

Local residents were notified and no responses were received.

Environmental Health had no objections to the proposal and recommended a hours and waste condition be attached to any approval.

Highways had no objections to the proposal stating it would have no discernible impact on highways and only a marginal impact on street parking.

Policy

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- DM1, SP1, EN19 of the Manchester Core Strategy

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

Chapter 8: Promoting health and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social inclusion, are safe and accessible and enable and support healthy lifestyles.

Chapter 12: Achieving well-designed places

124: The creation of high quality 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.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

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:

- 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,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how: -Both construction and demolition waste will be minimised and recycled on site wherever possible; -The sustainable waste management needs of the end user will be met.

Issues

Principle

This is a residential area and the proposed development would introduce a commercial use and while the definition of a Class E use says that such uses will be appropriate to a residential area there remains the potential for such uses to adversely impact on the amenity of the area. The issues surrounding the proposed development are addressed in the following sections.

Scale

The proposed building would be more than twice as deep as the existing garage it sits directly behind. Whilst this is more than double the size of the existing footprint there is still considerable rear amenity space available for the occupiers and is considered the garden can accommodate the building. The building's proposed footprint and scale is deemed appropriate for the application site.

It should be noted that if the building was for ancillary residential purposes it would meet permitted development criterion for a 'Class E' development as set out in the current GDPO.

Design

The proposed building will be finished in timber panels to match comparable single storey sheds and other garden outbuildings seen within the local vicinity. There is only one elevation with openings and it is therefore deemed an acceptable design for the host property and is considered consistent with aspirations of Core Strategy Policies SP1 and DM1.

Parking

The existing car parking arrangements will remain unchanged as a result of the proposal. Off street car parking spaces are available on site whilst it should be noted that many clients would come from the immediate local area and so walking to appointments is expected. Further, Highways had no issues with on street car parking given the lack of parking restrictions and the minimal scale of parking required for such a development.

Refuse Storage

The planning agent has confirmed via email dated 18.07.2023 that a private collection company (Green Salon Collective) will collect on a weekly basis all disposable refuse from the proposal. The storage of the bins be within the rear garden as shown in the waste site plan drawing with

specialist waste such as metals and products will be stored inside the building within the containers provided by the collection company. Environmental Health have deemed this information sufficient to discharge the condition and will be attached to any approval.

Personal Consent

The applicant has provided a detailed explanation of how the proposed use operates. Principally it is occupied by the applicant who would use this building as a hairdresser's studio. The applicant will be the sole employee with a maximum of 5-6 customers per day. In terms of scale the proposed development is considered to facilitate a small business from home that requires planning permission. It is considered that whilst the timber outbuilding is operated in the manner proposed, it is unlikely that there would be any significant impact of the area. However, concern is expressed that if the building approved was taken over by a third party or used in a different matter by future occupiers of the dwellinghouse it could impact more significantly on residents. Accordingly, it is considered that a personal consent which requires the cessation of the use should the current applicants not be involved is prudent.

Residential Amenity

In terms of the proposed development the use of the unit for Class E purposes in an unrestricted manner would have the potential to cause a loss of amenity from the level of activity including vehicular and pedestrian movements and well as disturbance from activity within the unit itself. However, in this instance the applicant has provided details of the activities associated and it is considered that the hairdressers use outlined in the planning statement would be compatible with the adjoining residential uses. It is therefore proposed to make the consent personal to the applicant and require the proposed building to revert to ancillary residential use should they cease to occupy the premises. A further condition is proposed limiting the operation to that is set out within any approval.

In terms of overlooking and the potential impact across the southern boundary it is not expected to be significant given the distance to the boundary and the existing boundary treatment therefore retaining the neighbouring occupier's privacy levels across their rear amenity space. Further, it is anticipated that no.9 Poplar Road to the north of the boundary may experience some overshadowing in the morning sun however this is alleviated during the afternoon and evening and is not considered significant to warrant a refusal.

On balance, it is considered that the proposed development will have no significant impact on residential amenity subject to the conditions proposed.

Hours of Operation

Environmental Health have deemed the information sufficient regarding hours of operation with the proposed unit expected to operate on a part time basis on weekdays between Tuesday-Friday 10am-18:30pm. The commercial building will be closed on Saturdays, Sundays and Mondays.

Conclusion

The proposed development subject to the conditions proposed is considered to be acceptable and accord with Council policy.

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:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this 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:

Drawing: Location Plan

Drawing: Block Plan of Site

Document: Application Form

Document: Waste Management

Document: Waste Management Site Plan and Elevation

All stamped as received by the City Council as Local Planning Authority on 08 June 2023

Document: Covering Letter

Stamped as received by the City Council as Local Planning Authority on 17 May 2023

Email dated 18.07.2023 and 02.08.2023 from planning agent outlining the waste management collection.

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 be implemented in accordance with the approved details set out in the documents and drawings as specified in Condition 2 of this approval.

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 use hereby permitted shall be carried on only by the applicant. When the premises cease to be occupied by the applicant the use hereby permitted shall cease and the building hereby approved shall be used for purposes ancillary to the use of 7 Poplar Road as a dwellinghouse.

Reason- In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicant pursuant to Core Strategy Policy DM1.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class E 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 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity, to safeguard the character of the area pursuant to policies SP1 and DM1 of the Core Strategy for Manchester, saved policy DC6 of the Unitary Development Plan and the guidance contained within the National Planning Policy Framework

- 6) The development hereby approved shall be carried out in accordance with 'Waste Management Site Plan and Elevation' stamped as received by the City Council as local planning authority on 08 June 2023, in relation to the waste management of the site. The waste management plan shall be implemented in accordance with the approved scheme as part of the development and shall be so maintained and retained at all times thereafter. No bins shall be stored on the highway, other than on the day of collection.

Reason- In the interest of residential amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

- 7) The timber outbuilding being utilised as a commercial hairdressing studio hereby approved shall not be open outside the following hours:
10:00-18:30 Tuesday to Friday
Closed Saturdays to Monday

Reason- To safeguard the amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

5 Poplar Road, Manchester, M19 1QH
16 Poplar Road, Manchester, M19 1QH
14 Poplar Road, Manchester, M19 1QH
12 Poplar Road, Manchester, M19 1QH
11 Poplar Road, Manchester, M19 1QH
6 Withnell Road, Manchester, M19 1GH
4 Withnell Road, Manchester, M19 1GH
10 Withnell Road, Manchester, M19 1GH
9 Poplar Road, Manchester, M19 1QH
6 Poplar Road, Manchester, M19 1QH
3 Poplar Road, Manchester, M19 1QH
10 Poplar Road, Manchester, M19 1QH
12 Withnell Road, Manchester, M19 1GH
8 Withnell Road, Manchester, M19 1GH
8 Poplar Road, Manchester, M19 1QH
4 Poplar Road, Manchester, M19 1QH
2 Poplar Road, Manchester, M19 1QH
13 Poplar Road, Manchester, M19 1QH

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