Application Number          Date of Appln          Committee Date          Ward
108822/FO/2015/S1           14th May 2015           15th Oct 2015           Whalley Range Ward

Proposal    Erection of two-storey building to form new retail unit (Class A1) to rear and installation of single-storey extension to front to form additional retail space (Class A1)
Location    127 Egerton Road South, Chorlton, Manchester, M21 0XN
Applicant   Mr Ali Abbas, 127 Egerton Road South, Chorlton, Manchester, M21 0XN
Agent       Mr Yasin Ahmed, Y A Architectural Services, Unity House, Fletchers Street, Great Lever, Bolton, BL3 6NE

Background
At the Planning and Highways Committee meeting on 27th August 2015 Members were minded to refuse the application but gave the applicant the opportunity to redesign the proposal in order to overcome their concerns. Prior to this, the application was previously deferred on 30th July 2015 to allow Members to undertake a site visit.

In response to this, the applicant has submitted revised plans which include a number of alterations. Principally, a new waste management configuration, the introduction of glazing to the front extension and the inclusion of high level, obscurely glazed windows and timber cladding on the side elevation of the two-storey rear extension.

The Head of Planning considers that the changes do little to improve the scheme and therefore the original reasons put forward for refusal are still relevant. The main issues raised at the last meeting related to waste management, design, visual amenity, parking and crime and security concerns with respect to the front extension. These issues are explored in more detail in the main body of the report.

Description
The application site relates to the rear yard area of an existing retail premises located close to the corner of Egerton Road South and St. Werburgh’s Road.

The existing premises is currently occupied by a Post Office which has been extended at single storey level to the side and rear, with the side extension having been sub-divided to create a barber shop fronting St. Werburgh’s Road. To the front of the premises there is a dedicated refuse storage enclosure positioned in a recess following the set back of the side extension.
The triangular shaped yard area to which part of the proposal relates is situated at a lower level than the adjoining street frontage with the difference in site levels being approximately 2 metres.

The Post Office and barber shop are situated within a small retail parade fronting Egerton Road South, with the surrounding area being predominantly residential in character, mainly comprising of two-storey, semi-detached properties and first floor flats above the retail premises within the parade. St. Werburgh’s Metrolink station adjoins the site to the south, situated on the brow of a hill.

In this case, planning permission is sought for the erection of a two-storey, detached building to form a new retail unit fronting St. Werburgh’s Road. The flat roof structure would occupy almost the entire rear yard area and due to the difference in site levels, presents a single storey frontage to the street. The proposed building is to be used as a retail unit at ground floor level, with a storage space below.

To the Egerton Road South frontage, a single storey extension is also proposed. The structure projects beyond the front building line and entails a powder coated steel frame with glazed roof and elevations protected by roller shutters. The extension will displace much of an existing refuse storage area located within an a recess of the forecourt.

**Consultations**

Local Residents/Occupiers – 7 letters of support were received in response to the original proposal. Comments are summarised below:

- The shop is a valuable asset to the area.
- The extension to the shop will be of public interest and useful to residents.
- The application is supported because it will improve the street view on St. Werburgh’s Road and will block out the rear view of the shops on Egerton Road South.
- It will improve employment opportunities in the area.
In addition, two letters were received which raise objections to the proposal. Comments are again summarised below:

- The existing post office creates a high volume of traffic and leads to cars constantly being parked over driveways. Enlarging the store will inevitably create more traffic and make the parking situation worse.

- There is not enough parking space in the street and the street cannot sustain any extra traffic that this proposal is likely to generate. The most problematic spot is the corner of Egerton Road South and St. Werburgh’s Rd.

- Commuters use Egerton Road South as some sort of park and ride for the Metrolink so the few spaces that used to serve the shops are gone. The combination of the Metrolink stop and the corner shop means people often park on the double yellow lines on the corner and park on the pavement. The street cannot handle any more traffic.

- Waste disposal is not adequately catered for. The problem will be made worse if the shop enlarges.

Following the submission of revised plans, neighbours have been re-notified but no further responses have been received.

Local Ward Members – Councillor Stogia requested that the application be determined by the Planning and Highways Committee.

Rt. Hon Sir Gerald Kaufmann MP – Having liaised with the applicant, it is considered that the proposal would make the area much more attractive. Whilst it is understood that there are concerns about parking, there are double yellow lines on the road which would prevent any parking, let alone obstructive parking. Neighbours in the area have expressed their support for the application and it will be helpful to the area if the application is granted.

Highway Services – It is noted that double yellow lines and a ‘No waiting at anytime’ Traffic Regulation Order is present on both sides of St. Werburgh’s Road, although loading is not restricted. Parking is permitted (subject to a maximum 2 hour stay, Monday to Friday) along Egerton Road South.

A bus stop is present along St. Werburgh’s Road immediately adjacent to the location of the proposed retail unit. A short distance to the south of this, a dropped crossing for pedestrians is present, adjacent to the Metrolink station. There is a risk that servicing of the proposed retail unit could interfere with the operation of the bus stop and the safety of pedestrians. It is not clear how the retail unit would be serviced and more information is requested in this regard.

Environmental Health – Conditions are recommended with respect to hours of use, servicing, the control of fumes/odours, external equipment insulation and refuse storage arrangements should the application be recommended for approval.

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Following revisions to the plans, it is not considered that there is enough space available for the number of bins that will be needed.

Greater Manchester Police – A number of security specifications are recommended if the application is approved. These include, the specification of shutters and doors, management practices for the handling of money on the premises and a requirement for CCTV installation. It is requested that the building be built to ‘Secured by Design’ standards.

Transport for Greater Manchester (TfGM) – No comments to make.

Contaminated Land Section – A condition requiring the submission and approval of a contaminated land study, together with details of any subsequent remediation measures is recommended.

Policy

Local Development Framework
The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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 also 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 within the Core Strategy are considered relevant:
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.

Issues surrounding design, the character of an area and the contribution the proposed development make to the safety and well being of residents need to be considered as part of the current application.

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.

In terms of the current application, issues related to the siting and appearance of the development, the impact upon the surrounding area, community safety and the adequacy of refuse storage are particularly prevalent.

Policy T2 states that all new development should provide appropriate car parking facilities.

In this case, it is considered that on-street parking provision is at a premium and the adjoining roads cannot sustain any further parking demand.

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 (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Issues

Principle

The principle of all elements of the proposed development are considered unacceptable in this location.

It is believed that due to the position, footprint and scale of the proposed building to the rear, coupled with its relationship with adjoining properties, the proposed building will be overbearing and intrusive to neighbouring occupiers and its use will exacerbate existing highway difficulties in the immediate area. It is further considered that the proposal does not provide an adequate refuse storage area for both the existing and proposed premises and that the forward projection of the front extension beyond the front building line of the host parade would be intrusive in the street-scene to the detriment of visual amenity.

Given the above, the proposal is considered to be contrary to the provisions of policies DM1, SP1 and T2 of the Manchester Core Strategy.

Design, Scale and Appearance

The main detached building to the rear of the site is a flat roof, two-storey, triangular shaped building designed to fit the constraints of the site. The building as originally proposed was of mainly masonry construction with a glazed frontage to St.
Werburgh’s Road. In an attempt to overcome the concerns of some Members regarding the intrusive appearance of the structure, the design of the building has been altered to incorporate timber cladding and obscurely glazed windows on the side elevation in order to break down the elevation facing the nearest residential properties.

The building when viewed from St.Werburgh’s Road would appear single storey in nature. However, when viewed from the east and south, including from the adjoining neighbouring properties in the parade, the full extent of the two-storey building would be visible.

St. Werburgh’s Road proposed elevation of detached building showing the proposed side elevation of the front extension to the left

Proposed inward side elevation of detached building

To the front, the proposed fruit stall is positioned within an existing recess, with an additional forward projection of approximately 1.9 metres. The building incorporates a glazed, mono-pitched roof and partially glazed elevations to be enclosed to the front and side by perforated roller shutters housed within a powder coated steel frame.
Front and side elevations of proposed front extension

Residential Amenity

The main effect upon residential amenity is perhaps related to the impact of the proposed detached building upon the living conditions of adjoining occupiers and principally those occupying first floor flats above the shops in the Egerton Road South parade.

It is considered that the position of the two-storey detached building and the little relief offered by the flat roof presents an unduly dominant and overbearing structure to adjoining occupiers. The impact is increased by the footprint of the building which occupies almost the entire rear yard area which in turn increases its prominence and creates an oppressive looking structure which will negatively affect the outlook of facing occupiers.

The applicant has sought to reduce the intrusiveness and dominance of the building by introducing changes to the elevational design. Namely, the inclusion of timber cladding and window detail in order to break up the mass of the building.

It is felt however that the changes to the design do not overcome the dominance caused by the scale, mass and footprint of the building and in fact the inclusion of obscurely glazed windows would introduce a further impact upon the living conditions of nearby occupiers by introducing a perceived effect of overlooking.

A further impact of the proposed development which has the potential to have an undue effect upon residential amenity relates to increased competition for on-street parking spaces and disturbance caused by vehicular activity created by customers and staff of the proposed retail units. This issue is outlined further below.

Car Parking and Highway Considerations

Policies T2, DM1 and SP1 of the Core Strategy require that adequate car parking is provided for new developments.

Policy T2 in particular, states that Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.
In this case, Egerton Road South which serves the parade of shops and St. Werburgh's Road around the corner, suffer a high frequency of vehicle movements and heavy on-street car parking demand. This demand is not just caused by visitors to the shops, but also by adjoining residential occupiers and by a number of commuters who park and ride when using the nearby Metrolink station on St. Werburgh's Road. As a consequence, on-street parking space is at a premium and vehicles often park illegally by mounting the pavement and by parking on St. Werburgh's Road which is subject to a 'no waiting at anytime' Traffic Regulation Order (TRO).

It is considered that the on-street parking that is available is usually fully subscribed and to allow in effect, two further retail units would only serve to exacerbate parking and vehicular manoeuvrability difficulties to the detriment of both highway safety and the amenity of nearby residential occupiers.

Whilst the applicant maintains that customers will not be able to park along the proposed frontage on St. Werburgh's Road due to the double yellow lines and a 'No waiting at anytime' Traffic Regulation Order. It is considered that in reality vehicles will either increase parking difficulties on Egerton Road South, or as is already the case, be tempted to park illegally on St. Werburgh’s Road, particularly short-stay, pass by trade which would be tempted to park for a short time when visiting the shops.

St. Werburgh’s Road attracts heavy pedestrian footfall, particularly when the nearby Chorlton High School opens/closes at the beginning and end of each weekday. Much of this footfall has been observed as passing the application site. There is concern therefore that any unauthorised parking or increased vehicle movements could jeopardise pedestrian and highway safety caused by additional vehicular activity and manoeuvrability problems. The situation is further impeded by the positioning of a busy stop immediately to the front of the application site.

To summarise, it is believed that the proposal will contribute further to on-street parking difficulties and that the proposed development will exacerbate an acknowledged on-street parking problem in the area. This could not only jeopardise highway safety, but could also have a negative impact upon the amenity of existing residential occupiers and shoppers who will have additional competition for existing spaces.

**Refuse Storage**

The proposed front extension will lead to the substantial loss of the existing refuse storage area which is presently accommodated within a recess along the Egerton Road South frontage.

The applicant has sought to address the deficiencies of the previous refuse storage arrangement by slightly increasing the area in the remaining recess formed by the proposed front extension and by introducing a new internal refuse store within the proposed detached building to the rear.
At the front the applicant proposes to keep a small irregular shaped area measuring approximately 2.7 metres x 1.3 metres in area to accommodate bins associated with both the existing Post Office and barber shop and the proposed front extension which is anticipated to be used as a fruit stall. Due to the irregular shape of the bin area, the site would only be capable of housing two bins inclusive of any recycling requirements.

At the rear, the internal area of the proposed retail unit has been re-designed to provide an internal bin store. This is a triangular shaped area measuring approximately 1.6 square metres which would allow for the storage of one standard wheelie bin inclusive of any recycling requirements.

Despite the changes to the design of the scheme, the waste management arrangements are considered deficient and this view is confirmed by Environmental Health who don’t believe that enough space has been made available for the number of bins that will be needed.

It is clear from an Officer site visit during the course of the application that the existing refuse storage is already heavily used. The reduction in its size and the intensification of use caused by the addition of further commercial units would only serve to put additional strain on the refuse storage area which in turn would not allow sufficient space for the necessary amount of bins and associated recycling receptacles.

It is considered therefore that the proposed development fails to make adequate provision for refuse storage. Moreover, due to the site coverage of the proposed extension and detached building to the rear and the difference in site levels, there is no obvious, viable alternative location for the refuse storage area.

**Visual Amenity/Character of the Area**

The principal impact upon visual amenity would be caused by the size and siting of both the front extension to accommodate a fruit stall and the detached building which is to form a retail unit to the rear.

The detached building to the rear would create an entirely new frontage to St. Werburgh’s Road, with the building consuming almost the entire rear yard area.

Taking account of the traditional pattern of development found in the area and the spacing between buildings, the loss of the rear yard space and its replacement with built form would undermine the historic configuration and relationship between buildings whereby properties along this side of Egerton Road South largely incorporate a south facing rear garden/yard area. This space allows for not only necessary amenity or ancillary space, but also creates gaps between buildings in order to reduce their density and prominence.

In this case, the proposed building would result in the substantial loss of a rear yard area and create a new structure out of keeping with its surroundings, to the detriment of the visual appearance and character of the street-scene.
In terms of the front extension and following changes to its design which notably includes a reduction in its size and the inclusion of glazed elevations, the structure would now project approximately 1.9 metres beyond the established building line along the Egerton Road South frontage.

It is felt that even given the changes, the structure would from an incongruous and alien feature, out of keeping with its surroundings and the pattern of development found in the immediate area. Its visual prominence would be further compounded due to its position close to the Egerton Road South/St. Werburgh’s Road junction and through the use of roller shutters which will form the front and side elevations of the stall when closed.

As a result, it is considered that the proposed structure would be detrimental both to the visual amenity of residential occupiers who face onto the parade, but also to the character and appearance of the street-scene in general.

For these reasons, the proposed development is considered contrary to the provisions of policies DM1 and SP1 of the Manchester Core Strategy, which aspire to create well designed places which enhance the character of the area and which promote appropriate siting of development to protect local residents.

**Crime and Security**

At the previous Planning and Highways Committee meeting a concern was raised that the proposed front extension would limit natural surveillance to the Post Office and ATM due the projection of extension beyond the established building line of the parade – particularly when viewed from St.Werburghs Road.

Greater Manchester Police have subsequently been re-consulted and no objection is raised subject to the inclusion of various security measures relating to the specification of shutters and doors, management practices for the handling of money on the premises and a requirement for CCTV installation. It is also requested that the building be built to ‘Secured by Design’ standards.

**Conclusion**

On balance, it is considered that the proposed building to the rear and the extension to the front represent both over-development and an over-intensive use of the site.

Negative aspects of the proposal which relate to the impact upon residential and visual amenity as a result of the physicality of the structures, exacerbation of existing on-street parking problems and insufficient refuse storage arrangements, outweigh any benefits the proposal may bring in terms of increasing local shopping provision. It is felt that the changes made to the proposal have failed to overcome the original concerns raised the reason for refusal.

For these reasons, the proposed development is contrary to policies DM1, SP1 and T2 of the Manchester Core Strategy. There are no material considerations of sufficient weight to indicate otherwise.
**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 the right to a fair hearing and to this end the Committee 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 Head 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 refusal of the application 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**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

**Reason for recommendation**

1) The proposed building by reason of its position, scale and site coverage would have an overbearing and intrusive impact upon adjoining occupiers along Egerton Road South, to the detriment of their amenity. The proposed development is therefore contrary to policies DM1 and SP1 of the Manchester Core Strategy.

2) The waste demands of the existing and proposed uses, combined with the displacement of the existing refuse storage area would result in an unsatisfactory refuse storage arrangement to the detriment of visual amenity and public health. The proposed development is therefore contrary to policies DM1 and SP1 of the Manchester Core Strategy.

3) The proposed extension fronting Egerton Road South would by reason its position and forward projection beyond the established building line create a prominent and intrusive feature which would have a negative impact upon the appearance of the street-scene. The proposed development is therefore contrary to policies DM1 and SP1 of the Manchester Core Strategy.
4) The proposed detached building to the rear would by reason of its position, size and site coverage, form an intrusive feature out of character with the pattern of development found in the local area, which in turn would be detrimental to the character and appearance of the area, the appearance of the street-scene and visual amenity in general. The proposal is therefore contrary to policies DM1 and SP1 of the Manchester Core Strategy.

5) The proposed development to the rear of an existing retail unit represents an overly intense use of the site and the potential level of parking demand and vehicular activity generated at the application site would exacerbate existing on-street highway difficulties in the immediate area to the detriment of highway safety and residential amenity. The development is therefore contrary to policies DM1, SP1 and T2 of the Manchester Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 108822/FO/2015/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health
Environment & Operations (Refuse & Sustainability)
South Manchester Regeneration - South SRF
Greater Manchester Police
Transport For Greater Manchester
Contaminated Land Section

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties

Highway Services
Environmental Health
Greater Manchester Police
Transport for Greater Manchester
Contaminated Land Section
124 St Werburghs Road, Manchester, M21 0UL
115 Egerton Road South, Manchester, M21 0YH
92 Egerton Road South, Manchester, M21 0XL
123 Egerton Road South, Manchester, M21 0XN
125A Egerton Road South, Manchester, M21 0XN
77 St Werburghs Road, Chorlton, Manchester, M21 0UN
Relevant Contact Officer : Steven McCoombe
Telephone number : 0161 234 4607
Email : s.mccoombe@manchester.gov.uk