

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132986/FO/2022

Date registered valid: 21 February 2022

Proposal: Change of use from laundrette (Sui Generis) to jewellery store /shop (Class E)

Address: 561 Wilbraham Road, Manchester, M21 0AE

Ward(s): Chorlton Park Ward

Applicant: Mrs Aysel Gezer, 561 Wilbraham Road, Manchester, M21 0AE

Agent (if any): Mr Barry Cullen, Flat 27, Brookside Court, 101 Slade Lane, Manchester, M19 2AH

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29th April 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 23rd March 2022

Standard consultations:

Printed: 22 February 2022 Expired: 15 March 2022

Neighbour notifications

Printed: 22 February 2022 Expired: 15 March 2022

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: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application relates to the ground floor of a mid-terrace commercial property located within Chorlton District Centre. The premises was previously used as a Laundrette and has a charity shop and bar to either side, an entrance door to upper floors is located between it and the bar to the left. The property is two storey red brick Victorian building with central front facing roof dormer. The rear yard is accessed via an alleyway from Barlow Moor Road and whilst open at the time has metal gates to the yard with another separate access to upper floors of the property.

Wilbraham Road is one of the main roads which runs through Chorlton District Centre, along with Barlow Moor Road. The area is predominantly retail/commercial, with some residential flats above the shop/bar units. The area is well serviced by buses and trams.

The commercial unit was subject of planning approval for a change of use from A1 retail to Laundrette in 2019, this consent was implemented.



561 Wilbraham Road

Description of proposal

The proposals seek to change the use of the ground floor to a class E commercial use with the indication being that this relates to a jewellery shop.

Relevant Planning History

124715/FO/2019 -Change of use from shop (Class A1) to laundrette and dry-cleaners (Sui Generis) Approved 04.11.2019

032032 - Change of use of the first and second floors from residential to office use - Approved 25.08.1988

Consultations & Notification Responses

Neighbouring properties and Chorlton Voice were notified of the proposals, no responses were received.

Policies

The following policies are considered relevant in the consideration of this application.

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

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy C2 - District Centre
- Policy C6 - South Manchester District Centres

The National Planning Policy Framework (NPPF, 2021)

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Issues

Principle - The principle for a commercial ground floor use has been established for a long period of time with the most recent conversion to a Laundrette occurring in 2019/2020 and prior to this it was in use as an A1 bakery shop. As such the reversion back to a class E commercial use in a District Centre is considered to be consistent with the character and activity associated with the area.

Residential Amenity - It is not considered that the use of the property as a class E commercial use would give rise to unacceptable impacts on residential amenity. It is noted that the upper floor of this commercial property have historically been converted to office use and there have been no recent applications to convert them back via a prior approval route. Whilst there may be residential uses on upper floors, given the relationship and context in a busy district centre location the proposals are not considered to give rise to impacts on residential amenity.

The applicant is indicating that they wish to have opening hours of 8am to 10pm, given the context of the site and that nearby premises have longer opening hours such as the adjacent Cafe Bar at 559 Wilbraham Road and the Hot Food Takeaway at 452 Wilbraham Road, it is not considered that the proposed hours of use would give rise to unacceptable impacts and would assist in creating vitality and viability through the day and into the evening.

Visual Amenity - Following clarification it has been confirmed that the proposals do/do not alter the frontage of the property. Signage would be subject to separate consent processes if required. As such the proposals and continued use of the rear yard for waste management is considered acceptable.

Waste – The proposed plans indicate that waste bins associated with the premises would be stored in the rear yard. There is adequate space within the yard and it is not envisaged that the use would generate complex waste management needs. In order that the final details of the waste management of the premises are agreed a suitably worded condition is proposed.

Other matters- The proposals seek the change to a class E commercial use which covers a broad range of commercial uses some of which differ in terms of potential impacts such as noise, disturbance and activity as such conditions are proposed to reflect this including a restriction to a Class E (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, this is due to the potential for other impacts and consideration of other matters such as waste management relating to other business operating within class E from that divulged within this planning application.

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: Approve

Article 35 Declaration

The application has been determined in a positive and proactive manner. In this instance no issues have arisen during consideration of the application and a decision has been issued within statutory timescales.

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 1309 Rev 1 and proposed site plan both as received by the City Council as local planning authority on 28th April 2022.

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 premises shall not be open outside the following hours:-
Monday to Sunday from 0800hrs to 2200hrs.

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

4) The ground floor of 561 Wilbraham Road shall not be used for any other purpose other than Class E (a) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of Class E (a).

Reason - In the interests of residential amenity, pursuant to policies DM1 and SP1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

5) Prior to the first use of premise as a Class E (a) Jewellery shop and any other subsequent use within class E (a), a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public amenity pursuant to policy DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Chorlton Voice

434A Barlow Moor Road, Manchester, M21 8AD
Flat 2, 442A Wilbraham Road, Manchester, M21 0AG
Flat 1, 442A Wilbraham Road, Manchester, M21 0AG
Flat 2, 446 Wilbraham Road, Manchester, M21 0AG
Flat 1, 446 Wilbraham Road, Manchester, M21 0AG
444A Wilbraham Road, Manchester, M21 0AG
41 Needham Avenue, Manchester, M21 8AA
39 Needham Avenue, Manchester, M21 8AA
37 Needham Avenue, Manchester, M21 8AA
559 Wilbraham Road, Manchester, M21 0AE
442 Wilbraham Road, Manchester, M21 0AG
444 Wilbraham Road, Manchester, M21 0AG
446 Wilbraham Road, Manchester, M21 0AG
563 Wilbraham Road, Manchester, M21 0AE
559A Wilbraham Road, Manchester, M21 0AE

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 (Middle) -
Area Team Boundary - Name: SOUTH