

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130980/FO/2021

Date registered valid: 8 July 2021

Proposal: Erection of first floor extension to provide create ancillary living accommodation above existing shop

Address: 139 Wilmslow Road, Manchester, M14 5AW

Ward(s): Rusholme Ward

Applicant: Mr Chaudhri Tauqeer, Chandni Jewellers, 139 Wilmslow Road, Manchester, M14 5AW

Agent (if any): Mr Farhan Rama, Archirama Ltd, 3 Park Gate Avenue, Manchester, M20 3BS

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 07.01.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 30.07.2021

Standard consultations:

Printed: 13 July 2021 Expired: 3 August 2021

Neighbour notifications

Printed: 13 July 2021 Expired: 3 August 2021

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

This application relates to a single storey mid parade property. The property appears to be vacant. There is no private yard area to the rear and the property appears to share a communal area. There appears to be the remnants of an advertisement display board at what would be first floor level.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property sits on the east side of Wilmslow Road within Rusholme District Centre south of the junction with Thurloe Street. Adjoining to the north is a three storey commercial property, the use of the upper floors of which is indeterminate. Adjoining to the south is a two storey building with a second floor in the roof void. This is also in commercial use and the use of the upper floors is unclear. At the rear of the property is the communal service area referred to earlier, beyond which is a public car park separated by a brick wall topped with piers and railings. There are further commercial properties facing the site across Wilmslow Road.



Description of development

Consent is sought to erect a first floor containing a self contained flat. The submitted drawings also suggest that the rear section of the existing building will be rebuilt. The proposed first floor would have a dual pitch roof with gables to the front and rear.





The front elevation would contain a single window at first floor level. The new rear elevation would contain a door and two small windows at ground floor level and a single window at first floor level. The ground floor would comprise a sales area in the retained part of the building, an office and staff facilities together with a shared entrance hall in the rebuilt rear section. The first floor would comprise a flat of 66 square metres. The flat would comprise two live work areas, one containing a kitchen, and office and a bathroom. Access to the flat would be from the rear service area using the communal rear entrance. Refuse would be stored in the rear communal area.

Planning permission was granted for the same development in May 2013 reference 101884/FO/2013/S1.

Consultations & Notification Responses

Local residents/Businesses

No representations received.

Greater Manchester Police design for security.

Are concerned that the entrance to the proposed first floor living space is situated to the rear of Wilmslow Road and sufficiently secluded as to prompt concerns regarding the security of the apartments. Visitors, as well as residents themselves, in order to access the living space would have to walk to the rear entrance via the adopted parking area from Thurloe Street.

They have considered ways of making the development more secure, including: the use of access controls at the entrance; the use of security rated entrance doors; and, additional lighting on the building and the installation of CCTV. However, there are other issues that are more difficult to address, i.e. the lack of surveillance to the rear, the quality of the street environment, and the isolation of the property at night-time.

Policy

Core Strategy

The relevant Core Strategy policies are SP1 H5 and DM1

Policy SP1 sets down the spatial principals that guide development in the City.

Policy H5 establishes the principle of high density mixed developments in district centres.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Issues

Principle

The principle of this development was established with the granting of the 2013 permission. Notwithstanding the passage of time the principle of creating residential accommodation above commercial uses in district centres remains acceptable.

Development Plan

The development plan for the City remains unchanged since the original consent was granted. The NPPF has changed in this time but not so as to affect this development.

Scale

Whilst lower than the adjoining properties the lack of height reflects the relative narrowness of the building compared to its neighbours. The variation in height also reflects the rest of the parade which is not uniform. On balance the scale of the proposed extension is considered acceptable.

Design

There are no design issues with the proposed development.

Standard of accommodation

With a floor area of approximately 66 square metres the flat is large enough for a two bedroom three person flat. The standard of the accommodation for this one bed flat is considered to be acceptable.

Security

Access to the flat is taken from the service area at the rear of the property. This is a cul de sac with a single access from Thurloe Street. There is however a public car park adjoining the service area and separated from it by a low wall and railings. The police have raised issues about this arrangement which is less than ideal as natural surveillance from the public domain is limited. They have suggested that CCTV and lighting would help. The Council has previously accepted this arrangement, saying in the report "Following revisions to the scheme however, the applicant has indicated that the existing front access off Wilmslow Road will remain the principal access, with the first floor living accommodation solely to be used ancillary to the ground floor jewellers. The rear access will only be used to access the refuse storage area and for fire escape purposes. In addition, security grilles have been included to the ground floor windows at the rear.

The applicant states that the reason for a first floor extension is to provide additional security to the jewellers. At present, the applicant believes that the existing flat roof above the jewellers is capable of being broken into from above in order to access the jewellers. The creation of an extension will allow inclusion of a concrete floor above and therefore negate this possible occurrence.

In light of the above, it is considered that the security arrangements are satisfactory. A

condition has also been imposed to ensure that the living accommodation is not used as a self-contained unit.”

On balance therefore it is considered that subject to the condition attached to the previous consent in respect of occupancy and a condition requiring the provision of CCTV and lighting the scheme is acceptable.

Residential Amenity

There is no residential accommodation in the immediate area that would be impacted upon by the proposed extension.

Refuse

Environmental Health have expressed concern about the need to provide segregated waste storage arrangements for the proposed development. At present all of the properties store their refuse in an ad hoc manner in the service area. This has previously been accepted. A condition is proposed requiring the development to ensure that separate arrangements are made for the living accommodation and commercial use.

Parking.

No parking is provided although it appears that the service area is used for parking. However, as this is a district centre location with good access to transport it is considered that the lack of parking is not significant.

Conclusion.

There have been no material changes to the development plan since the granting of the original consent in 2013. On balance therefore subject to the imposition of appropriate conditions the scheme is considered acceptable.

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 proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the 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:
PL01 received 2 July 2021

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 development hereby approved shall be constructed using the materials specified on the application forms.

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 Core Strategy.

- 4) Before the living accommodation hereby approved is first occupied a scheme for the segregated storage of the residential and commercial waste shall be submitted to and approved in writing by the City Council. The approved scheme shall be implemented before first occupation and maintained in perpetuity.

Reason- To ensure that there are satisfactory arrangement for the storage of refuse pursuant to Core Strategy policy DM1.

- 5) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from external equipment shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

b) Prior to first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26

- 6) The first floor living accommodation hereby approved shall not be used as self contained residential unit and shall only be used for purposes ancillary to the use of 139 Wilmslow Road as residential accommodation within the meaning of Class C3A of the Town and Country Planning (Use Class) Order 2010.

Reason -To use the property for any other use, or as a self contained residential unit with separate rear access would lack the necessary natural surveillance and leave the property vulnerable to criminal activity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

- 7) The development hereby approved shall incorporate measures, including but not limited to the provision of CCYTV and lighting to improve security of the rear entrance to the property.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of th, Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police
Rusholme Business Association

135A Wilmslow Road, Manchester, M14 5AW
135 Wilmslow Road, Manchester, M14 5AW
145 - 153 Wilmslow Road, Manchester, M14 5AW
137 Wilmslow Road, Manchester, M14 5AW
141 - 143 Wilmslow Road, Manchester, M14 5AW
96 Wilmslow Road, Manchester, M14 5BJ
90 Wilmslow Road, Manchester, M14 5AL
92 Wilmslow Road, Manchester, M14 5AL

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH