

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130817/FO/2021

Date registered valid: 9 July 2021

Proposal: Elevational alterations in association with the use of the ground floor as 1no. x three bedroom self contained flat with integral refuse and cycle store

Address: 574 Wilmslow Road, Manchester, M20 3DB

Ward(s): Didsbury West Ward

Applicant: Mr Atudbhai Ashabhai Patel, 574 Wilmslow Road, Manchester, M20 3DB

Agent (if any): Mr Sohail Ahmed, Chandos Mews, 34B Chandos Road, Redland, Bristol, BS6 6PF

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

Recommendation: Approve

Date of recommendation: 07.10.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 30.07.2021

Standard consultations:

Printed: 15 July 2021 Expired: 5 August 2021

Neighbour notifications

Printed: 15 July 2021 Expired: 5 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 two storey semi detached property. The property has a two storey side and rear extensions and is currently used for retail purposes at ground floor level with a separate self contained flat above. There is a landlocked rear garden and a deep forecourt used for parking, cycle storage and refuse storage.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This is an area of mixed uses. The adjoining semi is used as an electrical contractors office at ground floor level with living accommodation above, beyond that and to the rear are residential properties. Adjoining to the north is a car wash. Facing the site across Wilmslow Road is a small parade of shops and a park and ride car park for Christie Hospital.

Description of development

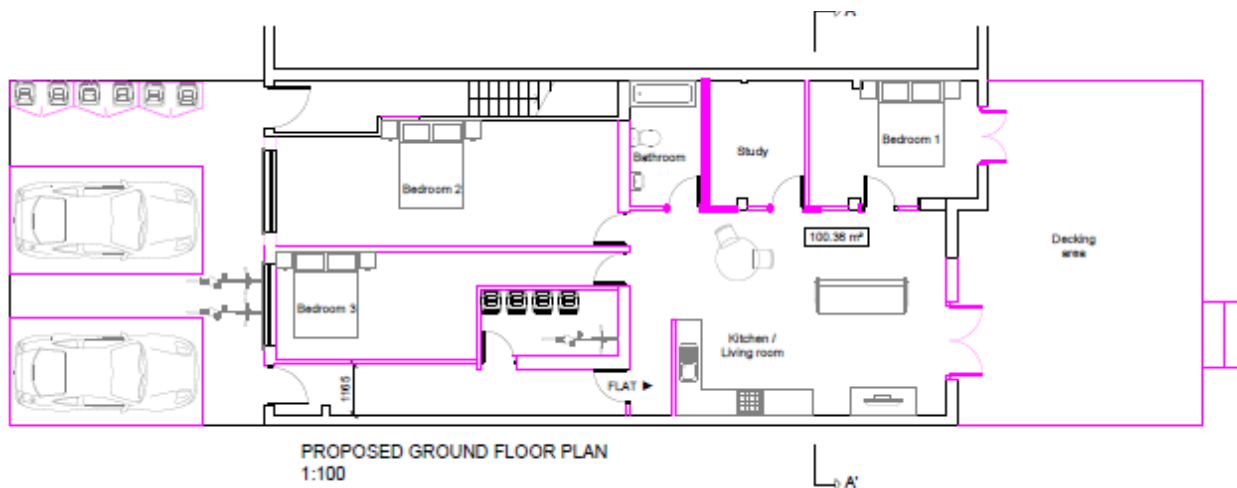
This application has been extensively amended and originally sought consent for an office as well as a single bed flat, a use for which consent was refused in November 2020 reference 126567/FU/2020.

Consent is now sought to use the ground floor as a single three bedroom flat and the replacement of the existing shop front with a more domestic treatment. The proposed three bed flat would have a floorspace of 100 square metres and be accessed through a new front door. It would have an internal refuse and cycle store. The existing shop front with a separate entrance

to the flat will be replaced with a new one comprising two residential scale windows flanked by separate entrances to the proposed flats.

The two parking spaces on the forecourt will be retained and an enclosure provided for the refuse bins for the existing flat.

The rear garden would be accessible to the proposed flat for use as private amenity space.



Consultations & Notification Responses

Ward Members

Councillor John Leech has monitored progress on the application on behalf of the applicant.

Local residents/Businesses

No representations received.

HS2

No objections to the proposed development.

Environmental Protection.

Commented on the application as originally submitted.

In respect of the commercial element conditions were requested in terms of deliveries, opening hours, refuse storage, noise insulation of property and plant.

In respect of the residential accommodation conditions were required in respect of waste management, contaminated land and noise insulation.

Highways

- Given that the proposed development will not result in any increase in residential units, it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise.
- The current on-site parking offering is to be retained and as such there are no concerns regarding vehicular build up on- street.
- Two parking spaces are in place on the private forecourt. This is an existing arrangement and is therefore accepted.
- A secure and sheltered bike store in line with MCC guidelines is in place at the rear of the property and is acceptable to Highways.
- The proposed pedestrian access points from Wilmslow Road is acceptable.
- All entrances have inward opening doors, which ensures they do not impact on the adopted footway or highway and is therefore acceptable.
- 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.
- Refuse storage is acceptable
- Given the minimal scale of construction works involved, the level of construction vehicles are unlikely to generate any significant on-street parking demands.

Policy

Core Strategy

The relevant Core Strategy policies are SP1 and Dm1

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

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

Unitary Development Plan

The relevant saved UDP policies are DC5 and DC26.

Policy DC5 sets down the criteria to be considered in respect of flat conversions

Policy DC26 seeks to protect residents from the harmful impact of noise.

Issues

Under the provisions of Class MA of Part 3 of the GPDO the change of use of a property from Class E to Class C3 requires prior approval provided the application was submitted after 1

August 2021. This application was validated on 9 July 2021 and therefore should be determined as an application for planning permission.

Principle

The application site is not located within an existing centre and having regards to the provisions of Class MA of the GPDO it is considered that the principle of using the property for residential purposes is acceptable.

Viability and Vitality

The application site is part of a small cluster of commercial units on either side of Wilmslow Road, that are not part of an existing centre. As such the loss of the commercial unity will not adversely impact on viability or vitality of a centre.

Standard of accommodation.

At approximately 100 square metres the proposed development meeting the floorspace requirements for a three bed property as set down in the Residential Quality Guidance. The scheme has also been amended so that it is no longer necessary to take refuse and bikes from the rear garden through the living accommodation. On balance the proposed standard of accommodation is considered acceptable.

Elevations.

The proposed changes to the elevations introduces a more domestic feel to the appearance of the property. Both existing and proposed flats will have there own access from the street. The design of the front elevation is considered acceptable.

Parking.

The existing of two parking spaces on the forecourt meets the requirement of one space per dwelling is considered acceptable.

Refuse.

The existing flat stores refuse on the forecourt. This arrangement will be improved by the provision of an enclosure. The proposed flat will have an integral refuse store which is capable of accommodating four bins. The revised bin store no longer requires refuse to be taken through the living accommodation and is now considered acceptable.

Air Quality

A condition is proposed requiring the parking spaces to be provided with an EV charging point. The property also includes provision for cycle storage.

Cycle parking.

The existing flats has a cycle storage rack at the front of the property. The proposed flat will have an internal cycle store combines with the refuse store. This is considered to be acceptable.

Residential amenity

It is not considered that the use of the property as a flat would impact on the amenity of local residents as comings and goings are likely to be fewer than for a commercial use. In terms of the future occupiers of the flats a condition is proposed regarding noise insulation.

HMO

As a three bed flat there is potential for the property to be used as a HMO. Whilst as a consequence of the Article 4 Direction planning permission would be required a condition is proposed in this respect.

Contaminated Land

Environmental protection request a Contaminated Land condition of the approval. In view of the nature of the application this was queried although no response was received. As the only building works is the replacement of the shop front it is considered that a requirement to carry out a site investigation would not meet the tests for conditions as set out in the NPPF.

Conclusion

This scheme has been extensively modified to address concerns raised about the original proposal for an office and flat at ground floor level. It is considered that the proposed scheme as it now stands addresses these concerns and those raised in the earlier refusal and as a consequence is now 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

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:

M45/P-01 revision G received 28 September 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 materials that match those used in the original building in terms of size, texture and colour.

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 flat hereby approved is first occupied the enclosure to the refuse/recycling bins for the existing flat shown on the approved drawings shall be installed and available for use. The enclosure shall be retained in perpetuity.

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

5) The details of the refuse storage arrangements shown on approved drawings shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that there are satisfactory arrangements for the storage of refuse pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC5

6) The cycle storage arrangements shown on the approved drawings shall be implemented as part of the development and shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

7) The parking spaces shown on the approved drawing shall be surfaced, demarcated and available for use before the flat hereby approved is first occupied.

Reason - To ensure that there are satisfactory arrangements for the parking of cars pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC5

8) The parking spaces shown on the approved drawings shall be provided with an Electric Vehicle charging point before the development hereby approved is first occupied.

Reason - To secure a reduction in air pollution from traffic in order to protect existing and future residents from air pollution pursuant to core Strategy policies EN16, SP1 and DM1

9) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilmslow Road 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.

10) 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 C3 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) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
High Speed Two (HS2) Limited

Didsbury Car Wash, 570 - 572 Wilmslow Road, Manchester, M20 3DB
12 Wensley Drive, Manchester, M20 3DD
Flat 1, 576 Wilmslow Road, Manchester, M20 3DB
Flat 1, 577 Wilmslow Road, Manchester, M20 3QH
577 Wilmslow Road, Manchester, M20 3QH
Flat 2, 575 Wilmslow Road, Manchester, M20 3QH
575 Wilmslow Road, Manchester, M20 3QH
573 Wilmslow Road, Manchester, M20 3QH
564 Wilmslow Road, Manchester, M20 3DB
Flat 3, 573 Wilmslow Road, Manchester, M20 3QH
576 Wilmslow Road, Manchester, M20 3DB

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