

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131144/P3MPA/2021

Date registered valid: 16 July 2021

Proposal: Prior Approval for change of use of first floor retail (Class E) to 2 residential flats (Class C3)

Address: 597 Cheetham Hill Road, Manchester, M8 5EJ

Ward(s): Cheetham Ward

Applicant: Mr S Kehinde 597 Cheetham Hill Road, Manchester, M8 5EJ

Agent (if any): Mr V Alyas Vikas Alyas Ltd 880 Stockport Road, Manchester, M19 3BN

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 September 2021

Application details

Type of application: Prior approval- Mixed A1A2A3-Dwelling

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 27 July 2021 Expired: 17 August 2021

Neighbour notifications

Printed: 27 July 2021 Expired: 17 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: NO

The application site relates to a two storey, semi-detached property, situated at the corner of Back St Marks Lane and Cheetham Hill Road.

The property incorporates a shop front facing Cheetham Hill Road and a vacant first floor space.

The immediate area is predominantly commercial at ground floor level fronting Cheetham Hill Road, with residential dwelling houses in close proximity behind Cheetham Hill Road close to the application site.

Description of development

It is proposed to change the use of the first floor retail (Class E) to 2 residential flats (Class C3)self-contained, one bedroom and 1 x two bedroom flat (Class C3) to form two flats in total. Access is to be taken from the existing access on the side elevation.

In addition, external elevational alterations are proposed to facilitate the conversion. These involve the insertion of five windows to replace the existing five windows on the side elevation and the modification of the two existing windows above the front shop unit.

Consultations & Notification Responses

Local Residents/Occupiers - No representations received.

Flood Risk Management - Recommend retrofitted SuDS components and a condition for sustainable drainage system has been added to the consent.

Highway Services - Requested cycle storage and refuse servicing strategy. However, the proposal falls within prior approval legislation which limits the issues for assessment. Therefore, the refuse service strategy requested by EH cannot be attached.

Environmental Health - Conditions are advised in relation to acoustic attenuation, external plant and equipment, air quality and refuse. However, the proposal falls within prior approval legislation which limits the issues assessed. Therefore, external plant and equipment and air quality do not form part of the formal assessment and conditions cannot be attached to the consent.

Issues

Principle

Class M of the Town and Country Planning (General Permitted Development) Order 2015 requires Local Planning Authorities to determine if prior approval is required to change the use of a retail shop to a dwelling house.

The issues for consideration include matters relating to transport and highways matters, contamination, flood risk, as well as the impact of the external appearance of the building and whether the proposed use is desirable in the area or capable of being used to re-provide the previous use and also whether it would have an adverse impact upon the sustainability of a key shopping area.

Under the provisions of the legislation, the floorspace of the application building cannot exceed 150 sqm. This is the case in this instance, the floorspace amount to 115 sqm and therefore below the relevant threshold.

The legislation also states that works should not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

In this case, none of the works extend beyond the existing dimensions of the building.

Further, in line with the legislative requirements, the building is not listed or a scheduled monument. Neither is it situated within a conservation area, within a military explosives area site, safety hazard area or within a site of special scientific interest as required by the legislation.

No issues have been raised with respect to the relevant matters for consideration and therefore the proposal is considered acceptable.

The first floor of the building is presently vacant. The re-use of the space for residential purposes would be desirable due to its location within a mixed residential area.

Due to the district centre location and the ground floor still operating as a retail premises and the principally mixed residential context, and the period of vacancy, it is highly unlikely to have any detectable impact upon key retailing functions.

Whilst it is acknowledged that the new window openings to the proposed are modification of the existing smaller windows arrangement to the living accommodation, this is an arrangement typical of the area, whereby the host and neighbouring terraces do not include defensible space between window openings and the highway. The proposed arrangement would therefore only serve to mirror this arrangement.

In terms of contamination, the proposal solely relates to a change of use, involving no works to the ground. There are no known risks, or any other harmful levels of contamination believed to be on site. Environmental Health have not raised any objection to the proposal on these grounds.

Highways

In relation to any transport or highways impact, it should be noted that no off-road parking is proposed. However, considering the addition of 2 flats is not expected to generate trips that would impact local highway safety or operation. Highways commented that whilst the internal bin store is acceptable, highways seek verification that no bins will be kept on the highway for any length of time on collection days and in the absence of any further waste collection details we seek verification from the applicant as to how this will be facilitated and what vehicle manoeuvres will be required to undertake the collection. However, these details are not required under prior approval legislation and are considered as part of the determination proposals.

Furthermore, highways commented that the ground floor entrance opens outwards onto the highway and this is not permitted unless it is a fire door. However, the ground floor door is existing and does not form part of the overall prior approval consideration.

In the absence of any on-site car parking highways require that secure cycle storage is provided for each of the units and a condition has been attached to the consent.

Environmental Health recommend conditions in relation to acoustic attenuation, external plant and equipment, air quality and refuse. However, the proposal falls within prior approval legislation which limits the issues assessed. Therefore, external plant and equipment and air quality do not form part of the formal assessment and conditions cannot be attached to the consent.

Flood Risk Management recommend retrofitted SuDS components and a condition for sustainable drainage system has been added to the consent.

Given the above, it is considered that the proposal satisfies the relevant matters for consideration and the proposed change of use is 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:

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

The City Council is satisfied that this development has minimal impact on the local highway network and transport, that there are no known contamination or flood risks at the site, that the proposal would not lead to an inadequate level of retail facilities in the area and that the proposed external alterations are acceptable. The proposal therefore complies with the requirements of policies SP1, EN18, EN19, T2 and DM1 of the Manchester Core Strategy and the requirements of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawings numbered A103 Rev A, A106, A104 P1 and A101 P1, received by the City Council as Local Planning Authority on 16 July 2020.

1) Notwithstanding details submitted, the flats hereby approved shall not be occupied until scheme for the storage (including segregated waste recycling) and disposal of refuse has been 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 amenity and public health, pursuant to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

2) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Cheetham Hill Road and surrounding streets 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, including noise transfer from ground floor retail and adjoining retail and takeaways along with external plant and kitchen extraction which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation and ventilation 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

(entertainment/music): Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

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 protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

3) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities 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.

4) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason - The application site is located within a critical drainage area and in line with requirements in relation to sustainable urban drainage systems, further consideration should be given to the control of surface water at the site prior to works commencing in order to minimise localised flood risk pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Robert Crawford (printers), Back St Marks Lane, Manchester, M8 4FW
Flat 4, 591B Cheetham Hill Road, Manchester, M8 5EJ
Flat 3, 591B Cheetham Hill Road, Manchester, M8 5EJ
Flat 2, 591B Cheetham Hill Road, Manchester, M8 5EJ
Flat 1, 591B Cheetham Hill Road, Manchester, M8 5EJ
United Garage, St Mark's Lane, Manchester, M7 4FE
Rear Of, 595 Cheetham Hill Road, Manchester, M8 5EJ
599 Cheetham Hill Road, Manchester, M8 5EJ
593 Cheetham Hill Road, Manchester, M8 5EJ
18 Bury Old Road, Manchester, M8 9JN
595 Cheetham Hill Road, Manchester, M8 5EJ
11 St Marks Lane, Manchester, M8
Works, St Marks Lane, Manchester, M8
601 Union Terrace Manchester, M8

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1