

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129929/P3MPA/2021

Date registered valid: 1 April 2021

Proposal: Prior Approval for change of use of vacant retail premises (Class E) 4no. apartments (use class C3) together with associated minor elevational alterations.

Address: 20 South Grove, Manchester, M13 0AU

Ward(s): Ardwick Ward

Applicant: Miss Amina Haroon Paradise Property Ltd C/o Agent

Agent (if any): Lynsay Ewart Paul Butler Associates 31 Blackfriars Road, Salford, M3 7AQ

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 27 May 2021

Application details

Type of application: Prior approval- Mixed A1A2A3-Dwelling

Development type: Notifications

Date of site visit: 26 May 2021

Standard consultations:

Printed: 9 April 2021 Expired: 30 April 2021

Neighbour notifications

Printed: 9 April 2021 Expired: 30 April 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

Description of area

The application site is in a residential area that is characterised by back of pavement terraced houses. The property provided the sole retail use in the vicinity of the site. This application relates to a distinctive 2-storey property located at the junction of South Grove and Upper Grove West thereby giving it a triangular configuration. The building painted brick elevations and grey slate grey roof and the property has a first floor rear extension the enclose the rear yard area. Existing doors and windows have been enclosed with brick, boards and retained roller shutters. The ground floor was previously used as a shop with upper floor residential use.



Fig. 1: 20 South Grove

Description of development

- i. The proposal involves the formation of 4 apartments with a total floorspace of 143 sq. metres;
- ii. Two ground floor apartments would be accessed respectively from a doorway located at the intersection of South Grove and Upper Grove West. A shared entrance doorway would be located within the South Grove elevation and would provide access to two first floor apartments via a communal staircase.
- iii. Indicative details of elevational alterations, involving the reinstatement and introduction of doors and windows, have been provided. These amendments would facilitate the proposed residential use.
- iv. An enclosed storage area accessed via Upper Grove West would facilitate segregated waste storage and the formation of 4 vertical cycle racks.

Consultations & Notification Responses

Local residents – 1 email of objection has been received and summarised below:

- i. The reinstatement of the use of the building is welcomed;
- ii. However, there is concern that the occupation of the property by students would exacerbate local difficulties associated with the transient local HMO occupation, including anti-social behaviour and poor maintenance of communal spaces;
- iii. The proposal would generate traffic and additional on-street car parking.

2 emails commenting on the nature of the proposed use have been received and responded to separately.

Highway Services - The site is accessible by sustainable and is in close proximity to a range of public transport facilities. The proposals are unlikely to significantly increase in the level of vehicular trips or give rise any network capacity concerns. South Grove lies within an existing on-street resident parking zone. Given that the amount of on-street parking is limited we have concerns that a disproportionately high amount of parking will be taken up by those residing at this development at the expense of other eligible residents in the area. Secure cycle storage is

provided internally, on the ground floor, which is acceptable. An internal bin store is provided with collection via Upper West, which is also acceptable from a highway perspective. The existing and new pedestrian access points are acceptable to Highways. These will need to provide inward opening doors to ensure they do not impact on the adopted footway or highway.

Environmental Health – Condition should be applied to meet the standard requirements for waste management and the management of construction works.

Issues

National Planning Policy Framework (NPPF) - The Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

- i. Chapter 5 Delivering a sufficient supply of homes
- ii. Chapter 8: Promoting healthy and safe communities
- iii. Chapter 11: Making effective use of land
- iv. Chapter 12: Achieving well-designed places
- v. Chapter 14: Meeting the challenge of climate change, flooding and coastal change

It is considered that the development would relate positively to the above guidance.

Planning Practice Guidance (PPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment of the proposed development has been given to the following aspects of the PPG:

- i. Consultation and pre-decision matters
- ii. Design
- iii. Flood Risk Planning and Flood Risk
- iv. Health and well-being
- v. Air quality
- vi. Land affected by contamination

vii. Noise

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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 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 are relevant to the proposed development:

Policy SP 1 (Spatial Principles)

Policy SP1 specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

It is considered that the proposed development would contribute positively to housing supply and the formation of a sustainable community, which would be beneficial to the quality of the living environment experienced by existing and future residents. Policy SP1 would therefore be positively responded to.

Policy EN1 (Design Principles and Strategic Character Areas) - States that opportunities for good design to enhance the overall image of the City should be fully realised through the implementation detailed design principles that reinforce and enhance the local character of that part of the City and supports the achievement of the Core Strategy Strategic Objectives. A condition has been included to ensure that the 'making good' of the street elevation following the removal of the existing shopfront and roller shutters is using matching materials. The proposed use would be accompanied reopening of window openings. The formation of a 'residential' frontage would improve the current circumstances and appropriately relate the property to neighbouring houses. The development would thereby comply with policy EN1.

Policy EN 8 (Adaptation to Climate Change) - States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In this case of this application reference has been given to the adaptability of the development to climate change with reference to the assessment of potential additional floor risk. As this is not considered to be significant, it is considered that the development would be appropriately related to policy EN8.

Policy EN 14 (Flood Risk) - Requires an assessment of potential additional flood risk related to proposed development. In this case, the application site is in Flood Zone 1 and is not at significant risks from flooding. Policy EN14 would thereby be accorded with.

Policy EN 18 (Contaminated Land and Ground Stability) -Requires that consideration be given to contamination risks associated with development. No issues have been identified in that would impact on the proposal. Proposed works would relate the fabric of the existing building.

Policy EN19 (Waste) - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

Policy EN19 has been related to the existing communal proposed waste management arrangements, which are acceptable. It is noted that an 11 sq. metre segregated waste and cycle storage area is proposed within the building that is capable of reconfiguration to meet the requirements of Environmental Health that are related to the development bin conditions. On this basis, it is considered that the site has the capacity to secure compliance with EN19.

Policy H1 (Overall Housing Provision) - The development would be appropriately related to policy H1 through its positive contribution to the local housing supply.

Policy T1 (Sustainable transport) - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. In this case, the applicant has demonstrated that 100 % cycle storage could be accommodated within the property and the development has satisfactory access to public transport. The development could therefore be occupied without reliance on private car usage and policy T1 would be positively responded to.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- g. Adequacy of internal accommodation and external amenity space;
- h. Refuse storage and collection.

It is considered that the development would be appropriately related to neighbouring residential uses and the proposal would bring a vacant unit back into active use to the benefit of the character and amenity of the area. Appropriate security measures can be achieved through the provision of locks and fittings to meet secured by design standards. The active use of the property would reduce its potential to attract crime and vandalism. The lack of amenity space within the site would be offset by the benefits of bringing the building back into active use. On this basis policy DM1 would be accorded with.

Unitary Development Plan (Saved UDP) Policies -The following saved Unitary Development Plan policy is also considered to be relevant:

Policy DC26 (Development and noise)

The following elements of policy DC26 are relevant:

Policy DC26.1 has been related to the proposals contribution to the local noise environment and how existing noise sources, including noise from traffic may impact on the proposed housing.

Policy DC26.4 requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily.

Policy DC26.5 has been related to the assessment of the development, in terms of measures to minimise the impact of noise on future residents, including the incorporation of noise insulation.

The application property is situated between residential properties and outside a location with noise generating uses. A specific requirement for noise insulation is not considered to be necessary in this case as any noise and activity generated would be consistent with residential occupation. Policy DC26 would thereby be accorded with.

Principle – The proposals would be appropriately related to the residential character of the area. The previous retail use would have permitted formation above. The introduction of a further two apartments on the ground floor would have a lesser impact the reinstatement of a retail use. Notwithstanding the above, this form of application is required to demonstrates that the criteria set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class M Change of Use from Shops and Financial and Professional Services (Class E) to Dwellinghouses (Class C3), and that the related building operations reasonably necessary for the conversion.

The criteria for assessing the proposed development are set out below:

M.1 Development is not permitted by Class M if—

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

- (iv) in a military explosives storage area;
- (v) a listed building; or
- (vi) a scheduled monument.

The property has been vacant for some time but it not apparent that any alternative use was undertaken in relation to the operation of a ground floor retail shop. The criteria for assessing this form of prior approval, includes potential residential floorspace that would be ancillary to the primary retail use of the property. As such the overall floorspace formed by the four apartments, cycle /bin store and communal staircase would not exceed the required 150 sq. metre threshold this basis, it is considered that the development meets the above criteria.

To be considered as permitted development, the following conditions must be met

M.2

Development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to —

- (a) transport and highways impacts of the development,
- (b) contamination risks in relation to the building,
- (c) flooding risks in relation to the building,
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
 - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
- (e) the design or external appearance of the building and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The application has been considered with regard to points (a) to (e) inclusively.

Transport and highways impact - The development has been assessed by Highway Services who have concluded that the use would not result in significant traffic generation. The area benefits from a residents parking scheme, which help to manage additional traffic that may be generated by the proposed use. Although not a requirement for this type of application, the applicant has demonstrated that the yard area has the capacity for the storage of 4 cycle racks to reduce potential need for private car usage. The location of the bin store, with inward opening doors, would facilitate was site collection It is considered that the proposal would not present any appreciable change in a previously established circumstances or unduly impact upon the local highways network.

Contamination risks on the site – The development would not be affected by no known local contamination risks or neighbouring uses generating excessive noise and pollution associated with industrial processes. The related work would be related it the fabric of the existing building and would not involve the breaking of ground. Surrounding traffic noise would be consistent with a residential area with a dense configuration of housing. Environmental Health have not raised issues regarding the impact of local environmental factors on the proposed development on future occupation, including its susceptibility to noise disturbance. The development would be supported with a dedicated waste store area (in a 11 sq. metre communal storage room) that would be capable of accommodating the number of bins required by the Council guidance. In

response to the comments of Environmental Health a condition has been included requiring confirmation of segregated bins with appropriate capacities and that the door to the storage room is sufficiently wide to allow the bins to be removed and returned.

Flooding risks on the site - The application site lies within flood zone 1 and is therefore not in an area that is susceptible to flood risk. The proposal would result in any apparent increase in the risk of flooding in the local area and the assessment criteria has been appropriately responded to.

Loss of a retail shop - The retail unit appears to have been vacant for a number of years and is an isolated former retail in a residential area. The proposals would secure an appropriate use for the property that would be consistent with the character of the area. The retail use does not appear to be viable and the criteria for the justification of the loss of a retail use would be met.

External alterations - The proposed alterations are considered to be necessary, to enable the change of use and to secure an appearance that would be more compatible with the neighbouring residential uses. Paragraph W, of part 3 states that the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. In the interests of residential amenity it is considered appropriate for the development to be conditioned to require the applicant to match in the proposed and existing materials in order that the property does not detract from the appearance of the property or area within which it is located.

Crime and security – The development would bring a building back into active use that might be otherwise susceptible to crime. The arrangement of windows would secure appropriate natural surveillance and new doorways would be related to the street. An informative has been included recommending that all new security measures, including locks to doors and windows meet secured by design standards.

Residential amenity – It is considered that the development would be appropriately related to the surrounding residential area in terms of its use and related activity. The positioning of windows would be acceptable. A window to the first floor gable elevation has been assessed and it is noted that it includes an existing window that would face towards a section of blank brickwork to the end gable of 21 Upper Grove West. The relationship is an existing circumstance that would not unduly impact on residential amenity.

Conclusion - The proposed development is hereby approved on the basis of the above and in that it meets the criteria of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class M.

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

N/A

Condition(s) to be attached to decision for approval

1) 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, EN14, EN18, EN19, T1 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 documents and drawings referenced: Prior approval application form; Location plan L(-1) 000; Existing plans Ref: L-1 001 Rev 02; Existing elevations Ref: L-4 001 Rev 01; Proposed plans Ref: L-1 002 Rev 01, Proposed elevations Ref: L-4 002 Rev 01 and Prior Notification Evidence Statement by Paul Butler Associates dated 31 March 2021 and stamped as received by the City Council as local planning authority on 1 April 2021.

2) Before the occupation of the ground floor apartment the existing roller shutters shall be fully removed and the elevational alterations to the ground floor of 20 South Grove, as shown on drawing Proposed plans Ref: L-1 002 Rev 01 shall be fully implemented and maintained in situ thereafter.

Reason - In the interests of visual amenity, pursuant to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

3) The materials to be used on the external surfaces of the building hereby permitted shall match those of the existing building in type, size, colour and texture this shall include the reinstatement of the brickwork and mortar following the removal of the existing shopfront.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) Notwithstanding details shown on drawing referenced Proposed plans Ref: L-1 002 Rev 01, the apartments 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 include confirmation of bin capacities and satisfactory door width details to the waste and cycle storage enclosure located on the ground floor Upper West Grove elevation 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 Core Strategy for the City of Manchester.

Informatives

1) It is recommended that all new security measures, including locks to doors and windows meet secured by design standards.

2) Guidance for developers can be found via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

29 South Grove, Manchester, M13 0AU
19 Upper West Grove, Manchester, M13 0BB
33 South Grove, Manchester, M13 0AU
27 South Grove, Manchester, M13 0AU
25 South Grove, Manchester, M13 0AU
23 South Grove, Manchester, M13 0AU
19 South Grove, Manchester, M13 0AU
Top Flat, 20 South Grove, Manchester, M13 0AU
31 South Grove, Manchester, M13 0AU
38 Upper West Grove, Manchester, M13 0BB
36 Upper West Grove, Manchester, M13 0BB
34 Upper West Grove, Manchester, M13 0BB
32 Upper West Grove, Manchester, M13 0BB
30 Upper West Grove, Manchester, M13 0BB
28 Upper West Grove, Manchester, M13 0BB
26 Upper West Grove, Manchester, M13 0BB
24 Upper West Grove, Manchester, M13 0BB
21 Upper West Grove, Manchester, M13 0BB
17 Upper West Grove, Manchester, M13 0BB
35 South Grove, Manchester, M13 0AU
21 South Grove, Manchester, M13 0AU
18 South Grove, Manchester, M13 0AU
16 South Grove, Manchester, M13 0AU
14 South Grove, Manchester, M13 0AU

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
Area Team Boundary - Name: NORTH2