

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127981/FO/2020

Date registered valid: 2 November 2020

Proposal: Change of use of first floor from restaurant, together with installation of dormer window to the rear, to form 1 no. self contained flat with access from Wilmslow Road. with associated elevation alterations

Address: 527A Wilmslow Road, Manchester, M20 4BA

Ward(s): Withington Ward

Applicant: Mr Mohammed Altaf Kiani 527A Wilmslow Road, Manchester, M20 4BA

Agent (if any): Mr Raja Riaz Raja Riaz 15 Laurel Mount , Heckmondwike, WF16 9EF

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

Recommendation: APPROVE

Date of recommendation: 17 December 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 3 November 2020 Expired: 24 November 2020

Neighbour notifications

Printed: 3 November 2020 Expired: 24 November 2020

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 mid parade property comprising a Café /restaurant on the ground floor with storage above. There is a two storey outrigger at the rear. A single storey extension has been constructed at the side of the outrigger and there is a single storey building in the area that would have been a yard but is no longer fully enclosed. There is a flue on the rear corner of the outrigger.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The property is part of a small parade of seven units located at the southern end of Withington District Centre. It is outside of the Conservation Area. There are similar properties to either side and at the rear separated by an alley are the rear gardens of residential properties on Ferngate Drive. Facing the site across Wilmslow Road are more commercial units.

Description of development

Consent is sought to install a dormer on the rear slope of the roof of the main body of the property. The former would have a flat roof and a single window in the rear elevation. The dormer would be set in from the eaves and sides of the property and be no higher than the ridge on the main body of the building. The dormer would be clad in grey uPVC weatherboarding. The

first and second floor would be converted into a three bed self contained flat with a floor area of 95 Square metres. To facilitate access to the new flat an new entrance will be installed in the front elevation and the existing display window reduced in size.

Refuse storage will be provided in the rear yard area.

This application has been modified by the omission of a front dormer and the reduction of the number of flats from two to one.

Consultations & Notification Responses

Local residents/businesses.

No representations received.

Environmental Health

The waste management proposals and acoustic insulation schemes are acceptable. A verification report is required in respect of the noise insulation.

Highways

The proposed development will reduce trips associated with the property. It is a heavily parked area and therefore provision for cycle parking should be made and future residents encouraged to use alternative means of transport.

Policy

Core Strategy

The relevant policies are SP1, DM1 and H1

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.

Policy H1 seeks to provide a range of accommodation in the City

Unitary Development Plan

The relevant saved UDP policy is DC5 which relates to flat conversions and seeks to encourage the provision of flats above commercial units.

Issues

Principle

The principle of creating living accommodation above commercial units is considered acceptable and accords with policy DC5.

Dormer

There are no precedents for dormers in this parade. However, it would be located between two outriggers and is therefore largely screened from view. The dormer would sit in the roof and it is considered that its scale and design are acceptable for the location.

Elevational changes

The installation of a new front entrance for the flat is considered to be acceptable. The reduction in the size of the display window is not considered significant and the provision of an entrance on Wilmslow Road would improve security for the tenants of the flat.

Standard of accommodation

Originally consent was sought for two flats although these were below the Council's space standards. The scheme has been amended and consent is sought for a single three bed flat. The flat is large enough for a three bed four person unit. The standard of accommodation is therefore considered acceptable.

HMO

As a three bedroom flat there is a possibility that it could be used as a HMO. Whilst as a result of the Article 4 Direction planning permission would be required, a condition is proposed reinforcing the need for consent.

Refuse

The proposed development provides two separate areas for refuse storage at the rear of the property. The scheme is acceptable and an appropriate condition is proposed.

Sustainability

This is a sustainable location with good access to local facilities and public transport.

Residential amenity

The proposed dormer is unlikely to have an overbearing impact on the adjoining property. It is therefore considered that the only potential impact on residential amenity is from overlooking and a loss of privacy. This would in the main impact on the rear gardens of the two houses on Ferngate Drive. However, these gardens are 20 metres away from the rear face of the dormer which is close to the 21 metres that is considered an acceptable intervisibility distance between habitable room windows. On balance it is considered that there would be no significant overlooking or loss of privacy.

Conclusion

Planning permission is required for the dormer and the elevational alterations. The provision of the flat would otherwise be permitted development. On balance it is considered that the proposed development 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: 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 the above 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:

Sheet 2 revision A received 6 November 2020

Sheet 3 Revision A received 6 November 2020

Sheet 4 revision A received 76 November 2020

Sheet 5 received 12 October 2020

Noise Impact Assessment by Acoustic Solutions reference 1965-75-20-V3 received 14 December 2020

Waste Management Proforma received 12 October 2020

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 approved plans.

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) The details of the approved scheme for the storage of refuse 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

5) 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 2010 (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).

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.

6) Before the accommodation hereby approved is first occupied it shall be acoustically insulated in accordance with the recommendations of the Noise Impact Assessment By Acoustic Solutions reference 1965-75-20/V3 received on 12 December 2020. Upon completion of the works a verification report shall be submitted to the Council for approval.

Reason

To protect the occupiers of the proposed living accommodation from the impact of noise pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

6 Ferngate Drive, Manchester, M20 4AH
Flat Above, 534 Wilmslow Road, Manchester, M20 4BY
525 Wilmslow Road, Manchester, M20 4BA
525A Wilmslow Road, Manchester, M20 4BA
531 Wilmslow Road, Manchester, M20 4BA
527 Wilmslow Road, Manchester, M20 4BA
523A Wilmslow Road, Manchester, M20 4BA
521 Wilmslow Road, Manchester, M20 4BA
523 Wilmslow Road, Manchester, M20 4BA
529 Wilmslow Road, Manchester, M20 4BA
536 Wilmslow Road, Manchester, M20 4BY
534 Wilmslow Road, Manchester, M20 4BY
538 Wilmslow Road, Manchester, M20 4BY
531A Wilmslow Road, Manchester, M20 4BA
8 Ferngate Drive, Manchester, M20 4AH

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
Area Team Boundary - Name: SOUTH