

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127179/P3MPA/2020

Date registered valid: 16 June 2020

Proposal: Prior Approval for change of use of the ground floor from retail (Class A1) to one bedroom flat (Class C3)

Address: 70 Woodland Road, Gorton, Manchester, M18 7JE

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Sheraz Haider, Homelookers Limited 4 Mitre Road, Manchester, M13 0NU

Agent (if any): Dr Kanadi Jagafa Mason and Marlow Limited 3 Gladwin Place, 3 Colman Gardens, Salford, M5 3NT

Case officer: Steven McCoombe
Tel: 0161 234 4607
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Recommendation: Approve

Date of recommendation: 15 July 2020

Application details

Type of application: Prior approval- Mixed A1A2A3-Dwelling

Development type: Notifications

Date of site visit: 1 July 2020

Standard consultations:

Printed: 18 June 2020 Expired: 9 July 2020

Neighbour notifications

Printed: 18 June 2020 Expired: 9 July 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

The application site relates to a two storey, end terraced property situated along Woodland Road, a short distance from the busy, main east-west arterial route of Hyde Road.

The property comprises a vacant ground floor retail unit (formerly a hair and nail salon) with a residential flat above and forms one unit within a small, declining retail parade containing two other vacant retail units, as well as former retail unit which has been converted into a residential property.

The property includes a large billboard advertisement to the first floor gable and an external staircase serving the first floor flat at the side/rear. The property incorporates two large glass windows to the north and west elevations and a corner entrance door.

The building immediately adjoins the back of pavement and incorporates small yard area at the rear which is used for bin storage and amenity space.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of the neighbouring, vacant retail units, the immediate areas is principally residential in character, mainly comprising two storey, terraced dwellinghouses.

Description of development

Prior approval is sought for the change of use of the building from a shop (Class A1) to a dwellinghouse (Class C3) under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015.

The proposal involves the conversion of the ground floor retail unit to form a one bedroom flat.

A window is proposed to the side elevation. Access is to remain as existing from the corner entrance door off the main road frontage.

No off road parking is provided.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services - In comparison to the former retail use, the proposed residential use of the property is likely to reduce the level of vehicles associated with the site. Waste and servicing requirements are also likely to be reduced, which is welcomed by Highways.

Whilst the lack of in-curtilage parking is not ideally preferred for a residential dwelling, it is accepted that the proposed flat is unlikely to generate any significant number of vehicles requiring parking and therefore there is sufficient capacity to park on the surrounding streets.

For confirmation, Highways require secure and sheltered cycle parking to be made available for the future occupier of the apartment. It should also be ensured that all waste can be stored within the site's curtilage with no requirement for bins to be stored on the adopted highway.

In principle, Highways have no objections to the application.

Greater Manchester Police – No comments to make at this stage, and no objection to the proposed change of use.

Environmental Health – Conditions are recommended in relation to waste management and acoustic insulation.

Flood Risk Management – The Site is within Flood Zone 1 and very low risk of surface water flooding and whilst the change of use results in a change in Flood Risk Vulnerability Classification, it does not require any mitigation.

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.

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, with the building having a gross footprint of 82.85 sqm.

The building is also 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 building is presently vacant and to an extent, forms a non-conforming use within a predominantly residential area.

The re-use of the building for residential purposes would be desirable due to its location within a retail parade that is in decline.

Due to the out of centre location, the principally residential context and the period of vacancy, it is highly unlikely to have any detectable impact upon key retailing functions.

It is considered that the re-use of the building for residential purpose would uplift the appearance of what is presently a vacant frontage which detracts from the vibrancy of the street. The reuse of the ground floor would therefore improve natural surveillance and the appearance and function of the street-scene. A condition has been included which requires the proposed bedroom window to be partially obscurely glazed, due its position at the back of pavement and to protect to the privacy of prospective occupiers.

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 on site. Environmental Health have not raised any objection to the proposal on these grounds.

The property is situated within Flood Risk Zone 1 and therefore there is a low probability of flooding. The Council's Flood Risk Management Team and reviewed the proposal and do not require any level of mitigation.

In relation to any transport or highways impact, it should be noted that no off road parking is proposed.

Whilst Highway Services state that off road parking would be preferred, the proposed use would compare to other terraced dwellinghouses in the immediate area, which do not incorporate any off road parking and rely on on-street measures to service the demand.

In contrast to the former retail uses, it is believed car movements and parking demand would be lesser for the use proposed.

It is considered unlikely that a small, one bedroom flat would create any significant or undue demand for on-street parking to the detriment of residential amenity or highway safety. There is sufficient space in front of the property for roadside parking and this mirrors the arrangement for other properties along the street.

With regard to trip generation or any impact upon the operation of the highway, it is considered that in comparison to the former use or potential re-use of the property for retail, the level of trips associated with the proposed dwellinghouse would be lower both in terms of the number

and frequency of trips. As such, Highway Services consider that the proposal would not give rise to any network capacity issues.

A condition has been included to ensure cycle parking provision to encourage non car modes of transport for residents and visitor to the property which will mitigate any impact.

In terms of waste management, there is sufficient space for these to be stored in the rear yard and moved to the kerbside on the collection. A condition has been included which will require further detail in this regard.

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

Whilst Environmental Health have requested a condition relating to the acoustic insulation, it should be noted that noise is not a consideration for prior approval applications under Class M. It is further considered that in contrast to the former retail use, noise is not likely to be a factor and can be appropriately mitigated through building regulation requirements.

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 – None Required

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 the location plan and floorplan received by the City Council as Local Planning Authority on 16 June 2020 and proposed elevation drawing received by the City Council as Local Planning Authority on 15 July 2020.

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

1) Notwithstanding details submitted, the flat 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) The residential flat hereby approved shall not 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.

3) Prior to the first occupation of the flat hereby approved, the existing roller shutters shall be removed in their entirety.

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

4) Prior to first occupation of the flat hereby approved, the lower half of the bedroom window shown on the proposed elevation drawing received by the City Council as Local Planning Authority on 15 July 2020, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of occupiers from overlooking or perceived overlooking, pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

4 Waterhouse Road, Manchester, M18 7HZ
60 Woodland Road, Gorton, Manchester, M18 7JE
62 Woodland Road, Gorton, Manchester, M18 7JE
Flat 2, 66 Woodland Road, Gorton, Manchester, M18 7JE
Flat 1, 66 Woodland Road, Gorton, Manchester, M18 7JE
Flat 1, 838 Hyde Road, Manchester, M18 7JD
Flat 2, 838 Hyde Road, Manchester, M18 7JD
Flat 1, 49 Woodland Road, Gorton, Manchester, M18 7JY
49 Woodland Road, Gorton, Manchester, M18 7JY
2A Waterhouse Road, Manchester, M18 7HZ
Flat 1, 68 Woodland Road, Gorton, Manchester, M18 7JE
68 Woodland Road, Gorton, Manchester, M18 7JE
Flat B, 58 Woodland Road, Gorton, Manchester, M18 7JE
Flat A, 58 Woodland Road, Gorton, Manchester, M18 7JE
58 Woodland Road, Gorton, Manchester, M18 7JE
64 Woodland Road, Gorton, Manchester, M18 7JE
56 Woodland Road, Gorton, Manchester, M18 7JE
2 Waterhouse Road, Manchester, M18 7HZ
Flat 2, 49 Woodland Road, Gorton, Manchester, M18 7JY

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH2