

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141595/FO/2024
Date registered valid: 3 January 2025
Proposal: Change of use of existing ground floor internet pharmacy (Sui Generis) to 1 flat (Class C3)
Address: 3 Shirley Road, Manchester, M8 0WB
Ward(s): Cheetham Ward

Applicant: Mr Nissar Ahmed
Agent (if any): Mr Subhan Saleem, Saleem Architects
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 10 February 2025

Application details

Type of application: Full Application Consent

Development type: Change of use

Standard consultations:

Printed: 21 January 2025 Expired: 11 February 2025

Neighbour notifications

Printed: 21 January 2025 Expired: 11 February 2025

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 double fronted, end terraced property situated at the western end of Shirley Road.



View from Shirley Road

The building is of a traditional red brick construction, albeit the brickwork has been painted.

The property originally built as a dwellinghouse, has until recently been occupied by an internet pharmacy and prior to this, a doctor's surgery at ground floor level. To the first floor is a single flat.

The building incorporates a small front yard area enclosed by a low-level brick wall with small fence interspersed by brick piers. To the rear, is a further yard area, accessed by a private alleyway which separates the property from the rear of the neighbouring petrol filling station.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application property is situated within a predominantly residential area, largely comprising two storey, terraced dwellinghouses.

The main arterial route of Cheetham Hill Road meets the junction with Shirley Road to the west. At its corner, is an Esso petrol filling station, beyond which are several commercial uses including a hand car wash and plumbers' merchants.

Description of development

Planning permission is sought for the change of use of the ground floor from an internet pharmacy to form a single two-bedroom flat. The accommodation comprises two bedrooms, an open plan kitchen/living area and separate bathroom. To the rear of the building a cycle storage area is proposed. To the front of the building space is indicated for bin storage.

The proposal would result in the host building accommodating a total of 2 flats. No off road parking or elevational alterations are proposed as part of this application.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – No objection. Conditions are advised with respect to waste management, air quality and noise.

Highway Services - In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. The proposed change of use is not expected to give rise to a significant increase in on street parking demand in comparison to the site's existing use.

secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

A refuse storage area is noted within the curtilage of the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Planning History

125898/FO/2020

Change of use of first floor doctors' surgery to a 3-bedroom flat (Use Class C3a). *Approved 2 April 2020.*

125271/FO/2019

Change of use of ground floor from doctors' surgery (D1) to internet pharmacy (sui generis).
Approved 6 January 2020.

F05554

Use of dwellinghouse as doctors' surgery with caretakers flat over. *Approved 1 December 1976.*

041982

Single storey rear extension and addition of toilet for the disabled to existing doctors' surgery.
Approved 24 August 1992.

The below policy and guidance is considered relevant to the consideration of this application:

- Saved policies DC5 and DC26 of the UDP;
- Policies DM1, SP1, H1, H3, T2, EN16 and EN19 of the Manchester Core Strategy;
- Places for Everyone Joint Development Plan;
- National Planning Policy Framework (NPPF);
- Manchester Residential Quality Guidance.

Issues

Principle

Having regard to the existing planning policy framework and national planning guidance, the principle of the development is considered acceptable.

The proposal would contribute towards the housing growth strategy, ensuring that development takes place within the right areas to meet demands along with creating high quality places and neighbourhoods of choice.

The proposal would also add to the diversity of residential accommodation in the area and due to the position of the building close to a high frequency transport route, would be sited within a highly sustainable location.

It is further considered that the proposed conversion for residential use would represent an appropriate planning use by removing a non-conforming use from a residential side road and would make best use of vacant floorspace within the context of the prevailing residential environment.

Residential Quality

The proposed apartment would enable sufficient natural light and ventilation to habitable rooms and would adhere to the Council's internal space standards. On this basis, the quality of the proposed accommodation is considered satisfactory.

Residential Amenity

Policies DM1 and SP1 of the Core Strategy advocate that consideration should be given to effects of development upon the amenity, living conditions and the well-being of residents.

In this instance, the proposed development would introduce a residential use into the context of a predominantly residential environment, following the cessation of an internet pharmacy.

The small increase in the number of occupiers, coupled with the loss of activity associated with the internet pharmacy would lead to a net reduction of disturbance and parking/servicing demands, as well as decreased coming and goings. This is likely to result in a positive impact upon the living conditions of neighbouring occupiers.

In order to prevent the flat from becoming in multiple occupation or for use as serviced accommodation, conditions are included to prevent any potential over-intensification of use.

On balance, the impact upon residential amenity is considered satisfactory.

Impact on the Highway

Whilst the City Council does not have any prescribed standards for residential proposals, policy T2 of the Core Strategy and saved policy DC5 of the UDP state that all new developments, including flat conversions, should provide appropriate car parking facilities. Policy SP1 goes on to state that new developments should 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.

Due to the constraints of the site and in comparison, to neighbouring properties along Shirley Road, it is not possible to provide any off-road parking.

Given the sustainable, accessible nature of the site, close to a busy bus route along Cheetham Hill Road and the addition of only one residential unit for a property which would ordinarily be occupied by a dwellinghouse, as well as the increased availability of on-street parking following the loss of the internet pharmacy, the impact upon the highway as a result of vehicular trips and parking demand, can be satisfactorily sustained. On this basis, the impact upon the highway is considered acceptable.

Waste Management

Sufficient space is available within a storage area to the front of the building with external access. The existing first floor flat is served by a separate waste storage to the rear yard.

Whilst the submitted strategy is considered acceptable, further details are required in terms of the means of enclosure to safeguard visual amenity, whilst ensuring the required number of receptacles can be accommodated. An appropriate condition has been included in this regard.

Climate change

The proposed change of use would likely result in net loss of vehicular trips in comparison to deliveries/collections and staff parking associated with the internet pharmacy and is likely to result in a beneficial, albeit negligible change in air quality as a consequence of vehicular emissions.

Given that the proposal would result in the addition of a single flat and due its situation adjacent to a close to busy main arteria route, it is considered unlikely that there would be any harmful contribution to climate change. Further, given the replacement of a commercial use, with a residential use, the use of services, including electricity is likely to see a reduction in overall energy usage.

Biodiversity

Due to the nature of the proposal, the proposed development is exempt from legislative biodiversity net gain requirements.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning 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:

Drawings referenced Sheet 1 (location plan) and sheet 2 (existing and proposed plans), received by the City Council as Local Planning Authority on 3 January 2025.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) Notwithstanding details submitted, the apartment hereby approved shall not be occupied until a 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 which shall include means of enclosure, shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. No bins shall be stored outside the curtilage of the site other than on the day of collection.

Reason - For details to demonstrate the required number of receptacles can be accommodated within the curtilage of the site are required and 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.

4) Notwithstanding details submitted, no part of the development hereby approved shall be occupied until full details of the space and facilities for bicycle parking, including means of enclosure, have submitted to and agreed in writing by the City Council as Local Planning Authority. The agreed cycling parking space and facilities shall the implemented as part of the development and retained thereafter.

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 Manchester Core Strategy.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the residential apartment hereby approved shall not 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 2020, 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) The residential apartment hereby approved shall be used only as private dwelling (which description shall not include serviced properties or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as short-term lets, serviced apartments/apart hotels, do not

commence without prior approval; 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 Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Asda Shirley Express, Petrol Filling Station, 332 Cheetham Hill Road, Manchester, M8 0PL

1 Shirley Road, Manchester, M8 0WB

Shirley Service Station, Petrol Filling Station, 332 Cheetham Hill Road, Manchester, M8 0PL

12 Shirley Road, Manchester, M8 0ND

14 Shirley Road, Manchester, M8 0ND

8 Shirley Road, Manchester, M8 0ND

5 Shirley Road, Manchester, M8 0WB

10 Shirley Road, Manchester, M8 0ND

Appendix 2 – Planning constraints

Article 4 Direction - Removal of PD Rights Change Of Use from Class C3 to Class C4

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH AREA