

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140940/FO/2024

Date registered valid: 5 September 2024

Proposal: Change of use from workshop and storage to artist studio (Class E), along with installation of shop front to the Oswald Road elevation.

Address: 3B Oswald Road, Manchester, M21 9LH

Ward(s): Chorlton Ward

Applicant: Mr. Nick Vorstermans, Studio Critical

Agent (if any):

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25 October 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 1 October 2024

Standard consultations: Printed: 16 September 2024 Expired: 7 October 2024

Neighbour notifications: Printed: 16 September 2024 Expired: 7 October 2024

Site notice: Posted: 1 October 2024 Expired: 22 October 2024

Press advert: Published: 17 September 2024 Expired: 8 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Not applicable

Conservation area: Wilbraham Road/Edge Lane Conservation Area 2005

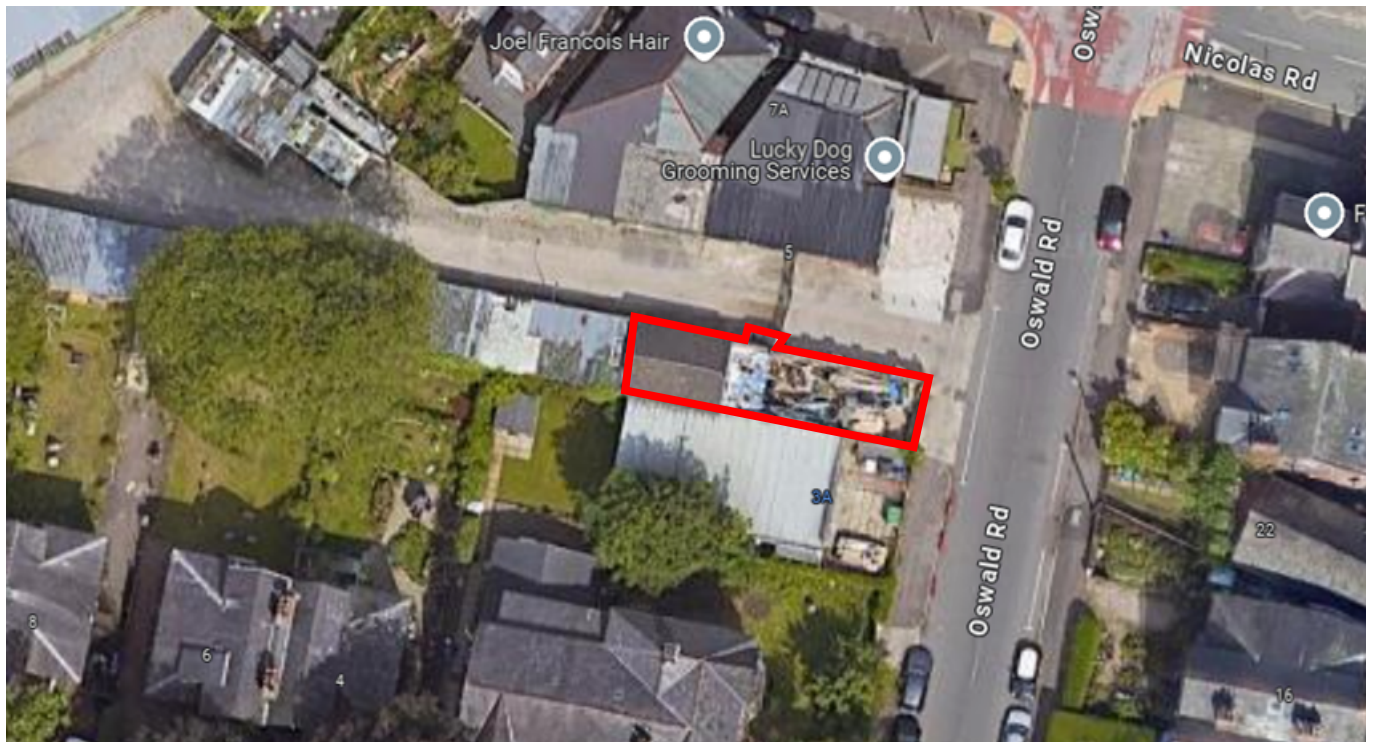
Tree Preservation Order: Not applicable

The application relates to a single storey brick outbuilding and concrete yard, situated within the Wilbraham Road/Edge Lane Conservation Area in the Chorlton ward of Manchester.

Constructed in the mid-20th century, the building features a grey concrete tile dual pitch roof with its primary frontage facing eastwards. The site itself is bordered by a high-level redbrick wall and features a set of inward-opening metal gates to its east. It is bounded to the north by an access road leading to an adjacent garage colony, to the east by Oswald Road, to the south by commercial unit No.3A Oswald Road, and to the west by the garage colony. The overall character of its surrounding neighbourhood is predominantly residential, consisting of detached and semi-detached Victoria era dwellinghouses, with Chorlton District Centre located to the east of the site.

The application site is considered to make a neutral contribution to the Wilbraham Road/Edge Lane Conservation Area on account of its outbuilding being amply recessed from the highway and its substantial gates to the front.

The submitted information indicates that the site is currently vacant but has been in use for both storage (Class B8) and as a workshop (Class E) previously.







Description of development

The applicant is seeking permission for the change of use from workshop and storage to artist studio (Class E), along with installation of shop front to the Oswald Road elevation.

Planning history

109992/FO/2015/S1 - Change of use from builder's yard and offices (Class B1) to gym (Class D2) – **APPROVED** (08.01.2016).

109993/AO/2015 - Where the BW Gray & Sons sign is on the front above the door; to paint over and put Little Box Gym. Where the description is for BW Gay & Sons above the main front window; to paint over and put the Little Box Gym motto. Where the telephone number is for BW Gray & Sons over the exit doors; to paint over and put Little Box Gym contact number. Where the BW Gray & Sons banner hangs on the front of the property; to remove and put up a Little Box Gym banner – **APPLICATION RETURNED**.

Consultations & Notification Responses

One letter of objection was received in response to this application. Their concerns are summarised as follows:

- No objection to the planned use in principle.
- Concerns relating to noise disturbance and its detrimental impact upon residential amenity.
- Concerns relating to lack of parking provisions associated with the proposal and its potential to impact existing parking issues in the area.

Highways Services made no objection to the application, indicating that the proposed timber and glazed frontage is acceptable from a Highways perspective, with the level of trips generated as a result of the change of use not anticipated to be dissimilar from the former use, with no highways concerns expected with the proposal also including appropriate cycle parking provisions, refuse and servicing, parking, and access via sustainable transport modes.

Environmental Health made no objection to the application, requesting conditions relating to permitted demolition/construction hours, hours of use, delivery, servicing and collection hours, NSE1, NSE6, and refuse management be attached to the consent.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC14 – Shopfronts and Related Signs
- Policy DC18 – Conservation Areas
- Policy DC26 – Development and Noise

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy T1 – Sustainable Transport
- Policy EN19 – Waste
- Policy EN3 – Heritage

Shopfront and Signage Design Guide (2024)

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

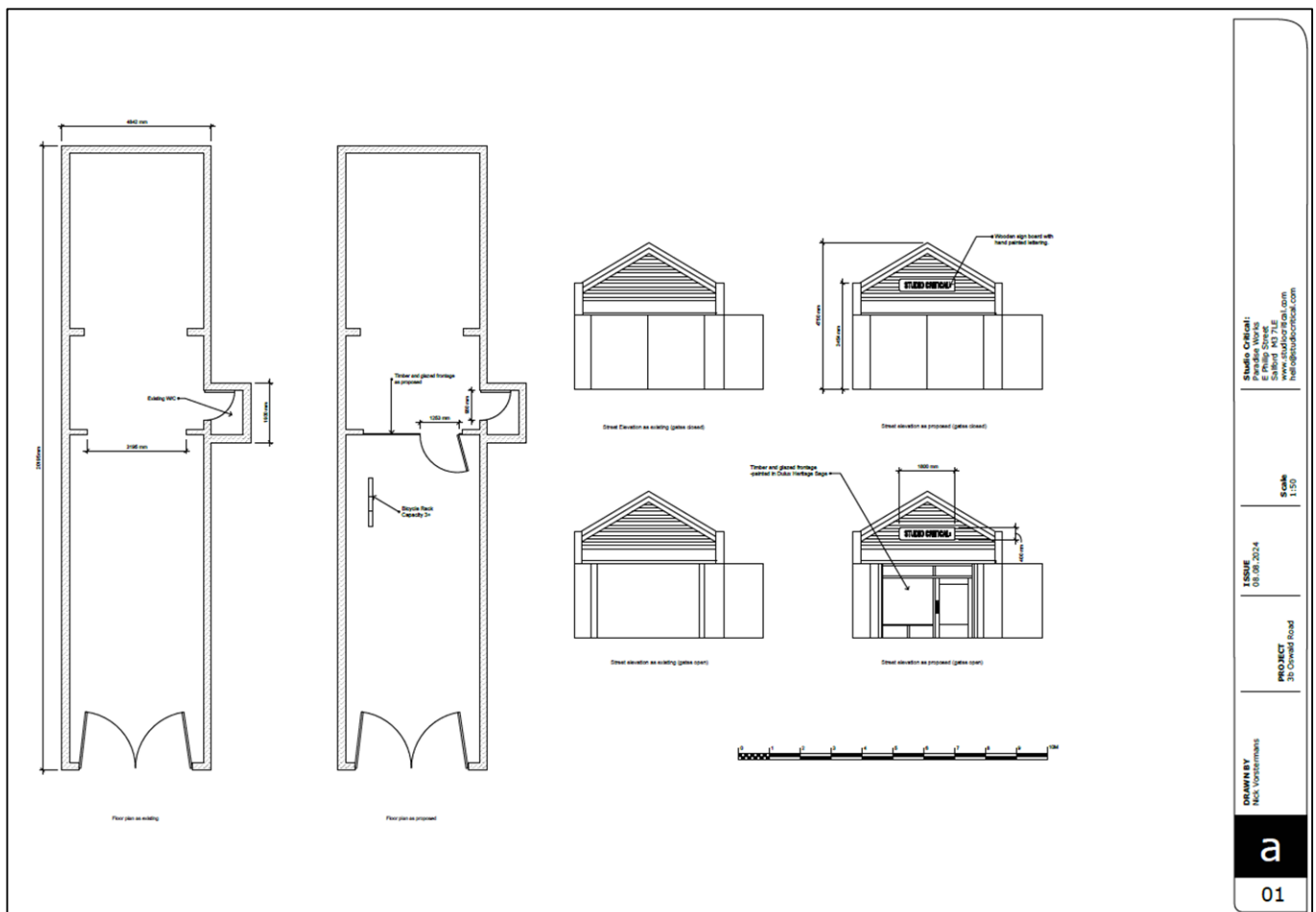
- Policy JP-P1 – Sustainable Places
- Policy JP-P2 – Heritage



Submitted location plan



Submitted visuals



Submitted existing and proposed plans and elevations

Issues

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Principle – the principle of changing the use of the unit from workshop and storage to an artist studio (Class E) together with the installation of a shopfront to the unit's Oswald Road elevation is acceptable, however, consideration must be given to the proposal's siting, scale and massing, appearance and impact upon visual amenity, residential amenity, waste storage, parking, and the Wilbraham Road/Edge Lane Conservation Area.

Siting, scale, and massing – no extensions proposed.

Appearance and visual amenity – the proposed shopfront would be recessed from the public footpath and highway by at least 10m, situated entirely within the confines of the application site. It would be constructed of timber and glazing and would be painted in Dulux Heritage colours sage green, featuring stallrisers, framing pilasters, overhead transom windows and fanlights and a fascia. New signage bearing the words 'STUDIO CRITICAL' would be installed above the shopfront, fixed to the existing grey weatherboarding.

The proposed shopfront is considered to be a well-designed intervention which would reference the Victorian vernacular design of the surrounding Conservation Area and continue the tradition of timber shopfronts which is prevalent in Chorlton district centre currently. The proposal is considered to have a positive impact upon the Wilbraham Road/Edge Lane Conservation Area, visual amenity of the area and the local street scene with appropriate materials and proportions, which would improve the appearance of the site overall.

The proposal therefore accords with saved policy DC14 of the UDP, policies DM1 and SP1 of the Core Strategy as well as chapter 12 of the NPPF.

Impact upon the Wilbraham Road/Edge Lane Conservation Area – the proposed shopfront is considered to be a well-designed intervention which would reference the Victorian vernacular design of the surrounding conservation area and continue the tradition of timber shopfronts which is prevalent in Chorlton district centre currently. The proposal is considered to have a positive impact upon the Wilbraham Road/Edge Lane Conservation Area, visual amenity of the area and the local street scene with appropriate materials and proportions, which would improve the appearance of the site overall as well as working towards preserving and enhancing the character of the Conservation Area.

The proposal therefore accords with saved policy DC18 of the UDP, policy EN3 of the Core Strategy, policy JP-P2 of the PfE joint development plan document as well as chapter 16 of the NPPF.

Residential amenity – the application site does not share any borders with any residential properties, with the closest dwellinghouses being those situated on the opposite side of Oswald Road as well as those located along Vincent Avenue and Nicolas Road.

As the proposal does not include plans for any new extensions or side-facing windows, it is not considered to substantially alter the existing residential amenity of the area, in terms of

introducing an overbearing feature or causing issues associated with overshadowing, loss of light, loss of outlook, or loss of privacy.

The proposal therefore accords with policies DM1 and SP1 of the Core Strategy and policy JP-P1 of the PfE joint development plan document.

Noise – it is acknowledged that local residents raised concerns relating to the proposal's potential to generate noise and its resultant detrimental impact upon the residential amenity of the area.

It should be noted that the application site does not share any borders with any residential properties, with the closest dwellinghouses being those situated on the opposite side of Oswald Road as well as those located along Vincent Avenue and Nicolas Road. Nonetheless, the proposal does have the potential to generate noise breakout from the use of power tools in association with its use as an artist studio (Class E).

In their email correspondence dating to the 10th October, the applicant confirmed that the loudest power tool to be used would be a planer/thicknesser with the capacity to generate a maximum of 105 decibels of noise. No plant or external equipment is proposed.

This information was relayed to Environmental Health who confirmed that this noise output would be acceptable, subject to the new shopfront being installed, the use of the property being restricted within Class E, and the aforementioned details being included/enforced via condition.

The proposal therefore accords with saved policy DC26 of the UDP and policies DM1 and SP1 of the Core Strategy.

Waste storage and management – Environmental Health highlighted that Manchester City Council's waste guidance indicates that waste should be stored and presented in containers within the application site, rather than bagging waste for on-street collection (as indicated in the submitted covering letter).

This information was relayed to the applicant who did not object to a condition being attached to the consent, whereby a scheme for the storage and disposal of refuse would be submitted to the Council prior to the commencement of development.

The proposal therefore accords with policies DM1 and EN19 of the Core Strategy.

Parking and Highways impact – it is acknowledged that local residents raised concerns relating to the lack of parking provisions associated with the proposal and its potential to impact existing parking issues in the area.

However, Highways Services indicated that in comparison to the former use, the level of trips generated as a result of the proposal is not anticipated to be dissimilar and as such no highways concerns are expected.

The site is well accessed by sustainable modes with regular bus services routed along Wilbraham Road.

There is 1no. existing car parking space located within the site's curtilage which is to be retained. Vehicular access to the site is gained from Oswald Road with dropped kerbs present. The access gate would continue to open inwardly, away from the highway, which is acceptable.

Vehicular demand for visitors associated with the site are anticipated to contribute to the level of vehicles parked on-street, however Highways Services made no objections to this.

The proposal therefore accords with policies DM1 and SP1 of the Core Strategy.

Cycle provisions – Highways Services indicated that, in line with MCC recommendations, secure and sheltered cycle parking provision should be made within the curtilage of the site for the accommodation of staff/visitor cycles.

The submitted proposed plan indicates that 3no. cycle racks will be provided within the front yard of the site, which Highways Services deem to be acceptable, pursuant to policies SP1, DM1 and T1 of the Core Strategy.

Hours of use – the submitted covering letter indicates that the unit would be in use for the following hours:

- Monday – Wednesday: 9:00am – 17:00pm,
- Thursday – Friday: 8:30am – 17:30pm,
- Saturdays: 10:00am – 16:00pm,

For two Thursdays per month, the unit would be in use from 17:30pm – 21:00pm for public workshops, in addition to one Sunday per month when the unit would be in use from 10:00am – 17:00pm. Any power tools would be used only within the hours of 9:00am – 17:00pm from Monday to Friday.

Environmental Health made no objection to the proposed hours of use, and these have been conditioned accordingly.

Other matters – the existing inward-opening gates to the site's front elevation, facing Oswald Road, are to be retained. This is acceptable, providing benefits in the form of security for the site without impeding the public footpath or highway.

Conclusion – given the above issues, it is considered that the proposal is acceptable in terms of its principle, siting, scale and massing, appearance, impact upon visual and residential amenity, waste storage and parking as it broadly complies with saved policies DC14, DC18, and DC26 of the UDP, policies DM1, SP1, T1, EN19 and EN3 of the Core Strategy, the Shopfront and Signage Design Guide, chapters 12 and 16 of the NPPF, and policies JP-P1 and JP-P2 of the PfE joint development plan document.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Minor issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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 permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following documents:

'Application for Planning Permission', numbered 'PP-13216405', stamped as received by the City Council as Local Planning Authority on the 5th September 2024.

'Floor plan as proposed. Street elevation as proposed (gates closed). Street elevation as proposed (gates open)', numbered '01a', stamped as received by the City Council as Local Planning Authority on the 5th September 2024.

Covering Letter, stamped as received by the City Council as Local Planning Authority on the 5th September 2024.

Applicant email correspondence containing details of the noise output of the proposal, stamped as received by the City Council as Local Planning Authority on the 10th October 2024.

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

3) The materials to be used on the external surfaces of the development hereby permitted shall match those specified on the submitted application form and approved plans.

Reason - To ensure the appearance of the site to be developed is not adversely affected by the materials to be used in the construction of the development, pursuant to saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

4) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as Local Planning Authority:-

<i>As applied for:</i>	<i>Monday-Friday</i>	<i>08:30 to 21:00</i>
	<i>Saturday</i>	<i>10:00 to 16:00</i>
	<i>Sunday/Bank Holiday</i>	<i>10:00 to 17:00</i>

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

5) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:

07:30 to 20:00, Monday to Saturday,
No deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

6) The development shall be carried out in accordance with the details provided in the applicant's email with regards to restrictions on operations received on the 10th October 2024 and shall be so maintained and retained at all times thereafter.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

7) a) Notwithstanding the details included within the documents listed under condition no.2 of this approval, before the development commences, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) 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 policies DM1 and EN19 of the Manchester Core Strategy.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no part of the development shall be used for any purpose other than the purpose(s) of Class E(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in 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 occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

1) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm
- Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

2) In relation to the discharge of condition 7 (refuse): information for developers guidance documents can be downloaded using 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
Heritage & Urban Design
Chorlton Voice

9 Oswald Road, Manchester, M21 9LP
3A Oswald Road, Manchester, M21 9LH
Flat 4, 3 Oswald Road, Manchester, M21 9LH
Flat 1, 3 Oswald Road, Manchester, M21 9LH
22 Oswald Road, Manchester, M21 9LP
Flat 6, 3 Oswald Road, Manchester, M21 9LH
Flat 5, 3 Oswald Road, Manchester, M21 9LH
22A Oswald Road, Manchester, M21 9LP
Flat 3, 3 Oswald Road, Manchester, M21 9LH
Flat 2, 3 Oswald Road, Manchester, M21 9LH
24 Oswald Road, Manchester, M21 9LP
14 Oswald Road, Manchester, M21 9LH
9A Oswald Road, Manchester, M21 9LP
7A Nicolas Road, Manchester, M21 9LG
16 Oswald Road, Manchester, M21 9LH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Wilbraham Road/Edge Lane Conservation Area 2005
Area Team Boundary - Name: SOUTH AREA