

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137385/FO/2023

Date registered valid: 10 July 2023

Proposal: Erection of a first- floor rear extension and two dormers extensions to the rear, together with elevational alterations in association with the sub-division of the ground floor commercial units into 2 no. units and formation of 4 no. self-contained apartments (C3 use class) above; installation of photo-voltaic panels to roof.

Address: 154-156 Claremont Road, Manchester, M14 4RT

Ward(s): Whalley Range Ward

Applicant: Arif Khan Khans News

Agent (if any): HAD & Co Property Consultants Ltd

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 September 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: August 2023

Standard consultations:

Printed: 19 July 2023 Expired: 9 August 2023

Neighbour notifications

Printed: 19 July 2023 Expired: 9 August 2023

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 property that is the subject of this planning application is a property comprising of a combined floorplate of number 154 and 156 Claremont Road. It is located in the Rusholme ward of the City. The property sits at the back of pavement to the frontage, and to the rear it is accessed off the alleyway. There is a single storey extension that comes off the outriggers of both number 154 and 156 Claremont Road which creates a small internal courtyard. The ground floor is currently one large retail unit. There are existing photovoltaic panels on the existing roof. To the ground floor is one retail unit with 2 living rooms, kitchen, bathroom, utility room and storage for the retail. To the first floor are the bedrooms (5 in total) and 2 bathrooms, which together with the ground floor accommodation makes 1 large flat.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property is located within a small parade of commercial units, which, as with the proposal site, comprises of commercial to the ground floor with mainly residential or storage above. The remainder of the area is predominantly residential and there are allotments located at the junction of Cowesby Street and Bowes Street.

Description of development

The proposal is for the erection of an extension to the first floor which bridges across both properties together with a dormer extension on the rear, which again bridges both properties, and the subdivision of the commercial ground floor from one large unit to two single retail units. There will be four flats in total with a 1 bed flat to the rear of the commercial unit at ground floor, the access for which is taken off the property frontage. To the first floor are 2 flats comprising of 1 x 1 bed flat and 1 x 2 bed flat with a fourth 2 bed flat being within the roof-space together with

the proposed dormers that span both units. Three of the proposed flats are accessed off the property frontage, and one is accessed from the back of pavement off the side of the property. The proposed development will provide 2 retail units and 4 flats in total. The waste management and cycle storage is within the rear yard area. The existing photovoltaic panels will be repurposed on the rear roof slope. The materials used in the construction will match those of the existing property.

Consultations & Notification Responses

Local residents/ businesses were informed- no representations have been received.

Highways- Car parking within the area is primarily provided on-street, the proposed development will also be reliant upon on-street parking to meet its needs.

Cycle Parking- Highways would recommend a provision of one space per dwelling.

Servicing- It is understood that refuse for the dwellings will be stored in an external bin store and collected weekly by the local authority.

Commercial waste will be stored to the front of the property within an area of land that does not form part of the adopted highway. A third- party refuse collection service will be undertaken to service the commercial units. This arrangement is acceptable to Highways.

Environmental Health- For a low -rise development, each flat should have its own set of bins, which is not the case in this instance. However, a communal bin solution has been proposed which covers all waste streams, and as such in this instance is considered acceptable. It was unclear as to who would be responsible for the taking of the bins to the kerbside on collection day as this would be difficult for the residents to manoeuvre. Further details are required with regards to mixed waste. These issues have since been addressed and will be covered in the issues section of the report.

Policy

Core Strategy Development Plan Document - The Core Strategy Development Plan Document 2012 -2027 (the Core Strategy) was adopted by the City 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.

Policy SP1, Spatial Principles - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 19, Waste - States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy DM1, Development Management - This policy 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

Appropriate siting, layout, scale, form, massing, materials and detail. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area. Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise. Accessibility buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes. Community safety and crime prevention. Design for health.

Adequacy of internal accommodation and external amenity space.
Refuse storage and collection.
Vehicular access and car parking.
Effects relating to biodiversity, landscape, archaeological or built heritage.
Green Infrastructure including open space, both public and private. The use of alternatives to peat-based products in landscaping gardens within development schemes.
Flood risk and drainage.
Existing or proposed hazardous installations.

Places for everyone GM Spatial Plan

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities have now adopted the Plan following consideration of the Inspectors' Report. There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Issues

Principle

With reference to Development Plan policy and national planning guidance, the principle of the development is considered acceptable.

The proposed development would add to the diversity of housing stock in the area and would contribute to local and national residential growth objectives, in an area where family sized accommodation is in demand, would provide smaller units of accommodation which are otherwise involving the conversion of family sized properties.

Consideration of specific planning issues and the impact of the proposal upon its surroundings and adjoining occupiers, is outlined further below.

Residential Amenity

Due to the mixed-use context of the immediate area, it is not anticipated that the proposed increase in the amount of residential accommodation would have any adverse impact on neighbouring living conditions in terms of levels of activity and associated noise and disturbance. The proposed use would replicate existing relationships between neighbouring ground floor commercial uses and first floor residential uses within the commercial parades within the area. Whilst the proposal would provide 4 self-contained flats, it would only increase the number of bedrooms by 1 resulting in 6 in total with there being 5 in the existing flat.

In order to safeguard prospective occupiers from any undue noise transfer, a condition will be attached to any consent granted which requires that the flats are to be acoustically insulated in accordance with a scheme to be submitted and agreed, in order to ensure prospective occupiers are protected from any undue noise impact associated with Claremont Road and neighbouring commercial uses.

Once a scheme has been approved and implemented, no detrimental impact for the occupants is envisaged.

The fallback position of what could be done under Permitted Development with regards to flats above commercial should also be taken into consideration.

Standard of Accommodation

All bedrooms and living areas benefit from individual windows which would afford satisfactory natural light to all habitable rooms. The flats themselves provide bedroom space, bathroom, kitchen and living / dining areas. The size of the accommodation complies with the residential space standard. The layout is considered acceptable. Whilst it is acknowledged that the external amenity space is limited, there is a small external area that could be used for sitting outside and drying washing, in addition the property is in close proximity to local parks. On this basis, the standard of accommodation is considered satisfactory.

Design and Siting

The proposed first floor will sit above the existing ground floor footprint, and this retains the small amenity courtyard that sits central within the external walls. The proposed dormer extensions will bridge across the first floor to make better use of the accommodation. The design of the proposed extensions are similar to others found elsewhere in the area. The materials will match those of the existing property and are considered acceptable.

Impact on the Highway

It is not envisaged that the addition of the 3 residential units would generate any significant or material impact in terms of vehicular activity and parking requirements. Car parking within the area is primarily provided on street, as such there are limited parking restrictions in the area. The site is located in highly accessible location and car ownership associated with the proposed development is likely to be low. Highways raise no objection to the proposal use in this regard. In order to ensure future occupants' have access to a choice means of transport, cycle storage was requested, and revised plans have now been received which provide secure cycle storage for 6 cycles within the rear external area. On this basis, the impact to the operation of the highway is considered acceptable.

Waste Management

The waste management arrangements would all be located within the curtilage of the site, initially the commercial waste for the retail uses was to be located to the forecourt frontage, and whilst there was the space for the bins, it would not be acceptable from a public pedestrian and highway safety point of view within the vicinity of the site. It would have also left the bins vulnerable to acts of anti-social behaviour. In addition, the recycling requirements had not been separated, with no distinction between the different streams.

The plans have since been amended, the bin store enlarged, with the different streams now having been identified and separated, and the commercial Waste Management arrangements would continue as at present from the rear of the building, there is a dedicated bin store for each of the 2 retail units, and a large communal bin store to accommodate the residential requirements, the waste bins for both uses will be removed and replaced by a commercial contractor, with the bins then being taken to the entrance point on Cowesby Street on collection day and returned to the bin stores. A condition requiring a contract to be in place prior to occupation will be attached to any consent granted. More details were required with regards to the size and number of waste receptacles and recycling arrangements. These details have now been submitted in accord with that required for 4 flats and two retail units.

Crime and Security

Access to three of the proposed flats is to be taken off the frontage of the property with the fourth being taken off the side of the property on Cowesby Street. This ensures that the access points benefit from a good level of natural surveillance.

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:

HAD3479-03 Rev B-Proposed Ground and First Floor Layout Plans received 14th March 2024

HAD3479-04 Rev B- Proposed Loft and Roof Plan received 14th March 2024

HAD3479-05 Rev B- Proposed Elevations received 14th March 2024

HAD3479-06 Proposed Sections received 14th March 2024

HAD3479-07 Rev A- Proposed Site Plan received 14th March 2024

HAD3479-08 Rev B- Proposed Refuse Path received 14th March 2024

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) Prior to above groundworks commencing samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority.

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) Prior to the first occupation of the development hereby approved, the approved waste management 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 visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

5) Prior to the first occupation of the development hereby approved, copies of the contracts with the commercial waste company shall be submitted to the City Council as local planning authority for review and approval. The approved terms shall be implemented and adhered to so long as the development hereby approved is occupied.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

6) 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 2015 (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). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

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.

7) 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) no windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

8) The cycle parking indicated on the approved plan ref HAD3479-03 Rev B shall be installed prior to the first use of the development and be retained thereafter by the occupiers of the development.

Reason - To ensure that adequate provision is made for the parking of cycles on the site pursuant to policies T1, T2 and DM1 of the Core Strategy.

9) 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 hereby approved shall be used for any purpose other than the for the uses set out within the use class annotated on approved drawing referenced HAD3479-03 Rev B received by the City Council as Local Planning Authority on 14th March 2024.

Reason - In interests of amenity and in order to reduce noise and general disturbance, 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

117 Rosebery Street, Manchester, M14 4UU
116 Cowesby Street, Manchester, M14 4UW
160 Claremont Road, Manchester, M14 4TU
Flat 1, 154 - 156 Claremont Road, Manchester, M14 4RT
Flat 2, 149 Claremont Road, Manchester, M14 4TY
Flat 1, 149 Claremont Road, Manchester, M14 4TY
148 - 150 Claremont Road, Manchester, M14 4RT
Flat 2, 147 Claremont Road, Manchester, M14 4RS
Flat 1, 147 Claremont Road, Manchester, M14 4RS
Flat 1, 148 - 150 Claremont Road, Manchester, M14 4RT
Flat 2, 148 - 150 Claremont Road, Manchester, M14 4RT
158 Claremont Road, Manchester, M14 4TU
152 Claremont Road, Manchester, M14 4RT
117 Cowesby Street, Manchester, M14 4UN

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 AREA