

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137224/FO/2023
Date registered valid: 18 July 2023
Proposal: Use of former public convenience to create retail shop (Class E).
Address: Former Public Convenience, Lightbowne Road, Manchester, M40 0DF
Ward(s): Charlestown Ward

Applicant: Mr Lee Platt
Agent (if any): Mr Reuben Ramelize, Arch Designs
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 11 September 2023

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 18 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 and surroundings

The application site relates to a disused, single storey public convenience, formerly operated by the City Council for patrons of Broadhurst Park.



The building is currently boarded up and of a dilapidated appearance.

Following planning permission being granted for the change of use of the public convenience to create 2 x retail units (Class A1), together with the erection of a single storey front extension and remodelling of roof in 2016 (Ref: 111387/FO/2016/N1), works commenced on site, but without the benefit of associated planning conditions being discharged and has since stalled.

The partial works comprising concrete blockwork for the front extension and timber joists to the mono-pitched roof are therefore unauthorised and the planning permission has since lapsed.

The building sits in the north-west corner of the park and incorporates an open frontage with direct street access from Lightbowne Road. Within immediate proximity of the building are a number of mature and semi-matures trees associated with the park. The site frontage contains some self-seeded shrubs and is overgrown with vegetation

The site lies adjacent to a busy, dual carriageway on the edge but within Broadhurst Park and opposite a playing field. Immediately to the south lies Broadhurst Park Children's Centre, beyond which is FC United Football Club and its associated grounds.

With the exception of a couple of commercial uses to opposite side of the junction on Nuthurst Road, the wider area is largely residential in character, mainly comprising of two-storey, semi-detached properties.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Planning permission is sought to convert a former public convenience into single retail unit (Class E).

Extant planning permission is currently in place for use of the building as a single office (Ref:130021/FO/2021). The permission has a condition (17) which restricts the use of the building for use as office within Class E only and states:

'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 part (g)(i) of Class E (offices to carry out any operational or administrative functions) 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 neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without prior agreement, pursuant to policies SP1 and DM1 of the Manchester Core Strategy'.

The application therefore seeks to remove this restriction by way of a application for full planning permission to allow the vacant, half constructed building to be used for retail purposes in the form of a single unit (Class E).

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services – Highways would not support the development based on the probability of on-street parking anticipated at the site and the impact this would have on safety around the development site. The following comments are made:

Trip Generation and Junction Capacity

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.

Highway Safety

Highways have concerns on the impact a retail development in this location would have on the highway safety. A fatal and several serious incidents have occurred within close proximity of the development and a lot of work has been undertaken to create a safer junction. Highways have been advised that there has been traffic management along Lightbowne Road and within close proximity of the site in the form of road narrowing and a build out, which will impact on the level of on-street parking space available. A zebra crossing is in place along Lightbowne (approximately 30m from the proposed development site) and any on-street parking would hinder pedestrian movements and visibility. Additionally, it has been brought to Highways attention that pedestrian upgrades are proposed at the existing crossing. Therefore, no on-street parking would be available for potential visitors to the proposed retail unit and it would be a safety concern if parking did occur at this location.

Parking and Access

There is no on-site car parking associated with the development and as such vehicles will park on-street. It is anticipated that customers vehicles will park on the un-restricted sections of Lightbowne Road and Nuthurst Road. No parking should take place within the immediate vicinity of the retail property. Highways have some concern about vehicles parking in the immediate vicinity of the site and the impact this will have on highway safety. As part of the previous proposals the applicant had an agreement with FC United of Manchester to allow staff to park in the car park. Confirmation is sought as to whether this arrangement is still in place.

Cycle Parking

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. Plans confirm that 2 cycle parking spaces will be available at the front of the property. This is acceptable.

Boundary Treatment

No boundary treatment proposals have been submitted. It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Ramp

The proposed external access ramp extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

Servicing

A refuse storage area is noted at the rear of the site. Bins will be transported to/from the bin store to the collection point on Lightbowne Road. It is requested that servicing takes place outside of peak hours and as far away as possible from Lightbowne Road/Nuthurst Road. Highways have concerns on the proposed servicing of the site and the impact this would have on safety around the development site.

Travel Plan

A Travel Plan has been produced to promote sustainable and active travel options for staff. The Travel Plan provides details on the management, measures and actions to encourage sustainable travel. It is recommended that the Travel Plan is conditioned to any planning permission that is granted.

Construction Management

A condition required a construction management plan is advised should planning permission be granted.

Environmental Health – Conditions are advised in relation to hours of working, external lighting, waste management and external plant equipment.

Greater Manchester Police (Design of Security) – Any new external fittings should be to Secured by Design standards and an intruder alarm be installed.

Planning History

130021/FO/2021

Change of use of former public convenience to create 1 x office unit (Class E) together with part retrospective elevational and roof alterations, including new shopfront and access ramp.
Approved 16 December 2021.

111387/FO/2016/N1

Change of use of public convenience to create 2 x retail units (Class A1) together with the erection of a single storey front extension and remodelling of roof. *Approved 22 July 2016.*

086305/FU/2008/N1

Change of use of former toilet block to offices (A2) including elevational alterations to install three windows and new door on Lightbowne Road elevation. *Approved 24 July 2008.*

056076/FO/NORTH1/99

Use of derelict conveniences as a florist shop. *Approved 6 April 1999.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and wellb-eing of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

The proposed development is considered to be in accordance with policy SP1 in that a high-quality residential development will be provided that contributes towards meeting housing growth in the City and creating a high quality neighbourhood for residents to live in. Consideration has been given to minimising the impact upon the amenity of local residents as well as preserving or enhancing the historical context.

Policy DM1 states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF

Paragraph 111 states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'

Paragraph 112 states further:

‘Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations’.

Issues

Principle

Having regard to the existing planning policy framework, City Council policy and national planning guidance, the principle of the development is considered unacceptable and likely to have a significant impact upon the highway. As such, the proposed change of use is considered to conflict with the aforementioned policy and guidance.

Highway Safety

No off-road parking is proposed as part of the proposal and the site has no space to provide any.

Since planning permission was granted for the now lapsed retail units (Ref:111387/FO/2016/N1), Highway Services have undertaken highway safety improvement works in the area around the junction with Lightbowne Road and Nuthurst Road, following several serious incidents and a fatality. These include road narrowing, a pedestrian crossing and traffic regulation orders (TROs) to prevent on-street parking around the junction.

As such, concerns continue to be raised in relation to highways safety around the junction. This resulted in a condition restricting the unit from open Class E use and led to the imposition of a planning condition as part of the extant planning permission referenced 130021/FO/2021 for an office use, which prevents the unit from being used as anything other than an office within Class E. The reasoning being that a single office is much more likely to attract a lesser degree of vehicular trips and parking demand than that of a retail use.

Accordingly, as part of the current proposal, Highways Services maintain their concerns and do not support the development based on the probability of on-street parking around the junction of Lightbowne Road/Nuthurst Road and the impact this would have on safety around the development site.

It is considered much more likely that a retail unit would attract a high frequency of short stay trips, where customers would be tempted to park for a short time on restricted sections of the highways, close to the application site and this would be difficult to police.

In turn, unauthorised, on-street parking around the junction would severely impact visibility at the traffic-controlled junction and would reduce visibility for pedestrians, increasing the potential for pedestrians coming into conflict with vehicular traffic. On this basis and on balance it is considered given the lack of parking associated with the proposed development and the likelihood of unauthorised on-street parking around the junction for a section of highway that has history of highway safety concerns, the proposed use is not considered acceptable in this location and would be contrary to the aforementioned policy and guidance contained within the NPPF.

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: Refuse

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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed retail use of the building would attract on-street parking and servicing around the traffic-controlled junction of Lightbowne Road/Nuthurst Road which in turn would undermine

visibility along the highway and increase the likelihood of pedestrians coming into conflict with parked vehicles. The proposed use is therefore considered to cause harm to highway safety, contrary to policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

312A Lightbowne Road, Manchester, M40 0FJ
312 Lightbowne Road, Manchester, M40 0FJ
317A Lightbowne Road, Manchester, M40 0HL
29 Nuthurst Road, Manchester, M40 0EL
315A Lightbowne Road, Manchester, M40 0HL
19 Nuthurst Road, Manchester, M40 5QL
315 - 317 Lightbowne Road, Manchester, M40 0HL
27 Nuthurst Road, Manchester, M40 0EL
25 Nuthurst Road, Manchester, M40 0EL
314 Lightbowne Road, Manchester, M40 0EJ

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA