

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139117/FU/2024

Date registered valid: 13 February 2024

Proposal: Change of Use from residential use (Class C3) to Music Education use (Class F1a) at first floor level

Address: 7A Byrom Parade, Barlow Road, Manchester, M19 3HH

Ward(s): Levenshulme Ward

Applicant: Mr Jonathan Ball Rigby Music Learn

Agent (if any): Mr Jonathan Ball Rigby Music Learn

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 April 2024

Application details

Type of application: Change of use Consent

Development type: Change of use

Date of site visit: 6 March 2024

Standard consultations:

Printed: 27 February 2024 Expired: 19 March 2024

Neighbour notifications

Printed: 27 February 2024 Expired: 19 March 2024

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 the upper floor of a mid-terraced property situated within a small, two storey commercial parade to the northern side of Barlow Road.



The ground floor is occupied by a retail shop selling guitars and associated equipment and is adjoined on one side by sandwich shop and a fish and chip shop to other.

The upper floor is presently vacant and is understood to be adjoined at first floor level by vacant floorspace.

To the rear is a terrace of residential properties separated by an alleyway. The wider area is predominantly residential in character, mainly comprising two storey dwellinghouses.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Planning permission is sought to change the first floor of the host property from a vacant residential flat to space to provide music lessons (Class F.1), as an ancillary element to the ground floor guitar shop.

It is proposed to operate 9am to 10pm Monday to Friday, 9am to 6pm on Saturdays and at no time on Sundays and Bank Holidays.

Consultations & Notification Responses

Local Residents/Occupiers – 38 letters of support have been received, along with 1 letter of objection.

In summary, the support offered considers that the proposed use would be an asset to the local community. The objection focuses on adverse noise impact to adjoining residential occupiers.

Environmental Health – Conditions are advised to hours of use and noise insulation. The submitted waste management strategy is considered satisfactory.

Highway Services - 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.

It is noted that 10 cycle parking spaces are proposed and located in the rear garden. Can the applicant confirm that the cycle parking will be secure and sheltered.

A waste storage area is located to the rear of the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Planning History

098879/FO/2012/N2 (6 and 7 Byrom Parade)

Installation of rear extraction flue servicing 7 Byrom Parade and attached to the rear of 6 Byrom Parade. *Approved 12 September 2012.*

094371/FU/2010/N2

Retrospective planning permission for change of use from A1 shop to mixed cafe/takeaway (sui generis use) and installation of external cowl to rear. *Refused 22 November 2010.*

Policy

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

-Saved policy DC26 of the Unitary Development Plan for the City of Manchester;

- Policies DM1 and SP1 of the Manchester Core Strategy(as amended by policy within Places for Everyone in respect of policy SP1) ;
- Places for Everyone Joint Development Plan (March 2024).

Issues

Principle

The application property is situated within an established commercial parade and would complement services currently offered by the existing occupiers. The use would add to the vitality of the parade and enable music lessons to be offered to the local community.

The property is located in a highly sustainable location, easily accessible by a choice means of transport and with mitigation in place to control noise, hours of operation and controls placed on the specific use of the first floor, any impact to residential amenity can be satisfactorily ameliorated. On this basis, the proposal is considered compliant with the aforementioned policy and guidance.

Specific issues are outlined further below.

Residential Amenity

Given the position of the host premises within an established commercial parade, it is not anticipated that the proposed music lesson use would give rise to harmful levels of pedestrian/vehicular activity or any significant noise and disturbance that cannot be suitably controlled.

The application as submitted proposes hours of opening of 9am to 10pm Monday to Friday, 9am to 6pm on Saturdays and at no time on Sundays and Bank Holidays.

The City Council is concerned however that operation of proposed use beyond the typical daytime hours of operation associated with the host parade, has the potential to harm the living conditions of existing/prospective occupiers adjoining the premises at first floor level by way of noise transfer.

Whilst it acknowledged that noise can be limited to a degree by means of acoustic insulation, there is concern that undue noise could arise from both the playing of musical instruments and levels of activity later in the evening, when background noise levels of lower and when residents are more likely to be at home. Guitar playing in particular, can be loud without electrical amplification, and limiting hours of use to those more in keeping with ground uses within the ground floor parade is considered to be more appropriate in order to safeguard neighbouring living conditions. As such, the Council have imposed a condition which would restrict the use of the upper floor to 09.00 - 17.30 hrs; Monday to Saturday and at no time on Sundays and Bank Holidays.

In addition, further conditions have been included which require a noise impact assessment and any appropriate acoustic insulation, in order to prevent any undue noise transfer or breakout, as well as limiting the upper floor to an education uses within Class F.1 rather than an open use within the use class.

The Council is concerned about the potential for a variety of commercial uses being capable of accommodated to the first floor, where upper floor residential uses either neighbour the property or where residential accommodation is capable of being provided.

With such measures in place, it is believed that a restriction to the hours of operation along with conditions relating to acoustic insulation and a limitation to the use of the first floor can satisfactorily serve limit any harm to residential amenity to an acceptable degree.

Visual Amenity

No external alterations are proposed.

Impact to the Highway

Given the modest amount of floorspace involved and likely visitor numbers, it is not considered that there would be any material impact to existing vehicular movements, trip generation and parking demand. As such, the impact to the operation of the highway is considered satisfactory. It should also be noted that the site lies within walking distance to a close to a busy arterial route with good bus links to both Stockport and Manchester city centre.

Waste Management

A waste storage area is provided within the rear yard and would utilise existing collection arrangements via the rear alleyway.

The proposed use is unlikely to generate any significant uplift in waste in comparison to the existing retail shop and therefore the arrangement is considered satisfactory. The proposed approach is agreed by Environmental Health and Highway Services.

A condition is included to ensure compliance with the submitted strategy.

Climate Change

The host property is situated within a highly sustainable location within a busy local parade, close to the main arterial route of Stockport Road which provides high frequency bus services.

The proposed use is intended to create a complementary offer for the existing guitar shop and would involve only a modest number of customers/staff, given the nature of the use and the limited floorspace on offer. As such, there is unlikely to be a significant uplift in vehicular emissions or impact to air quality which would affect climate change to a noticeable degree.

On this basis, it is not believed that the impact to air quality or climate change should form a barrier to development.

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. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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:

Location Plan and Proposed Site Plan, received by the City Council as Local Planning Authority on 13 February 2024.

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) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as Local Planning Authority. The scheme shall be implemented in full before the use commences.

b) Prior to occupation of the development, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post

completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

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, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

4) The first floor premises shall not be open outside the following hours:

Monday to Saturday 09.00 - 17.30 hrs;
At no time on Sundays and Bank Holidays.

Reason - In interests of residential amenity, in order to reduce noise and general disturbance, pursuant to saved policy DC26 of the adopted Unitary Development Plan for the City of Manchester and policy DM1 of Manchester Core Strategy.

5) The use hereby approved shall be carried out in accordance with the submitted Waste Management Strategy, received by the City Council on 13 February 2024 and shall be maintained in situ thereafter.

Reason - In the interests of residential amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) 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 following purpose(s) of contained within Schedule 2, Part B, Class F of 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):

Class F1 part (a) For the provision of education;

Reason - To safeguard residential amenity, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

5 Bournville Grove, Manchester, M19 3HJ
254 Broom Lane, Manchester, M19 3NA
252 Broom Lane, Manchester, M19 3NA
11A Bournville Grove, Manchester, M19 3HJ
4A Byrom Parade, Barlow Road, Manchester, M19 3HH
256 Broom Lane, Manchester, M19 3NA
8A Byrom Parade, Barlow Road, Manchester, M19 3HH
7 Byrom Parade, Barlow Road, Manchester, M19 3HH
6 Byrom Parade, Barlow Road, Manchester, M19 3HH
5 Byrom Parade, Barlow Road, Manchester, M19 3HH
6A Byrom Parade, Barlow Road, Manchester, M19 3HH
8 Byrom Parade, Barlow Road, Manchester, M19 3HH
5A Byrom Parade, Barlow Road, Manchester, M19 3HH
9 Bournville Grove, Manchester, M19 3HJ
261 Broom Lane, Manchester, M19 3LZ
240 Barlow Road, Manchester, M19 3HP
7 Bournville Grove, Manchester, M19 3HJ
15 Bournville Grove, Manchester, M19 3HJ
11 Bournville Grove, Manchester, M19 3HJ
259 Broom Lane, Manchester, M19 3LZ
217 Barlow Road, Manchester, M19 3HD
215 Barlow Road, Manchester, M19 3HD

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA