

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130669/FO/2021

Date registered valid: 11 October 2021

Proposal: Change of Use of part of ground floor and first and second floors from Residential (Class C3) to 4no. office spaces (Class E(c)).

Address: Flat At 18 Gawsorth Avenue, Manchester, M20 5NF

Ward(s): Didsbury East Ward

Applicant: Mr Mohammed Akram Malik

Agent (if any): Mr Adil Mulk

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 April 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 2 November 2021 Expired: 23 November 2021

Neighbour notifications

Printed: 2 November 2021 Expired: 23 November 2021

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 the upper floors and rear of a two-storey mid terrace with a ground floor retail shop unit located on the northern side of Gawsforth Avenue in the Didsbury East ward. It is on the westernmost end of a parade of 8 that also include a butcher's shop, hairdressers, laundrette and grocers.

The site has a vehicular access along the gable end which extends to the rear of the shop units and is gated at both ends. The shop unit has small rear yard that is used for car parking.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site lies within a mixed use area defined by the commercial units west of the site, residential housing to the south, an electricity sub-station and railway bridge to the east and an enclosed yard with several garages to the north.

Description of development

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Consultations & Notification Responses

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Publicity – Notification letters were sent to nearby residential properties (see appendix 1 for the list of properties).

Local residents/public opinion

Environmental Health – No objection. Recommended conditions relating to hours and refuse storage

Highway Services – No objection. The trips generated from the proposals are considered to have negligible impact on the highway. Raised questions in relation to accessing the rear car parking spaces.

Issues

Planning History

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

Policy SP1

DM1 – Development Management 1

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant **PfEJDP** policy is as follows:

Policy JP-Strat1: Core Growth Area

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

The principle – The matters which need to be considered include the impacts on residential amenity, car parking, noise, access to the service road by other tenants, security, waste management and servicing. Each matter will be considered in turn in the sections which follow.

The Use - The upper floor has been in use as offices since 1st February 2021 and the application seeks to retain them having previously been in use as a residential flat. Schedule 2, Part 3, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allow for a change from a mixed use to commercial, business and service use or betting office or pay day loan shop without the requirement of planning permission or a prior approval. It is clear that nationally that the government consider these use to be acceptable.

The application site is located within a small parade of shops which are in a mixture of uses, there have been recent approval to allow the conversion of the first floor flats to support the ground floor uses.

Residential Amenity – There are flats either side of the property and opposite the site on the south side of Gawsworth Avenue which itself is a relatively busy short-cut route from the A34 to Didsbury.

The existing property has three bedrooms and split across three levels all accessed by a central staircase, the flats would meet the space standard requirements of a 3 bed, 6 person dwellinghouse but the layout of the flats are awkward and do not necessarily lend themselves to family dwellinghouse. Furthermore, there is little to no amenity space apart from the rear yard.

Therefore whilst it would result in the loss of a residential accommodation, it is considered acceptable in this location and for the reasons set out above.

Neither Environmental Health nor Highway Services have objected to the application or raised any concerns with the use.

The applicant has applied for the following hours: Monday to Friday 08:00 to 17:00 which are considered appropriate and would not lead to dissamenity impacting the nearby residential properties at weekends and bank holidays the offices will be closed.

Car Parking and Refuse Storage – Car parking and refuse storage are located at the rear of the premises and appear to be appropriate location as other commercial units within the parade also store their refuse storage in the rear yards.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development.

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:

GA-01, GA-02, GA-03 and GA-07

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) The offices shall not be open outside the following hours:-

Monday to Friday

08:00 to 17:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Flat Above, 14 - 16 Gawsworth Avenue, Manchester, M20 5NF
16 - 18 Gawsworth Avenue, Manchester, M20 5NF
20 Gawsworth Avenue, Manchester, M20 5NF
15 Gawsworth Avenue, Manchester, M20 5NF
Francis House Families Ltd, 463 - 465 Parrs Wood Road, Manchester, M20 5NE
18 Gawsworth Avenue, Manchester, M20 5NF
19 Gawsworth Avenue, Manchester, M20 5NF
17 Gawsworth Avenue, Manchester, M20 5NF

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH