

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137289/FO/2023

Date registered valid: 9 August 2023

Proposal: Retention of 1no. 1 bedroom flat, 1no. 2 bedroom flat and 1no. 4 bedroom flat.

Address: 2-4 Thorp Road, Manchester, M40 5BJ

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr H Razzaq

Agent (if any): David Ormesher Holborow and Ormesher

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

Recommendation: Approve

Date of recommendation: 1 March 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 18 October 2023

Standard consultations:

Printed: 13 September 2023

Expired: 4 October 2023

Neighbour notifications

Printed: 13 September 2023

Expired: 4 October 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 area



Application site relates to the first, second and third floors of a former cinema building fronting Thorp Road in the Miles Platting & Newton Heath Ward, located to the northeast of the City centre.

The property has grey cladding to the upper floors and on the ground floor is a Plumbers Merchant with the main shop elevation facing Thorp Road.

The surrounding area is mixed in nature, to the west, northwest and north of the site commercial and business uses, including the Sharp Project and Central Park, The area to east and south is primarily residential in nature.

Listed building: Not applicable.

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking planning permission to retain 1no. 1 bedroom flat, 1no. 2 bedroom flat and 1no. 4 bedroom flat within the upper floors of the building.

Consultations & Notification Responses

Local residents/public opinion – One representation was received objecting to the development. The comments raised concerned car parking (lack of), waste disposal (lack of capacity) and overlooking. The representation also raised concerns that top floor flat had been used for parties in which hundreds of persons attended late at night into the early morning.

Environmental Health – No objection to the proposal, stated that the waste management strategy submitted with the application was acceptable, recommended several conditions relating to acoustic insulating the property against the commercial area underneath the residential properties and Oldham Road.

They also requested if applicable conditions relating to contaminated land and construction hours.

Greater Manchester Police – No objection, recommend that any new windows and doors be specified and installed to SBD/LPS1174 standards.

Highway Services – No objection, proposal not considered to generate any new trips. Proposal does not provide vehicle parking for residents or visitors to the site, the proposal unlikely to give rise a significant level of vehicle trips. No highway safety concerns raised.

Issues

Policy

The following policy and guidance are considered relevant to the consideration of this application.

Unitary Development Plan for the City of Manchester (UDP)

The relevant saved policy is DC5

Core Strategy

The relevant Core Strategy Policies are SP1, H4 and DM1

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.

Section 4 provides guidance on the decision making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Of particular relevance, Paragraph 135 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Principle - Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policy H4 states that in East Manchester will accommodate around 30% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

It is considered that the redevelopment of the upper floors of this commercial building for residential purposes is considered to be acceptable and in keeping with the surrounding area. The proposal would make use of a building that would be difficult to re-use and it would add to the diversity of housing stock in the area.

The specific planning issues are outlined further below.

Use

The proposal seeks to retain 1no. 1 bedroom flat, 1no. 2-bedroom flat and 1no. 4-bedroom flats within the upper floors of the building.

The 1-bedroom, 2 person flat would be 69 sqm in area, the 2-bedroom, 4 person flat would have an area of 76.89 sqm and the 4 bedroom, 8 person flat would have an area of 221.39 sqm which includes a rooftop conservatory and amenity space.

All flats meet the Council's internal space standards and is an appropriate density for a building of this size.

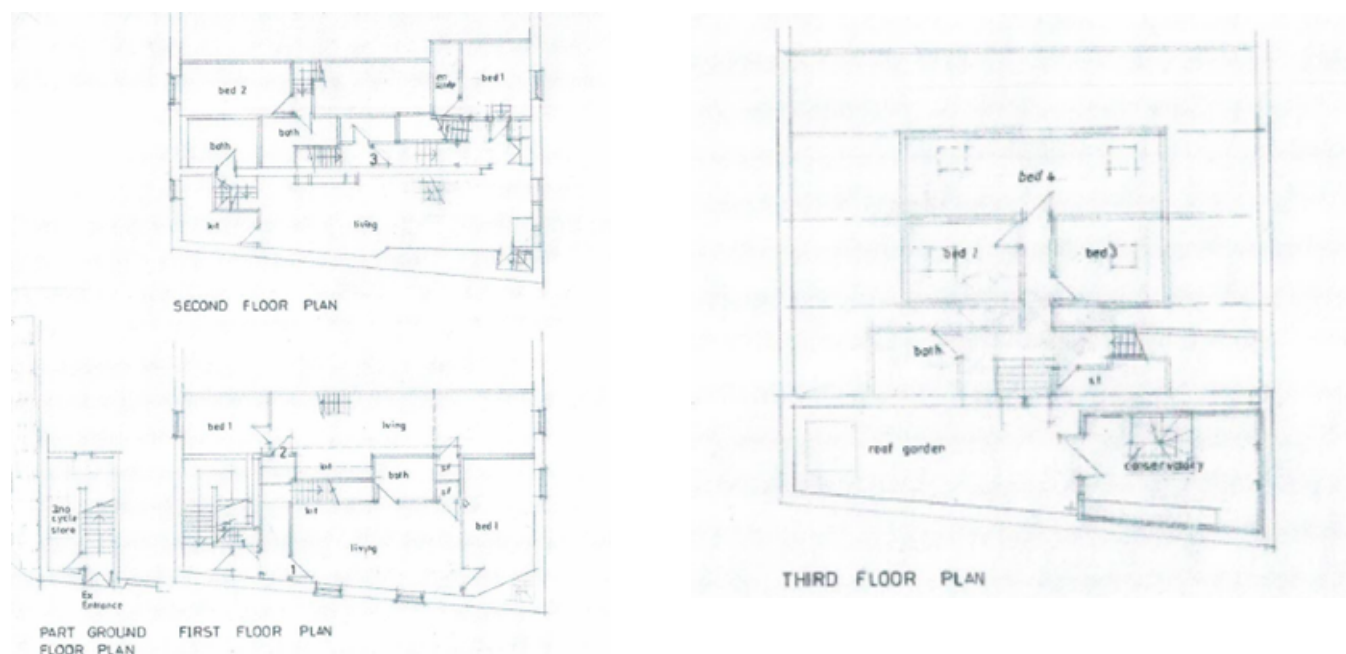


Image 1 Proposed Floor plans.

Design, Scale and Appearance

The existing building will be retained and that the existing window opening will be used for each of the flats. There are very little changes proposed to the building, during the application officers negotiated with the applicant to remove the roller shutter and its housing for the main entrance to the flats which will be secured by means of a condition which will include the requirement for the applicant to submit details to make good the entrance to the flats and remove any scarring following its removal.

Landscaping Boundary Treatment

New boundary treatment has been included to the site boundary with EDM, 1 Thorp Road, the principle for new boundary treatment is considered to be acceptable, final details can be secured by means of a condition.

Residential Amenity

Given the proximity to other residential properties, a residential use on the upper floors would not present to dissimilar an impact to the surrounding area.

Concerns have been raised regarding overlooking, as a consequence of the windows positioning, particularly the nearest residential properties to the south of the site on Oldham Road. However, the position of the windows and the distance to the rear of those properties is sufficient to ensure that were not be any significant harmful impacts as a result.

Noise – Environmental Health have recommended that the relating to acoustic insulating the property against the commercial area underneath the residential properties and Oldham Road. During the course of the application, an extension of time was requested to allow further information to be provided to satisfy the requirements that would be required as part of the condition relating to acoustic insulation. However, at the revised determination date further information is still required before this condition can be satisfied, therefore it is recommended that this condition is applied in full to ensure that the future occupiers of the flats are mitigated from any noise and disturbance from the commercial business on the ground floor and Oldham Road.

Environmental Health also requested acoustic insulation for any external equipment, however no external equipment has been proposed and if it were added it may require planning permission prior to installation.

Impact on the Highway/Car Parking

Policy DM1 states, that for all development, regard should be made to parking provision. The increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces, for a property that does not presently provide any off-road parking provision.

Highway Services have not raised any objections to the proposal as they do not envisage that the flats would cause any significant levels of vehicle trips.

The area is served by good public transportation in the form of bus routes and a metrolink stop.

In addition, secure and sheltered cycle parking provision is proposed for the apartments at a provision of one-per-unit (3 in total). The submitted plans indicate that a shared cycle store will be provided for residents within the communal lobby accessed directly off Thorp Road.

Refuse Storage and Waste

The application has been accompanied by a waste management strategy which indicates that a bin storage area to the southern side of the building. Originally an area to the north of the building had been allocated but due to difficulties with the size of the plot, the bin storage area has been moved to the southern side of the building.

Environmental Health have stated that the strategy is acceptable.

Other Matters

Conditions have been recommended by EH relating to Construction Management and contaminated land. The building is being converted and there are no intentions for works to break ground in addition as the conversion has taken place the requirement for a construction management plan is not required in this instance.

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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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:

Drawings: 19/02, 19/03 B, 19/04 A, 23/04 and Location Plan

Document: Waste Management Strategy Proforma

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) 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) the apartments hereby approved shall not 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 2020, 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).

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 Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

4) The residential flats hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or 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 such as serviced apartments/apart hotels do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 and to ensure the permanent retention of the accommodation for normal residential purposes.

5) The refuse storage area indicated on the approved site plan shall be surfaced, demarcated, and made available for use prior to any of the residential units hereby approved being occupied. The refuse areas shall be for the sole use of residential occupants of the development and shall be available for use at all times whilst the apartments are occupied.

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

6) a) Within 1 month of the decision hereby approved, the residential accommodation shall be acoustically treated in accordance with a scheme designed against noise from Oldham Road, Commercial businesses and lorries.

Noise survey data must include measurements taken during a rush-hour period and nighttime to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events shall not exceed 45 dB L _{Amax,F} by more than 15 times)
Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
Gardens and terraces (daytime)	55 dB LAeq

b) Within 1 month of the acoustic treatment of the residential accommodation being carried out, a verification report shall be submitted to the City Council as local planning authority. The report shall include findings from post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any additional measures required to ensure compliance with the agreed noise criteria.

c) Any additional measures identified by the post completion testing, which are required to address instances of non-conformity with condition 6a, shall then be carried out within a further one-month period. Further post completion testing shall be undertaken to confirm that the noise criteria have been met; any required changes shall be carried out and verified until such time that the acoustic treatment of the residential accommodation to achieve noise criteria set out above.

Reason - To protect the residential accommodation against noise from Oldham Road, Commercial businesses and lorries pursuant to policy DM1 of the Core Strategy.

7) Notwithstanding details submitted, the flats hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatment to be erected. The boundary treatment shall be completed prior to first occupation of the apartments hereby approved. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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, pursuant to policies SP1 and DM1 of Manchester the Core Strategy.

8) Notwithstanding details submitted, the flats hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme to remove the roller shutter and its housing from the main entrance to the flats off Thorp Road. The scheme shall include details of materials and how the entrance brick work would be made good as to remove any evidence of the roller shutter existence. The removal of the roller shutter and housing shall be completed prior to first occupation of the apartments hereby approved. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To improve the appearance of the building pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Manchester Cathedral

Flat 3, 2A Thorp Road, Manchester, M40 5BJ
Flat 2, 2A Thorp Road, Manchester, M40 5BJ
Flat 1, 2A Thorp Road, Manchester, M40 5BJ
Funeral Parlour, 879 Oldham Road, Manchester, M40 2EE
First Floor Flat, 879 Oldham Road, Manchester, M40 2EE
First Floor Flat, 881 - 883 Oldham Road, Manchester, M40 2EE
1 Cutland Street, Manchester, M40 2EA
Saxon Solicitors, Ground Floor, 879 Oldham Road, Manchester, M40 2EE
881 - 883 Oldham Road, Manchester, M40 2EE
885 Oldham Road, Manchester, M40 2EE

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
Historic Landfill Site 250m Buffer -
Manchester Cathedral Ownership - Manchester Cathedral Newton Heath Manor
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA