

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138301/FO/2023

Date registered valid: 20 November 2023

Proposal: External alterations, to front and rear of premises, including replacement windows, new shop front and additional door, and the erection of a rear dormer extensions, in connection with the use of the premises as a ground floor retail unit (Class E) and residential flat on the upper floors (Class C3a)

Address: 814 Hyde Road, Manchester, M18 7JD

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Hashim Haroon

Agent (if any): Mr V Alyas Architek

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 27 February 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit:

Standard consultations:

Printed: 23 November 2023

Expired: 14 December 2023

Neighbour notifications

Printed: 23 November 2023

Expired: 14 December 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to a two storey, mid terraced property, close to the junction of Hyde Road, a busy radial route, and Abbeywood Avenue. The property is currently vacant having been last used as a post office with residential accommodation above.

The immediate area is mixed use in nature, comprising a combination of small shop units and two storey, terraced dwellinghouses. The side roads off Hyde Road are predominantly residential in character. The terrace, on which the property is situated contains a mixture of operating retail shops, offices and a hot food takeaway, as well as many vacant shop units with roller shuttered frontages. Some of the units have been converted to residential accommodation. Opposite the site on the other side of Hyde Road, is Debdale Park and a small commercial complex including a McDonalds restaurant.

Elevational alterations are proposed but it is not proposed that there would be any change in the use of the premises, which would remain as a Class E retail unit, on the ground floor, with a Class C3a residential flat above.

At present, on the front elevation, there is a single door, which serves both the shop and living accommodation, and it is proposed to amend the shop front to create separate entrances to the shop and living accommodation. In addition, a rear dormer extension is proposed to increase the living accommodation at the site. Materials would match the existing property.

The proposal also includes replacement windows in the front and rear elevations.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highway Services - Makes the following comments:

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes. Regular bus services are routed along Hyde Road and provides connections to Stockport, Dane Bank, Hattersley, Gee Cross, Manchester City Centre, and Ashton-under-Lyne.

PARKING AND ACCESS:

It is anticipated that there is no on-site car parking associated with the development. As such, we are concerned that vehicular demands associated with the site may impact on existing residential on-street parking along Abbeywood Avenue, with terraced properties reliant on this arrangement. Whilst it is expected that the development will add to existing on-street parking, there appears to be available capacity on Abbeywood Avenue. A new aluminium shopfront with centre door is to be provided for access to the ground floor shop. There will also be a new entrance for access to the proposed residential flats.

CYCLE PARKING:

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

REFUSE AND SERVICING:

A refuse storage area is noted to the rear of the site within the curtilage of the property. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Private contractors are to collect waste for the retail shop. It would be useful to understand the refuse arrangements in more detail, to ensure there is no obstruction on the highway.

CONSTRUCTION MANAGEMENT:

A Construction Management Plan should be provided detailing any impacts on the highway.

Comments were also made about signage, which is not subject of this application

Strategic Area and Citywide Support Manager - It is recommended that conditions are attached, to any permission, in relation to construction hours, deliveries. lighting, acoustic insulation, refuse and air quality.

Greater Manchester Police - Made a number of recommendations, to improve security at the site. These have been provided, to the applicant, as an informative.

Issues

National Planning Policy Framework (December 2023) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that 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 visibly 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.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 126).

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

Policy SP1 identifies the City Council's Core Development Principles and states that 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
- Making a positive contribution to the health, safety and wellbeing of residents

- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 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 and 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.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy E3.3 relates to sites along radial routes, which includes Hyde Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

Scope of works - It is accepted that the authorised use, of the premises, is as a retail unit, on the ground floor, with a residential flat above, and the proposal does not therefore represent a

change in the use of the premises and the scope of the application therefore relates to the new shop front, rear dormer and associated external alterations.

External alterations - These are of a relatively minor nature and mainly relate to the introduction of an additional door, in the front elevation and the rear dormer. The proposed new door is to facilitate separate access to the shop and flat and is of a standard appearance, for this sort of arrangement. The proposed rear dormer is a typical 'rectangular flat-roof' style, being set away from all roof edges. It is not considered that these changes would have any significant visual impact upon neighbours or the surrounding area.

Space standards - This is an existing 3 bedroom flat, that is remaining as a 3 bedroom flat, but with additional space created. Whilst space standards are not therefore relevant, to the assessment of this application, it is noted that, at 86 square metres, the Council's minimum space standards are met.

Transport and Parking Issues - The proposal represents the retention of existing uses with only a small increase in the residential floorspace, and with no increase in the number of bedrooms. The site, it is located in a highly accessible location and Highways raise no objection to the proposed use in this regard.

Cycle spaces - There is no change to the existing arrangements with a secure yard area provided, where cycles can be stored.

Suggested conditions - A number of conditions have been suggested relating to matters such as hours of operation of the shop, acoustic insulation, air quality and submission of a construction management plan. However, the application relates to external alterations only, which are of a small scale, with no change to the uses of the premises or matters such as waste storage arrangements or the level of use. In this case it is therefore considered that the scope of works would not warrant the inclusion of these conditions.

Flood Risk - The site does not lie within a flood zone.

Residential amenity - The proposed works would not lead to an intensification, in the use of the site. Also, this is a busy District Centre location, on a main radial route, where uses of this nature are prevalent, and there is already significant activity. In any event the works proposed are related to physical alterations only, which would have a minor visual impact.

Use of flat - The flat remains as a three bedroom unit, although the applicant asked about the possibility of it being used as an HMO. Whilst it was subsequently confirmed that it would not be an HMO, the submitted floor plan shows a layout, with desks in each room, which might suggest HMO type accommodation. An appropriate condition is therefore proposed to ensure that the flat retains a C3a use.

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. In particular negotiations took place in relation to removing a front dormer extension and reducing the proposed living accommodation, from 2 flats to one, due to minimum space standards not being met.

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:

Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on 11 October 2023.

Drawings numbered A101 rev P2, A102. rev P2, A105 rev P2 and A106 rev P2, stamped as received by the City Council, as Local Planning Authority, on 7 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 and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

3) The materials used to construct the external elevations of the development hereby approved shall match the existing property, in terms of colour, type, and method of coursing and pointing.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

4) 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) none of the apartments shall be used for any purpose other than the purpose(s) of Class C3(a) 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 - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and 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 policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

5) Notwithstanding the details indicated on the approved plans, no illuminated fascia signage is authorised by this planning permission.

Reason - The introduction of illuminated signage on site would require an application for advertisement consent, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

Informatives

1) Any alterations to the building are to be to the Secured By Design standards.
There should consideration for CCTV to cover the store,
There should be external lighting for the residential entrance.
Secure mail delivery system should be provided to the apartments.
Intercom should be provided for each apartment for visitors.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Flat 3, 812 Hyde Road, Manchester, M18 7JD
Flat 2, 812 Hyde Road, Manchester, M18 7JD
Flat 1, 812 Hyde Road, Manchester, M18 7JD
818 Hyde Road, Manchester, M18 7JD
816 Hyde Road, Manchester, M18 7JD
1 Abbeywood Avenue, Manchester, M18 7JZ

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA