

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135408/FO/2022
Date registered valid: 1 December 2022
Proposal: Change of use from offices with kitchen and toilet facilities to a 4 bedroom dwelling
Address: First Floor, 197 Claremont Road, Manchester, M14 4JF
Ward(s): Moss Side Ward

Applicant: Mr Abdi Jama
Agent (if any): Mr Colin Williams, Alpha Design
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 20 February 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 14th September 2023

Standard consultations:

Printed: 15 December 2022

Expired: 5 January 2023

Neighbour notifications

Printed: 15 December 2022

Expired: 5 January 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

The property that is the subject of this change of use application comprises of the first floor of 197 Claremont Road. The property was historically in use as the Beehive public house, which received planning permission for a change of use of former public house to nursery and adult learning centre back in 2012. The nursery is still in operation, however, is completely separated from the area that forms the access to the upper floors by boundary walls and wire mesh Paladin fencing. The car park, waste management and external play areas for the nursery are all self-contained, as are those for the residential accommodation.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is predominantly residential with an apartment block to the immediate east and a small parade of commercial uses including a general store, restaurants, cafe and barbers to the south on the opposite side of Claremont Road.

Description of development

Planning permission is sought to convert the vacant first floor to form a single, self-contained, four-bedroom dwellinghouse (Class C3a). The floorspace also includes separate bathroom, living room and kitchen areas.

Access to the first floor would be as existing, via a door from the rear of the building leading to a staircase to the upper floor. Access to the rear of the building and the residential unit is served off Claremont Road which then leads to a ground floor access door which leads to the first floor area.

The rear yard area includes space for the storage of waste storage bins and cycle storage.

Consultations & Notification Responses

Local Residents have been informed- one representation has been received from Platt Claremont residents association, which raised the following concerns-

There are concerns that the property may be used as an HMO. The waste bins may cause clutter on the pavement, and the kitchen area is quite small. We are happy to see the introduction of cycle parking.

Environmental Health have been consulted - no objections subject to the attachment of conditions to any approval granted relating to noise and waste management.

Highways- No off-street parking is available. The site is considered to be suitably accessible by sustainable modes and is in close proximity to a number of bus routes. It is noted that secure and sheltered cycle storage is made available on-site.

All bins will be stored within the site's curtilage and transferred for kerbside collection when appropriate to prevent any obstruction on the footway, which is acceptable.

Issues

Policy

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

- Saved policies DC5 and DC26 of the UDP;
- Policies DM1, H1, T2, EN19 and SP1 of the Manchester Core Strategy;
- Places for Everyone (consultation draft);
- National Planning Policy Framework (NPPF)

Principle

With reference to Development Plan policy and national planning guidance, the principle of the development is considered acceptable.

The proposed use would make effective use of vacant floorspace, whilst adding to the diversity of housing stock in the area and would contribute to local and national residential growth objectives, in an area where family sized accommodation is in demand.

Consideration of specific planning issues and the impact of the proposal upon its surroundings and adjoining occupiers, is outlined further below.

Residential Amenity

Due to the addition of a single residential unit and given the mixed-use context of the immediate area, it is not anticipated that the proposed change of use would have any adverse impact to neighbouring living conditions in terms of levels of activity and associated noise and disturbance. The proposed use would replicate existing relationships between neighbouring ground floor commercial uses and first floor residential uses within the commercial parades within the area.

In order to safeguard prospective occupiers from any undue noise transfer, a condition has been included which requires that the flat be acoustically insulated in accordance with a scheme to be submitted and agreed, in order to ensure prospective occupiers are protected from any undue noise impact associated with Claremont Road and neighbouring commercial uses.

Once a scheme has been approved and implemented, no detrimental impact for the occupants is envisaged.

Standard of Accommodation

All bedrooms and living areas benefit from good sized windows which would afford satisfactory natural light to all habitable rooms. The units itself would provide 4 bedrooms, a bathroom WC kitchen and storage areas. The layout is considered acceptable. Whilst it is acknowledged that the external amenity space is limited, there are external areas that could be used for sitting

outside and drying washing externally, in addition the property is in close proximity to local parks. On this basis, the standard of accommodation is considered satisfactory.

Impact on the Highway

It is not envisaged that the addition of a 1 residential unit would generate any significant or material impact in terms of vehicular activity and parking requirements, particularly when compared to the previous use as an office.

The site is located in highly accessible location and car ownership associated with the proposed development is likely to be low. Highways raise no objection to the proposal use in this regard. In order to ensure future occupants have access to a choice means of transport, cycle storage is also included within the proposal. On this basis, the impact to the operation of the highway is considered acceptable.

Waste Management

Waste Management arrangements would continue as at present from the rear of the building, there is a dedicated bin store within a brick built compound, with the bins then being taken to the entrance point on Claremont Road on collection day. Highway Services and Environmental Health consider the principle of the arrangement to be acceptable. More details were required with the size and number of waste receptacles and recycling arrangements. These details have now been submitted in accord with that of a single dwellinghouse.

Crime and Security

Access to the proposed first floor first is via an existing entrance from the rear. Whilst this is not ideal due to a lack of natural surveillance from the public domain to the side of the building, account should be taken of the fallback position.

The rear access is existing, and no external alterations are proposed. The conversion of the upper floor to a residential use would therefore be possible if the applicant was to apply for prior approval, pursuant to Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 1995, since security is not a relevant consideration.

Access to the rear is presently secured by a set of lockable metal gates.

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 to resolve any problems arising in relation to dealing with the planning application. The application has been assessed and determined in accordance with both national and local policies.

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- received 18th November 2022

Drawing 2-First Floor Layout received 18th November 2022

Drawing 3 - Ground Floor Layout Showing Access, Bin Store Cycle Store. Received 14th February 2024

Waste Management Strategy received 14th 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 Core Strategy.

3) The storage and disposal of waste shall be undertaken in accordance with the Waste Management Strategy stamped as received on 14th February 2024 and Bin route / Collection Plan received 24th February 2024 and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

4) 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) no part of the development shall 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 2010, 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). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

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

5) The consent hereby granted is for the change of use of the property only to a residential dwellinghouse. It does not grant or imply a grant of consent for any physical works, internal or external, including any partitions or implementation of any other installations, as such works would require separate permissions for listed building consent (internal and external works) and planning permission (external works only).

Reason - For the avoidance of doubt and to ensure an acceptable development at the listed building, pursuant to policy DM1 of the Core Strategy.

6) 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) no windows or doors shall be inserted into the elevations of the free standing unit hereby approved other than those shown on the approved plans.

Reason - In the interests of residential amenity pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy policy SP1 and DM1 Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

204 - 206 Claremont Road, Manchester, M14 4TT
Flat Above, 210 Claremont Road, Manchester, M14 4TS
218B Claremont Road, Manchester, M14 4TS
121 Broadfield Road, Manchester, M14 4JT
208A Claremont Road, Manchester, M14 4TS
220A Claremont Road, Manchester, M14 4TS
218A Claremont Road, Manchester, M14 4TS
218 Claremont Road, Manchester, M14 4TS
216 Claremont Road, Manchester, M14 4TS
214 Claremont Road, Manchester, M14 4TS
212 Claremont Road, Manchester, M14 4TS
First Floor Flat, 212 Claremont Road, Manchester, M14 4TS
197A Claremont Road, Manchester, M14 4JF
193 Claremont Road, Manchester, M14 4TX
220 Claremont Road, Manchester, M14 4TS
218 - 220 Claremont Road, Manchester, M14 4TS
210 Claremont Road, Manchester, M14 4TS
208 Claremont Road, Manchester, M14 4TS
2D Horace Barnes Close, Manchester, M14 4JL
2C Horace Barnes Close, Manchester, M14 4JL
2B Horace Barnes Close, Manchester, M14 4JL
2A Horace Barnes Close, Manchester, M14 4JL
104 Broadfield Road, Manchester, M14 4WH
102 Broadfield Road, Manchester, M14 4WH

100 Broadfield Road, Manchester, M14 4WH

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

Area Team Boundary - Name: SOUTH AREA