

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138327/FO/2023
Date registered valid: 26 October 2023
Proposal: Change of use from first floor office to self-contained flat (Class C3).
Address: 197 Victoria Avenue, Blackley, Manchester, M9 0RA
Ward(s): Higher Blackley Ward

Applicant: Ms L Openshaw
Agent (if any): Mr Joe Lindon, ATX Building Design
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 29 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 16 November 2023

Standard consultations:

Printed: 27 October 2023 Expired: 17 November 2023

Neighbour notifications

Printed: 27 October 2023 Expired: 17 November 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 application site relates to the vacant first floor of a two storey, end terraced property situated within a commercial parade of units. The ground floor is presently in use as a hair salon.



View of application site and access from Victoria Avenue

Access to the rear is via a shared access through a pair of metal gates which lead to the rear yard area and a single storey, detached garage building.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application property is situated within a two-storey commercial parade situated on the southern side of Victoria Avenue, close to the junction with Plant Hill Road.

With the exception of the host parade which contains a variety of retail, professional and food and drink uses, the wider area is largely residential in character.

Description of development

Planning permission is sought to convert the vacant first floor to form a single, self-contained, two-bedroom flat (Class C3). 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 is served via a shared access off Victoria Avenue and set of metal gates.

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

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – Conditions are advised in relation to acoustic insulation and waste management.

Greater Manchester Police – Comments are made in relation to security specifications, external fittings and arrangements. The entrance to the apartment should be on Victoria Avenue.

Highway Services - 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 requested that secure and sheltered cycle storage is made available on-site.

Refuse servicing will continue as present. 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.

Planning History

None.

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)

Issues

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.

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 flat 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 typify the relationship between neighbouring ground floor commercial uses and first floor residential uses within the host parade.

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 Victoria Avenue and neighbouring commercial uses. Provided this adhered to, no harmful noise impact is envisaged.

Standard of Accommodation

All bedrooms and living areas benefit from decent sized windows which would afford satisfactory natural light to all habitable rooms. The units itself would accord with the Council's internal space standards. On this basis, the standard of accommodation is considered satisfactory.

Impact to the Highway

It is not envisaged that the addition of a single flat would generate any significant or material impact in terms of vehicular activity and parking requirements.

The site is located in highly accessible location and car ownership associated with the existing 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, a condition has been included which requires the submission and approval of cycle storage arrangements. 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, with collection taking place via the shared driveway and from the kerbside on Victoria Avenue.

Highway Services and Environmental Health consider the principle of the arrangement to be acceptable, but more details are required in relation to the size and number of waste receptacles and recycling arrangements. A suitable condition requiring further details of waste management is included.

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, 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.

It should also be noted that prior to its vacancy, it is understood that first floor was in residential use at a time when a single flat above a retail unit constituted permitted development.

In order to safeguard future occupiers from any potential criminal activity, the applicant has agreed to provide CCTV and external lighting to the rear of the building. Access to the rear is presently secured by a set of lockable metal gates. A condition has been included to ensure the security measures are implemented prior to first occupation of the flat.

Climate Change

As the proposal would result in the addition of a single residential unit within the context of a mixed-use area, adjacent to a busy radial route, it is not believed there would be any significant impact to air quality.

Given the site is situated within a sustainable location and as only relatively minor construction/fit-out work would be involved, which would be temporary in duration, there is unlikely to be any significant or harmful contribution to air quality or climate change as a consequence of vehicular movements or ongoing activity. The impact upon climate change is therefore considered negligible.

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.

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 drawings referenced 001/A, received by the City Council as Local Planning Authority on 16 October 2023 and 28 November 2023 respectively.

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) The security measures to the rear of the building, as annotated on drawing referenced 001/A, received by the City Council on 28 November 2023, shall be implemented in full prior to first occupation of the self-contained flat hereby approved.

Reason - In the interests of safeguarding occupiers from criminal activity, pursuant to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

4) Notwithstanding the details submitted, the self-contained flat shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

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

5) Prior to first occupation of the self-contained flat hereby approved, full details of cycle parking provision and cycle storage, including security measures and means of enclosure, shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The approved scheme shall remain available for use whilst the flat is occupied and retained thereafter.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

6) a) Notwithstanding details submitted, prior to the self-contained flat hereby approved being occupied, a scheme for acoustically insulating the proposed residential accommodation against noise from Victoria Avenue and surrounding commercial uses, shall be submitted to and approved in writing by the City Council as Local planning authority. The potential for overheating shall also be assessed and the noise insulation scheme should take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the approved flats are occupied.

b) Prior to first occupation of the residential unit, 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 the internal noise 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 internal noise criteria.

Reason - In order to safeguard the amenity of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

St Clares Rc Secondary School Playing Fields, Boothroyden Road, Manchester, M9 0RR
195 Victoria Avenue, Blackley, Manchester, M9 0RA
First Floor, 197 Victoria Avenue, Blackley, Manchester, M9 0RA
Flat At, 193 Victoria Avenue, Blackley, Manchester, M9 0RA
St Clares RC Primary School, Victoria Avenue, Blackley, Manchester, M9 0RR
199 Victoria Avenue, Blackley, Manchester, M9 0RA
193 Victoria Avenue, Blackley, Manchester, M9 0RA
66 Heathbank Road, Manchester, M9 0NB
70 Heathbank Road, Manchester, M9 0NB
68 Heathbank Road, Manchester, M9 0NB

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 -
Area Team Boundary - Name: NORTH AREA