

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138252/P3GPA/2023

Date registered valid: 5 October 2023

Proposal: Prior Approval for the conversion of the first and second floors to form 2 x 2 bedroom flats (Class C3) above ground floor retail unit

Address: 3 Bury New Road, Manchester, M8 8FW

Ward(s): Cheetham Ward

Applicant: Mrs Nasreen Salim

Agent (if any): Mr Darren Pomfret, Manchester Building Design Ltd

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 November 2023

Application details

Type of application: Prior Approval - Class E to mix inc C3

Development type: Notifications

Date of site visit: 16 November 2023

Standard consultations:

Printed: 2 November 2023 Expired: 23 November 2023

Neighbour notifications

Printed: 2 November 2023 Expired: 23 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 property relates to three storey, mid terraced, red brick property, situated to the western side of Bury New Road.

The terrace incorporates ground floor commercial units with vacant upper floor, with the application property neighboured on one side by a hot food takeaway and the other, by a vacant retail unit.



The host terrace is of a dilapidated appearance, with many of the upper floor windows broken.

Access to the rear is achieved via a gated alleyway off Sherborne Street West.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is located adjacent to a busy, north/south arterial situated in an area defined by The Strangeways Local plan (2009) as 'The Workshop Village'. This is located on each side of Bury New Road and contains a mixture of large and small premises occupied by wholesalers, small-scale retail and distributors involved predominantly in textile, clothing, information communications and technology. The area also includes a number of food and drink businesses. Following recent police operations into criminal activity, including the closing down of counterfeiting operations, many of the premises in the area have become vacant and the area is showing signs of degradation.

HMP Manchester (Strangeways) is situated a short distance to the east, whilst the city centre is situated approximately 1.5 km to the south.

Description of development

Prior Approval is sought for the conversion of vacant first and second floors to form 2 x 2 bedroom flats above a ground floor retail unit, pursuant to Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The change of use is considered permitted development, subject to consideration of certain planning issues, as set out below.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health - The submitted waste management strategy is considered acceptable. Conditions are recommended in relation to acoustic insulation and air quality.

Highway Services - In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

The site is well accessed by sustainable modes. Regular bus services are routed along Great Ducie Street and provides connections to Burnley, Oldham Mumps, Accrington, Piccadilly Gardens and Manchester City Centre.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Considering the site's location and proximity to sustainable travel offer, this is acceptable in principle and as such, there are no parking concerns from a Highways perspective.

It is advised that secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit

A refuse storage area is noted within the rear yard of the site. This is considered to be appropriate in ensuring no obstruction on the adjacent highway. It is understood that bins are taken from the property by the resident to the collection point on Sherborne Street.

Policy

The relevant policy is set out for consideration below.

- Policies SP1, EN14, EN18, EN19 and DM1 of the Manchester Core Strategy;
- Saved policy DC26 of the Unitary Development Plan for the City of Manchester;
- Strangeways Local Plan;
- National Planning Policy Framework;

The site also falls just outside the northern boundary identified for the Great Ducie Street Strategic Regeneration Framework.

Planning History

None.

Issues

Principle

Class G of the Town and Country Planning (General Permitted Development) Order 2015 requires local planning authorities to determine if prior approval is required in respect of contamination, flooding, noise impact, natural light to habitable rooms and waste management for the domestic use. No issues have been raised with respect to these matters and therefore the proposal is considered acceptable.

The proposal would make good use of vacant, upper floorspace to add to the diversity of residential accommodation in a city centre fringe location.

As a result of ongoing Police operations into criminal activity in the area, many of the units along this section of Bury New Road and the neighbouring streets have entered into vacancy. The use of the floorspace would help ensure the building has as active use and guard against dereliction.

Whilst a Regeneration Framework is emerging for this part of the city, which would help guide new development, the proposed residential use is likely to be compatible with policy aspirations and at the very least, represent an effective meanwhile use.

Specific issues for consideration are outlined below.

Flood Risk – The site is situated within Flood Zone 3. However, as the proposal relates to the upper floors, flood risk is not likely to be an issue.

The Council's Flood Risk Management team have assessed the submitted Flood Risk Assessment, as well as the site's characteristics and have confirmed that there are no overriding flood risk issues.

'Informatives' are advised in relation to the signing up for Environment Agency flood risk warnings and to bring to the applicant's attention the presence of a nearby, culverted ordinary water course.

Contamination – No concerns have been raised within respect to land contamination. No breaking of ground is proposed as the proposal relates to the upper floors.

Transport and Parking Issues – Given the existing use of the building, it is not envisaged a residential use 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 proposed use in this regard.

Noise

It is not considered that noise breakout will be a significant issue that would cause any undue loss of amenity to both existing and prospective occupiers.

Whilst the applicant states that the windows to the flats will benefit from triple glazing and would be insulated to comply with the relevant Building Regulations, a condition has been included which requires that the flats 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 Bury New Road and neighbouring commercial uses. Provided this adhered to, no harmful noise impact is envisaged.

Natural Light to Habitable Rooms

All bedrooms and lounge/kitchen areas benefit from decent sized windows which would afford satisfactory natural light to all habitable rooms. On this basis, the standard of accommodation is considered satisfactory.

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

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The City Council is satisfied that the development would have no material, harmful impact as a result of contamination, flooding or noise, and satisfactory arrangements have been made with regard to the management of domestic waste and the provision of natural light to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, EN14, EN18, EN19 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester, pursuant to Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawings referenced 55/23-01/A and 55/23/03/A, received by the City Council as Local Planning Authority on 5 October 2023.

2) The development hereby approved shall only be implemented in accordance with the waste management details shown on drawings referenced 55/23-01/A and 55/23/03/A and accompanying waste management pro forma, received by the City Council as Local Planning Authority on 5 October 2023.

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

3) a) Notwithstanding details submitted, prior to the flats hereby approved being occupied, a scheme for acoustically insulating the proposed residential accommodation against noise from Bury New Road 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 units, 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 Core Strategy.

Informatives

1) The applicant is encouraged to consider signing up for Environment Agency Flood Warnings
- <https://www.gov.uk/sign-up-for-flood-warnings>

The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

2) City Council records highlight an underground culverted ordinary watercourse (River Irwell Tributary) is located within close proximity to the site (approximately 30m south of the site). Whilst the Council's records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all City Council underground assets. Therefore, it is requested that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during any excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and the City Council should be contacted immediately.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

1B Bury New Road, Manchester, M8 8FW
1A Bury New Road, Manchester, M8 8FW
First And Second Floors, 7 Bury New Road, Manchester, M8 8FW
7 Bury New Road, Manchester, M8 8FW
5 Bury New Road, Manchester, M8 8FW

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Benefitting From Flood Defences -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA