

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137360/FO/2023

Date registered valid: 29 June 2023

Proposal: Change of use from public house (sui generis) to office at ground and first floor (Class E) with self contained flat to the second floor (Class C3) involving external staircase for access and associated parking.

Address: Railway Hotel, 54 Berry Brow, Manchester, M40 1GG

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Patrick Poyser, Bridge-it Enterprise

Agent (if any): Mr Shariq Poonawala, SPA

Case officer: Janine Renshaw-Livesey
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Recommendation: Approve

Date of recommendation: 18 September 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 17 August 2023

Standard consultations:

Printed: 12 July 2023 Expired: 2 August 2023

Neighbour notifications

Printed: 12 July 2023 Expired: 2 August 2023

Site notice

Posted: Expired:

Press advert

Published: 25 July 2023 Expired: 9 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Graver Lane Conservation Area 2005

Tree Preservation Order: No

This application relates to a detached 3-storey building formerly used as a public house. The surrounding area is predominately residential although a railway line runs to the southeast of the site. The site is located fronting Berry Brow and is bound by Peebles and Assheton Road.

The former pub has been vacant since 2017 according to the supporting information and the building is of brick construction; included ornate stone window and door detail; on the front facade and has a pitched slate roof. The building is served by an enclosed car park accessed from Berry Brow providing 15 car parking spaces and EV Car charging Points.

The proposal includes the change of use from public house (sui generis) to office at ground and first floor (Class E) with self-contained flat to the second floor (Class C3) involving external staircase for access and associated parking. The office space provision allows for 13 people and the second floor has a 3-bedroom apartment. The hours of operation for the commercial premises are Monday - Friday 08.30- 17.00 hrs.

Site History

136882/FO/2023 Returned.

128826/FO/2020 Returned.

F00652 Basement, ground, and 1st floor extensions at rear of licensed premises with living accommodation over, and formation of car park at rear, after demolition of 2 cottages (50/52 Berry Brow). Approved.

F04783 Use of land for an extension to the car park at the rear of hotel premises. Approved.

F/AD00989 Illuminated double sided box name sign on front elevation of public house, projecting over highway. Refused.

F01931 Details of basement, ground and 1st floor extensions at rear of licensed premises with living accommodation over with internal alterations to existing ground floor, and formation of car park after demolition of 2 cottages (50/52 Berry Brow). Approved.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and two objections were received. The issues raised are as follows.

- The internal works including removal of asbestos has already started.
- The pub has been vacant since 2019 not 2017
- The office space could be turned into a large HMO
- The office layout makes no sense.
- The upper floor flat plans appear to show an HMO.
-

The application was advertised in the local press and a site notice was erected close to the site, advertising the proposal within the Graver Lane conservation area and no representations were received.

Response to objections

The commencement of the internal works and the duration of the pub being vacant is not a planning consideration in this instance. Furthermore, retrospective consent is allowed under planning law for this type of development and weight has been given to the pub being vacant for a number of years, consistent with the NPPF.

The applicant clarified the purpose of the shared bathroom shown on the second floor flat is for the sole use of the occupants. Furthermore, a planning condition has been attached to the consent controlling the C3 use. Which is also relevant in restricting the use within the building. Should the building be used as an HMO there would be a breach of the approved consent.

The Highways Team were consulted and raised no objection to the proposal subject to car parking spaces being demarked and details of cycle parking be provided, and appropriate conditions have been attached to the consent.

Environmental Health were consulted and raised no objection to the proposal subject to noise attenuation, noise outbreak, waste and electrical charging points conditions be added to the consent.

Greater Manchester Police were consulted and raised no objection to the proposal subject to If the staircase is accessible from the car park, then the car park should be secure at all or there should be a lockable gate into the external staircase. If the apartment is occupied by a single resident/family then that is more acceptable as the number of people using this access is restricted. On the balance the proposal is acceptable if access to the external stair is properly restricted. A security measures condition has been attached to the consent.

Network Rail commented they have no objections & would comment that the developer is to ensure that when conducting the works on site that their contractors/workers ensure that they do not block pedestrian/vehicle users ability to see the Clayton Bridge Level crossing, including any notices or the warning lights and an informative has been added to the consent.

Issues

National Planning Policy Framework (NPPF):

The National Planning Policy Framework defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so.' It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.'

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 14 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
Specific policies in this Framework indicate development should be restricted.

Manchester's Core Strategy:

Policy SP1 - Core Development Principles

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 H1 'Overall Housing Provision' states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors, in particular, the need to diversify housing stock in mono tenure areas by increasing the availability of family housing.

High density developments (over 75 units per hectare) are appropriate in both the City Centre and parts of the Regional Centre given the accessible location. 90% of residential development will be on previously developed land. The re-use of vacant housing, including the renewal of areas characterised by poor quality housing, will be prioritised. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works. If this is not possible, development schemes should contribute to renewal of adjacent areas which contain vacant or derelict buildings.

Policy H1 goes on to state that new residential development should take account of the need to:

- o Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population.
- o Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas.
- o Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. Schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation.
- o Prioritise sites which are in close proximity to centres of high frequency public transport routes.
- o Be designed to give privacy to both its residents and neighbours.

Policy H2 'Strategic Housing Location' states that the key location for new residential development throughout the plan period will be within the area to the east and north of Manchester City Centre identified as a strategic location for new housing. Land assembly will be supported in this area to encourage the creation of large development sites or clusters of sites providing the potential for significant regeneration benefits.

Developers should take advantage of these opportunities by:-

- Diversifying the housing offer with particular emphasis on providing medium density (40-50 dwellings per hectare) family housing including affordable housing. In locations which are close to the City Centre, such as the Lower Irk Valley and Holt Town, higher densities will be appropriate. However, the provision of family homes should remain an emphasis in these areas, too.
- Including environmental improvements across the area.
- Creating sustainable neighbourhoods which include complementary facilities and services.
- Considering the scope to include a residential element as part of employment-led development.

Policy H 3 - Housing policy within North Manchester

North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres, as part of mixed-use schemes as well as along high frequency public transport routes.

The Core strategy further states that at present, 43% of housing in North Manchester consists of 2-bedroom houses or apartments and 53% is privately rented or socially rented property (Housing Needs Assessment 2007, Fordhams). Unemployment is higher than the City average at 6% (June 2010), however this varies significantly across the area. Much of the land in North Manchester is of low value or in need of remediation. This will often only sustain higher density or low value housing. It is important therefore to ensure that housing schemes contribute to overall environmental improvements and where opportunities arise, higher value development is promoted to encourage a mixed and diverse community by retaining or attracting economically active households in Manchester.

The Housing Need and Demand Assessment 2010 shows there is a need for 3-4 bed family housing, a need to retain graduates and highly skilled employees currently under-represented in the City by improving the housing offer in the City Centre fringe and a need for additional affordable housing particularly shared ownership or equity.

Policy DM1 - All development should have regard to:

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on 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 upon amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, 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.

The use of alternatives to peat-based products in landscaping/gardens within development schemes.

Flood risk and drainage.

Existing or proposed hazardous installations.

Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques in terms of Code for Sustainable Homes and BREEAM.

Outside the District Centre

Policy T1 'Sustainable Transport' seeks to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport. The Council will support proposals that:

- o Improve choice by developing alternatives to the car;
- o Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- o Improve access to transport services and facilities in order to enable disabled people and people with mobility impairments to participate fully in public life;
- o Improve pedestrian routes and the pedestrian environment;

- o Improve and develop further Manchester's cycle network;
- o Contribute to improvements to the extent and reliability of the public transport network through safe and attractive waiting facilities, better priority and information provision,
- o Would reduce the negative impacts of road traffic.

Policy T 2 (Accessible areas of opportunity and need) states:

The Council will actively manage the pattern of development to ensure that new development: -

Is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites including:-

Links between North Manchester residents and key employment locations, including the City Centre, Central Park, Salford Quays and Chadderton Industrial Estate and Trafford Park.
Links within East Manchester to employment locations, Central Park and Eastlands in particular.

Links within Central Area between residents and employment, the Corridor in particular and east/west connectivity for residents in Central Area to employment areas in Trafford and East Manchester.

Maintaining strong links between residential areas in the South and the Regional Centre and improving connectivity with the Airport.

Ensuring good links between Wythenshawe residents and the Airport and further employment opportunities in Stockport, Trafford and the Regional Centre.

Within the City Centre, provides a level of car parking which reflects the highly accessible nature of the location, as well as the realistic requirements of the users of the development. Elsewhere, all new development should provide appropriate carparking facilities, taking account of the guidance in appendix B, which reflects policy in the Regional Strategy (RS). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B. If the RS is revoked the Council will continue to use these standards when applying this policy. Standards are set for two different area types:

District Centres

Areas not within the City Centre or District Centres

The car parking standards are maximums, and the cycle and disabled car parking standards are minimums. However, the Council will take the circumstances of each proposal into account to establish what level of parking is appropriate. Includes 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 EN1 'Design principles and strategic character areas' states that all development in Manchester will be expected to follow the seven principles of urban design. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes. Proposals for new development must clearly detail how the proposed development addresses the design principle, reinforces and enhances the

local character of that part of the city and supports the achievement of the Core Strategic objectives.

EC1 (Employment and Economic Growth in Manchester):

Development proposals should have regard to:

Ensuring design makes the best possible use of a site or building in terms of efficient use of space, enhancing the sense of place of the wider area and minimising detrimental impacts on adjacent uses, considers the needs of users/employees of a site/building for access via walking, cycling and public transport and reduction of opportunities for crime by applying current best practice in security design.

Saved UDP policies:

Policy E3.3 states the Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscaping schemes are designed to minimise litter problems.

DC5 Flat Conversions:

DC5.1 In determining planning applications to convert property to flats, the Council will have regard to:

- a. the standard of accommodation for the intended occupiers of the premises;
- b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
- d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
- e. adequate private outdoor amenity space;
- f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
- g. the satisfactory provision of refuse storage and collection facilities.

DC5.2 There will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

DC5.3 Notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which:

- a. do not provide accommodation to the Council's current approved standards;
- b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion;
- c. involve conversion schemes without adequate private external amenity space;
- d. are schemes without satisfactory refuse storage and collection facilities.

DC5.4 In determining applications of this kind, the Council will give particularly careful

consideration to situations in which the conversion of small terraced properties are proposed; and where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

Reasons: Many larger, older properties in the City are suitable for conversion into flats, and this is often a good way of preserving attractive buildings which are no longer economical for use as single family dwellings or as commercial property. Nonetheless, the Council will look at all the factors set out in policy DC5.1 to ensure that the standards of accommodation are satisfactory for the people who would be living in the flats, and also that there is no unacceptable impact on occupiers of neighbouring property, or on the character of the area. A particular issue which the Council will take into account is the effect of providing for the car, especially where local streets are already heavily congested, or where on-site parking can only be achieved by removing trees, gardens, walls etc., with potentially harmful effects on the overall street-scene.

Saved policy DC7 'New Housing Development' states that The Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable. All new developments containing family homes will be expected to be designed so as to be safe areas within which children can play and, where appropriate, the Council will also expect play facilities to be provided.

Policy 26 Development and Noise states:

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 New noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 Developments likely to result in unacceptably high levels of noises will not be permitted:

- a. in residential areas;
- b. near schools, hospitals, nursing homes and similar institutions;
- c. near open land used frequently for recreational purposes.

DC26.4 Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and

c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 Exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Reasons:- It has become increasingly accepted that noise is a major source of environmental pollution, affecting peoples' physical and mental health. The Council considers that the planning process has a role to play in reducing noise levels generally and, through the development control system, to carefully consider the relationship between different land-uses from the point of view of noise generation and impact. Reaching judgments on what is or is not an acceptable amount or type of noise is a complex matter, consideration of which will depend on the circumstances on the ground.

DC18 Conservation Areas

Saved policy DC18.1 relates to conservation areas and states that the council will give particularly careful consideration to development proposals within Conservation Areas.

a) the council will seek to preserve and enhance the character of its designated Conservation Areas by carefully considering the following issues:

I) the relationship of new structures to neighbouring buildings and spaces

II) the effect of major changes to the appearance of existing buildings

III) the desirability of retaining existing features such as boundary walls, gardens, trees (including street trees)

IV) the effect of signs and advertisements

V) any further guidance on specific areas which has been approved by the council

b) the council will not normally grant outline planning permission for development within Conservation Areas.

c) Consent to demolish a building in a Conservation Area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or

replacement would benefit the appearance of character of the area

d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the council has been furnished

with evidence that the development will be undertaken

e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

North Manchester Strategic Regeneration Framework

This Framework states that the restoration of stability in North Manchester's housing market is a fundamental goal of the Strategy. It states that creating a strong housing market with healthy

and sustainable demand is crucial. A wide choice of housing in terms of quality, tenure and affordability, which meets the current and future aspirations of existing residents is required. The Framework states that one of the main issues in North Manchester is that there is a shortage of large, high quality, more expensive housing and an excess of small, low value homes.

PLANNING ISSUES:

It is considered the proposed development is acceptable, in terms of the National Planning Policy Framework, Manchester's Core Strategy, including policies SP1, DM1, T2, EN1 and H3, and saved UDP policies E3.3, DC5, DC18 and DC26.

Principle:

This former pub building has been vacant for a number of years and the subdivision of the ground and the first floor to create offices and a three bed apartment at second floor is considered to be acceptable, and the planning considerations include the potential impacts of the proposed uses include, parking and servicing, coming and goings, hours of use and impact on conservation area.

The Loss of the Public House

One of the overarching core planning principles in paragraph 91 of the Framework is, amongst other matters, to deliver sufficient community facilities and services to meet local needs. Further to this, Section 8 promotes healthy communities and refers to the important role that the planning system can play in facilitating social interaction and creating inclusive communities. Its paragraph 92 advises LPAs to create a shared vision with communities for the facilities they wish to see, and to promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Moreover, paragraph 93 (a) then encourages the provision and use of public houses (amongst other facilities) to enhance the sustainability of communities and residential environments, whilst seeking to ensure that established facilities are able to develop in a sustainable way and are retained for the benefit of the community. It also advises that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Furthermore, the Framework specifically identifies pubs as community facilities.

Consideration of whether the loss of the public house is acceptable in principle requires careful analysis of a series of factors, which broadly translate to the necessary policy tests established by Policy of the core strategy.

The applicant has not provided information on the loss of the public house. However, the pub is vacant, and the alternative uses facilitate a sustainable development that sees the reuse of the existing building with a proposed employment use.

It is noted that the number of public houses is in decline nationally and this is fully understood. Pub closures are being attributed to changing drinking habits, heavily discounted alcohol in supermarkets, competing pressures on leisure time, increases in duty, the smoking ban, increased costs of providing live sports, and competition from other pub businesses etc. This public house has already closed and has been vacant for some time.

The proposed creation of offices and one self-contained Use Class C3(a) apartments is development and is considered to constitute an appropriate and sustainable form of development in this location.

A condition is required to restrict the use of the apartments as Use Class C3(a), in order that 3 or more unrelated people do not occupy any units, as this would not constitute a sustainable use of the apartment, due to the increased impacts from an increased number of occupiers, and in the interests of the mix of accommodation in the area, pursuant to Manchester's Core Strategy, including policies H3 and H11.

Saved UDP policy DC5.2, regarding flat conversions, states, there will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan.

Policy H 3, regarding Housing policy within North Manchester states, North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Newton Heath), as part of mixed-use schemes as well as along high frequency public transport routes.

It is usual for flats to be situated above shops/businesses in commercial areas, and, subject to acoustic insulation requirements, the amenities for the occupiers will be acceptable, in terms of noise and disturbance, pursuant to policy DM1 and DC26. Designated bin storage and cycle parking will be provided off-street in the rear yard area, in the interests of the amenities of the vicinity, pursuant to policy DM1.

Separate residential entrance/exit is proposed and is available at all times, as the primary access for use by resident(s) and any approved visitors. The use of the rear external escape stair is appropriate as a main entrance/exit, despite the lack of natural surveillance, and external nature of the staircase, as the proposal include additional security measures including cameras on the outside of the property. Lockable door to the bottom of the coming from the car park to limit access, for security reasons and the front gate will only be open during the day, from 6 pm onwards these gates will be closed and locked with access for authorised personnel only. This is in the interests of reducing the risk of crime, and in the interests of the amenities of the occupiers of the residential accommodation, pursuant to policies SP1, EC1 and DM1 of the Core Strategy, and the National Planning Policy Framework.

Design

The current scheme is considered to be acceptable no elevational alterations are required. The building has architectural merit in terms of stone details extenuating windows and doors apertures on the front elevation which would not be affected by the proposal. There will be external staircase within the confined of the site, not visible from the street scene or the wider conservation area. The details of the proposed boundary and amenity area/ landscaping has been attached to the consent to ensure this element of the proposal does not detract from the character of the conservation area, compliant with Unitary Development Plan policy DC18 Conservation Areas.

This three-storey building has been vacant previously for some time, The proposed scheme will provide a much needed sustainable use of the premises, which are located in a prominent location, in a sustainable location, pursuant to policies DM1, EN1, SP1 and E3.3.

Highways Issues

The proposed development will provide 15 car parking spaces within the car parking area to the rear of the property. The car parking bays should be formally demarcated and adhere to MCC's standards of 2.4m x 4.8m for standard bays and parallel bays should be 2.4 x 6.0m. It is noted that a DDA bay and EV charging bays are proposed. The proposed provision is acceptable in principle to highways. Highways request clarification for the cycle parking provision.

The established access arrangements are to be utilised to access the car parking area. This is acceptable in principle. An external bin store is provided for the residents. The waste management strategy states that bins will be taken for collection from the highway on collection days by the occupants of the building and returned once collected. Given the modest nature of the development this arrangement is deemed to be acceptable in principle. Given the above the proposal is pursuant to policies T2, DM1 and H3 and is therefore acceptable in highways terms.

Amenity

It is considered that the creation of offices and one apartment will not adversely affect the amenities of the occupiers of neighbouring properties, pursuant to policies DM1 and DC26. The first floor has an established residential use, with an external rear escape stair, which may have been in association with the previous pub use. Activity associated with the use of the apartment will be commensurate with a residential use, and the location is predominantly residential in nature, with an existing proportionate level of footfall and background noise levels. Consideration has been given in relation to activity to the former pub use and the longer hours of operation associated with its function. It is a reasonable assumption, the office use and one residential unit would have a lesser impact in terms of activity than the former pub and therefore, in proposal is considered to be acceptable as it is not considered to have a detrimental impact on the amenity of the occupiers of the surrounding properties.

It is considered that travel for the occupiers of flat and visitors to the commercial lower floor premises can be managed sustainably, by the means of regular buses, cycling, and walking, with the additional car parking provision made available at the rear of the application site.

In the interests of the amenities of the occupiers of the proposed residential accommodation, pursuant to policies DM1 and DC26, a condition is required to be imposed to require an acoustic study to be compiled, and appropriate acoustic insulation installed, in relation to the ground floor commercial use, Berry Brow and any other sources. Conditions are similarly required regarding amenity, pursuant to policies DC26 and DM1.

Security

GMP Design for Security Unit support the proposal subject to the staircase is accessible from the car park, then the car park should be secure at all times or there should be a lockable gate into the external staircase. If the apartment is occupied by a single resident/family, then that is more acceptable as the number of people using this access is restricted. The applicant has provided some details of proposed security measures. However, further details need to be provided and a condition been attached to the consent.

In the interests of designing out crime specifically the implementation of controlled residential access arrangement, a condition is required to the submission of full details of security measures to be installed, pursuant to policy DM1 and NPPF.

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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, no negotiations were necessary but appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within, policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

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:

04 Location Plan, 03 Elevations, 02 Elevations, 01 The Site Plan, The Waste Management Strategy, The Design and Access Statement, stamped as received on the 20 June 2023 and The Design and Access Statement, stamped as received on the 29 June 2023.

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) Prior to the occupations of the development samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be fully implemented in accordance with the approved details, which shall be maintained in situ thereafter.

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, as specified in policies SP1 and DM1 of the Core Strategy for the City of Manchester.

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) the ground and first floor of the development shall not be used for any purpose other than the purpose(s) of part (g)(i) of Class E (offices to carry out any operational or administration purposes) 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 - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1.

5) The commercial premises shall not be open outside the following hours: -

Monday to Friday: 08.30 till 17.00 hrs.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP policy DC26.

6) Notwithstanding the car parking layout, as indicated on drawing number 001, stamped as received on the 20 June 2023, by the City Council as Local Planning Authority. Prior to the occupation of the development details of the dimension of the car parking layout, shall be provided and made available. The car parking layout shall be retained and maintained for as long as the development remains in use.

Reason - To ensure sufficient car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

7) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

8) Prior to first use of the premises, details of the security measures to be incorporated into the development, which, shall be to secured by design specification, shall be submitted for approval in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details and shall be implemented prior to first use.

Reason - To reduce the risk of crime and safeguard the security of residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

9) a) The premises shall be acoustically insulated and treated to limit the breakout of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to occupation of the development a verification report will 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 acceptable 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 agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

10) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Berry Brow and the train line shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall 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

Where applicable (vibration): Due to the proximity of the development to the train line, it shall be necessary for vibration criteria to apply which can be found in BS 6472: 2008 "Guide to evaluation of human exposure to vibration in buildings". Ground borne noise/re-radiated noise shall also be factored into the assessment and design.

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: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating, pursuant to policies SP1 and DM1 of the Core Strategy.

11) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake 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 measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

12) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) 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 - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

13) Prior to the first use of the use of the development, 3 no. electric car charging point shall be installed within the site, in accordance with a scheme submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall be implemented prior to the first use of the development and made available and thereafter retained for as long as the development is in place.

Reason - In the interest of promoting alternatives and minimising the impact of the development on air quality pursuant to policies EN16 of the Manchester Core Strategy (2012).

14) Before first occupation, the second floor bathroom, shown on drawing number 002 and 003, stamped a received on the 20 June 2023, shall be obscure glazed to a specification of no less

than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

15) Notwithstanding the submitted details, the development hereby approved shall not be occupied until a plan indicating the positions, design, materials, and type of all boundary treatment (including gates) to be erected, has been submitted to and approved in writing by the City Council as Local Planning Authority. The boundary treatment shall be completed before the development hereby approved is first occupied. 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 the Core Strategy.

16) Prior to occupation of the development a hard and soft landscaping treatment scheme (including details of boundary treatment) has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

17) 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 second floor 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.

Informatives

1) When conducting the works on site the contractors/workers ensure that they do not block pedestrian/vehicle users' ability to see the Clayton Bridge Level crossing including any notices or the warning lights.

2) Construction works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Network Rail

92 Assheton Road, Manchester, M40 1WE
5 Peebles Drive, Manchester, M40 1WH
3 Peebles Drive, Manchester, M40 1WH
Flat At, Railway Hotel, 54 Berry Brow, Manchester, M40 1GG
56 Berry Brow, Manchester, M40 1GG
90 Assheton Road, Manchester, M40 1WE
48 Berry Brow, Manchester, M40 1GG
1 Peebles Drive, Manchester, M40 1WH
25 Berry Brow, Manchester, M40 1GR
7 Peebles Drive, Manchester, M40 1WH

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
Conservation Area - Graver Lane Conservation Area 2005
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA