

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137508/FO/2023

Date registered valid: 31 July 2023

Proposal: Change of use of ground floor from restaurant (Class E) to residential flat (Class C3a)

Address: 61 Reddish Lane, Manchester, M18 7JH

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Tony Mak

Agent (if any): Liam Gooding, LDM Group

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

Recommendation: Approve

Date of recommendation: 14 November 2023

Application details

Type of application: Full Application Consent

Development type: Change of use

Standard consultations:

Printed: 9 August 2023 Expired: 30 August 2023

Neighbour notifications

Printed: 9 August 2023 Expired: 30 August 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

This application relates to a two storey mid-terraced shop unit in a small local shopping centre of 7-8 shops fronting Reddish Lane, separated by a side street. The application site lies in a block of 4 units, with the remainder of the block being in a residential use. The premises have an authorised restaurant use, on the ground floor, with a residential flat above, and it is proposed to change the use, of the ground floor, into a residential flat thereby creating a total of 2 flats, in the property.

No external changes are proposed, to the front of the property, other than the removal of the existing shop signage, and both flats would be accessed from the existing door fronting Reddish Lane. Some alterations are proposed, on the side elevation, of the rear outrigger, by way of 3 new windows to 2 bedrooms and a bathroom.

Consultations & Notification Responses

Local residents/adjoining occupiers -

Highway Services - Makes the following comments:

The associated internal and external alterations will be contained within the site boundary and will not impinge upon the adopted highway, this is acceptable to Highways.

There are no on-site parking spaces provided. Whilst this is not ideally preferred from a Highways perspective, it is acknowledged that the site offers no opportunity to provide onsite parking, in comparison to the former consented use parking demands are likely to be reduced. It

is also acknowledged that the site is highly accessible by sustainable modes, with regular bus services running along Reddish Lane. The Fallowfield loop cycle and walking route is located 5 minutes' walk away. As such, sustainable travel to and from the site is a viable choice of mode for future residents. It is requested that 100% secure and sheltered cycle parking provision is provided on site.

All external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

Waste bins should be stored within the curtilage of the property.

In response, the applicant has confirmed the following:

Cycle parking is on site in the rear yard area.

All external entrance doors open inwardly

There are no bins currently at the property as there are communal refuse facilities, for this row of properties, located in the back alley near the gate.

Strategic Area and Citywide Support Manager - Recommends that conditions are attached, to any permission, in relation to refuse storage and acoustic insulation.

Greater Manchester Police - Have suggested a number of measures, to improve security at the site, which have been provided to the applicant as an informative.

Issues

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

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

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

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

It states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;

- b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 127).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

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

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

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

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

Policy EN19 Waste - Requires consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. How the sustainable waste management needs of the end user will be met.

As discussed below, appropriate waste management can be achieved to secure compliance with policy EN19.

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

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

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

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

With regards to development and noise Development Control policy DC26 states that 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 the effect of the new development proposals, which are likely to be generators of noise.

Principle of use - The property lies in a small local shopping centre, although some of the units are vacant and two of the former shop properties have been converted into residential accommodation. These residential uses were allowed by prior notification applications for the conversion of retail premises to residential (117725/P3MPA/2017 and 129276/P3MPA/2021). It

therefore needs to be noted that current Permitted Development regulations allow the change of use of Class E to Class C3 subject to the LPA's Prior Approval, by virtue of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Regard therefore needs to be given to works that would be allowed as permitted development, whereby the applicant could legitimately change the restaurant use to residential, subject to obtaining a prior approval. It is therefore considered that the principle of use is acceptable.

Residential amenity - The ground floor restaurant/take-away is an existing use, which attracts a significant level of comings and goings. Compared to the current situation, it is considered that the level of activity, associated with the proposed use would be quite low level. It is also a use that is compatible with the general character of the area. Also, a condition is proposed in relation to the acoustic insulation of the premises, and it is not therefore considered that the proposal would impact upon the amenity of surrounding residents.

Amenity space - The proposed ground floor flat would have access to the existing rear yard area. Both properties would be accessed from the existing front door, from Reddish Lane, so the existing upper floor flat would not have direct access to the rear yard, but this is the case at the moment, so the proposed development does not make the situation worse for the occupiers of the existing flat. The proposed arrangement is therefore considered to be acceptable.

Car parking - Neither of the resulting flats would have any dedicated car parking provision. The area though is characterised by terraced houses, which have no dedicated car parking and all vehicles parked on-street. The proposal therefore continues this arrangement. Highways Services identify this as a concern, but do not object to the proposal.

Cycle parking - It is considered that ample secure space is available on site, both indoors and outdoors, to accommodate any cycle storage and the applicant has confirmed that cycles can be accommodated in the existing rear yard.

External appearance - No significant external works are proposed, on the Reddish Lane frontage, other than removing existing signage. Also, there is some tiling, around the existing window, which is 'flaking' and the proposed plans show a brick finish to this area. The existing window is to be retained, so it would be larger, than those at other nearby residential properties, but it is considered that the resulting building frontage would be in keeping with the general character of the area. At the rear, the works comprise the introduction of some additional windows, which could only be viewed from adjoining properties and the gated alleyway. Consequently the proposed external appearance, of the property, is considered to be acceptable.

Waste - The applicant has confirmed that there are existing communal bins that the occupiers, of the proposed unit, would utilise. However, Environmental Health, require further details, including internal arrangements, and an appropriate condition is proposed.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. In particular negotiations were in relation to cycle parking, access and refuse. In addition, the applicant has confirmed their acceptance of pre-commencement conditions.

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:

Site location plan, stamped as received by the City Council, as Local Planning Authority, on 4 July 2023

Drawing numbered A1-001c rev F, stamped as received by the City Council, as Local Planning Authority, on 31 July 2023

The email from James Gooding, dated 18 September 2023, which confirms cycle parking, access and refuse arrangements.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy.

3) Prior to first occupation, of the proposed residential unit, the ground floor frontage shall be finished in brickwork, to match the existing property, in terms of colour, type and method of coursing and pointing, as indicated on drawing numbered A1-001c rev F, stamped as received by the City Council, as Local Planning Authority, on 31 July 2023.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to policy DM1 of the Manchester Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

5) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Reddish Lane 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 the dwelling unit is occupied.

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

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: 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, H1 and DM1 of the Manchester Core Strategy.

6) 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. The developments shall have refuse storage space for segregated waste collection and recycling and internal and external storage areas are required. 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 SP1. EN19 and DM1 of the Manchester Core Strategy.

7) Prior to the hereby approved residential unit being first occupied, the existing fascia signage, to no. 61 Reddish Lane, shall be removed.

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

Informatives

1) Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk

2) It is recommended that the flat is fitted with a monitored alarm system with PIR monitors, it should comply with either:
BS EN 50131 and PD 6662 for wired systems
BS 6799 for wireless systems

The flat entrance door must be compliant with and certified to BS PAS 24. It is advised that these doors do not have fixed sidelights, and are provided with door viewers instead.

Any external bin store should be a secure, lockable and fire resistant enclosure.

Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

Access control should be installed at the entrance to the flats and be operable by swipe card or fob, and not numeric key pads. It should be controlled by an audio intercom linked to each flat, so that residents can vet callers to the building before allowing them access.

Dusk 'til dawn lights, operated by photoelectric cell/daylight sensor, should be installed to all external doors (manual override is also permissible).

External lighting must be provided to the side of the building, operated by photoelectric cell/daylight sensor (manual override is also permissible). PIR security lighting is not recommended for these locations and should not be employed unless advised.

Fittings should produce 'white' light, as opposed to yellow/orange light. Metal halide (or bulbs with a comparable output) should be used, as these offer superior colour rendition over alternatives such as high and low pressure sodium bulbs.

The upkeep of a development over its lifetime can be crucial to the level of security and safety within. Aspects of a development, which are left to deteriorate, have the potential to attract further crime - a process known as 'the broken window theory'. A maintenance plan should be drawn up to address issues such as:

Litter removal

Repair to communal areas (lighting, signage, access controls)

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

1A Turnbull Road, Gorton, Manchester, M18 7AX
Flat 3, 65 Reddish Lane, Manchester, M18 7JH
Flat 2, 65 Reddish Lane, Manchester, M18 7JH
Flat 1, 65 Reddish Lane, Manchester, M18 7JH
56 Reddish Lane, Manchester, M18 7JN
52 Reddish Lane, Manchester, M18 7JN
50 Reddish Lane, Manchester, M18 7JN
55 Reddish Lane, Manchester, M18 7JH
59A Reddish Lane, Manchester, M18 7JH
34 Albert Avenue, Manchester, M18 7JX
57 Reddish Lane, Manchester, M18 7JH
1 Turnbull Road, Gorton, Manchester, M18 7AX
59 Reddish Lane, Manchester, M18 7JH
63 Reddish Lane, Manchester, M18 7JH
38 Albert Avenue, Manchester, M18 7JX
32 Albert Avenue, Manchester, M18 7JX
58 Reddish Lane, Manchester, M18 7JN
54 Reddish Lane, Manchester, M18 7JN
36 Albert Avenue, Manchester, M18 7JX
30 Albert Avenue, Manchester, M18 7JX

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA